

Workplace Health and Safety Protection

The BOCES is committed to providing a safe work environment for all employees. When employees know or have reasonable concern about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety related to a public health emergency, they should report such concerns following the BOCES's concerns, complaints, or grievances procedure.

Public health emergency

For the purposes of this policy, a public health emergency means a public health order issued by a state or local public health agency or a disaster emergency declared by the governor based on a public health concern.

Nondiscrimination

The Board, the executive director, other administrators, and employees will not unlawfully discriminate, take adverse action, or retaliate against any employee who, in good faith, raises any reasonable concern about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety related to a public health emergency if the BOCES controls the workplace conditions giving rise to the threat or violation. Discrimination against an employee who opposes any practice they reasonably believe is unlawful or who participates in an investigation, proceeding, or hearing on such matter is also prohibited.

The Board, the executive director, other administrators and employees will also not unlawfully discriminate, take adverse action, or retaliate against any employee who voluntarily wears their own personal protective equipment, such as a mask, faceguard, or gloves, if the personal protective equipment:

1. provides a higher level of protection than the equipment provided by the BOCES;
2. is recommended by a federal, state, or local public health agency with jurisdiction over the BOCES; and
3. does not render the employee incapable of performing their job or fulfilling their job duties.

Notice

To reduce unlawful discrimination and ensure a safe workplace environment, the administration is responsible for providing notice of this policy to all employees. This policy will be referenced in employee handbooks and otherwise available to all staff through electronic or hard-copy distribution.

Adopted: November 12, 2020

LEGAL REFS.: C.R.S. 8-14.4-101 (*definition of public health emergency*)
C.R.S. 8-14.4-102 (*prohibition against discrimination based on claims related to a public health emergency*)

CROSS REFS.: GBA, Open Hiring/Equal Employment Opportunities
GBK, Staff Concerns/Complaints/Grievances
GBK-R, Staff Concerns/Complaints/Grievances – Regulation

NOTE: H.B.20-1415 prohibits employers from discriminating, retaliating, or taking adverse action against any worker who, in good faith, raises any reasonable concern about workplace violations of government health or safety rules, or about an otherwise significant workplace threat to health or safety related to a public health emergency, if the employer controls the workplace conditions giving rise to the threat or violation. It also prohibits employers from discriminating against employees who voluntarily wear their own personal protective equipment, if certain conditions are met, and requires employers to post notice of a worker's rights under this provision. It further allows an employee to bring a civil action against an employer after exhausting administrative remedies.