

## Amendment S State Personnel System

1     **Amendment S proposes amending the Colorado Constitution to:**

- 2             ◆ increase the number and types of state employees who may be exempt  
3             from the state civil service system, also known as the state personnel  
4             system;
- 5             ◆ change testing and hiring procedures for filling vacancies in the state  
6             personnel system;
- 7             ◆ expand hiring preferences for veterans; and
- 8             ◆ adjust the terms of service and duties for members of the State  
9             Personnel Board, and the standard to remove certain members.

10    **Summary and Analysis**

11             Amendment S makes changes to the state personnel system, impacting  
12             approximately 32,500 individuals in full- and part-time permanent positions in state  
13             government. The measure applies only to classified employees in the state personnel  
14             system and does not affect nonclassified employees (about 41,000 individuals), most  
15             of whom work in the legislative and judicial branches and at institutions of higher  
16             education. All employees are covered under applicable state and federal employment  
17             laws, such as those protecting against discrimination.

18             ***State personnel system.*** In 1918, Colorado voters amended the state  
19             constitution to create the state civil service system. In 1970, the system was updated  
20             and renamed the state personnel system. It currently requires that:

- 21             • employees be hired and promoted according to merit and fitness;  
22             • job candidates be scored and ranked using a competitive exam;  
23             • hiring decisions be made from among job candidates with the  
24             three highest scores on competitive exams;  
25             • eligible veterans be able to receive a hiring preference for only  
26             one position;  
27             • positions be filled by Colorado residents unless certain conditions are  
28             met; and  
29             • employees provide 12 months of satisfactory service before becoming  
30             certified as classified.

31             Other portions of the system are governed by state law or rule, including  
32             processes to evaluate candidates and job performance, respond to grievances, and  
33             terminate employment. The system is administered by the state personnel director

1 (head of the Department of Personnel and Administration), with oversight from the  
2 independent State Personnel Board.

3 **Exemption from the state personnel system.** Exempted positions are  
4 specifically listed in the state constitution and include most employees of the state  
5 courts, the legislature, and the state's institutions of higher education, as well as  
6 department heads and members of certain boards and commissions. Political  
7 appointees serving the administration of the Governor and Lieutenant Governor are  
8 also exempt. Similar to the private sector, exempted employees and their state  
9 agency employers may each end the employment relationship at any time. In these  
10 positions, there are no universal standards for evaluating candidates, assessing job  
11 performance, or responding to grievances.

12 Amendment S allows the state personnel director to exempt certain additional  
13 management and support positions, up to 1 percent of the total number of employees  
14 in the state personnel system. Based on the current figure of about 32,500 classified  
15 employees, the measure allows an estimated 325 new positions to be exempted.  
16 Currently, most departments have only one exempt position, the department head. If  
17 voters approve Amendment S, additional exemptions may include deputy department  
18 heads, chief financial officers, public information officers, legislative liaisons, human  
19 resource directors, executive assistants to department heads, and members of the  
20 senior executive service (SES). The SES is a performance pay plan authorized by  
21 state statute to compensate up to 125 positions with a high level of management  
22 responsibility. SES positions are currently allocated according to department size, and  
23 new exemptions may be similarly distributed.

24 **Evaluating and hiring job candidates.** Currently, candidates must be ranked  
25 based on the results of a competitive exam using criteria set by each department and  
26 following rules issued by the State Personnel Board. In practice, each candidate is  
27 awarded up to 100 points based on the results of his or her exam, with additional  
28 points awarded if he or she qualifies for a veterans' preference. The measure allows  
29 for the use of other objective methods to evaluate, compare, and rank job candidates.  
30 These other methods may include written exams, oral boards, search committees, or  
31 the use of non-numerical criteria, as long as they meet professionally accepted  
32 standards.

33 Current law requires hiring managers to choose among the three candidates with  
34 the highest scores. Amendment S allows the top six candidates to be considered,  
35 regardless of the evaluation and ranking method used. Under the measure, the state  
36 personnel director, rather than the State Personnel Board, will be required to issue  
37 rules for the evaluation and ranking of candidates through the public rule-making  
38 process.

