

**CDLE Comments for
Proposed changes to the State Personnel Director's Administrative Procedures
Public Hearing October 30, 2018**

The Colorado Department of Labor and Employment respectfully submits the following written comments in response to the proposed changes to the administrative procedures for the Division of Human Resources for consideration at public hearing on October 30, 2018.

General Comments

The proposed statement of basis and purpose indicates the rule changes are, in some part, pursuant to the deployment of HRWorks. In general, CDLE agrees with this premise; however, the proposed effective date of 1/1/19 needs to be changed to reflect the actual implementation of the new HRWorks system. If the 1/1/19 effective date were to remain in place, it would cause the following issues for CDLE:

In Rule 5-7 the proposal is to change the way time is reflected from decimals (e.g. 6.66 hours) to hours and minutes (e.g. 6:40 or six hours, forty minutes). If this change were to take effect on 1/1/19 without HRWorks Time & Leave being implemented, CDLE would not be in compliance with the rules as the current configuration of our time and leave keeping system (Kronos 8.0) reflect decimals only. We would be unable to comply without additional programming to our current system.

Specific Comments on Proposed Rule Changes

Rule 4-3: the proposed change removes the option to deviate from published minimum qualifications based on validation through a competent job analysis. We believe it is important to leave the validation language in to prevent the actual or perceived appearance of arbitrary changes. Perhaps the rule could be amended to indicate what reasons (e.g. an argument validated by a competent job analysis identifying job related competencies, etc.) the State Personnel Director may consider in approving changes to minimum qualifications.

Rule 5-7: the proposed change requires time/accruals to be reported in hours and minutes rather than the current practice of decimals. CDLE strongly prefers the continued utilization of decimals to represent time/accruals. Our employees are used to decimals and it will be a learning curve to adjust to hours and minutes (for example, several of our staff members thought the rule was being changed to reduce the number of hours of sick leave accrued per month as they did not understand 6.66 hours is equivalent to 6:40). Additionally, hours and minutes must be converted to decimals for reporting and any type of calculation. Having to convert hours and minutes to decimals creates more potential for error and additional manual calculation for Payroll staff.

Additional Rule Changes to be Considered

Rule 5-17: the proposed change requires unpaid leave (LWOP) to be calculated based on the annualized hourly rate. While this is fine considered in isolation, CDLE strongly advocates that Rule 5-10 also be revised to calculate holiday pay on an annualized basis. Utilizing annualized rates for one type of calculation and monthly rates for another will cause confusion and error. Employees will not understand why their leave without pay is being calculated at a different rate than their prorated holiday pay. CDLE prefers both rules adopt the annualized calculation which will be simpler to implement and consistent for employees.

Additionally, there were other rules that were targeted for change as a result of the new HRWorks system that are not represented in the proposed rule changes. CDLE requests an explanation of why these changes are no longer needed - or - consideration for making the changes with the current rule-making. For example:

- Rule 5-21 A currently indicates that Full-time employees will be granted up to 520 hours per rolling 12-month period. During our time on the HRWorks project, we were informed that the new Time & Leave portion of the system could not accommodate a rolling year for FML and that the rule would need to be changed back to a fiscal or calendar year.
- There was discussion of updating Rule 5-7 to indicate that leave is *credited and available* for use on the first day of the next month (vs. the current rule which says leave is credited on the last day of the month in which it is earned and available for use on the first day of the next month).
- Rules would be updated to indicate that calculations would be rounded to the nearest penny.