

Section D

Executive Orders

EXECUTIVE ORDER NO. 94

TO: All Departments and Agencies Under the Mayor
FROM: Michael B. Hancock, Mayor
DATE: June 1, 2020
SUBJECT: City and County of Denver Employees' Alcohol and Drug Policy

PURPOSE: As an employer, the City and County of Denver (City) is required to adhere to various federal, state, local laws and regulations regarding alcohol and drug use. The City also has a vital interest in maintaining a safe, healthy and efficient environment for its employees and the public. Being under the influence of, subject to the effects of, or impaired by alcohol or drugs on the job may pose serious safety and health risks to the employee, his or her co-workers and the public. Additionally, the possession, use, or sale of an illegal drug in the workplace poses an unacceptable risk to the safe, healthy and efficient operation of the City.

The City provides employee assistance through outside providers and Department of Safety psychologists (for uniformed personnel), all of whom offer help to employees who seek assistance for alcohol and/or drug use and other personal or emotional issues.

POLICY: It is the policy of the City to maintain a safe and healthy work environment by prohibiting the use of alcohol and illegal drugs in the workplace. Employees who consume alcohol or illegal drugs on City property, or who work while under the influence of, subject to the effects of, or impaired by drugs or alcohol, pose a serious safety risk to themselves and those around them. The City has both the right and the obligation to maintain a safe and healthy working environment for its employees by adhering to applicable federal, state and local law, and by enforcing the rules set forth in this Executive Order.

It is also the policy of the City to take a strong stand against driving under the influence of alcohol or drugs. Traffic-related deaths and injuries have risen to unacceptable levels across the country and many of those deaths and injuries are attributable to drunk and drug-impaired driving. The City is constantly striving to make its roads safer by various means, which include promoting a culture of traffic safety. It is antithetical to those efforts for the City to tolerate drunk and drug-impaired driving by any of its employees at any time.

City employees who violate this Executive Order may be subject to disciplinary action, up to and including dismissal. Moreover, the failure of a managerial or supervisory employee to enforce this Executive Order may result in disciplinary action against the manager or supervisor, up to and including dismissal.

RESPONSIBLE AUTHORITY(S): City Attorney

This executive order, effective on the above date, establishes and confirms the policy of the City concerning the problem of drug and alcohol use in the workplace, as well as unlawful off-duty alcohol and drug driving offenses. On the date it becomes effective, this executive order supersedes all previous enacted alcohol and drug executive orders.

I. PROHIBITIONS FOR ALL CITY EMPLOYEES INCLUDING CLASSIFIED MEMBERS OF THE POLICE AND FIRE DEPARTMENTS.

A. Alcohol

Employees are prohibited from consuming, being under the influence of, or impaired by alcohol while performing City business, driving a City vehicle or on City property.

There are seven circumstances under which these prohibitions do not apply.

1. An employee is not on duty **and** attending an officially sanctioned private function, e.g., an invitation-only library reception.
2. An employee is attending an officially sanctioned public function on City property at which alcohol is served (e.g., a reception hosted by the Mayor to honor a departing appointee) and is not impaired by or under the influence of alcohol.
3. An employee is not on duty and at a City location as a customer, e.g., playing golf on a City course.
4. An employee is a member of the Police Department and as a part of the employee's official duties, consumes alcohol in accordance with Police Department procedures.
5. The Mayor and any accompanying employee, while hosting dignitaries on City property during or outside of regular business hours, consumes alcohol in honor of the dignitaries' tradition or culture of ceremoniously sharing alcohol with their host, and is not impaired by or under the influence of alcohol.
6. An employee is performing City business outside of the employee's regular business hours while attending a business-related event, and the employee is not driving a City vehicle to or from the event and is not impaired by or under the influence of alcohol during the event.
7. An employee is performing airport related business during or outside of regular business hours:
 - a. while attending an event hosted or officially sanctioned by the Department of Aviation at which alcohol is served **and** is not impaired by or under the influence of alcohol; **or**
 - b. while on international or interstate airport related business travel; **and** the employee is not impaired by or under the influence of alcohol **and** the employee is an appointed or elected Charter officer or an appointee thereof, a department or agency head, or has the permission of his or her appointing authority.

The alcohol levels defined by the state legislature that may be amended from time to time for defining "under the influence of alcohol" and "impaired by alcohol" are adopted here for purposes of this executive order.

Employees holding Commercial Driver's licenses (CDL) are **also** subject to the alcohol levels defined by the Department of Transportation (DOT) regulations that may be amended from time to time for "under the influence" which are adopted here for purposes of this executive order.

Current alcohol level definitions are contained in the Addendum of this Order. If the alcohol level definitions contained in the Addendum to this Order conflict with the definitions provided by state law and the DOT regulations, the state law and DOT regulations will control.

B. Legal Drugs

1. Employees who operate vehicles or dangerous equipment or perform safety-sensitive functions as part of their essential duties and who are taking or intend to take prescription medication that is identified as a controlled substance in the schedules of controlled substances (Title 21 C.F.R. § 1308.12-15), or that may otherwise affect their performance, are prohibited from performing their safety-related duties unless and until they have completed the disclosure and clearance process set forth below. The types of drugs identified in the schedules of controlled substances include, but are not limited to, opiates, depressants, narcotic drugs, anabolic steroids, stimulants and hallucinogenic substances.
2. The disclosure and clearance process requires that all such employees do the following:
 - a. Notify their supervisor, the Agency's Human Resource professional, or the Agency's Safety Officer in advance of performing their duties that they intend to take or are currently taking (on or off duty) prescription medication that is a controlled substance or may otherwise affect their job performance, and that medical clearance is needed. No additional medical information needs to be disclosed at this time, nor should it be requested.
 - b. Schedule and participate in an interview with the Medical Director of the Occupational Health and Safety Clinic (OHSC), or their delegee, the purpose of which is to enable the Medical Director or delegee to confirm the validity and limitations of the prescription medication and determine whether the use of the controlled substance as prescribed will adversely affect their ability to safely perform their job duties.
 - c. Obtain clearance from the Medical Director or delegee to perform their regular duties while taking the prescription medication, and report their clearance to their supervisor, Agency Human Resources professional or Agency Safety Officer.
3. It shall be the employee's responsibility to initiate and comply with this disclosure and clearance process and to cooperate with the supervisor, Agency Human Resource professional or Agency Safety Officer, and the Medical Director or delegee, to allow for a prompt determination to be made. Employees who fail to comply with the disclosure and clearance process may be subject to disciplinary action, up to and including dismissal.
4. If appropriate, the Medical Director or delegee may request a medical release from employees seeking prescription medication clearance for the purpose of contacting the prescribing physician.
5. Employees who operate vehicles or dangerous equipment or perform safety-sensitive functions as part of their essential duties and who regularly take prescription medications described in paragraph B(1), above, are required to comply with the disclosure and clearance process on an annual basis, and any such earlier

time as a change is made to their prescription that may affect or further affect their ability to perform their safety-related duties.

6. Employees who are currently taking prescription medications described in paragraph B (1), above, may be required to use paid leave, or if no such leave is available, authorized unpaid leave, pending completion of the disclosure and clearance process.
7. The OHSC and/or the Agency's Human Resources personnel shall keep the medical records that disclose the identity of the legal drug confidential in accordance with state and federal laws.
8. Marijuana is **not** considered a legal drug for purposes of this Executive Order No. 94, even if a physician has recommended marijuana for medical reasons. Please refer to Section I (C)(3), below.

