

**Legislation Resulting From the Department of Personnel & Administration and  
State Personnel Board Performance Audit  
Concerning the Extension of the Deadline for the Review of Grievance Petitions  
Filed With the State Personnel Board  
Recommendation No. 4, Page 32  
House Bill 10-1003**

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**What Would This Bill Do?**

This Bill would amend Section 24-50-123(3), C.R.S., to extend the deadline from 90 days to 120 days from the receipt of a petition for hearing in grievance cases for the State Personnel Board to review and grant or deny the petition.

**Why Is This Bill Necessary?**

The May 2009 performance audit of the State Personnel Board (Board) found that the Board did not provide state agencies sufficient opportunity to review employees' claims in grievance cases before requiring the agencies to prepare and submit their response to those claims. At the time of the audit, the Board required both the employee and the state agency to submit separate "information sheets" within 25 days of the Board's receipt of a petition for hearing from the employee. Preparation of the information sheets occurred concurrently. The information sheet from the employee provided detailed information on the exact nature of the employee's claims against the agency and the facts supporting those claims. The agency's information sheet provided the agency's response to the employee's claims and the facts supporting the response. The Board's administrative law judge reviewed both parties' information sheets and made a preliminary recommendation to the Board as to whether a hearing should be granted. The Board reviewed the administrative law judge's recommendation and decided whether to grant or deny a hearing. According to statute [Section 24-50-123(3), C.R.S.], the Board has 90 days from the date it receives a petition for hearing to decide, using statutory criteria, whether or not to grant a hearing. The Board implemented the 25-day requirement for information sheets to help it meet the 90-day statutory deadline.

The audit found that the Board's process for submitting information sheets has had negative impacts on state agencies. For example, because an agency did not have the opportunity to review an employee's information sheet to ascertain the exact nature of the employee's claims, the agency often spent time and state resources preparing its own information sheet that was more extensive than necessary to ensure the State addressed all possible allegations that the employee may have raised. In addition, when employees abandoned their cases before the 25-day deadline but did not notify the Board, state agencies spent state resources preparing information sheets only for the case to be dismissed. According to Attorney General's Office staff who represent state agencies in employment disputes, it costs, on average, about \$750 to prepare an agency's information sheet. The audit recommended that the Board evaluate alternatives to its process for submitting information sheets in grievance cases to ensure state agencies have sufficient opportunity to review and respond to employee claims, while recognizing the time limits imposed on the Board for deciding whether to grant a hearing, and pursuing statutory change as necessary.

In response to the audit recommendation, the Board promulgated a new rule in August 2009 which allows state agencies five days to respond to the information sheets filed by employees. However,

according to the Board, extending the 90-day statutory deadline to 120 days, as proposed in this Bill, would provide the Board with sufficient time to allow state agencies ten days, rather than five, to respond to employee information sheets and to allow employees to submit a reply to the agencies' response.

**Comments:** The State Personnel Board supports this Bill.