

**REFERENDUM A**  
**STATE PERSONNEL SYSTEM**

1 AMENDMENTS TO SECTIONS 13, 14, AND 15 OF ARTICLE XII AND SECTION 22 OF ARTICLE  
2 IV OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING REFORM OF THE  
3 STATE CIVIL SERVICE SYSTEM, AND, IN CONNECTION THEREWITH, MODIFYING THE MERIT  
4 PRINCIPLE, EXEMPTING CERTAIN POSITIONS FROM THE SYSTEM, MODIFYING THE NUMBER  
5 OF ELIGIBLE APPLICANTS FROM WHICH AN APPOINTMENT IS TO BE MADE, MODIFYING THE  
6 RESIDENCY REQUIREMENT, EXPANDING THE DURATION OF TEMPORARY EMPLOYMENT,  
7 SPECIFYING THE RULE-MAKING AUTHORITY OF THE STATE PERSONNEL BOARD AND THE  
8 STATE PERSONNEL DIRECTOR, ALLOWING THE GENERAL ASSEMBLY TO REALLOCATE THE  
9 RULE-MAKING AUTHORITY OF THE STATE PERSONNEL BOARD AND THE STATE PERSONNEL  
10 DIRECTOR, AUTHORIZING A MODIFICATION TO THE VETERANS' PREFERENCE, AND MAKING  
11 CONFORMING AMENDMENTS.

12 *Be It Resolved by the House of Representatives of the Sixty-fourth General Assembly*  
13 *of the State of Colorado, the Senate concurring herein:*

14       **SECTION 1.** At the next election at which such question may be submitted,  
15 there shall be submitted to the registered electors of the state of Colorado, for their  
16 approval or rejection, the following amendment to the constitution of the state of  
17 Colorado, to wit:

18       Section 13 of article XII of the constitution of the state of Colorado is amended  
19 to read:

20       **Section 13. State personnel system - merit system.** (1) Appointments and  
21 promotions to offices and employments in the STATE personnel system ~~of the state~~ shall  
22 be made according to merit, ~~and fitness~~, to be ascertained by ~~competitive tests of~~  
23 ~~competence~~ COMPARATIVE ASSESSMENTS OF QUALIFICATIONS AS PROVIDED BY LAW,  
24 without regard to race, creed, ~~or~~ color, or political affiliation, AND WITHOUT REGARD TO  
25 SEX OR AGE EXCEPT AS OTHERWISE PERMITTED BY LAW.

26       (2) The personnel system of the state shall comprise all appointive public officers  
27 and employees of the state, except the following: ~~Members of the public utilities~~  
28 ~~commission, the industrial commission of Colorado, the state board of land~~  
29 ~~commissioners, the Colorado tax commission, the state parole board, and the state~~  
30 ~~personnel board~~ HEADS OF PRINCIPAL DEPARTMENTS; members of any board or  
31 commission; ~~serving without compensation except for per diem allowances provided by~~  
32 ~~law and reimbursement of expenses;~~ the employees in the offices of the governor and the  
33 lieutenant governor whose functions are confined to such offices and whose duties are

1 concerned only with the administration thereof; appointees to fill vacancies in elective  
2 offices; one deputy of each elective officer other than the governor and lieutenant  
3 governor specified in section 1 of article IV of this constitution; officers otherwise  
4 specified in this constitution; OTHER OFFICERS RESPONSIBLE FOR DIRECTLY CONTROLLING  
5 SIGNIFICANT SEGMENTS OF PRINCIPAL DEPARTMENTS AND EMPLOYEES IN THE OFFICES OF  
6 THE HEADS OF PRINCIPAL DEPARTMENTS WHOSE FUNCTIONS ARE CONFINED TO SUCH  
7 OFFICES AND WHOSE DUTIES ARE CONCERNED ONLY WITH THE ADMINISTRATION OF SUCH  
8 OFFICES, THE NUMBER OF WHICH SHALL NOT EXCEED FORTY-FIVE ONE-HUNDREDTHS  
9 PERCENT OF THE TOTAL NUMBER OF CERTIFIED EMPLOYEES IN THE STATE PERSONNEL  
10 SYSTEM; OFFICERS AND faculty members of educational institutions and departments not  
11 reformatory or charitable in character, and such administrators thereof as may be exempt  
12 by law; students and inmates ~~in~~ EMPLOYED BY state educational or other institutions;  
13 ~~employed therein~~; attorneys at law ~~serving as assistant attorneys~~ APPOINTED BY THE  
14 ATTORNEY general; and members, officers, and employees of the legislative and judicial  
15 departments of the state, unless otherwise specifically provided in this constitution.