C. Illegal Drugs

1. Employees are prohibited from consuming, being under the influence of, subject to the effects of, or impaired by illegal drugs while performing City business, while driving a City vehicle or while on City property.
2. Employees are also prohibited from selling, purchasing, offering, transferring or possessing an illegal drug while performing City business, while driving a City vehicle or while on City property. There is one exception to this prohibition. An employee of the Classified Service of the Police and Fire Departments or the Denver Sheriff's Department may, as a part of his or her official duties, sell, purchase, transfer or possess illegal drugs in accordance with the employee's department procedures.
3. Although Colorado state law has de-criminalized the use, possession, sale and cultivation of recreational and medical marijuana by certain individuals subject to various limitations and restrictions, those laws do not require employers to accommodate or permit such use, possession, sale, etc., of marijuana in the workplace. In addition, marijuana currently remains an illegal drug under federal law. As such, for the purposes of this Executive Order, marijuana is still considered an "illegal drug," even when used for medical purposes.
4. Prescription drugs obtained or used illegally constitute an "illegal drug" for the purposes of this Executive Order.
5. The illegal drug cut-off levels established by the DOT regulations, that may be amended from time to time, are adopted here for purposes of this executive order. Current illegal drug levels are contained in the Addendum to this Order. If there is a conflict between the illegal drug levels established by the DOT regulations, and those contained in the Addendum to this Order, the DOT regulations will control.

II. DRUG AND ALCOHOL TESTING

A. Pre-Employment/Pre-Placement Testing

1. The City may implement, with the City Attorney's approval, pre-employment screening practices designed to prevent hiring or promoting individuals into job positions whose:
 - a. use of illegal drugs may affect the public health or safety; and
 - b. use of alcohol or legal drugs indicates a potential for impaired or unsafe job performance where the public health or safety may be affected.

The Civil Service Commission, Office of Human Resources, OHSC or interviewing agency shall inform a job applicant of these pre-employment screening practices prior to such screening.

2. At a minimum, testing for illegal drugs and controlled substances shall be conducted before any person hired for a position defined as safety-sensitive or requiring a CDL shall be allowed to perform the duties of such position. In addition, candidates or employees for such positions may be tested for alcohol.
3. Refusal by an applicant to submit to a pre-employment test shall result in denial of employment.
4. Pre-employment/Pre-placement test results:

- a. **Alcohol**

Where alcohol use is detected, employment may be denied.

- b. **Legal Drugs**

- i. Where use of a prescription drug is detected, applicants may be required to provide documentation confirming the drug has been prescribed by a physician for the applicant, and the amount detected is within the prescribed dosage. If the applicant is unable to provide such proof, employment may be denied.
- ii. Where the applicant's future or continued use of the drug poses a potential safety risk or would impair job performance, employment may be denied in accordance with the applicable state and federal laws.

- c. **Illegal Drugs**

- i. Employment shall be denied when the presence of an illegal drug is detected.
- ii. Employment shall be denied when the presence of a known masking agent is detected.

- iii. A second direct observation urinalysis test may be required prior to offering employment to an applicant whose drug test evidences the urine sample has been diluted or is outside normal temperature ranges.

B. Reasonable Suspicion Testing

1. When a supervisor has reasonable suspicion that an employee is under the influence of, impaired by, or subject to the effects of alcohol, legal drugs or illegal drugs in violation of this Executive Order, after taking appropriate safety measures (e.g., removing the employee from any situation which may pose a safety risk to the employee, co-workers or the public), the supervisor shall immediately consult with the Agency's Human Resources representative, Safety Officer or the Employment and Labor Law Section of the City Attorney's Office to determine further actions. However, if immediate consultation is not possible, it is the responsibility of the supervisor to promptly initiate alcohol and/or drug testing. The supervisor shall initiate testing as follows:
 - a. Document in writing the specific reasons for the decision to initiate testing based on specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odors that support a reasonable suspicion of alcohol and/or drug use.
 - b. When possible, have a second supervisor confirm the specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odors, and document those observations in writing.
 - c. Advise the employee that the supervisor is ordering the employee to go to the testing site for testing.
 - d. Escort the employee to the testing site as soon as possible. If the supervisor is unable to escort the employee personally, the supervisor should have another individual escort the employee for testing. The individual selected to escort the employee shall be of a higher grade/rank than the employee being tested. Under no circumstances should the employee be allowed to drive themselves to the testing site.
 - e. Require the employee to bring a picture identification card and proof of the employee's Social Security or employee number to the testing site.
 - f. If the employee refuses to go to the testing site, or refuses to participate in the testing process, the supervisor or the escort should tell the employee that the testing request is a direct order and that refusal to comply with the direct order constitutes grounds for mandatory dismissal. If the employee continues to refuse to go to the testing site or to participate in the testing process, the supervisor should immediately place the employee on investigatory leave and make all reasonable efforts to ensure that the employee is transported home safely.

5. If a supervisor has reasonable suspicion that an employee is in possession of, selling or transferring illegal drugs in violation of this executive order, the supervisor shall contact the police prior to initiating any drug testing.
6. Supervisors who fail to perform their responsibilities under this Section II (B) may be subject to discipline, up to and including dismissal.

C. Post-Accident Testing

1. As soon as practicable following a driving or other workplace accident, the supervisor shall ensure that the involved employee is tested for alcohol and drugs when the accident:
 - a. may have been the fault of the employee **and** involves a fatality;
 - b. may have been the fault of the employee **and** any individual was injured seriously enough to require immediate medical treatment away from the scene of the accident;
 - c. may have been the fault of the employee **and** the accident resulted in disabling damage to any vehicle or any equipment; or
 - d. there is reasonable suspicion to test the employee.
2. "Disabling damage" for a vehicle accident is defined as damage that prevents the departure of the vehicle from the scene of an accident in its usual manner, or damage that renders the vehicle illegal to operate. Vehicle damage that can be remedied temporarily at the scene without special tools or parts, i.e., replacing a tire with the spare, taping over an otherwise operable headlight or taillight, or tying down the hood of a car, are not considered disabling. Nonetheless, towing of a vehicle is not required before a supervisor can deem a vehicle "disabled" for purposes of testing.
3. "Disabling damage" for a workplace accident is defined as precluding the use of the equipment from its usual operation. Equipment that can be remedied temporarily at the scene without special tools or parts is not considered disabling.
4. The issuance of a traffic citation is not required before a supervisor can determine an employee "may have been at fault" in a vehicle accident. If a supervisor determines the employee's actions may have contributed to the accident, or the employee **may** have been at fault, the "fault" requirement will have been met for purposes of testing.
5. During regular OHSC hours, the testing shall be conducted at one of the OHSC testing sites. After regular hours, the supervisor shall page the OHSC alcohol and drug testing personnel to arrange for immediate testing.
6. Post-accident alcohol and drug testing shall be initiated in accordance with the procedures set forth in Section II (B)(1)(c)-(i) of this Order. Post-accident alcohol and drug testing based solely on reasonable suspicion shall also comply with Section II (B)(1)(a)-(b).