39 **Hiring preferences for veterans.** Under the current evaluation process, an  
40 eligible veteran or his or her surviving spouse receives five additional points on his or  
41 her competitive exam score. A disabled veteran receives ten additional points. Once  
42 an individual has been hired by the state using a veterans' preference, he or she may  
43 not apply the preference again to another position. Amendment S allows a veteran to

1 continue to use preference points when applying for most other positions in the  
2 system.

3 **Hiring temporary employees.** Colorado's constitution allows for temporary  
4 employment of persons for up to 6 months to address a short-term or urgent hiring  
5 need. State rules clarify that a temporary appointment may not exceed 6 months  
6 within a 12-month period. The measure extends the time limit for temporary  
7 employment to 9 months, and state rules may be adjusted accordingly.

8 **Residency.** Colorado's constitution requires that positions within the personnel  
9 system be filled by residents of Colorado unless the State Personnel Board finds the  
10 position requires special education or special qualifications and the position cannot be  
11 readily filled by a Colorado resident. Amendment S gives the state personnel director  
12 the authority to waive residency requirements as well. It also eliminates the residency  
13 requirement for positions located within 30 miles of the state border.

14 **State personnel system oversight.** The five-member State Personnel Board,  
15 which includes three members appointed by the Governor and two members elected  
16 by classified employees, sets policy for the system. None of the members may be a  
17 state employee. Currently, board members may serve an unlimited number of  
18 five-year terms and may only be removed for cause. The board is responsible for  
19 setting rules for conducting competitive exams used to evaluate candidates for  
20 positions in the system, approving exemptions from residency requirements, and  
21 hearing appeals to certain decisions made by the state personnel director.

22 If approved, Amendment S:

- 23 • reduces board terms from five years to three years for members  
24 appointed or elected after January 1, 2013;
- 25 • limits board members from serving more than two terms;
- 26 • allows two appointees to serve or be removed at the Governor's  
27 pleasure;
- 28 • removes the authority of the board to set rules for the process and  
29 criteria used to evaluate and hire candidates for positions in the system;  
30 and
- 31 • allows the state personnel director to set the rules for evaluating and  
32 hiring candidates and to approve residency exemptions.

*For information on those issue committees that support or oppose the  
measures on the ballot at the November 6, 2012, election, go to the  
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## 1     **Arguments For**

2           1) State employees provide a wide variety of services to meet the needs of  
3 citizens, and the public deserves the most qualified employees to do the job. The  
4 current hiring process limits the pool of eligible candidates and may favor the best  
5 test-takers over applicants with practical experience. The measure expands the pool  
6 of eligible candidates and allows state agencies to consider other objective methods  
7 for evaluating job applicants. An improved applicant evaluation process increases the  
8 ability of state to hire the best candidate for each position.

9           2) The measure updates the state personnel system to better align the state with  
10 current business practices and make it more efficient and accountable to Colorado  
11 taxpayers. It gives the Governor the ability to hire key staff, allowing for a quicker  
12 implementation of the policy agenda he or she is elected to enact. Under the  
13 measure, the state is better equipped to complete special projects and respond to  
14 seasonal demands with temporary employees who are allowed to work nine months  
15 rather than six. It also allows for the hiring of nonresidents in positions located close  
16 to the state border, helping state agencies to identify the best candidates for  
17 difficult-to-fill positions in a timely manner and from a wider applicant pool.  
18 Additionally, the measure recognizes the sacrifice of veterans, allowing them to use a  
19 hiring preference whenever they apply for a state position, rather than only once.

## 20    **Arguments Against**

21           1) The measure gives the Governor and political appointees, including the state  
22 personnel director, too much power over the state's personnel system. The  
23 Governor's administration will be able to exempt about 325 additional positions from  
24 the system, and members of the constitutionally independent State Personnel Board  
25 could be removed without cause. Also, the state personnel director, appointed by the  
26 Governor, will now have policymaking authority over areas of the system that the  
27 board has traditionally overseen, including job candidate evaluation and exemption  
28 from residency requirements. This overlap in authority could lead to potential conflicts  
29 between the director and the board and create confusion for candidates and  
30 employees.