16 (3) Officers and employees within the judicial department, other than judges and  
17 justices, may be included within the STATE personnel system ~~of the state~~ upon  
18 determination by the supreme court, sitting en banc, that such would be in the best  
19 interests of the state.

20 (4) ~~Where authorized by law, any political subdivision of this state may contract~~  
21 ~~with the state personnel board for personnel services.~~

22 (5) The person ~~to be~~ appointed to any position under the STATE personnel system  
23 shall be one of the three persons ranking highest on the eligible list for such position, or  
24 such lesser number as qualify, ~~as determined from competitive tests of competence,~~  
25 ~~subject to limitations set forth in rules of the state personnel board applicable to multiple~~  
26 ~~appointments from any such list.~~ A LIMITED NUMBER OF QUALIFIED APPLICANTS NOT TO  
27 EXCEED SIX, AS PROVIDED BY LAW. ANY PERSON WHO MAKES AN APPOINTMENT IN  
28 VIOLATION OF THIS SECTION SHALL BE SUBJECT TO CIVIL AND CRIMINAL LIABILITY, AS  
29 PROVIDED BY LAW.

30 (6) All appointees shall reside IN THE UNITED STATES, AND SHALL RESIDE in the  
31 state ~~but applications need not be limited to residents of the state as to those positions~~  
32 ~~found by the state personnel board to require special education or training or special~~  
33 ~~professional or technical qualifications and which cannot be readily filled from among~~  
34 ~~residents of this state~~ EXCEPT AS OTHERWISE PROVIDED BY LAW.

35 (7) ~~The head of each principal department shall be the appointing authority for~~  
36 ~~the employees of his office and for heads of divisions, within the personnel system,~~  
37 ~~ranking next below the head of such department. Heads of such divisions shall be the~~  
38 ~~appointing authorities for all positions in the personnel system within their respective~~

1 ~~divisions. Nothing in this subsection shall be construed to affect the supreme executive~~  
2 ~~powers of the governor prescribed in section 2 of article IV of this constitution.~~

3 (8) (a) ~~Persons~~ CERTIFIED EMPLOYEES in the STATE personnel system ~~of the state~~  
4 shall hold their respective positions during efficient service or ~~until reaching retirement~~  
5 ~~age~~ PERFORMANCE UNTIL SEPARATION FOR RETIREMENT, RESIGNATION, OR CAUSE, as  
6 provided by law. ~~They shall be graded and compensated according to standards of~~  
7 ~~efficient service which shall be the same for all persons having like duties.~~ ALL CERTIFIED  
8 EMPLOYEES HAVING SIMILAR DUTIES SHALL RECEIVE SIMILAR SALARIES, AS PROVIDED BY  
9 LAW. ~~A person certified to any class or position in the personnel system~~ CERTIFIED  
10 EMPLOYEE may be ~~dismissed, suspended, or otherwise disciplined by the appointing~~  
11 ~~authority~~ upon written findings of failure to ~~comply with standards of efficient service or~~  
12 ~~competence, or for~~ PERFORM, willful misconduct, ~~willful failure or inability to perform~~  
13 ~~his duties, or final conviction of a felony or any other offense, which involves moral~~  
14 ~~turpitude, or written charges thereof may be filed by any person with the appointing~~  
15 ~~authority, which shall be promptly determined~~ AS PROVIDED BY LAW.