7. Post-accident testing for alcohol should be administered within two (2) hours following the accident. If this two (2) hour time frame is exceeded, the supervisor should document the reasons the test was not promptly administered. Post-accident testing for unauthorized legal drugs and illegal drugs should be administered within eight (8) hours following the accident. Testing outside of these time frames may only be conducted in consultation with the Employment and Labor Law Section of the City Attorney's Office.
8. Supervisors who fail to perform their responsibilities under this Section II (C), may be subject to discipline, up to and including dismissal.

D. Return to Duty Testing

Employees who have violated the prohibited conduct listed in Sections I (A) or I (C) of this Order shall not return to work unless they have been tested for alcohol and drugs at the OHSC and both tests have been verified as negative.

E. Unannounced Testing

If an employee has been placed on a Stipulation and Agreement in accordance with this executive order, as a part of that Stipulation and Agreement, the employee may be tested for alcohol and/or drugs by the agency without prior notice of the testing date or time for at least 36 months from the last date in time that the stipulation and agreement is signed by the parties.

F. Random Testing

The City may implement, with the City Attorney's approval, random alcohol and drug testing for employees deemed to perform safety-sensitive functions for the City or any of its agencies.

G. Commercial Driver's License (CDL) Testing

For those positions requiring a CDL, the City is required to implement alcohol and drug testing in accordance with applicable DOT regulations, as may be amended from time to time. Such testing is **in addition to** the testing described in Sections II (B) and (D) of this Order.

1. Pre-Employment Testing

Prior to the first time a driver performs safety-sensitive functions for the City or any of its agencies, the driver shall be tested for illegal drug usage in compliance with the DOT and state regulations, as may be amended from time to time.

2. Reasonable Suspicion Testing

The procedures described in Section II (B) of this Order shall be followed.

3. **Post-Accident Testing**

- a. As soon as practicable following an accident, the supervisor shall ensure that the vehicle driver is tested for alcohol when:
 - i. the accident involved the loss of human life;
 - ii. the vehicle driver was cited for a moving violation arising from the accident within 8 hours of its occurrence **and** an individual was injured seriously enough to receive immediate medical treatment away from the scene of the accident;
 - iii. the vehicle driver was cited for a moving violation arising from the accident within 8 hours of its occurrence **and** one or more of the vehicles involved in the accident sustained “disabling damage” as defined in Section II (C)(2) and (3) in this Order; **or**
 - iv. there is reasonable suspicion to test the employee.
- b. As soon as practicable following an accident, the supervisor shall ensure that the vehicle driver is tested for drugs when:
 - i. the accident involved the loss of human life;
 - ii. the vehicle driver was cited for a moving violation arising from the accident within 32 hours of its occurrence **and** an individual was injured seriously enough to receive immediate medical treatment away from the scene of the accident;
 - iii. the vehicle driver was cited for a moving violation arising from the accident within 32 hours of its occurrence **and** one or more of the vehicles involved in the accident sustained “disabling damage” as defined in Section II (C)(2) and (3) in this Order; **or**
 - iv. there is reasonable suspicion to test the employee.
- c. Post-accident testing for alcohol should be administered within two (2) hours following the accident. If a required alcohol test is not administered within two (2) hours following the accident, the supervisor shall prepare and maintain on file a record stating the reasons the test was not promptly administered.
- d. If the supervisor does not initiate alcohol testing within eight (8) hours of the accident or drug testing within thirty-two (32) hours of the accident, the supervisor shall cease attempts to administer the tests and shall prepare and maintain on file a record stating the reasons the test was not administered within these established time frames. Supervisors who do not perform their responsibilities under this Section II (G) (3) may be subject to discipline, up to and including dismissal.

4. **Random Testing**

a. **Alcohol**

Pursuant to the DOT regulations, random alcohol testing shall be conducted annually on 25% of the average number of City commercial driver's license positions in existence. This percentage may be amended from time to time by the DOT. Alcohol testing shall be conducted on a random, unannounced basis just before, during or just after the employee performed safety-sensitive functions.

b. **Illegal Drugs**

Pursuant to the DOT regulations, random drug testing shall be conducted annually on 50% of the average number of City commercial driver's license positions in existence. This percentage may be amended from time to time by the DOT. Drug testing shall be conducted on a random, unannounced basis. There is no requirement that this testing be conducted in immediate time proximity to performing safety-sensitive functions.

5. **Return to Duty Testing**

a. **Alcohol**

If an employee has violated the prohibited conduct listed in Section I (A) of this Order, the employee shall not return to perform safety-sensitive duties unless the employee has completed a successful return to duty alcohol test.

b. **Illegal Drugs**

If an employee has violated the prohibited conduct listed in Section I (C) of this Order, the employee shall not return to perform safety-sensitive duties unless the employee has been cleared by a Substance Abuse Professional and has completed a successful return to duty drug test.

6. **Follow-Up Testing**

a. **Alcohol**

i. The number and frequency of the follow-up alcohol tests shall be directed by the Substance Abuse Professional and shall consist of at least six (6) tests in the first twelve (12) months following the employee's return to work.

ii. Follow-up testing shall be unannounced and shall be conducted just before, during or just after the employee performed safety-sensitive functions.

b. Illegal Drugs

- i. The number and frequency of the follow-up drug tests shall be directed by the Substance Abuse Professional and shall consist of at least six (6) tests in the first (12) twelve months following the employee's return to work.
- ii. Follow-up testing shall be unannounced. There is no requirement that this testing be conducted in immediate time proximity to performing safety-sensitive functions.

H. Members of the Classified Service of the Police and Fire Departments and Deputy Sheriffs Testing

For those employees who are members of the Classified Service of the Police and Fire Departments or Deputy Sheriffs, the City may implement drug testing pursuant to their respective department procedures, as may be amended from time to time, in addition to the testing described in Sections II (A) through (G) of this Order.

III. EXECUTIVE ORDER 94 TRAINING

A. All City Employees

All new City employees (including fellows, interns, and on-call employees) should be trained on this executive order during their first year of employment. Training, at a minimum, should include study of the prohibitions contained in this executive order and instruction on the recognition of drug and alcohol impairment and use. Additionally, a copy of this executive order should be given to each employee with each employee acknowledging, in writing, receipt of the executive order and the training.

B. All Employees with Supervisory Duties

1. All employees with supervisory duties should be trained on this executive order during the first six (6) months following their hire or promotion. This training, at a minimum, should include instruction on the recognition of drug and alcohol impairment and use, the proper documentation of the supervisor's reasonable suspicion, and the supervisor's responsibility for escorting employees to the testing sites and through the testing process.
2. Supervisors shall ensure that all drug and alcohol tests are accomplished immediately after the justification for testing is established. Timeliness for testing is outlined in this executive order and its addendum. Further, once a supervisor has reasonable suspicion that an employee appears to be under the influence of alcohol or drugs, or is informed that the employee has initially tested positive for drugs and/or alcohol, the agency cannot condone the employee's driving of a motor vehicle. If the employee drives off in his/her own or a City vehicle, the Police Department must be notified immediately by a supervisor on duty, or a designee. Supervisors may designate another employee to escort an employee to testing or evaluation sites. The supervisor shall educate the individual on the duties of the escort as provided herein prior to allowing that individual to escort the employee.