31           2) The state personnel system exists, in part, to protect state employees from  
32 undue political influence, and this measure removes some of those protections,  
33 making the system more vulnerable to favoritism and abuse. Evaluating qualifications,  
34 rather than using numerical exam scores, makes it more difficult for state agencies to  
35 objectively compare candidates. The new system could make it easier to hire persons  
36 based on political or personal connections rather than merit and result in more  
37 appeals of hiring decisions. In addition, the new exemptions could displace  
38 experienced existing state employees with political appointees. This may result in the  
39 loss of institutional knowledge and subject traditionally neutral positions, such as chief  
40 financial officers and human resource directors, to political pressure.

## 1 **Estimate of Fiscal Impact**

2       Allowing certain state jobs to be filled by nonresidents could affect state and local  
3 government revenue, mainly sales taxes and vehicle fees. Positions filled by a  
4 nonresident that would have otherwise been filled by a Colorado resident will reduce  
5 revenue, and positions that would have otherwise gone unfilled will increase revenue.  
6 Changing the rules for hiring state employees could also affect expenditures, but the  
7 overall impact is not expected to be significant.

# Last Draft as Mailed to Interested Parties

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9       Personnel Board, and the standard to remove certain members.

### 10 **Summary and Analysis**

11       The State of Colorado employs about 74,150 individuals in full- and part-time  
12       positions within the executive, legislative, and judicial branches of government. These  
13       positions are generally categorized as classified (about 33,000 current employees) or  
14       nonclassified (about 41,150 current employees). All employees are covered under  
15       applicable state and federal employment laws, such as those protecting against  
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7 overall impact is not expected to be significant.

# Last Draft Comments from Interested Parties

## Amendment S State Personnel System

### Stephanie Donner, representing the Office of the Governor:

My suggested changes to p. 4, lines 7-16:

The measure updates the state personnel system and makes it more efficient and accountable to Colorado taxpayers. The measure recognizes the sacrifice of veterans, allowing them to use a hiring preference whenever they apply for a state position, rather than only once. It gives the Governor the ability to hire key staff, allowing for a quicker implementation of the policy agenda he or she is elected to enact. Under the measure, the state is better equipped to complete special projects and respond to seasonal demands with temporary employees who are allowed to work nine months rather than six. Additionally, it also allows for the hiring of nonresidents in positions located close to the state border, helping state agencies to identify the best candidates for difficult-to-fill positions in a timely manner and from a wider applicant pool.

### MaryKathryn Hurd, representing the Department of Personnel and Administration:

Below are four issues of concern we've identified with Amendment S -Draft three that we would like Legislative Council to consider in their final drafting of the blue book language.

1. Page 1 line 11- the # of total state employees listed is 74,150. From DPA's research (chart below) we have that number as closer to 100,000 total, with 69k+ from Higher Ed. When leg council checked this number with Higher Ed, Higher Ed stated that over 50% of that 69k are temporary employees, therefore leg council decided they would not include those numbers in this write up. Because this legislation affects temporary employees the number of total state employees should reflect temporary employees and the language on page 1 line 11 should read:

a. "The State of Colorado employs about 100,000 full time, part time and temporary employees within the executive, legislative and judicial branches of government."

	March 2012	Employee Count
<b>General Government</b>	Classified	23,771
	Non-Classified	5,619
	Temporary	1,397
	Total	30,787
<b>Higher Education</b>	Classified	8,780
	Non-Classified	61,146*
	Temporary	na
	Total	69,926

# Last Draft Comments from Interested Parties

## **MaryKathryn Hurd, representing the Department of Personnel and Administration: (Cont.)**

2. Nowhere in the write up is it addressed that this is a much needed modernization of a system that hasn't been significantly updated since 1920.
  
