

State of Colorado



Bill Ritter, Jr.
Governor

Rich Djokic
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 Rules and Director's Administrative Procedures ("Rules") are found at 4 CCR 801. A joint rulemaking hearing of the State Personnel Board and State Personnel Director was held on September 30, 2010, in the Old Colorado Supreme Court Chambers, State Capitol Building, 200 East Colfax Avenue, Denver, Colorado 80202. The joint rulemaking hearing was held, by the respective rulemaking authorities, the State Personnel Board ("Board") and the State Personnel Director ("Personnel Director"), in order to facilitate the submission of public comments on the adoption of a coordinated set of rules for the state personnel system selection process. The Board and the Personnel Director are exercising their respective 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 August 30, 2010 for publication by the Secretary of State on September 10, 2010. 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 10, 2010. The Board and Personnel Director took testimony at the public joint rulemaking hearing on September 30, 2010. The Board conducted deliberations on the proposed amendments at its meetings on October 6 and 19, 2010, and November 1, 2010. 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, with regards to the selection process for the state personnel system, for the following:

- (a) clarification for the state personnel system stakeholders (including the general public);
- (b) notice to applicants for positions within the state personnel system; and
- (c) transparency as to the selection process for positions within the state personnel system.

The Board repealed and adopted on a permanent basis the following rules contained within Chapter 4 "Selection", 4 CCR 801:

- (1) Board Rules, Chapter 1, "Organization, Responsibilities, Ethics, and Definitions," providing clarification as to definitions of terms contained throughout the Rules and, in particular, Chapter 4, "Employment and Status";
- (2) Board Rules, Chapter 4, "Employment and Status," including rules concerning general principles, job announcement, qualification review, testing and scoring of competitive examinations and assessments, employment lists, referrals, referral list interview, appointment, employee status and temporary status.

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, sections 13 and 14 of the Colorado Constitution; the State Personnel System Act, section 24-50-101, *et seq.*, C.R.S.; and section 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 March 15, 2011.

Dated this 1st day of
November, 2010.



Rich Djokic, Chair, State Personnel Board