

# State of Colorado



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## 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 rulemaking hearing of the State Personnel Board was held on October 17, 2017, at the State Personnel Board, 1525 Sherman Street, First Floor Conference Room 104, Denver, Colorado 80203. The rulemaking hearing was held by the State Personnel Board ("Board") with public comments on the adoption of an amended set of Board rules. The Board is exercising its 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 filed September 15, 2017, for publication by the Secretary of State on September 25, 2017. 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 22, 2017. The Board took stakeholder feedback as well as testimony at the public rulemaking hearing on October 17, 2017.

The Board conducted deliberations on the proposed amendments at its public meeting on October 17, 2017 and on November 21, 2017. 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 for the following:

- (a) clarification of language of Board Rules for improved understanding and ease of use by stakeholders, including the general public;
- (b) removal of redundant information and simplifying language of procedural requirements;
- (c) clarification of Board Rules regarding various filing requirements and deadlines to ensure better compliance by parties;
- (d) amend language of Board Rules to comply with current state statutes as needed; and

- (e) correction of any typographical errors, grammatical errors and formatting errors found.

The Board amended the following rules contained in Board Rules, 4 CCR 801:

(1) Board Rules, Chapter 8, "Dispute Resolution," including General Principles (Board Rule 8-2, Board Rule 8-3); Notice of Appeal Rights (Board Rule 8-4); Grievance Process (Board Rule 8-8); Alternative Dispute Resolution (Board Rule 8-12, Board Rule 8-14, Board Rule 8-17, and Board Rule 8-18); Petition for Declaratory Orders (Board Rule 8-19); Investigation of Retaliation for Disclosure of Information (Board Rule 8-20); Allegations of Discrimination (Board Rule 8-25, Board Rule 8-26, Board Rule 8-30, Board Rule 8-31 and Board Rule 8-32); Attorney's Fees and Costs (Board Rule 8-34); Board Appeal Process (Board Rule 8-35, Board Rule 8-36, Board Rule 8-38, Board Rule 8-39, Board Rule 8-40); Discretionary Board Hearings (Board Rule 8-41); Information Sheets (Board Rule 8-45, Board Rule 8-46 and Board Rule 8-47); Board Appeals (Board Rule 8-48); Practice Before the Board (Board Rule 8-50, Board Rule 8-51 and Board Rule 8-52); Prehearing Procedures (Board Rule 8-53, Board Rule 8-54, Board Rule 8-55, Board Rule 8-56, Board Rule 8-57); Responsible/Lead Counsel Board Rule 8-58); Subpoenas (Board Rule 8-59); Post Hearing Proceedings (Board Rule 8-60, Board Rule 8-61); Board Review of Initial Decisions and Dismissal Orders (Board Rule 8-62, Board Rule 8-64, Board Rule 8-67, Board Rule 8-68 and Board Rule 8-69).

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 purpose and intent will be understood by stakeholders in order to appropriately comply with the rules; the rules do not conflict with other provisions of the law; and duplication or overlapping of rule has been addressed by the Board.

The specific authority of the State Personnel Board to promulgate these rules is found at Article XII, §§ 13 and 14 of the Colorado Constitution; the State Personnel System Act, § 24-50-101, *et seq.*, C.R.S.; and §§ 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 January 14, 2018.

Dated this 21st day of  
November, 2017.



Neil Peck, Chair, State Personnel Board