



*When state  
employees  
have a voice,*  
**Colorado WINS.**

**OFFICERS:**

Paul Boni, HE  
*President*

Greg Goldman, DOT  
*Treasurer*

David Pertz, DOC  
*Secretary*

**Executive Director:**

Scott Wasserman

**VICE PRESIDENTS:**

Metza Templeton, HE  
*Chapter VP - District I*

Rita Uhler, DOC  
*Chapter VP - District II*

Vacant  
*Chapter VP - District III*

Mike Criswell, DHS  
*Chapter VP - District IV*

Jacquie Anderson, DHS  
*Chapter VP - District V*

Gabe Hernandez, DOC  
*Chapter VP - District IV*

Leah Bookman, HE  
*Department Committee*

**RETIREE CHAIR:**

Russ Mayer

Colorado WINS  
2525 W. Alameda Ave.  
Denver, CO 80219  
(866) 900-7965  
Fax (303) 936-5454

ColoradoWINS.org

VIA EMAIL: jane.sprague@state.co.us and paula.manzanares@state.co.us

To: Kathy Nesbitt  
State Personnel Director  
Department of Personnel & Administration

Dana Shea-Reid  
Director, State Personnel Board

From: Colorado WINS

Date: January 28, 2013

Subject: Comments Concerning Adoption of Permanent Rules

On behalf of the membership of Colorado WINS, please accept our comments concerning the proposed permanent rules related to the provisions of Amendment S.

Colorado WINS wishes to extend its gratitude to the DPA for allowing WINS representatives to have extensive input into the proposed rules. This input allowed WINS to convey the feedback we had received from state employees concerning the new constitutional provisions. We are pleased to see changes in rules concerning layoffs which we believe will require that seniority and performance be a significant part of the consideration in determining who will be retained.

While we support the changes in the layoff and retention rights rules, we believe the Department should have gone further in creating specific parameters for the use of seniority and performance in the determination of layoff order. Specifically, we believe that minimum thresholds should have been set in rule, determining how seniority should be calculated in the ranking formula of 7-11. Specifically, we believe that the rule should clearly state that seniority should constitute a majority of the ranking formula in determining who should be laid off. This principle is important for employees in departments such as Corrections and Human Services where there are a significant number of employees in single classifications that perform essentially the same services. Ranking based on a majority consideration of seniority followed by performance allows for an equitable decision making process that is transparent to all

employees affected. While we are hopeful that departments will use seniority and performance in this fashion, we believe it would have been helpful to all stakeholders to provide specific threshold numbers to be considered in this ranking formula.

Second, it has been our organizational position that transparency, accountability, and merit guide the process of recruiting and hiring of employees in the state personnel system. To the extent these rules provide for transparency in hiring and promoting based on merit, we believe they will be successful in helping the state attract and retain a quality workforce. Many of these principles are new, though, especially that of comparative analysis. We believe it will be important for the Department to continue to monitor the use of these rules and their application and work with WINS to make improvements as necessary.

Again, we thank the DPA for the opportunity to participate in the rulemaking process and look to our continued work on these issues to improve the state personnel system for all.

Sincerely,

Colorado WINS

A handwritten signature in cursive script, appearing to read "Mark Schwane", written in black ink. The signature is positioned above a solid horizontal line.

Mark Schwane  
General Counsel