

TITLE

AN AMENDMENT TO SECTIONS 13, 14, AND 15 OF ARTICLE XII, SECTION 22 OF ARTICLE IV, AND SECTION 49 (3) OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING REFORM OF THE STATE CIVIL SERVICE SYSTEM, AND, IN CONNECTION THEREWITH, MODIFYING THE MERIT PRINCIPLE, EXEMPTING CERTAIN POSITIONS FROM THE SYSTEM, MODIFYING THE NUMBER OF ELIGIBLE APPLICANTS FROM WHICH AN APPOINTMENT IS TO BE MADE, MODIFYING THE RESIDENCY REQUIREMENT, AUTHORIZING GOVERNMENT CONTRACTING NOTWITHSTANDING CIVIL SERVICE SYSTEM CONSTRAINTS, EXPANDING THE DURATION OF TEMPORARY EMPLOYMENT, SPECIFYING THE RULE-MAKING AUTHORITY OF THE STATE PERSONNEL BOARD AND THE STATE PERSONNEL DIRECTOR, AUTHORIZING A MODIFICATION TO THE VETERANS' PREFERENCE CALCULATION, REPEALING THE REQUIREMENT THAT THE STATE AUDITOR'S STAFF BE INCLUDED IN THE STATE PERSONNEL SYSTEM, AND MAKING CONFORMING AMENDMENTS.

Declaration:

The purpose of the state personnel system is to assure that a well-qualified workforce is serving the people of Colorado, and to further that purpose, the system must strike an appropriate balance between preserving the core principles of a merit-based system and providing the flexibility demanded by modern circumstances; and it is the intent of the people to ensure that the protections of the state personnel system are consistent with the nondiscrimination provision of section 29 of article II of the state constitution.

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

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

Section 13. Personnel system of state - merit system. (1) Appointments and promotions to offices and employments in the state personnel system shall be made according to merit, to be ascertained by comparative assessments of qualifications as provided by law, without regard to race, creed, color, sex, or political affiliation.

(2) The personnel system of the state shall comprise all appointive public officers and employees of the state, except the following: heads of principal departments; members of any board or commission; employees in the offices of the governor and the lieutenant governor and not more than five employees in the offices of the heads of principal departments; appointees to fill vacancies in elective offices; officers otherwise specified in this constitution; other officers of principal departments, as provided by law; officers and faculty members of educational institutions and departments not reformatory or charitable in character, and such administrators thereof as may be exempt by law; students and inmates employed by state educational or other institutions; attorneys at law appointed by the attorney general; and members, officers, and employees of the legislative and judicial departments of the state, unless otherwise specifically provided in this constitution.

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

(4) Notwithstanding any other provision of this section, the state may use private contractors to provide state services, as provided by law.

(5) The person appointed to any position under the personnel system shall be one of a limited number of qualified applicants not to exceed ten, as provided by law.

(6) All appointees shall reside in the state, except as otherwise provided by law.

(7)

(8) (a) Certified employees in the state personnel system shall hold their positions until separation for retirement, resignation, reduction in force, or cause, as provided by law. All certified employees having similar duties shall receive similar salaries, as provided by law. A certified employee may be disciplined as provided by law.

(b) Any action disciplining a certified employee shall be subject to appeal to the state personnel board, with the right to be heard thereby in person or by counsel, or both.

(9) Temporary employment shall not to exceed nine months in any twelve-month period, as provided by law. No other temporary employment shall be permitted under the state personnel system.

(10) Probationary periods for all persons initially appointed but shall not to exceed twelve months. After satisfactory completion of any probationary period, the person shall be certified to the applicable classification within the state personnel system, but unsatisfactory performance during any probationary period shall be grounds for dismissal without right of appeal.

(11) Employees in the state personnel system prior to, on, or after July 1, 2005, shall be subject to the provisions of this section on or after such date.

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

Section 14. State personnel board - state personnel director. (1) There is hereby created a state personnel board to consist of five members, three of whom shall be appointed by the governor with the consent of the senate, and two of whom shall be elected by persons certified in the state personnel system in the manner prescribed by law. Each member shall be appointed or elected for a term of five years and shall not be subject to any limitation on the number of terms of office allowed. Each member of the board shall be a qualified elector of the state, but shall not be otherwise an officer or employee of the state or of any state employee organization, and shall receive such compensation as shall be fixed by law.

(2) Any member of the board may be removed by the governor for willful misconduct in office, failure or inability to perform his or her duties, or final conviction of a felony or of any other offense, as provided by law, which removal shall be subject to judicial review. Any vacancy shall be filled in the same manner as the selection of the person vacating the office, and for the unexpired term.

(3) The state personnel board shall adopt rules to implement the laws enacted pursuant to this section and sections 13 and 15 of this article to the board, and the conduct of hearings.

(4) The state personnel director, who shall be appointed under qualifications established by law, shall adopt rules to implement rules to implement the laws enacted pursuant to this section and sections 13 and 15 of this article, including but not limited to rules concerning the administration of the state personnel system, appointments and promotions, standardization of positions, compensation, standards of performance, grievance procedures, discipline, and separations.

(5) Adequate appropriations shall be made to carry out the purposes of this section and section 13 of this article.

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

Section 15. Veterans' preference. (1) (a) (I) The minimum requirements for each assessment of qualifications shall be the same for each applicant for appointment or employment in the state personnel system or in any comparable civil service, personnel, or merit system of any agency or political subdivision of the state,

including any municipality chartered or to be chartered under article XX of this constitution.

(II) A numerical or nonnumerical method may be used for assessing the qualifications of applicants for appointment or employment in the state personnel system if a numerical assessment method is used, applicants entitled to preference under this section shall be given preference in accordance with paragraphs (b) to (e) of this subsection (1). If a nonnumerical assessment method is used, applicants entitled to preference under this section shall be given an interview.