16 (b) Any action ~~of the appointing authority~~ taken under this subsection shall be  
17 subject to appeal to the state personnel board, with the right to be heard thereby in  
18 person or by counsel, or both.

19 (9) ~~The state personnel director may authorize the~~ No temporary employment  
20 ~~of persons, not to~~ APPOINTMENT OR SUCCESSION OF TEMPORARY APPOINTMENTS SHALL  
21 exceed ~~six~~ NINE months ~~during which time an eligible list shall be provided for permanent~~  
22 ~~positions~~ IN ANY TWELVE-MONTH PERIOD, AS PROVIDED BY LAW. TEMPORARY  
23 APPOINTMENTS FOR VACANT PERMANENT POSITIONS SHALL BE PERMITTED UNTIL AN  
24 ELIGIBLE LIST IS AVAILABLE AND A PERMANENT APPOINTMENT IS MADE, AS PROVIDED BY  
25 LAW. No other temporary ~~or emergency~~ employment shall be permitted under the STATE  
26 personnel system.

27 (10) ~~The state personnel board shall establish~~ Probationary periods for all  
28 persons initially appointed ~~but~~ SHALL not to exceed twelve months. ~~for any class or~~  
29 ~~position.~~ After satisfactory completion of any ~~such~~ PROBATIONARY period, the person  
30 shall be certified to ~~such class or position~~ THE APPLICABLE CLASSIFICATION within the  
31 STATE personnel system, but unsatisfactory performance DURING ANY PROBATIONARY  
32 PERIOD shall be grounds for dismissal ~~by the appointing authority during such period~~  
33 without right of appeal.

34 (11) Persons certified to ~~classes and positions~~ CLASSIFICATIONS under the  
35 ~~classified civil service of the state immediately~~ PERSONNEL SYSTEM prior to July 1, 1971,  
36 ~~persons having served for six months or more as provisional or acting provisional~~  
37 ~~employees in such positions immediately prior to such date, and all persons having served~~  
38 ~~six months or more in positions not within the classified civil service immediately prior~~

1 ~~to such date but included in the personnel system by this section~~ JULY 1, 2005, shall be  
2 certified to comparable ~~positions, and grades and classifications under the personnel~~  
3 ~~system, and shall not be subject to~~ ADDITIONAL probationary periods. ~~of employment.~~  
4 All other persons in ~~positions~~ CLASSIFICATIONS under the STATE personnel system shall  
5 be subject to the provisions of this section ~~concerning initial appointment~~ on or after such  
6 date.

7 Section 14 of article XII of the constitution of the state of Colorado is amended  
8 to read:

9 **Section 14. State personnel board - state personnel director.** (1) There is  
10 hereby created a state personnel board to consist of five members, three of whom shall  
11 be appointed by the governor with the consent of the senate, and two of whom shall be  
12 elected by persons certified ~~to classes and positions~~ in the state personnel system in the  
13 manner prescribed by law. Each member shall be appointed or elected for a term of five  
14 years and ~~may succeed himself, but of the members first selected, the members appointed~~  
15 ~~by the governor shall serve for terms of one, two, and three years, respectively, and the~~  
16 ~~members elected shall serve for terms of four and five years, respectively~~ SHALL NOT  
17 SERVE MORE THAN TWO CONSECUTIVE TERMS OF OFFICE. Each member of the board shall  
18 be a qualified elector of the state, but shall not be otherwise an officer or employee ~~of the~~  
19 ~~state or~~ of any state employee organization, and shall receive such compensation as shall  
20 be fixed by law.

21 (2) Any member of the board may be removed by the governor for willful  
22 misconduct in office, ~~willful~~ failure or inability to perform his OR HER duties, OR final  
23 conviction of a felony or ~~of any other offense, involving moral turpitude, or by reason~~  
24 ~~of permanent disability interfering with the performance of his duties~~ AS PROVIDED BY  
25 LAW, which removal shall be subject to judicial review. Any vacancy ~~in office~~ shall be  
26 filled in the same manner as the selection of the person vacating the office, and for the  
27 unexpired term.