3. Request to change ordering of language on page 2 to move "Hiring preferences for veterans" as the first point on that page, with "Evaluating and hiring job candidates" as second and "Exemption from the state personnel system" as third. We would like to see the sections of the personnel system listed in the order of the number of people they are likely to impact. If not willing to put veterans first, then we would ask for "Evaluating and hiring job candidates" to be listed as first, veterans second, exemptions last.
  
4. Page 1 line 11; include in the first sentence of this paragraph that this measure only applies to 30k employees. It is an important point for the reader to understand that it does not impact all state employees and we feel this is lost in the current wording of the paragraph and not explicitly said until the last sentence in line 16. We would suggest that the following language be added as the first sentence on page 1, line 11:
  - a. "The proposed amendment impacts approximately 33,000 individuals in full and part-time positions within the State of Colorado's classified personnel system, who work in the executive, legislative and legal branches of state government."

The remainder of the paragraph on page 1, lines 13-16 can remain the same. If the above language is not considered, we would strongly suggest a clarification of some sort to allow the reader to understand from the beginning of the paragraph that this will only affect ~33,000 classified state employees.

Please let me know if you have any questions or concerns regarding our comments above. We appreciate your consideration of these changes.

AMENDMENT S  
STATE PERSONNEL SYSTEM  
CONTACT LIST

Abbey Clymer  
Department of Personnel and Administration  
633 17th St., Suite 1600  
Denver, CO 80202  
abbey.clymer@state.co.us

Representative Cheri Gerou  
P.O. Box 940  
Evergreen, CO 80437  
cheri.gerou@gmail.com

Deborah Layton-Root  
Department of Personnel and Administration  
1313 Sherman St.  
Denver, CO 80203  
deborah.layton-root@state.co.us

Ed DeCecco  
Office of Legislative Legal Services  
Room 091 State Capitol  
Denver, CO 80203  
ed.dececco@state.co.us

Ellen Golombek  
Colorado Department of Labor & Employment  
633 17th St., Suite 1200  
Denver, CO 80202  
egolombek@state.co.us

George Merritt  
Onsight Public Affairs  
george@onsightpa.com

Representative Glenn Vaad  
P.O. Box 411  
Mead, CO 80542  
glenn.vaad.house@state.co.us

Jennifer Clayman  
Department of Personnel and  
Administration  
1313 Sherman St., First Floor  
Denver, CO 80203  
jennifer.clayman@state.co.us

Representative J. Paul Brown  
200 East Colfax Ave., Room 271  
Denver, CO 80203  
brownjpaul@yahoo.com

Kathy Nesbitt  
Department of Personnel and  
Administration  
633 17th St., Suite 1600  
Denver, CO 80202  
kathy.nesbitt@state.co.us

AMENDMENT S  
STATE PERSONNEL SYSTEM  
CONTACT LIST

Senator Keith King  
4715 Bywood Court  
Colorado Springs, CO 80906  
keith@keithking.org

Ken Katt  
2703 W. Long Drive, Unit C  
Littleton, CO 80120  
kennethkatt@aol.com

Senator Kevin Grantham  
318 W. Circle Drive  
Canon City, CO 81212  
senatorgrantham@gmail.com

Kristin Rozansky  
State Personnel Board  
633 17th St., Suite 1320  
Denver, CO 80202  
kristin.rozansky@state.co.us

Major General H. Michael Edwards  
Department of Military And Veterans Affairs  
6848 S. Revere Parkway, Suite 260  
Englewood, CO 80112  
howard.edwards@ang.af.mil

Representative Mark Ferrandino  
200 E. Colfax, Room 071  
Denver, CO 80203  
mferrandino@yahoo.com

MaryKathryn Hurd  
Department of Personnel and Administration  
633 17th St., Suite 1600  
Denver, CO 80202  
mk.hurd@state.co.us

Senator Michael Johnston  
P.O. Box 40700  
Denver, CO 80204  
mike.johnston.senate@state.co.us

