

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 ("Rules") are found at 4 CCR 801. A rulemaking hearing of the State Personnel Board was held on October 21, 2014, at the State Personnel Board, 1525 Sherman Street, First Floor Conference Room 104, Denver, Colorado 80203. The rulemaking hearing was held by the State Personnel Board ("Board") with public comments on the adoption of an amended set of Board rules. The Board is exercising its rulemaking authority as granted under the Colorado Constitution, art. XII, § 13, 14 and 15, and C.R.S. § 24-50-101, *et seq.*

The Notice of Rulemaking was issued September 15, 2014, for publication by the Secretary of State on September 25, 2014. 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 25, 2014. The Board took testimony at the public rulemaking hearing on October 21, 2014. The Board conducted deliberations on the proposed amendments at its meeting on October 21, 2014. 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 or updating of Board rules for stakeholders, including the general public; and
- (b) amendment of language for consistency with state statute.

The Board amended the following rules contained in Board Rules, 4 CCR 801:

- (1) Board Rules, Chapter 1, "Organization, Responsibilities, Ethics, and Definitions," providing clarification as to Board elections (Board Rule 1-2) and Human Resource Innovation Program (Board Rule 1-26);
- (2) Board Rules, Chapter 4, "Employment and Status," including a rule concerning trial service (Board Rule 4-42);
- (3) Board Rules, Chapter 6, "Performance," including the pre-disciplinary meeting (Board Rules 6-10 and 6-14);

- (4) Board Rules, Chapter 8, "Dispute Resolution," including discrimination claims (Board Rule 8-28), the notice of appeal (Board Rules 8-38 and 8-39), information sheets (Board Rule 8-45), consolidation of cases (Board Rule 8-47), and filing (Board Rule 8-51); and
- (5) Board Rules, Chapter 9, "Fair Employment Practices," including relief in discrimination cases (Board Rule 9-6).

The Board finds, as required by C.R.S. § 24-4-103(4)(b), 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 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, §§ 13 and 14 of the Colorado Constitution; the State Personnel System Act, § 24-50-101, *et seq.*, C.R.S.; and §§ 24-4-103, 105 and 106, C.R.S.; *Spahn v. State Department of Personnel*, 44 Colo.App. 446, 615 P.2d 66 (1980) and *CAPE v. Lamm*, 677 P.2d 1350 (Colo. 1984).

The permanent rules adopted shall become effective January 1, 2015.

Dated this 21st day of
October, 2014.

Sally Yerger, Chair, State Personnel Board