

State of Colorado



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PROPOSED STATEMENT OF BASIS AND PURPOSE

The Colorado State Personnel Board's Rules and Director's Administrative Procedures (collectively, "Rules") are found at 4 CCR 801. A joint rulemaking hearing of the State Personnel Board and State Personnel Director was held on Wednesday, January 30, 2013, at the Department of Transportation, 4201 East Arkansas Avenue, Denver, Colorado 80222. The joint rulemaking hearing was held by the respective rulemaking authorities, the State Personnel Board ("Board"), and the State Personnel Director ("Personnel Director") in order to facilitate the submission of public comments on the adoption of a coordinated set of rules for the state personnel system in compliance with the passage of Amendment S and other necessary changes to the rules and procedures. The Board and the Personnel Director are exercising their respective rulemaking authority as granted under the Colorado Constitution, Art. XII, § 13, 14, and 15, and section 24-50-101, C.R.S., *et seq.*

The Notice of Rulemaking was issued December 31, 2012, for publication by the Secretary of State on January 10, 2013. The proposed rules and the proposed statement of basis and purpose have been available for review at the Board's office and on the Board's website since December 31, 2012. The Board and Personnel Director took testimony at the public joint rulemaking hearing on January 30, 2013. The Board will subsequently conduct deliberations on the proposed amendments. The rules were accepted through formal public hearing and approved by the Attorney General.

The general purpose of the Board in conducting the rulemaking was to provide for the following:

- (a) clarification for the state personnel system stakeholders (including the public);
- (b) notice to applicants for positions within the state personnel system; and
- (c) amendment of rules consistent with Amendment S's changes to the state personnel system.

The Board repealed and adopted on a permanent basis rules contained within 4 CCR 801, as follows:

The Board repealed the following rules contained within 4 CCR 801:

Chapter 1, "Organization, Responsibilities, Ethics, Payroll Deduction, And Definitions": Rules 1-38.2; 1-43; 1-46; 1-54; 1-55; 1-56.1; 1-62.2; 1-62.3; 1-62.4; and 1-64.1.

Chapter 8, "Dispute Resolution": Rules 8-42 and 8-53(B).

The Board amended the following rules contained within 4 CCR 801:

Chapter 1, "Organization, Responsibilities, Ethics, Payroll Deduction, And Definitions": Rule 1-61.

Chapter 8, "Dispute Resolution": Rules 8-46(A) and 8-53.

The Board adopted the following rules contained within 4 CCR 801:

Chapter 8, "Dispute Resolution": Rule 8-46.1.

The Board repealed the current rules and adopted the following rules contained within 4 CCR 801, as proposed:

Chapter 4, "Employment and Status."

Chapter 7, "Separation."

The Board finds, as required by section 24-4-103(4)(b), C.R.S., that the record of the rulemaking proceeding demonstrates the need for the rules; the proper constitutional and statutory authority exists for the rules; to the extent practicable, the rules are clearly and simply stated so that their meaning will be understood by any person or entity required to comply with the rules; the rules do not conflict with other provisions of the law; and duplication or overlapping of the rules, if any, has been explained by the Board.

The specific authority of the State Personnel Board to promulgate these rules is found at Article XII, sections 13 and 14 of the Colorado Constitution; the State Personnel System Act, section 24-50-101, *et seq.*, C.R.S.; and sections 24-4-103, -105 and -106, C.R.S.; *Spahn v. State Department of Personnel*, 615 P.2d 66 (Colo. App. 1980); and *CAPE v. Lamm*, 677 P.2d 1350 (Colo. 1984).

The permanent rules adopted shall become effective March 30, 2013.

Dated this ____ day of
January, 2013.

Rich Djokic, Chair, State Personnel Board