Paula Manzanares  
Department of Personnel and Administration  
633 17th St., Suite 1600  
Denver, CO 80202  
paula.manzanares@state.co.us

Randy Novotny  
Colorado State Patrol  
Troop 2B Colorado Springs  
randy.novotny@cdps.state.co.us

Sabrina D'Agosta  
Department of Personnel and Administration  
633 17th St., Suite 1600  
Denver, CO 80203

sabrina.dagosta@state.co.us

Sally Yerger  
State Personnel Board

AMENDMENT S  
STATE PERSONNEL SYSTEM  
CONTACT LIST

633 17th St., Suite 1320  
Denver, CO 80202  
sallyyerger@comcast.net

Scott Wasserman  
Colorado WINS  
2525 W. Alameda Ave.  
Denver, CO 80219  
scott.wasserman@cowins.org

Stephanie F. Donner  
Office of the Governor  
136 State Capitol Building  
Denver, CO 80202  
stephanie.donner@state.co.us

Tamy Calahan  
Department of Military And Veterans Affairs  
6848 S. Revere Parkway, Suite 260  
Englewood, CO 80112  
tamy.calahan@dmva.state.co.us

**Amendment S**  
**State Personnel System**

1 **Ballot Title:** Shall there be an amendment to the Colorado constitution  
2 concerning the state personnel system, and, in connection therewith, expanding  
3 the veterans' preference; increasing the number of candidates eligible to be  
4 appointed to a position; adjusting the duration of allowable temporary  
5 employment; allowing the flexibility to remove a limited number of positions  
6 from the system; modifying the residency requirement; adjusting the terms of  
7 service for members of the state personnel board; and requiring merit-based  
8 appointments to be made through a comparative analysis process?

9 **Text of Measure:**

10 *Be It Resolved by the House of Representatives of the Sixty-eighth General*  
11 *Assembly of the State of Colorado, the Senate concurring herein:*

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

16 In the constitution of the state of Colorado, section 13 of article XII,  
17 **amend** (1), (2), (5), (6), and (9) as follows:

18 **Section 13. State personnel system - merit system.** (1) Appointments  
19 and promotions to offices and employments in the STATE personnel system ~~of the~~  
20 ~~state~~ shall be made according to merit and fitness, to be ascertained by  
21 ~~competitive tests of competence~~ A COMPARATIVE ANALYSIS OF CANDIDATES  
22 BASED ON OBJECTIVE CRITERIA without regard to race, creed, ~~or~~ color, or political  
23 affiliation. A NUMERICAL OR NONNUMERICAL METHOD MAY BE USED FOR THE  
24 COMPARATIVE ANALYSIS OF CANDIDATES.

25 (2) (a) The STATE personnel system ~~of the state~~ shall comprise all  
26 appointive public officers and employees of the state, except the following:

27 (I) Members of the public utilities commission, the industrial commission  
28 of Colorado, the state board of land commissioners, the Colorado tax  
29 commission, the state parole board, and the state personnel board;

1 (II) Members of any board or commission serving without compensation  
2 except for per diem allowances provided by law and reimbursement of expenses;

3 (III) The employees in the offices of the governor and the lieutenant  
4 governor whose functions are confined to such offices and whose duties are  
5 concerned only with the administration thereof;

6 (IV) Appointees to fill vacancies in elective offices;

7 (V) One deputy of each elective officer other than the governor and  
8 lieutenant governor specified in section 1 of article IV of this constitution;

9 (VI) Officers otherwise specified in this constitution;

10 (VII) Faculty members of educational institutions and departments not  
11 reformatory or charitable in character, and such administrators thereof as may be  
12 exempt by law;

13 (VIII) Students and inmates in state educational or other institutions  
14 employed therein;

15 (IX) Attorneys at law serving as assistant attorneys general; ~~and~~

16 (X) Members, officers, and employees of the legislative and judicial  
17 departments of the state, unless otherwise specifically provided in this  
18 constitution;

