



COLORADO
Executive Director's Office
Department of Personnel
& Administration

1525 Sherman St.
Denver, CO 80203

PROPOSED STATEMENT OF BASIS AND PURPOSE

The State Personnel Director's Administrative Procedures ("Procedures") are found at 4 CCR 801-1. A hearing of the State Personnel Director was held on December 19, 2016, at 1525 Sherman Street, Room 103, First Floor, Denver, Colorado 80203. The hearing was held by a Hearing Officer in order to modify Chapters 3, 5, and 11 to address matters concerning Lateral Adjustments, Time Off, and State Benefit Plans. The State Personnel Director is exercising her authority as granted under one or more of the following: *the State of Colorado Constitution Article XII, Section 13, the Patient Protection and Affordable Care Act (PPACA, commonly called the Affordable Care Act), and 26 U.S.C. 63, the Family Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), Family Care Act (FCA), Uniformed Services Employment and Reemployment Rights Act (USERRA), State of Colorado Revised Statutes (C.R.S.) §§ 1-6-115, 1-6-122, 1-7-102, 8-40-101, 14-2-101, 14-15-103, 24-11-101, 24-11-112, 24-18-102, 24-33.5-825, 24-50-104, 24-50-109.5, 24-50-401, 28-1-104, 28-3-601, 28-6-602, 28-3-607, 28-3-609, and 28-3-610.*

The Notice of Hearing was issued November 14, 2016, for publication by the Secretary of State on November 25, 2016. The proposed procedures and the proposed statement of Basis and Purpose have been available for review at the Executive Director's office and on the Executive Director's website since November 14, 2016. The proposed rules and the proposed statement of Basis and Purpose also have been available for review at the Division of Human Resources office and on its website since November 14, 2016. The Hearing Officer took testimony at the public hearing on December 19, 2016. The Hearing Officer completed deliberations on the proposed procedures on December 19, 2016. The rules were accepted through formal public hearing and approved by the Attorney General.

The general purpose of the State Personnel Director in conducting the hearing was to provide, with regards to the State Personnel Director's Administrative Procedures, for the following:

- A) Modification of Lateral Adjustment Rule 3-18 to comport with contemporary best practices;
- B) Modification of Chapter 5, Time Off rules, to comport with contemporary best practices, comport with applicable federal rules, and eliminate redundancy; and

- C) Modification of Chapter 11, State Benefit Plans rules, to comport with contemporary best practices, comport with applicable federal rules, eliminate redundancy, and eliminate unnecessary rules.

The State Personnel Director adopted on a permanent basis, new procedures contained within 4 CCR-801-1.

The Hearing Officer finds, as required by §24-4-103(4)(b), C.R.S. that the record of the proceeding demonstrates the need for the procedures; the proper constitutional and/or statutory authority exists for the procedures; to the extent practicable, the procedures are clearly and simply stated so that their meaning will be understood by any required to comply with the procedures; the procedures do not conflict with other provisions of the law; and any duplication or overlapping of the procedures, if any, has been explained.

The specific authority of the State Personnel Director to promulgate these procedures is found at one or more of the following: *the State of Colorado Constitution Article XII, Section 13, the Patient Protection and Affordable Care Act (PPACA, commonly called the Affordable Care Act), and 26 U.S.C. 63, the Family Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), Family Care Act (FCA), Uniformed Services Employment and Reemployment Rights Act (USERRA), State of Colorado Revised Statutes (C.R.S.) §§ 1-6-115, 1-6-122, 1-7-102, 8-40-101, 14-2-101, 14-15-103, 24-11-101, 24-11-112, 24-18-102, 24-33.5-825, 24-50-104, 24-50-109.5, 24-50-401, 28-1-104, 28-3-601, 28-6-602, 28-3-607, 28-3-609, and 28-3-610.*

The procedures adopted shall become effective February 14, 2017.

Dated this 14th day of November, 2016

June Taylor
State Personnel Director
Department of Personnel & Administration

