

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 Monday, November 4, 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 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 September 27, 2013, for publication by the Secretary of State on October 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 September 30, 2013. The Board and Personnel Director heard testimony at the public joint rulemaking hearing on November 4, 2013. The Board also conducted 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) to clarify the state personnel system for stakeholders (including the public);
- (b) to amend or add language consistent with the Director's Administrative Procedures and statute;
- (c) to amend Board Rule regarding the issuance of subpoenas in the evidentiary hearing process.

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

- In Chapter 4, Board Rules 4-27, regarding open, continuous recruitment, and 4-32, regarding multiple vacancies; and

- In Chapter 8, Board Rule 8-59, regarding the issuance of subpoenas.

The specific authority of the State Personnel Board to promulgate these rules is found at Article XII, sections 13 and 14(3) of the Colorado Constitution; the State Personnel System Act, sections 24-50-103(2), 24-50-104(5)(d), 24-50-104.5(3), 24-50-112.5(4), 24-50-114, 24-50-116, 24-50-117, 24-50-123, 24-50-124(1), 24-50-125, 24-50-125.3, 24-50-125.4(6), , 24-50-125.5, 24-50-126, 24-50-131, 24-50-138, 24-50-142(1), 24-50-145(3), 24-50-512, sections 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 January 1, 2014.

Dated this ____ day of
November, 2013.

Garth Lucero, Chair, State Personnel Board