(b) Five percentage points shall be added to the score of each applicant on each such assessment of qualifications, except any promotional assessment, who is separated under honorable conditions and who, other than for training purposes, (i) served in any branch of the armed forces of the United States during any period of any declared war or any undeclared war or other armed hostilities against an armed foreign enemy, or (ii) served on active duty in any such branch in any campaign or expedition for which a campaign badge is authorized.

(c) Ten percentage points shall be added to the score of any applicant on each such assessment of qualifications, except any promotional assessment, who has so served, other than for training purposes, and who, because of disability incurred in the line of duty, is receiving monetary compensation or disability retired benefits by reason of public laws administered by the department of defense or the veterans administration, or any successor thereto.

(d) Five percentage points shall be added to the score of any applicant on each such assessment of qualifications, except any promotional assessment, who is the

surviving spouse of any person who was or would have been entitled to a preference under paragraph (b) or (c) of this subsection (1) or of any person who died during such service or as a result of service-connected cause while on active duty in any such branch, other than for training purposes.

(e) No more than a total of ten percentage points shall be added to the score of any such applicant pursuant to this subsection (1).

(2) The certificate of the department of defense or of the veterans administration, or any successor thereto, shall be conclusive proof of service under honorable conditions or of disability or death incurred in the line of duty during such service.

(3) (a) When a reduction in the work force of the state or any such political subdivision thereof becomes necessary because of lack of work or curtailment of funds, employees not eligible for preference under subsection (1) of this section shall be separated before those so entitled who have the same or more service in the employment of the state or such political subdivision, counting both military service for which such preference is given and such employment with the state or such political subdivision, as the case may be, from which the employee is to be separated.

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

(4) The state personnel director and each comparable supervisory or administrative person or entity of any civil service or merit system of any agency of the state or any such political subdivision thereof, shall implement the provisions of this section to assure that all persons entitled to preference shall enjoy their full privileges and rights granted by this section.

(5) Any promotional assessment that is also open to persons other than employees for whom such appointment would be a promotion, shall be considered a promotional assessment for the purposes of this section.

(6) Notwithstanding any other provision of this section, no person shall be entitled to preference for more than one appointment or employment with the same jurisdiction, personnel system, civil service, or merit system.

(7) This section shall grant veterans' preference to all persons who have served in the armed forces of the United States in any declared or undeclared war, conflict, engagement, expedition, or campaign for which a campaign badge has been authorized, and who meet the requirements of service or disability, or both, as provided in this section. This section shall apply to all public employment assessments, except promotional assessments, conducted on or after July 1, 2005, and it shall be in all respects self-executing.

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

Section 22. Principal departments. All executive and administrative offices, agencies, and instrumentalities of the executive department of state government and their respective functions, powers, and duties, except for the office of governor and lieutenant-governor, shall be allocated by law among and within not more than twenty departments. Temporary commissions may be established by law and need not be allocated within a principal department. Nothing in this section shall supersede the provisions of section 13, article XII, of this constitution.

Section 49 (3) of article V of the constitution of the state of Colorado is repealed as follows:

Section 49. Appointment of state auditor - term - qualifications - duties. (3).

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "AN AMENDMENT TO SECTIONS 13, 14, AND 15 OF ARTICLE XII, SECTION 22 OF ARTICLE IV, AND SECTION 49 (3) OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING REFORM OF THE STATE CIVIL SERVICE SYSTEM, AND, IN CONNECTION THEREWITH, MODIFYING THE MERIT PRINCIPLE, EXEMPTING CERTAIN POSITIONS FROM THE SYSTEM, MODIFYING THE NUMBER OF ELIGIBLE APPLICANTS FROM WHICH AN APPOINTMENT IS TO BE MADE, MODIFYING THE RESIDENCY REQUIREMENT, EXPANDING THE DURATION OF TEMPORARY EMPLOYMENT, SPECIFYING THE RULE-MAKING AUTHORITY OF THE STATE PERSONNEL BOARD AND THE STATE PERSONNEL DIRECTOR, AUTHORIZING A MODIFICATION TO THE VETERANS' PREFERENCE

CALCULATION, REPEALING THE REQUIREMENT THAT THE STATE AUDITOR'S STAFF BE INCLUDED IN THE STATE PERSONNEL SYSTEM, AND MAKING CONFORMING AMENDMENTS."

SHALL THERE BE AN AMENDMENT TO SECTIONS 13, 14, AND 15 OF ARTICLE XII, SECTION 22 OF ARTICLE IV, AND SECTION 49 (3) OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING REFORM OF THE STATE CIVIL SERVICE SYSTEM, AND, IN CONNECTION THEREWITH, MODIFYING THE MERIT PRINCIPLE, EXEMPTING CERTAIN POSITIONS FROM THE SYSTEM, MODIFYING THE NUMBER OF ELIGIBLE APPLICANTS FROM WHICH AN APPOINTMENT IS TO BE MADE, MODIFYING THE RESIDENCY REQUIREMENT, AUTHORIZING GOVERNMENT CONTRACTING NOTWITHSTANDING CIVIL SERVICE SYSTEM CONSTRAINTS, EXPANDING THE DURATION OF TEMPORARY EMPLOYMENT, SPECIFYING THE RULE-MAKING AUTHORITY OF THE STATE PERSONNEL BOARD AND THE STATE PERSONNEL DIRECTOR, AUTHORIZING A MODIFICATION TO THE VETERANS' PREFERENCE CALCULATION, REPEALING THE REQUIREMENT THAT THE STATE AUDITOR'S STAFF BE INCLUDED IN THE STATE PERSONNEL SYSTEM, AND MAKING CONFORMING AMENDMENTS?"

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