3. Supervisors are subject to discipline for failing to fulfill the responsibilities set forth for supervisors in this Order, up to and including dismissal. Such failure by the supervisor does not, in any way, excuse the employee's violation of this executive order or mitigate the agency's disciplinary action against the employee.

CAUTION: No physical force may be used against an employee to enforce any direct order or requirement under this executive order. The employee must be advised that noncompliance with a supervisor's order will be viewed as refusal to obey the order of a supervisor and constitute grounds for mandatory dismissal.

CAUTION: Supervisors are to restrict communications concerning possible violations of this executive order to those persons who are participating in the evaluation, investigation or disciplinary action and who have a "need to know" about the details of the drug/alcohol evaluation, investigation and disciplinary action. This expectation of confidentiality includes not mentioning the names of employees who are suspected of, or disciplined for, violating this executive order.

IV. DISCIPLINARY ACTIONS

- A. If it is determined after the appropriate pre-disciplinary meeting that any of the following situations apply, the employee shall be dismissed even for a first-time violation of this executive order:
 1. Members of the Classified Service of the Police and Fire Departments or Deputy Sheriffs that violate their respective departments' prohibitions regarding illegal drugs and alcohol, except as follows:
 - a. Employees of the Classified Service, and Deputy Sheriffs who disclose prior on-duty alcohol use, or off-duty illegal drug use, as a means for seeking treatment may, at the discretion of the Executive Director of Safety or his/her designee, be suspended in lieu of termination and placed on a Stipulation and Agreement.
 2. Safety-sensitive members of the Department of Aviation that violate their department's prohibitions regarding alcohol or drug use;
 3. The employee has endangered the lives of others, or foreseeably could have endangered the lives of others;
 4. The employee refuses to submit to any testing under this executive order including, but not limited to, pre-placement, reasonable suspicion, random, post-accident, return to duty, follow-up or unannounced testing;
 5. The employee uses, or attempts to use, a masking agent to alter the sample and/or drug and/or alcohol test results, or uses or attempts to use any other deceptive means to alter the sample and/or drug and/or alcohol test results, including but not limited to, use or attempted use of another person's urine;

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6. The employee is required to have a CDL license and either drove/operated a City vehicle or equipment or was only prevented from driving/operating a City vehicle or equipment by the agency's instruction to submit to testing under this executive order;
 7. The employee's disciplinary history compels dismissal as a matter of progressive discipline;
 8. The employee has refused to enter into a Stipulation and Agreement;
 9. The employee has violated the Stipulation and Agreement;
 10. The employee violates this executive order for the second time in the employee's career with the City and County of Denver and/or its agencies.
 11. The employee possesses and/or uses illegal drugs while on duty.
- B.** A first-time violation of the alcohol and drug prohibitions contained in Sections I (A) and I (C) of this executive order, which does not result in a dismissal pursuant to Section IV (A), shall result in a lesser disciplinary action in conjunction with a Stipulation and Agreement for treatment.
1. The presumptive disciplinary action shall be a suspension of 30 days in conjunction with a Stipulation and Agreement. No lesser or greater disciplinary action shall be imposed without the approval of the City Attorney's Office.
- C.** The level of discipline to be imposed on an employee for driving under the influence of or impaired by alcohol or drugs (DUI/DWAI) offenses not otherwise prohibited by this Executive Order shall be within the discretion of the appointing authority or designee, except that the minimum discipline imposed shall be above the level of a written reprimand. Factors to be considered in determining the level of discipline should include whether the employee has prior DUI/DWAI offenses; the circumstances surrounding the offense; any harm caused by the employee's actions; whether the employee's actions violated other rules, regulations, policies or laws; the nature of the employee's position; and the employee's work and disciplinary history. The appointing authority or designee may offer the employee lesser disciplinary action (above the level of written reprimand) in conjunction with a Stipulation and Agreement.
- D.** The level of discipline to be imposed for any other violation of this executive order shall be within the discretion of the appointing authority or designee.
- E.** Stipulation and Agreements
1. Employee assistance counselors provided by the City and County of Denver, or such other substance abuse professional(s) as may be designated, shall conduct an evaluation of the employee and create a treatment plan.
 2. Each such agreement shall be in writing and approved by the City Attorney's Office. The City shall offer no employee more than one such agreement during his or her employment with the City.

3. Employees who participate in an inpatient treatment plan may be eligible for FMLA leave.
4. Employees who participate in an inpatient treatment plan shall be allowed to use one (1) day per month of accrued paid leave, if any, to assure continued health coverage.

V. MISCELLANEOUS PROVISIONS

A. Driver's License

It is the responsibility of employees required to drive as part of their assigned duties or job specifications to report to their appointing authority any loss of a driver's license or the restriction of driving privileges, no later than the beginning of the employee's next scheduled shift. Every employee who is required to drive, as part of their assigned duties or job specifications, shall certify that they have a current valid driver's license in accordance with Executive Order 25 as may be amended from time to time.

B. Searches

1. Before any search is conducted, supervisors should contact the City Attorney's Office, Employment and Labor Law Section, for guidance.
2. Management has the right to search City-owned property utilized by employees, e.g., a desk, storage cabinet or City vehicle, when necessary for a non-investigatory work-related purpose such as retrieving a needed file. Additionally, management may search City-owned property utilized by employees, e.g., a desk, file cabinet, locker, or City vehicle, for investigatory purposes based on reasonable suspicion that evidence of misconduct will be found. Management may not search an employee's personal property, e.g., their personal vehicle parked on City property, lunch boxes, briefcases, purses, and backpacks, unless the employee voluntarily consents to such a search.

C. Contracts

1. The prohibitions and responsibilities contained in this Executive Order are applicable to contract personnel. Violation of these provisions or refusal to cooperate with implementation of the executive order can result in the City's barring contract personnel from City facilities or from participating in City operations.
2. All City contracts shall contain language informing contractors doing work for the City about this Executive Order.

D. Employee Assistance and Department of Safety Psychologists

The City maintains an Employee Assistance Program (EAP) and provides Department of Safety psychologists who offer help to employees who are coping with alcohol, or drug use, or other personal or emotional issues. It is the responsibility of each employee to seek help

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from the EAP, Department of Safety psychologist or other appropriate health care professionals before alcohol and drug use leads to disciplinary actions.

E. Memorandum to this Order

The City Attorney shall have the authority to amend definitions and drug testing cut-off levels contained in this executive order's Memorandum, from time to time, not to be inconsistent with Colorado statutes and/or the DOT regulations, without obtaining signatures of the Mayor or City Council. For purposes of this executive order, all references to Agency head, Department head or appointing authority will also include the designee of the Agency head, Department head or appointing authority.

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Executive Order No. 94 is:

Approved for Legality:


DocuSigned by:


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City Attorney


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Allegra "Happy" Haynes
Executive Director of Parks & Recreation

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MEMORANDUM NO. 94A

TO: All Agencies Under the Mayor

FROM: Mayor Michael B. Hancock

DATE: June 1, 2020

SUBJECT: STAUTORY PROVISIONS

This memorandum to Executive Order 94 was originally referred to as an addendum, effective April 10, 1989, amended April 13, 1999, January 10, 2000, March 1, 2000, March 15, 2001 and is hereby continued in effect as amended and retitled as a memorandum this June 1, 2020. This Memorandum No. 94A shall be attached to and become a part of Executive Order 94, dated, June 1, 2020, subject "City and County of Denver Employees' Alcohol and Drug Policy."