19 (XI) SUBJECT TO THE APPROVAL OF THE STATE PERSONNEL DIRECTOR, THE  
20 FOLLOWING PERSONS FROM EACH PRINCIPAL DEPARTMENT: DEPUTY DEPARTMENT  
21 HEADS, CHIEF FINANCIAL OFFICERS, PUBLIC INFORMATION OFFICERS, LEGISLATIVE  
22 LIAISONS, HUMAN RESOURCE DIRECTORS, AND EXECUTIVE ASSISTANTS TO THE  
23 DEPARTMENT HEADS; AND

24 (XII) SUBJECT TO THE APPROVAL OF THE STATE PERSONNEL DIRECTOR,  
25 SENIOR EXECUTIVE SERVICE EMPLOYEES.

26 (b) THE TOTAL NUMBER OF EMPLOYEES EXEMPTED FROM THE STATE  
27 PERSONNEL SYSTEM PURSUANT TO SUBPARAGRAPHS (XI) AND (XII) OF  
28 PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL NOT EXCEED AN AMOUNT EQUAL  
29 TO ONE PERCENT OF THE TOTAL NUMBER OF PERSONS IN THE STATE PERSONNEL  
30 SYSTEM.

1 (5) The person to be appointed to any position under the STATE personnel  
2 system shall be one of the ~~three~~ SIX persons ranking highest on the eligible list for  
3 such position, or such lesser number as qualify, as determined from ~~competitive~~  
4 ~~tests of competence~~ THE COMPARATIVE ANALYSIS PROCESS, subject to limitations  
5 set forth in rules of the state personnel board applicable to multiple appointments  
6 from any such list.

7 (6) (a) EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (6),  
8 all appointees shall reside in the state, but applications need not be limited to  
9 residents of the state as to those positions ~~found by~~ the state personnel board ~~to~~  
10 ~~require special education or training or special professional or technical~~  
11 ~~qualifications and which~~ OR THE STATE PERSONNEL DIRECTOR DETERMINES cannot  
12 be readily filled from among residents of this state.

13 (b) IF A POSITION IS FOR WORK THAT IS TO BE PERFORMED PRIMARILY AT  
14 A LOCATION THAT IS WITHIN THIRTY MILES OF THE STATE BORDER:

15 (I) APPLICATIONS FOR THE POSITION ARE NOT LIMITED TO RESIDENTS OF  
16 THE STATE; AND

17 (II) AN APPOINTEE TO THE POSITION IS NOT REQUIRED TO BE A RESIDENT  
18 OF THE STATE.

19 (9) (a) The state personnel director may authorize the temporary  
20 employment of persons, not to exceed ~~six~~ NINE months, during which time an  
21 eligible list shall be provided for permanent positions. No other temporary or  
22 emergency employment shall be permitted under the STATE personnel system.

23 (b) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (9) SHALL BE  
24 CONSTRUED AS PERMITTING THE APPOINTMENT OF A TEMPORARY EMPLOYEE FOR  
25 THE PURPOSE OF ELIMINATING A PERMANENT POSITION FROM THE STATE  
26 PERSONNEL SYSTEM.

27 In the constitution of the state of Colorado, section 14 of article XII,  
28 **amend** (1), (2), and (3) as follows:

29 **Section 14. State personnel board - state personnel director.** (1) There  
30 is hereby created a state personnel board to consist of five members, three of  
31 whom shall be appointed by the governor with the consent of the senate, and two  
32 of whom shall be elected by persons certified to classes and positions in the state  
33 personnel system in the manner prescribed by law. Each member APPOINTED OR

1 ELECTED PRIOR TO JANUARY 1, 2013, shall ~~be appointed or elected~~ SERVE for a  
2 term of five years. ~~and may succeed himself, but of the members first selected,~~  
3 ~~the members appointed by the governor shall serve for terms of one, two, and~~  
4 ~~three years, respectively, and the members elected shall serve for terms of four~~  
5 ~~and five years, respectively.~~ EACH MEMBER APPOINTED OR ELECTED ON OR AFTER  
6 JANUARY 1, 2013, SHALL SERVE FOR A TERM OF THREE YEARS. NO MEMBER SHALL  
7 SERVE MORE THAN TWO TERMS OF OFFICE, REGARDLESS OF WHETHER A TERM IS A  
8 FULL TERM OR A PARTIAL TERM FILLING A VACANCY. Each member of the board  
9 shall be a qualified elector of the state, but shall not be otherwise an officer or  
10 employee of the state or of any state employee organization, and shall receive  
11 such compensation as shall be fixed by law.