28 (3) The state personnel board shall adopt ~~and may from time to time amend or~~  
29 ~~repeat,~~ rules to implement the ~~provisions of this section and sections 13 and 15 of this~~  
30 ~~article, as amended, and laws enacted pursuant thereto~~ LAWS ENACTED PURSUANT TO  
31 THIS SECTION AND SECTIONS 13 AND 15 OF THIS ARTICLE, including but not limited to  
32 rules concerning ~~standardization of positions, determination of grades of positions,~~  
33 ~~standards of efficient and competent service, the conduct of competitive examinations~~  
34 ~~of competence,~~ grievance procedures, DISCIPLINE, INVOLUNTARY SEPARATIONS, appeals  
35 ~~from actions by appointing authorities~~ TO THE BOARD, and THE conduct of hearings. ~~by~~  
36 ~~hearing officers where authorized by law.~~

37 (4) There is hereby created the department of personnel, which shall be one of  
38 the principal departments of the executive department, the head of which shall be The

1 state personnel director, who shall be appointed under qualifications established by law,  
2 ~~The state personnel director shall be responsible for~~ ADMINISTER THE STATE PERSONNEL  
3 SYSTEM AND ADOPT RULES TO IMPLEMENT THE LAWS ENACTED PURSUANT TO THIS  
4 SECTION AND SECTIONS 13 AND 15 OF THIS ARTICLE FOR the administration of the STATE  
5 personnel system, ~~of the state under this constitution and laws enacted pursuant thereto~~  
6 ~~and the rules adopted thereunder by the state personnel board.~~ INCLUDING BUT NOT  
7 LIMITED TO RULES CONCERNING APPOINTMENTS AND PROMOTIONS, STANDARDIZATION  
8 OF POSITIONS, COMPENSATION, VOLUNTARY SEPARATIONS, AND STANDARDS OF  
9 PERFORMANCE.

10 (5) ~~Adequate appropriations shall be made to carry out the purposes of this~~  
11 ~~section and section 13 of this article.~~ NOTWITHSTANDING THE PROVISIONS OF  
12 SUBSECTIONS (3) AND (4) OF THIS SECTION, THE GENERAL ASSEMBLY, ACTING BY BILL,  
13 MAY ALTER THE ALLOCATION OF THE RULE-MAKING AUTHORITY OF THE STATE PERSONNEL  
14 BOARD AND THE STATE PERSONNEL DIRECTOR AS SPECIFIED IN THOSE SUBSECTIONS.

15 (6) ADEQUATE APPROPRIATIONS SHALL BE MADE TO CARRY OUT THE PURPOSES  
16 OF THIS SECTION AND SECTION 13 OF THIS ARTICLE.

17 Section 15 of article XII of the constitution of the state of Colorado is amended  
18 to read:

19 **Section 15. Veterans' preference.** (1) (a) (I) ~~The passing grade on each~~  
20 ~~competitive examination~~ THE MINIMUM REQUIREMENTS FOR EACH ASSESSMENT OF  
21 QUALIFICATIONS shall be the same for each ~~candidate~~ APPLICANT for appointment or  
22 employment in the STATE personnel system ~~of the state~~ or in any comparable civil service  
23 or merit system of any agency or political subdivision of the state, including any  
24 municipality chartered or to be chartered under article XX of this constitution.

25 (II) A NUMERICAL OR NONNUMERICAL METHOD MAY BE USED FOR ASSESSING  
26 THE QUALIFICATIONS OF APPLICANTS FOR APPOINTMENT OR EMPLOYMENT IN THE STATE  
27 PERSONNEL SYSTEM. IF A NUMERICAL ASSESSMENT METHOD IS USED, APPLICANTS  
28 ENTITLED TO PREFERENCE UNDER THIS SECTION SHALL BE GIVEN PREFERENCE IN  
29 ACCORDANCE WITH PARAGRAPHS (b) TO (e) OF THIS SUBSECTION (1). IF A  
30 NONNUMERICAL ASSESSMENT METHOD IS USED, APPLICANTS ENTITLED TO PREFERENCE  
31 UNDER THIS SECTION SHALL BE GIVEN AN INTERVIEW.

