

State of Colorado

Bill Ritter, Jr.
Governor



NOTICE OF RULEMAKING

TO: Secretary of State
All Departments, Agencies, Institutions and Other Interested Parties

FROM: Kristin F. Rozansky, Director
State Personnel Board

and

Guy Mellor, Director
Division of Human Resources
Department of Personnel & Administration

DATE: August 30, 2010

SUBJECT: **NOTICE OF PUBLIC HEARINGS TO CONSIDER ADOPTION OF
PERMANENT RULES**

The State Personnel Board ("Board") and the State Personnel Director ("Personnel Director") will hold a joint public hearing on September 30, 2010, to consider adoption of permanent rules on the selection process for the state personnel system, found at 4 CCR 801, Chapter 4, entitled "Employment and Status." The September 30, 2010 public hearing will commence at 9:00 a.m. in the Old Colorado Supreme Court Chambers, State Capitol Building (2nd Floor, north end), 200 East Colfax Avenue, Denver, Colorado 80202. All interested persons are urged to attend this public hearing and to submit written comments to the Board and the Personnel Director to the hearing for consideration concerning the proposed rules.

The Board and Director will take comments as follows:

1. In order to facilitate review of written comments by the Board and Director, all interested parties are **strongly encouraged** to submit their written comments **prior** to the hearing;
2. Written comments submitted prior to the hearing must be submitted to Jane Sprague at 633 – 17th Street, Suite 1320, Denver, CO 80202-3604 or at jane.sprague@state.co.us on before **5:00 p.m. on September 28, 2010.**

3. All written comments submitted on or before 5:00 p.m. on September 28, 2010, will be posted on the Board's website and linked from the Personnel Director's website to the Board website, on or before 5:00 p.m. on September 29, 2010.
4. Any written comments submitted **after** 5:00 p.m. on September 28, 2010, must be submitted a) at the rulemaking hearing on September 30, 2010; b) in hard copy format with an original and thirty copies.
5. Oral comment may be provided at the hearing as follows:
 - a. Each speaker will be allowed four minutes to testify;
 - b. All persons wishing to provide oral comment must sign up to do so at the hearing, noting whom they represent and/or if they are ceding any portion of their time to another speaker;
 - c. Any person signing up to speak may cede any portion or all of their time to another speaker, however, no speaker may be ceded the time of more than two other speakers (for a total of up to twelve minutes); and
 - d. At their discretion, the Board and Director may limit or extend the time of any speaker.

After taking public comment at the joint rulemaking hearing, a public meeting of the State Personnel Board will be held on Wednesday, October 6, 2010, commencing at 9:00 a.m., at the Colorado State Personnel Board, 633 – 17th Street, Suite 1400, Courtroom 1, Denver, CO 80202-3604. The purpose of this meeting will be for the Board to conduct its deliberations regarding adoption of the proposed permanent rules.

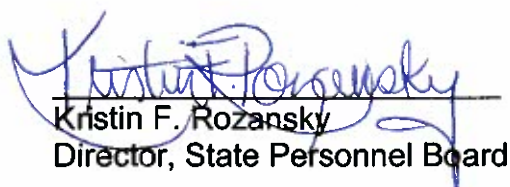
Reasonable accommodation will be provided upon request for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this public hearing, please notify Jane Sprague at 303-866-3300 by September 15, 2010.

The Board and Personnel Director will consider repeal and adoption of new permanent rules to Board Rules and Director's Administrative Procedures, 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; and amendment to Chapter 1 "Organization, Responsibilities, Ethics, Payroll Deduction and Definitions" – including definitions pertaining to Chapter 4.

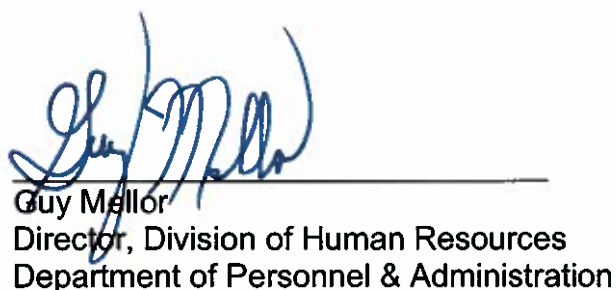
The proposed rules and the proposed statement of basis, specific statutory authority and purpose will be available for review by interested persons on or before close of business September 10, 2010, at the State Personnel Board's offices, 633 17th Street, Suite 1320, Denver, Colorado 80202-3604, or on the State Personnel Board's website, "Rules and Rulemaking," at <http://www.colorado.gov/cs/Satellite/DPA-SPB/SPB/1213608768055>. In addition, they are available for review at the Personnel

Director's offices, 1313 Sherman, Suite 114, Denver, CO 80202 or on the Personnel Director's website at <http://www.colorado.gov/dpa/dhr>.

The specific authority of the Board and Personnel Director 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.; and section 24-4-103, C.R.S.



Kristin F. Rozansky
Director, State Personnel Board



Guy Mellor
Director, Division of Human Resources
Department of Personnel & Administration

State of Colorado



Bill Ritter, Jr.
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Board Chair

Kristin F. Rozansky
Board Director

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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 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 meeting on October 6, 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 December 1, 2010.

Dated this 6th day of
October, 2010.

Rich Djokic, Chair, State Personnel Board

State of Colorado



Bill Ritter, Jr.
Governor

Rich Gonzales
Executive Director

Jennifer Okes
Deputy Executive Director

DPA

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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 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, and 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 Personnel Director's office and on the Personnel Director's website since September 10, 2010. The Board and Personnel Director took testimony at the public joint rulemaking hearing on September 30, 2010. The Personnel Director completed his deliberations on the proposed amendments on October 8, 2010. The rules were accepted through formal public hearing and approved by the Attorney General.

The general purpose of the Personnel Director 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) Personnel Director's Administrative Procedures 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) Personnel Director's Administrative Procedures 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 Personnel Director 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 Personnel Director.

The specific authority of the State Personnel Director 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 December 1, 2010.

Dated this 8th day of October, 2010

Rich Gonzales, State Personnel Director