

State of Colorado



Bill Ritter, Jr.
Governor

John Zakhem
Board Chair

Kristin F. Rozansky
Board Director

State Personnel Board
633 17th Street, Suite 1320
Denver, Colorado 80202-3604
Phone (303) 866-3300
Fax (303) 866-5038

STATEMENT OF BASIS AND PURPOSE

The Colorado State Personnel Board's current rules are found at 4 CCR 801. The purpose of the Rulemaking proposed for June 19, 2007, is for the general clarification for the public and efficient management of the Board.

The Notice of Rulemaking was filed and issued April 20, 2007, for publication in the Colorado Register on May 10, 2007. The proposed rules and the proposed statement of basis and purpose have been available for review at the Board office and on the Board's web site since May 10, 2007. The Board took testimony at a public rule-making hearing on June 19, 2007, and conducted deliberations on these proposed amendments at its meeting on July 17, 2007. The rules were accepted through formal public hearing and approved by the Attorney General.

The following rules were adopted:

- (1) Board Rule 1-54, amending the definition of "laid off" to include the offer of retention rights;
- (2) Board Rule 1-55, amending the definition of "layoff" to include clarifying language;
- (3) Board Rule 1-66, amending the definition of "retention credit" to include the calculation of an employee's ranking under a matrix;
- (4) Board Rule 4-23.1, creating a new rule to state how multiple vacancies are to be filled;
- (5) Board Rule 7-2, amending the rule to expand upon the concept of promoting progressive employment practices, including job-sharing;
- (6) Board Rule 7-4, amending the rule to require the notification to an employee of the right to appeal a resignation, other than one tendered in lieu of disciplinary action, and requirements of that notification;

- (7) Board Rule 7-5, amending the rule to clarify the withdrawal of a resignation;
- (8) Board Rule 7-7, amending the rule to clarify the applicability of the rules to any reduction in force that results in the elimination of one or more positions regardless of the reason for layoff, including the issuance of a Layoff Plan;
- (9) Board Rule 7-8, amending the rule to clarify the requirement that layoff and the calculation of retention rights priorities must be in accordance with Board rule;
- (10) Board Rule 7-9, amending the rule to clarify time bands to determine seniority, a matrix, and the definition of "displaced";
- (11) Board Rule 7-10 (new), expanding upon what were formerly Board Rules 7-14 and 7-15 to define time bands, seniority, and continuous state service;
- (12) Board Rule 7-11 (new), expanding upon what were formerly Board Rules 7-16 and 7-17 to define matrix;
- (13) Board Rule 7-12 (what was formerly 7-10 renumbered to 7-12, only);
- (14) Board Rule 7-13 (what was formerly 7-11 renumbered to 7-13), clarifying the application of retention rights to full-time and part-time employees;
- (15) Board Rule 7-14 (repealed; what was formerly 7-12 renumbered to 7-14), amending the rule to clarify delivery of a layoff notice;
- (16) Board Rule 7-15 (repealed; what was formerly 7-13 renumbered to 7-15), expanding the limitation of retention rights;
- (17) Board Rule 7-16 (repealed; new rule adopted under same number), amending the rule to address limiting retention rights upon approval of the Board;
- (18) Board Rule 7-17 (repealed; new rule adopted under same number), amending the submittal of requests to limit retention areas;
- (19) Board Rule 7-18, amending the rule to clarify priority of retention right offerings, including for agencies with multiple work locations;
- (20) Board Rule 7-19, deleting language regarding offers of retention rights within a 50-mile radius, in conformity with proposed Board Rule 7-18;

- (21) Board Rule 7-20, addressing upward and downward reallocation and retention rights;
- (22) Board Rule 7-21, creating a new rule to state under what conditions an employee is entitled to a mandatory hearing before the State Personnel Board in the course of a layoff and to clarify that acceptance of retention rights does not eliminate appeal rights;
- (23) Board Rule 7-22 (what was formerly 7-21 renumbered to 7-22 only).

The specific authority of the State Personnel Board to promulgate these rules is found at Article XII, sections 13, 14 and 15 of the Colorado Constitution; the State Personnel System Act, section 24-50-101, *et seq.*, C.R.S.; section 24-50.5-101, *et seq.*, C.R.S.; and section 24-4-103, C.R.S.

The amendments adopted shall become effective October 1, 2007.

Dated this 17th day of
July, 2007.



Chair, State Personnel Board