32 (b) Five PERCENTAGE points shall be added to the ~~passing grade~~ SCORE of each  
33 ~~candidate~~ APPLICANT on each such ~~examination~~ ASSESSMENT OF QUALIFICATIONS, except  
34 any promotional ~~examination~~ ASSESSMENT, who is SERVING OR WAS separated under  
35 honorable conditions and who ~~other than for training purposes~~, (i) served in any branch  
36 of the armed forces of the United States during any period of any declared war or any  
37 undeclared war or other armed hostilities against an armed foreign enemy, or (ii) served

1 on active duty in any such branch in any campaign or expedition for which a campaign  
2 badge is authorized.

3 (c) Ten PERCENTAGE points shall be added to the ~~passing-grade~~ SCORE of any  
4 ~~candidate of~~ APPLICANT ON each such ~~examination~~ ASSESSMENT OF QUALIFICATIONS,  
5 except any promotional ~~examination~~ ASSESSMENT, who has so served ~~other than for~~  
6 ~~training purposes~~; and who, because of disability incurred in the line of duty, is receiving  
7 monetary compensation or disability retired benefits by reason of public laws  
8 administered by the department of defense or the veterans administration, or any  
9 successor thereto.

10 (d) Five PERCENTAGE points shall be added to the ~~passing-grade~~ SCORE of any  
11 ~~candidate of~~ APPLICANT ON each such ~~examination~~ ASSESSMENT OF QUALIFICATIONS,  
12 except any promotional ~~examination~~ ASSESSMENT, who is the surviving spouse of any  
13 person who was or would have been entitled to ~~additional points~~ A PREFERENCE under  
14 paragraph (b) or (c) of this subsection (1) or of any person who died during such service  
15 or as a result of service-connected cause while on active duty in any such branch. ~~other~~  
16 ~~than for training purposes~~.

17 (e) No more than a total of ten PERCENTAGE points shall be added to the ~~passing~~  
18 ~~grade~~ SCORE of any such ~~candidate~~ APPLICANT pursuant to this subsection (1).

19 (2) The certificate of the department of defense, OF A STATE NATIONAL GUARD,  
20 or of the veterans administration, or any successor thereto, shall be conclusive proof of  
21 service under honorable conditions or of disability or death incurred in the line of duty  
22 during such service.

23 (3) (a) When a reduction in the work force of the state or any such political  
24 subdivision thereof becomes necessary because of lack of work or curtailment of funds,  
25 employees not eligible for ~~added points~~ PREFERENCE under subsection (1) of this section  
26 shall be separated before those so entitled who have the same or more service in the  
27 employment of the state or such political subdivision, counting both military service for  
28 which such ~~points are added~~ PREFERENCE IS GIVEN and such employment with the state  
29 or such political subdivision, as the case may be, from which the employee is to be  
30 separated.

31 (b) In the case of such a person eligible for ~~added points~~ PREFERENCE who has  
32 completed twenty or more years of active military service, no military service shall be  
33 counted in determining length of service in respect to such retention rights. In the case  
34 of such a person who has completed less than twenty years of such military service, no  
35 more than ten years of service under subsection (1) (b) (i) and (ii) shall be counted in  
36 determining such length of service for such retention rights.

1 (4) The state personnel ~~board~~ DIRECTOR and each comparable supervisory or  
2 administrative ~~board~~ PERSON OR ENTITY of any ~~such~~ civil service or merit system of any  
3 agency of the state or any such political subdivision thereof, shall implement the  
4 provisions of this section to assure that all persons entitled to ~~added points and~~  
5 preference ~~in examinations and retention~~ shall enjoy their full privileges and rights  
6 granted by this section.

