

Title of Proposed Rule:	Clean-up of Merit System Frequency		
CDHS Tracking #:	23-08-10-01		
CCR #:	9 CCR 2502-1		
Office, Division, & Program:	Executive Director's Office	Phone:	303-775-5408
Rule Author:	Laura Strother	E-Mail	laura.strother@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

- a. Board Executive Director
- b. Regular Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

<input type="checkbox"/> AG Initial Review	<input type="checkbox"/>	<input type="checkbox"/> Initial Board Reading	<input type="checkbox"/>	<input type="checkbox"/> AG 2 nd Review	<input checked="" type="checkbox"/>	<input type="checkbox"/> Second Board Reading / Adoption
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This package contains the following types of rules: *(check all that apply)*

Number	
X	Amended Rules
	New Rules
	Repealed Rules
	Reviewed Rules

What month is being requested for this rule to first go before the State Board?	December 2023
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What date is being requested for this rule to be effective?	March 1, 2024
Is this date legislatively required?	No

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director’s Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ **Date:** _____

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REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated 1st Board 12/2023 2nd Board 01/2024 Effective Date 03/01/2024
 Dates: _____

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

Currently, the County Department of Human Services is required by 9 CCR 2502-1, Rule 2.210 the annual certification of the merit system: Each county shall annually submit to the Colorado Department of Human Services a certification that criteria outlined in section 2.200 are being maintained by the county department of human/social services. This certification must be received as prescribed by the State Department on or before January 1 of each year. The certification must be validated by the county board of commissioners or designee.

This rule will change the annual certification requirement to every two years. Changing the frequency of the merit certification from annually to every two years will reduce the administrative burden on county human services offices.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

to comply with state/federal law and/or

to preserve public health, safety and welfare

Justification for emergency:

State Board Authority for Rule:

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Code	Description
26-1-107(5)-(6), C.R.S. (2023)	State Board to promulgate rules

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
26-1-120(9)(a), C.R.S (2023)	With respect to the merit system provided by the counties, the state board of human services shall promulgate rules on the following: (a) Minimum standards for qualifications of certain positions that are determined by the state board to necessitate uniform standards

Does the rule incorporate material by reference?		Yes		X	No
Does this rule repeat language found in statute?		Yes		X	No
If yes, please explain.					

REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Changing the frequency of the merit certification from annually to every two years will reduce the administrative burden on county human services offices, which will serve as a benefit to county departments of human/social services.

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2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

This rule will eliminate the need for county human services offices to provide merit certification on an annual basis. Changing the requirement to every two years reduces the administrative burden, thus having a positive impact on county offices. There are 64 merit system certifications and county human services offices spending administration time annually completing this certification. Changing the frequency from annually to every two years will reduce the county human services office administration burden from annually to every two years.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just “no impact” answer should include “no impact because....”***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

There are no fiscal impacts to the State. These changes do not impact state operations or systems in any way.

County Fiscal Impact

The county human services fiscal impact is the reduced administrative burden. Specific data regarding cost savings is not available based on counties having varying processes and pay scales across Colorado counties.

Federal Fiscal Impact

There are no federal fiscal impacts. These changes do not impact any federal processes, requirements or funding.

Other Fiscal Impact (such as providers, local governments, etc.)

There are no other fiscal impacts.

4. Data Description

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List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”

The alternative is to maintain the process as it is currently in rule, requiring county offices to provide merit certification on an annual basis. Changing the requirement to every two years reduces the administrative burden, thus having a positive impact on county offices.

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OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
2.210	Annual Certification of Merit System	Each county shall annually submit to the Colorado Department of Human Services a certification that the above criteria are being maintained by the county department of human/social services. This certification must be received as prescribed by the State Department on or before January 1 of each year. The certification must be validated by the county board of commissioners or designee.	EVERY TWO YEARS BEGINNING JANUARY 1, 2025 Each county shall annually submit to the Colorado Department of Human Services a certification that the above criteria are being maintained by the county department of human/social services. This certification must be received as prescribed by the State Department on or before January 1 of each EVERY OTHER year BEGINNING JANUARY 2025. The certification must be validated by the county board of commissioners or designee.	Changed from annually to every other year.	Yes, see the stakeholder comment of the rule package.

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

A stakeholder workgroup was convened in June and July 2023, with CDHS, Health Care Policy and Financing (HCPF) and county human service department representation from Montezuma, Yuma, Larimer, Rio Grande/Mineral, Eagle, and Baca.

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

Colorado Department of Human Services staff; County Department of human services staff; County Human Services Directors Association, Policy Advisory Committee, and HCPF.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

If yes, who was contacted and what was their input?

HCPF was a part of the stakeholder workgroup and provided input during the meetings. They also collect an attestation of merit system from counties.

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes No

Name of Sub-PAC			
Date presented			
What issues were raised?			
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

Yes No

Date presented	
What issues were raised?	

Vote Count	For	Against	Abstain
If not presented, explain why.			

Other Comments

Comments were received from stakeholders on the proposed rules:

Yes No

If “yes” to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

Comments were received and discussed during the stakeholder meetings. There was support for this change in rule.

9 CCR 2502-1

County Personnel and Merit System (Volume 2)
 RULE MANUAL VOLUME 2, COUNTY PERSONNEL RULES

2.210 ~~Annual~~ Certification of Merit System

EVERY TWO YEARS BEGINNING JANUARY 1, 2025 ~~Each county shall annually~~ submit to the Colorado Department of Human Services a certification that the above criteria are being maintained by the county department of human/social services. This certification must be received as prescribed by the State Department on or before January 1 of ~~each~~ EVERY OTHER year BEGINNING JANUARY 2025. The certification must be validated by the county board of commissioners or designee.