I. ALCOHOL PROVISIONS

- A. Under the Colorado statutes, as may be amended from time to time, "impaired by alcohol" is defined as having 0.05 grams of alcohol (per two hundred ten liters of breath or per one hundred milliliters of blood), but less than 0.08 grams of alcohol. Under the "influence of alcohol" is defined as having 0.08 or more grams of alcohol (per two hundred ten liters of breath or per one hundred milliliters of blood).
- B. Under the DOT regulations, as may be amended from time to time, "under the influence of alcohol" is defined as having 0.04 percent alcohol concentration, or more; as prescribed by state law; or in the event of refusal to undergo such testing as is required by the state or jurisdiction.

DOT regulations, as may be amended from time to time, state that post-accident alcohol testing should be administered within two (2) hours following the accident, but must be administered within eight (8) hours following the accident. *These DOT time frames shall also apply to testing under the Executive Order unless otherwise specified within this Order.*

II. ILLEGAL DRUG PROVISIONS

- A. Illegal drugs, include controlled substances, as defined in Colorado Revised Statutes, and under federal law.
- B. "Subject to the effects of an illegal drug" is to be determined consistent with the confirmation test levels established by the DOT regulations, 49 CFR Part 40 § 40.87, as may be amended from time to time:

Marijuana metabolites -----	15 ng/ml
Cocaine metabolite -----	100 ng/ml
Opiates:	
Morphine -----	2,000 ng/ml
Codeine -----	2,000 ng/ml
6-Acetylmorphine -----	10 ng/ml
Hydrocodone/Hydromorphone -----	100 ng/ml
Oxycodone/Oxymorphone -----	100 ng/ml
Phencyclidine -----	25 ng/ml

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Amphetamines:

Amphetamine-----	250 ng/ml
Methamphetamine-----	250 ng/ml
MDMA/MDA-----	250mg/nl

DOT regulations, as may be amended from time to time, state that post-accident drug testing should be administered within eight (8) hours following the accident, but must be administered no later than thirty-two (32) hours after the accident. **These DOT time frames shall also apply to testing under this Executive Order unless otherwise specified within this Order.**

EXECUTIVE ORDER NO. 112

TO: All Departments and Agencies Under the Mayor

FROM: John W. Hickenlooper, Mayor

DATE: October 30, 2006

SUBJECT: Violence in the City Workplace

Purpose: This Executive Order establishes the policy and procedures to be followed by departments and agencies regarding violence involving employees of the City and County of Denver. The purpose of this Executive Order is to reduce the risk of all forms of violence that impact the workplace. Former Executive Order 112, "Violence in the Workplace," dated February 07, 1995, is hereby cancelled and superseded by this Executive Order No. 112, Violence in the City Workplace, dated, October 30, 2006.

- 1.0 **Applicable Authority:** The applicable authority relevant to the provisions and requirements of this Executive Order No. 112, are found in Section 2.2.10 (A) & (C) of the Charter of the City and County of Denver, 2002 revised.
- 2.0 **Policy:** Violence has no place in any of the City and County of Denver's work locations or at any City-sponsored event, and is strictly prohibited. Moreover, violence committed by employees of the City and County of Denver, whether on-duty or off-duty, reflects poorly on the City and County of Denver and is strictly prohibited. A common form of violence is domestic or family violence, which also is strictly prohibited when the City's employees are the perpetrators of such violence.

Domestic and Family Violence: The City shall endeavor to prevent and reduce the effects of domestic and family violence in the workplace. There are at least three ways domestic and family violence can impact the workplace: (1) A perpetrator of domestic or family violence is employed by the City; (2) A victim of domestic or family violence is employed by the City; (3) an act of domestic or family violence occurs in a City work location or at a City-sponsored event. The City is committed to providing support to victims of domestic and family violence as appropriate, and not tolerating perpetrators of domestic and family violence.

Bringing any kind of weapon to a City work location or a City-sponsored event is strictly prohibited, unless an employee is required to carry a weapon as part of his or her City position. This prohibition includes the possession of weapons in violation of federal, state, or local law.

City employees who perpetrate violence, whether on-duty or off-duty, or who bring a weapon to a City work location or a City-sponsored event, or otherwise violate this Executive Order may be subject to disciplinary action, up to and

including dismissal, and possible criminal action. Failure of a managerial or supervisory employee to enforce this Executive Order may result in disciplinary action against the manager or supervisor, up to and including dismissal.

City employees who violate a valid court order issued by a court of any record within the United States of America that prohibits conduct, limits physical movement, or regulates child custody, or otherwise violate this Executive Order and may be subject to disciplinary action, up to and including dismissal, and possible criminal action.

3.0 **Definitions:**

Violence is defined, but not limited to:

- (a) the actual or attempted: physical assault, beating, improper touching, striking, shoving, kicking, grabbing, stabbing, shooting, punching, pushing, rape, use of a deadly weapon; or
- (b) the actual or attempted: threatening behavior, verbal abuse, intimidation, harassment, obscene telephone calls or communications through a computer system, swearing at or shouting at, stalking.

Other prohibited acts include:

- (a) any violation of a valid court order issued by any court of record within the United States of America, which restrains and prohibits any person from communicating with or contacting in any manner, threatening, beating, striking, or assaulting any other person, or;
- (b) any violation of a valid court order issued by any court of record within the United States of America, which requires a person to leave certain premises, or prohibit from entering or remaining on such premises or any specified area; or
- (c) any violation of a valid court order issued by any court of record within the United States of America, which regulates child custody,
- (d) for an employee to be found in violation of this Executive Order, the agency must possess information that such person has been personally served with any such order or otherwise acquired from the court actual knowledge of the contents of any such order.

Domestic violence is defined as an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship, meaning

a relationship between spouses, former spouses, past or present unmarried couples, same-sex couples, persons who dated or formerly dated or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

Family violence is defined as an act or threatened act of violence upon a person with whom the actor is or has been related to by blood or marriage, including but not limited to the actor's parents, grandparents, siblings, in-laws, children, and grandchildren.

Weapon is defined as including a device, instrument, material or substance used for, or can cause death or bodily injury, or damage to property. Weapons include, but are not limited to: an explosive or an explosive weapon, a device principally designed, made or adapted for delivering or shooting an explosive weapon, a machine gun, a rifle or shotgun, a handgun, a firearm silencer, a switchblade knife or any other type of knife, or brass knuckles, or any other implement for infliction of bodily injury, damage to property, or death which has no common lawful purpose. Pocket knives or knives used solely for eating, food preparation or food distribution, are not considered "weapons" for purposes of these Guidelines unless used to inflict bodily injury or damage to property.