7 (5) ~~Any examination which is a promotional examination, but which ANY~~  
8 ~~PROMOTIONALASSESSMENT~~ THAT is also open to persons other than employees for whom  
9 such appointment would be a promotion shall be considered a promotional ~~examination~~  
10 ~~ASSESSMENT~~ for the purposes of this section.

11 (6) ~~Any other provision of this section to the contrary~~ Notwithstanding ANY  
12 OTHER PROVISION OF THIS SECTION, no person shall be entitled to ~~the addition of points~~  
13 ~~under this section~~ PREFERENCE for more than one appointment or employment with the  
14 same jurisdiction, personnel system, civil service, or merit system.

15 (7) This section ~~shall be in full force and effect on and after July 1, 1971, and~~  
16 shall grant veterans' preference to all persons who have served in the armed forces of the  
17 United States in any declared or undeclared war, conflict, engagement, expedition, or  
18 campaign for which a campaign badge has been authorized, and who meet the  
19 requirements of service or disability, or both, as provided in this section. This section  
20 shall apply to all public employment ~~examinations~~ ASSESSMENTS, except promotional  
21 ~~examinations~~ ASSESSMENTS, conducted on or after ~~such date~~ JULY 1, 2005, and it shall  
22 be in all respects self-executing.

23 Section 22 of article IV of the constitution of the state of Colorado is amended  
24 to read:

25 **Section 22. Principal departments.** All executive and administrative offices,  
26 agencies, and instrumentalities of the executive department of state government and their  
27 respective functions, powers, and duties, except for the office of governor and  
28 lieutenant-governor, shall be allocated by law among and within not more than twenty  
29 departments. ~~by no later than June 30, 1968. Subsequently, all new powers or functions~~  
30 ~~shall be assigned to departments, divisions, sections, or units in such manner as will tend~~  
31 ~~to provide an orderly arrangement in the administrative organization of state government.~~  
32 Temporary commissions may be established by law and need not be allocated within a  
33 principal department. Nothing in this section shall supersede the provisions of section  
34 13, article XII, of this constitution. ~~except that the classified civil service of the state shall~~  
35 ~~not extend to heads of principal departments established pursuant to this section.~~

1           **SECTION 2.** Each elector voting at said election and desirous of voting for or  
2 against said amendment shall cast a vote as provided by law either "Yes" or "No" on the  
3 proposition: "AMENDMENTS TO SECTIONS 13, 14, AND 15 OF ARTICLE XII AND SECTION  
4 22 OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING  
5 REFORM OF THE STATE CIVIL SERVICE SYSTEM, AND, IN CONNECTION THEREWITH,  
6 MODIFYING THE MERIT PRINCIPLE, EXEMPTING CERTAIN POSITIONS FROM THE SYSTEM,  
7 MODIFYING THE NUMBER OF ELIGIBLE APPLICANTS FROM WHICH AN APPOINTMENT IS TO  
8 BE MADE, MODIFYING THE RESIDENCY REQUIREMENT, EXPANDING THE DURATION OF  
9 TEMPORARY EMPLOYMENT, SPECIFYING THE RULE-MAKING AUTHORITY OF THE STATE  
10 PERSONNEL BOARD AND THE STATE PERSONNEL DIRECTOR, ALLOWING THE GENERAL  
11 ASSEMBLY TO REALLOCATE THE RULE-MAKING AUTHORITY OF THE STATE PERSONNEL  
12 BOARD AND THE STATE PERSONNEL DIRECTOR, AUTHORIZING A MODIFICATION TO THE  
13 VETERANS' PREFERENCE, AND MAKING CONFORMING AMENDMENTS."

14           **SECTION 3.** The votes cast for the adoption or rejection of said amendment  
15 shall be canvassed and the result determined in the manner provided by law for the  
16 canvassing of votes for representatives in Congress, and if a majority of the electors  
17 voting on the question shall have voted "Yes", the said amendment shall become a part  
18 of the state constitution.