



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 January 31, 2020, at 1525 Sherman Street, Room 104, First Floor, Denver, Colorado 80203. The hearing was held by a Hearing Officer in order to modify or add to Chapters 1, 3, 5, 9, 10, and 11 of the personnel director's administrative procedures for the Division of Human Resources, to address matters concerning Employment, Payroll Deduction, Compensation, Time Off, Fair Employment Practices, personal Services Agreements, and Supplement State Contribution Program. The State Personnel Director is exercising her authority as granted under *the State of Colorado Constitution Article XII, Section 13*.

The Notice of Hearing was issued December 30, 2019, for publication by the Secretary of State in the January 10, 2020 edition of the *Colorado Register*. 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 December 30, 2019. 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 December 30, 2019. The Hearing Officer took testimony at the public hearing on January 31, 2020. The Hearing Officer completed deliberations on the proposed procedures on or about January 31, 2020. 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 Chapter 1 & 10, Employment, Definitions, Payroll Deduction, and Personal Services Agreements
- B) Modification of Chapter 3, Compensation rules, to address the Fair Labor Standards Act and Overtime calculations;
- C) Modification of Chapter 5, Time Off rules, to clarify holiday leave, and unpaid leave; and

- D) Modification of Chapter 9, Fair Employment Practices rules, repealing Procedure 9-7 concerning the Director's authority.
- E) Modification of /Chapter 11, Supplement State Contribution Program

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 *the State of Colorado Constitution Article XII, Section 13.*

The procedures, if adopted on or before February 9, 2020 shall become effective April 1, 2020.

Dated this 30th day of December, 2019.



Kara Veitch
State Personnel Director
Department of Personnel & Administration