4.0 **Management/supervisory responsibilities:**

In addition to ensuring that their employees are properly trained on the provisions within this Executive Order, every manager and supervisor is responsible for the following upon notice from the employee or upon becoming aware that an act of violence or violation of this Executive Order is about to occur:

- (a) Contacting law enforcement in an emergency situation (including 9-11, as appropriate);
- (b) Contacting the City's workplace violence coordinator (currently the Director of the Mayor's Office of Employee Assistance); the coordinator shall serve as a resource and advisor for such incidents;
- (c) Taking reasonable steps to ensure, to the extent possible, the safety of any employee or member of the public who has been threatened or harmed;
- (d) Ensuring a prompt and adequate response to any incident of violence that impacts the workplace, including an appropriate investigation;
- (e) Sharing information about an incident on only a need-to-know basis;
- (f) Allowing employees to take up to three days of leave, paid or unpaid, to address issues arising from violence suffered by an employee. If the employee has sufficient vacation or sick leave available, the employee

may elect to use either leave to cover the absence. If no leave is available to the employee, the agency shall authorize leave without pay pursuant to Career Service Rule 11-80 et.seq;

- (g) Treating alleged victims, including victims of domestic or family violence, with respect and providing support as appropriate;
- (h) Treating alleged perpetrators fairly; and
- (i) For following any internal agency procedures enacted to address workplace violence issues. If no internal agency procedures exist, managers are required to notify upper-level supervisors if acts of workplace violence occur.

5.0 **Employee responsibilities:**

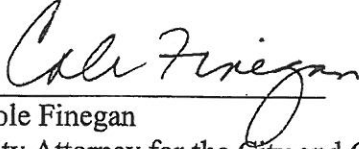
Every employee is responsible for the following upon notice or upon becoming aware that an act of violence or violation of this Executive Order is about to occur:

- (a) Contacting law enforcement in an emergency situation (including 9-911, as appropriate);
- (b) Immediately reporting to their supervisor or the agency's violence contact person or the Employee Relations Unit of Career Service Authority any violence or threat of violence or unauthorized possession of a weapon or any other violation of this Executive Order;
- (c) Cooperating in any investigation of a violation of this Executive Order;
- (d) Respecting the privacy of co-workers and others involved in a violence incident; and
- (e) Reporting to his or her immediate supervisor immediately if the employee is charged with a crime or is the subject of a restraining order or has been charged with a crime within the past year or otherwise has any pending criminal charges against him or her.

6.0 **Disciplinary Action:** Any violation of this policy by employees, including a first offense, may result in disciplinary action, up to and including dismissal. Willful failure of a supervising employee to enforce this policy may result in disciplinary action against the supervisor, up to and including dismissal. Any deliberate, unwarranted allegations of a violation of this policy may be viewed as an attempt to disrupt city operations and may result in disciplinary action.


- 7.0 **Limitation on Liability:** The provisions contained in this Executive Order do not create or constitute any contractual rights between or among the City and County of Denver, its employees and any third party. This Executive Order is intended to set forth the policy of the City and County of Denver, without creating additional liability against the City.
- 8.0 **Memorandum Attachments:** The procedure(s) for implementing this Executive Order shall be defined by Memorandum Attachments to the Executive Order, which shall become a part of the Executive Order. Further, the City Attorney's Office is responsible for the content of this Executive Order and shall have the authority to issue policy and procedure Memorandum Attachments relative to this Executive Order.

Approved for Legality:

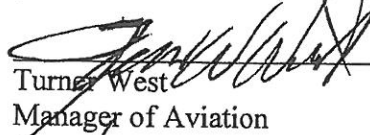


Cole Finegan
City Attorney for the City and County
of Denver

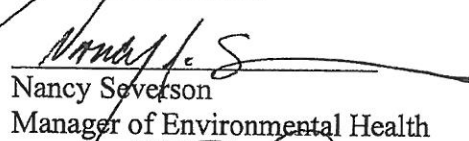
Approved:



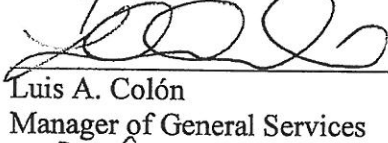
John W. Hickenlooper
Mayor



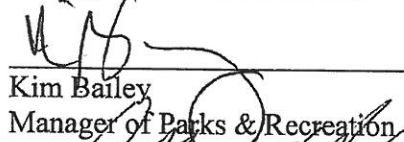
Turner West
Manager of Aviation



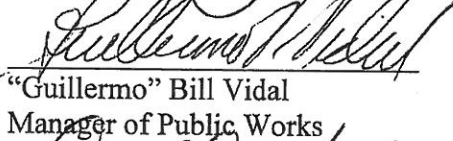
Nancy Severson
Manager of Environmental Health



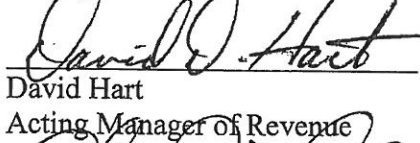
Luis A. Colón
Manager of General Services



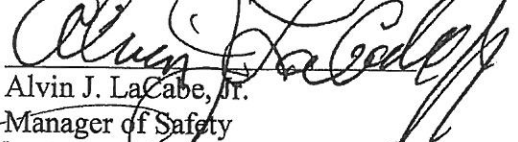
Kim Bailey
Manager of Parks & Recreation



"Guillermo" Bill Vidal
Manager of Public Works



David Hart
Acting Manager of Revenue



Alvin J. LaCabe, Jr.
Manager of Safety



Roxane White
Manager of Human Services



Peter Park
Director of Planning & Development

MEMORANDUM NO. 112A

TO: All Departments and Agencies Under the Mayor

FROM: John W. Hickenlooper, Mayor

DATE: October 30, 2006

SUBJECT: Examples of unacceptable behavior that is prohibited by the Executive Order:

This Memorandum shall be attached to and become a part of Executive Order No. 112 dated, October 30, 2006 subject "Violence in the City Workplace."

- 1.0 The following conduct will not be tolerated (this is not an exhaustive list but rather it provides some examples of unacceptable behavior):
- a. Intimidating, threatening or hostile behaviors, physical assault, vandalism, arson, sabotage, unauthorized use of weapons, bringing weapons onto City property (unless authorized as part of one's job, *e.g.*, a police officer or deputy sheriff) or other acts of this type which are clearly inappropriate to the workplace or acts of this type committed off-duty or outside of the workplace by a City employee, which reflect poorly on the City.
 - b. Jokes or comments regarding violent acts, which are perceived to be a threat of harm.
 - c. Encouraging others to engage in the negative behaviors prohibited by this policy.
 - d. Employee or contract employee acting out while on the job in any abusive manner towards another person including with whom there is an "intimate relationship" as defined above, or is a family member, whether or not the victim is employed by the city.
 - e. Use of any city property (i.e. phone, computer, agency letterhead, etc.) at any time to harass, threaten, disturb, or abuse someone including with whom there is an "intimate relationship" as defined above, who is a family member.
 - f. Any employee or contract employee intimidating, threatening, assaulting, harassing, disturbing, or abusing any other employee including with whom there is an "intimate relationship" as defined above, who is a family member.

- g. Any retaliation against a person who initiates a complaint or an inquiry about behaviors that is in violation of this policy.
- h. Any act of domestic violence or family violence that result in a criminal charge or conviction of federal, state, or local law.

MEMORANDUM NO. 112B

TO: All Departments and Agencies Under the Mayor

FROM: John W. Hickenlooper, Mayor

DATE: October 30, 2006

SUBJECT: Agency Responsibilities Under the Executive Order:

This Memorandum shall be attached to and become a part of Executive Order No. 112 dated, October 30, 2006 subject "Violence in the City Workplace."

