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VIA EMAIL: doug.platt@state.co.us

Kara Veitch
State Personnel Director
Colorado Department of Personnel and Administration
1525 Sherman Street
Denver, CO 80203

Dear Director Veitch:

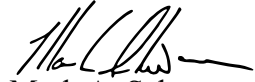
Colorado WINS, the certified employee organization representing state employees, submits the following comments concerning the proposed rules changes noticed to the public on December 30, 2019.

1. **New definition of “Conditions of Employment”:** Colorado WINS opposes the current addition of the new definition, Administrative Procedure 1-38.2. Conditions of Employment. WINS contends that the definition inaccurately conflates minimum qualifications for a position with what is customarily considered conditions of employment, for example shifts, flex schedules, break policies and other work-related issues. The topics addressed in the definition appear to be minimum qualifications for a position, such as passing background checks, lifting requirements, and travel requirements. Further, WINS contends that the definition has relevance to pending legislation, HB 20-1153, and that promulgation of this definition prior to passage of the legislation would not be appropriate given possible amendments and legislative intent may conflict with this definition.
2. **New rule concerning payroll deduction:** WINS supports the overall deletions to the existing rule and its simplification. However, WINS seeks two further changes again related to HB 20-1153. First, WINS proposes the insertion of “through a partnership agreement” after “. . . executive order . . .” in Administrative Procedure 1-79 to further clarify that this may be a basis for payroll deductions pursuant to the pending legislation. Second, WINS

opposes the addition of the last sentence in Administrative Procedure 1-80, allowing both the timing of deductions and the form of such deductions to be delegated, which constitutes an expansion of powers not currently existing in procedure where delegation is allowed to a wide range of persons. First, such a delegation may result in a wide range of conflicting requirements for payroll deduction. Second, the pending legislation speaks to this issue and the proposed procedure conflicts with requirements in that legislation where timeframes and documentation are specified. WINS proposes this additional language of 1-80 be deleted and revisited pending passage of the legislation.

Colorado WINS extends its gratitude to the State Personnel Director and the Department of Personnel and Administration for its continued communication with WINS concerning these matters and consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Schwane', with a horizontal line extending to the right.

Mark A. Schwane
Schwane Law, LLC
Counsel for Colorado WINS