



# House Concurrent Resolution 12-1001/ Amendment S Fact Sheet

In 2012, the Governor's Office and Department of Personnel & Administration (DPA) worked together to propose changes to the State Personnel System. The "Talent Agenda" ensures the State is better able to recruit, retain and reward top talent by increasing flexibility in hiring processes, making changes to employee compensation and moving the State workforce environment into the 21<sup>st</sup> Century.

While some reforms were approved with the passage of House Bill (HB) 12-1321 and will go into effect September 1, 2012, others necessitate changes to the State Constitution and therefore require a vote of the people. Colorado is one of only four states with comprehensive personnel rules in the State Constitution. To change the Constitution, the General Assembly unanimously referred House Concurrent Resolution (CHR) 12-1001 for voters to consider in this November's elections (Amendment S on the ballot).

This fact sheet is intended to help explain the specific changes contained in HCR 12-1001/Amendment S and is intended for informational purposes only. DPA cannot legally take a position on a referred measure, and therefore does not have a position on Amendment S. Contact DPA for a separate fact sheet on HB 12-1321.

## **Amendment S**

- Colorado General Assembly unanimously referred HCR 12-1001 to the ballot May, 2, 2012
- Voters will approve or reject the proposal on the ballot; Election Day is Tuesday, November 6, 2012
- If approved by voters, changes will be effective January 1, 2013
- Rulemaking process will begin immediately following passage, including opportunities for comment

### **APPLICANT SELECTION – TESTING AND ELIGIBILITY LIST ("RULE OF THREE")**

If approved by voters, Amendment S will help the State hire the best candidate for the job. The current system requires applicant to submit to a competitive test for jobs in the State Personnel System. Amendment S allows for an objective comparative analysis of desired qualifications defined by the hiring authority, which could include criteria such as judgment, demeanor and other factors that are difficult to assess through a written test. The current State Personnel Rules also only allow hiring managers to consider the top three highest scoring applicants for a job. Amendment S allows twice as many applicants to be considered.

### **EXEMPT POSITIONS**

Amendment S exempts Senior Executive Service (SES), deputy directors, chief financial officers, public information officers, human resources directors, executive assistants, and legislative liaisons from the classified workforce or State Personnel System. The total number of exemptions cannot exceed 1% of the total classified workforce. Those currently in these select positions would be grandfathered in and retain their classified status.

### **RESIDENCY REQUIREMENT**

The current State Personnel Rules require that departments seek waivers if they want to hire a non-Colorado resident. Amendment S allows individuals who hold positions within 30 miles of the state border to be exempt from the State's residency requirement.

## **STATE PERSONNEL BOARD**

Currently, State Personnel Board members do not have term limits. Amendment S creates term limits for board members; changing the terms from 5- to 3-year terms with a two-term limit. It also designates that two of the Governor's three appointments to the board serve at the pleasure of the Governor, within the set term limits. This change limits the ability for board members to serve in perpetuity.

## **TEMPORARY EMPLOYMENT**

Currently, temporary employment with the State is limited to six months. Amendment S expands temporary employment to nine months in any 12-month period with a four-month waiting period in between. It also prohibits the replacement of full-time permanent positions with temporary positions.

## **VETERANS PREFERENCE**

The current system restricts veterans' use of preference points in their application for State employment. Amendment S allows veterans unlimited use of their preference points in the hiring process. The proposal restricts the use of preference points for any promotional opportunities.

---

### ***Arguments For:***

- The measure more meaningfully acknowledges veterans for their commitment to our country and State by allowing them unlimited use of preference points.
- State employees provide a wide variety of services to meet the needs of citizens. The measure adds flexibility to hiring processes so that the State can recruit and retain the most qualified employees. The current hiring process favors test takers and may miss the most qualified candidates. Amendment S expands the pool of eligible candidates and allows employers to consider a wider range of criteria, so the State will be able to hire the best candidate for each position. The measure provides increased flexibility for hiring temporary, seasonal and special project employees by enabling the State to rehire the same trained and experienced personnel for seasonal or project work each year – which results in savings to the State and more knowledgeable staff serving the people of Colorado.
- The Governor is elected to enact a policy agenda, and the measure provides better tools to swiftly follow through on promises made to citizens. The measure gives the Governor the ability to hire a leadership team and key staff who share his/her values and policy goals, instead of being forced to inherit existing staff.
- The measure makes State Personnel Board members more accountable by instituting term limits, similar to other state boards.

### ***Arguments Against:***

- The measure gives the Governor and political appointees, including the State Personnel Director, additional power over the State Personnel System. The Governor's administration will be able to exempt about 330 additional positions from the system. The measure could make it easier for nepotism to drive hiring decisions.
- The State Personnel Director, appointed by the Governor, will have policymaking authority that could lead to potential conflicts with the State Personnel Board.
- Evaluating qualifications, rather than using numerical exam scores, makes it more difficult for employers to objectively compare candidates. The new system could make it easier to hire persons based on political or personal connections rather than merit and result in more appeals of hiring decisions. In addition, the new exemptions could displace experienced existing state employees with political appointees.
- The measure allows the Governor to remove members of the constitutionally independent State Personnel Board without cause.