Purpose The impact on the work environment can occur in numerous ways. For example, if the employee is a perpetrator of domestic or family violence s/he may use work time on the job to harass or stalk the victim. This employee may also require work coverage due to court appearances or incarceration. If the employee is a victim of domestic or family violence the employee may be harassed at work through unwanted telephone calls and/or visits from the perpetrator. Extensive absenteeism (from abuse or court appearances) and/or tardiness (abusers will often make victims late for work as a part of his/her control) can also occur. The abuser may call and harass co-workers or the victim's supervisor, in an attempt to locate the victim or have the victim terminated. If both the victim and abuser work for the City, the perpetrator may have easier access to the victim and use that ability to harass, abuse, embarrass, and/or retaliate against the victim.

1.0 Violence In The Workplace Incident Coordination – Emergency Situation:

Every manager and supervisor is responsible for the following upon notice from the employee or upon becoming aware that an act of violence or violation of this Executive Order is about to occur. The following steps should also be taken by employees whom the violence/abuse is directed if they are safely able to do so.

- a) Call 9-1-1 if there is an immediate emergency. Do not try to physically intervene. Do make every attempt to remove yourself from the dangerous area.
- b) Notify a supervisor/office manager if that person is not aware of the situation.
- c) Notify building security and follow any necessary safety measures.
- d) Inform any personnel of the situation who may be in direct or indirect danger.

- e) Unless the victim refuses or the perpetrator has been arrested, have the police or security escort the victim to him/her vehicle when s/he leaves work.
- f) Allow the victim and/or any personnel who may be in danger to leave their work area if there is pending danger.

2.0 Management Responsibility – When Violence is Reported or Suspected in a Non-Emergency Situation:

If an employee discloses to a supervisor s/he is in an abusive relationship or upon the supervisor becoming aware that an act of violence or violation of this Executive Order is about to occur, the supervisor should take the following steps:

- a) Inquire if the employee is in any perceived danger or in fear of any sort of retaliation by the abuser.
- b) Inquire how the agency can help.
- c) Consider whether a protection order should be obtained by the agency. Contact City Attorney's Litigation Section for assistance pursuant to C.R.S. §13-14-102.
- d) Refer the employee to the Mayor's Office of Employee Assistance for appropriate referrals, safety planning, counseling, and support services. After the employee has met with the Mayor's Office of Employee Assistance, the supervisor should review the safety plan and institute any necessary and appropriate changes that are practicable within the workplace.
- e) Assure confidentiality unless there is concern about the welfare and safety of others, or unless the agency is legally required to disclose the information. Contact the City Attorney's Litigation Section Enforcement Section for assistance.
- f) Offer flexibility in the employees work schedule, change in telephone extension (unless it is the agency's main phone line), and/or screening of phone calls, and if possible a change in work station location.
- g) Notify security if the perpetrator is harassing the victim while at work or causing problems for the agency. If possible provide a picture of the perpetrator to security or local law enforcement notifying them of the current situation. Be sure to also provide security or local law enforcement with copies of any protective orders.

- h) Honor all protective orders issued by a court. If the perpetrator violates the victim's protective order encourage the victim to call the police, or if the victim wishes to maintain confidentiality, allow him/her to go to another location to report the violation. If the perpetrator violates the agency's protective order notify the police immediately.
- i) If the victim is in need of time off to take care of issues that may arise due to the abusive situation, and has accrued leave, all accommodations should be made to allow the victim additional time off. By law the supervisor is required in some cases to authorize up to three days leave if the employee has no accrued leave (C.R.S. §24-34-402.7). If no leave is available to the employee, the agency shall authorize leave without pay pursuant to Career Service Rule 11-80 et.seq. The law also prohibits an employer from penalizing certain employees who are in a domestic violence situation from taking up to three days leave, paid or unpaid, to get a restraining order, obtain medical care or counseling, locate safe housing, or prepare for or attend legal proceedings. In addition, the City feels that it is appropriate to adjust an employee's work schedule and be flexible with providing paid and unpaid leave beyond the three days, so that the victim can obtain necessary medical care, counseling, or legal assistance.
- j) Never require that the employee take particular steps to stop the abuse.
- k) Continue to check in with the employee and ask that s/he continue to keep you informed.
- l) Document what actions were taken by the agency.

3.0 If a supervisor suspects an employee is being abused, the following steps should be taken:

- a) Do not ignore the situation.
- b) Ask direct questions in a nonjudgmental way. Inquire if someone is hurting him/her, or if bruising has been noticeable, inquire how the injury was sustained. Be sure to express concern and support for the person. Call the Mayor's Office of Employee Assistance to determine the appropriate questions to ask.
- c) Do not force the employee to disclose the abuse as privacy rights need to be respected.
- d) Document your concerns and what actions were taken.

- e) If the employee confides that they are in an abusive relationship the supervisor should follow the guidelines set forth in Section 2.0 of this Memorandum.

4.0 If an Employee is the Perpetrator of Abuse:

Employees who become aware of behaviors by other employees that could reasonably lead to serious bodily injury are required to report such conduct to their supervisor or department manager, including any criminal activity outside of work hours. When a supervisor is aware of any policy violations, the following should be done:

- a) Impose discipline for any violations of the Executive Order, the Career Service Rules, or other City or agency policies, up to and including dismissal.
- b) Investigatory leave should also be considered when a violation of this Executive Order occurs. Contact the City Attorney's Office Litigation Section for advice on appropriate disciplinary steps.
- c) If an employee is arrested on criminal charges that include domestic violence or family violence for an incident that occurred outside of work time, the employee should notify his/her supervisor. The supervisor should then place the employee on notice to keep the agency informed of the outcome of his/her case. If the employee is charged or convicted of the crime, disciplinary action should be considered, and taken, if appropriate.
- d) If counseling is required as a part of any disciplinary actions, the treatment provider must be state approved to provide domestic violence counseling. Office of Employee Assistance can provide the appropriate referral.
- e) Always maintain that there is no excuse for violence.
- f) Document all disciplinary actions taken.

MEMORANDUM NO. 112C

TO: All Departments and Agencies Under the Mayor

FROM: John W. Hickenlooper, Mayor

DATE: October 30, 2006

SUBJECT: Employee Responsibilities Under the Executive Order:

This Memorandum shall be attached to and become a part of Executive Order No. 112 dated, October 30, 2006 subject "Violence in the City Workplace."

Employee Responsibility

If employees disclose that they are in an abusive situation:

- a) Suggest that they speak to their supervisor or Office of Employee Assistance.
- b) If the employee relays any information to another individual that the perpetrator may try to harm the victim at work or harm any other employees or the public, the co-worker must report this to their supervisor.
- c) Employees who are a victim of domestic violence and are subjected to any of the behaviors listed in this policy should report the incident to their supervisor, or the agency personnel officer. Support services will be provided and appropriate accommodations will be made when practicable.

Executive Order No. 146

TO: All Departments and Agencies Under the Mayor

FROM: Michael B. Hancock, Mayor

DATE: June 1, 2020

SUBJECT: Mayor's Office of Social Equity and Innovation

PURPOSE: This Executive Order creates the Mayor's Office of Social Equity and Innovation (the "SEI Office") and establishes it to develop and implement the policies, programs, regulations, and initiatives of the City and County of Denver ("City") related to social equity and race and social justice. The SEI Office shall lead efforts to eliminate social inequity and race and social injustices by evaluating institutional and structural government systems, policies, and practices. The SEI Office shall lead efforts to promote social equity, fairness, and justice in systems and public policy that intersect with housing, business contracting for small, minority and women owned businesses, transportation, growth, development and sustainability, criminal justice, arts and culture, and education.

- 1.0 **Applicable Authority:** The applicable authority relevant to the provisions and requirements of This Executive Order No. 146, are found in Sections 2.2.1, 2.2.6, 2.2.8 and 2.2.10 of the Charter of the City and County of Denver, (Charter").
- 2.0 **Mission:** The SEI Office will oversee the City's commitment to social equity and race and social justice. The SEI Office's focus is to increase social equity and to minimize institutional, structural, and systemic racism in City government.
- 3.0 **Functional Cooperation with DEDO, DSBO, Technology Services, HRCP:** An additional function of the SEI Office is to cooperate with the Denver Economic Development and Opportunity, Division of Small Business Opportunities, Technology Services and the Agency for Human Rights and Community Partnerships in matters related to social equity policy and oversight.
- 4.0 **Chief Equity Officer:** The SEI Office shall be headed by a Chief Equity Officer appointed by and serving at the pleasure of the Mayor pursuant to the Mayor's authority under the Charter Section 9.1.1 (E)(iv).
- 5.0 **Responsibilities:** The SEI Office shall have oversight on matters of strategic planning, data collection and analysis, investment, content development, learning facilitation, community and stakeholder engagement, and policy development and implementation, all related to social equity, and race and social justice. The SEI Office shall direct and coordinate city and external stakeholders on matters concerning social equity and race and social justice by:
 - 5.1 **Developing, managing and updating a strategic plan for the SEI Office along the social equity, and race and social justice continuum, in coordination and alignment with partner and stakeholder strategic plans;**

- 5.2 Engaging with stakeholders including department and program leaders, employees, thought leaders, community members, subject matter experts, universities, and interested parties to define solutions to eradicate policies, or practices that undermine social equity, and race and social justice;
 - 5.3 Collecting, review and analyzing data to measure the strength of progress of stated goals concerning social equity, and race and social justice;
 - 5.4 Communicating efforts to neighborhoods, the public, media outlets, and all other interested stakeholders;
 - 5.5 Providing City agencies with equity tools and resources necessary to support the delivery of social equity, and race and social justice; and
 - 5.6 Aiding and assisting with the operationalization of social equity, and race and social justice initiatives.
- 6.0 City-wide priority: Mayoral appointees shall affirm their commitment to prioritize social equity and race and social justice by (1) signing a city-wide equity commitment; (2) developing a department and agency equity plan; (3) engaging in city-wide equity scans administered by the SEI Office; (4) participating in learning and development sessions concerning social equity, and race and social justice and by (5) ensuring support for city-wide equity teams.
- 6.1 Citywide Equity Scan: Each department and agency shall participate in city-wide equity scans to be administered by the SEI Office on a calendar basis determined by the SEI office.
 - 6.2 Equity Leadership Teams: Equity leadership teams shall include the Equity Leadership Team (“ELT”), the Equity Core Council (“ECC”), and Equity, Diversity and Inclusion (“EDI”) teams.
 - 6.2.1 The ELT includes the Office of the Mayor, each member of the SEI office, its learning and development specialists, and a Mayoral designated representative, at the discretion of the SEI Office. The ELT shall establish and implement a social equity work plan, framework, and evaluation system to monitor the city’s progress towards goals to eliminate inequity and race and social injustices in institutional and structural government systems, policies, and practices.
 - 6.2.2 The ECC is convened by the Chief Equity Officer and shall be comprised of representatives from city agencies and departments who are tasked to

collaborate with the ELT to inform equity strategies that will help city employees create equitable systems.

- 6.2.3 EDI teams shall be comprised of representatives from city agencies and departments who are selected by respective Executive Directors. EDI teams shall connect employees in the day-to-day work necessary to make the City and County of Denver a place where equity, diversity and inclusion are essential components in the way employees work together and engage and support the community.
- 6.3 Equity Plans: Each city department and agency shall develop an Equity Plan and include goals and strategies to eliminate inequity and race and social injustices in institutional and structural government systems, policies, and practices. The SEI Office shall provide requisite templates and tools that serve to aid in the development of Equity Plans.
- 6.4 Equity Implementation Tools: The SEI Office will produce and provide equity implementation tools and resources to aid departments in operationalizing and achieving goals concerning social equity, and race and social justice.
- 6.5 Equity Dashboard: The SEI Office shall maintain an Equity Dashboard, a reporting and accountability tool that will provide a visual representation of key performance indicators (KPIs) concerning the City's efforts towards social equity, and race and social justice. KPIs shall be measured against goals associated with a city-wide strategic equity plan. The Equity Dashboard will be used to track ongoing progress.
- 7.0 Ethical use of data and research: The SEI Office will assess the fair and ethical use of research and data use to prevent problematic data actions and bias.
- 8.0 Oversight: The SEI Office will be overseen by the Mayor's Chief of Staff or the Mayor's designated representative.
- 9.0 Duration: The Mayor's Office of Social Equity and Innovation will continue until the rescission of this Executive Order.
- 10.0 Cooperation: All City departments and agencies under the Mayor shall cooperate with the SEI Office in accomplishing the goals and responsibilities outlined in this Executive Order.
- 11.0 Memorandum Attachments: The procedures for implementing this Executive Order may be defined by Memorandum Attachments to the Executive Order, which shall become part of the Executive Order.

Executive Order No. 146

Approved for Legality:



Kristin M. Bronson
Attorney for the City and County

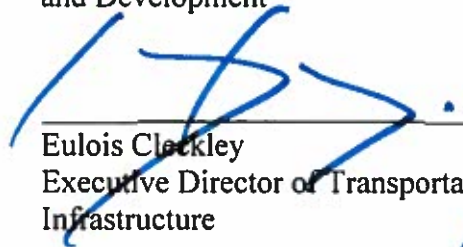
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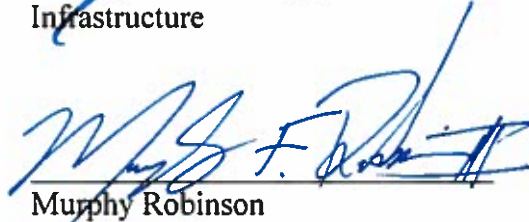
Michael B. Hancock
Mayor



Laura E. Aldrete
Executive Director of Community Planning
and Development



Eulois Cletkley
Executive Director of Transportation and
Infrastructure



Murphy Robinson
Executive Director of Safety



Kim Day
Executive Director of Aviation



Brendan J. Hanlon
Chief Financial Officer



Allegra "Happy" Haynes
Executive Director of Parks & Recreation



Don Mares
Executive Director of Human Services



Robert M. McDonald
Executive Director of Public Health and
Environment



Brandon Gainey
Interim Executive Director of General
Services