12 (2) (a) ~~Any member of the board~~ TWO OF THE APPOINTED MEMBERS OF  
13 THE STATE PERSONNEL BOARD SERVE AT THE PLEASURE OF THE GOVERNOR. BOTH  
14 ELECTED MEMBERS OF THE BOARD AND THE APPOINTED MEMBER SPECIFIED IN  
15 PARAGRAPH (b) OF THIS SUBSECTION (2) may be removed by the governor for  
16 willful misconduct in office, willful failure or inability to perform his OR HER  
17 duties, final conviction of a felony or of any other offense involving moral  
18 turpitude, or by reason of permanent disability interfering with the performance  
19 of his OR HER duties, which removal shall be subject to judicial review. Any  
20 vacancy in office shall be filled in the same manner as the selection of the person  
21 vacating the office, and for the unexpired term.

22 (b) THE MEMBER OF THE BOARD WHO IS APPOINTED FOR A TERM  
23 COMMENCING ON JULY 1, 2013, AND THE SUCCESSORS TO THAT POSITION DO NOT  
24 SERVE AT THE PLEASURE OF THE GOVERNOR.

25 (3) The state personnel board shall adopt, and may from time to time  
26 amend or repeal, rules to implement the provisions of this section and sections 13  
27 and 15 of this article, as amended, and laws enacted pursuant thereto, including  
28 but not limited to rules concerning standardization of positions, determination of  
29 grades of positions, standards of efficient and competent service, ~~the conduct of~~  
30 ~~competitive examinations of competence~~, grievance procedures, appeals from  
31 actions by appointing authorities, and conduct of hearings by hearing officers  
32 where authorized by law.

33 In the constitution of the state of Colorado, section 15 of article XII,  
34 **amend** (1), (3), (4), (5), and (7); and **repeal** (6) as follows:

35 **Section 15. Veterans' preference.** (1) (a) (I) ~~The passing grade on each~~  
36 ~~competitive examination~~ THE MINIMUM REQUIREMENTS FOR A CANDIDATE TO BE

1 PLACED ON AN ELIGIBLE LIST FOR A POSITION shall be the same for each candidate  
2 for appointment or employment in the STATE personnel system ~~of the state~~ or in  
3 any comparable civil service or merit system of any agency or political  
4 subdivision of the state, including any municipality chartered or to be chartered  
5 under article XX of this constitution.

6 (II) IF A NUMERICAL METHOD IS USED FOR THE COMPARATIVE ANALYSIS  
7 BASED ON OBJECTIVE CRITERIA, APPLICANTS ENTITLED TO PREFERENCE UNDER  
8 THIS SECTION SHALL BE GIVEN PREFERENCE IN ACCORDANCE WITH PARAGRAPHS  
9 (b) TO (e) OF THIS SUBSECTION (1). IF A NONNUMERICAL METHOD IS USED,  
10 APPLICANTS ENTITLED TO PREFERENCE UNDER THIS SECTION SHALL BE ADDED TO  
11 THE INTERVIEW ELIGIBLE LIST.

12 (b) Five points shall be added to the ~~grade~~ COMPARATIVE ANALYSIS SCORE  
13 of each candidate ~~on each such examination, except any promotional~~  
14 ~~examination~~, who is separated under honorable conditions and who, other than  
15 for training purposes, (i) served in any branch of the armed forces of the United  
16 States during any period of any declared war or any undeclared war or other  
17 armed hostilities against an armed foreign enemy, or (ii) served on active duty in  
18 any such branch in any campaign or expedition for which a campaign badge is  
19 authorized.

20 (c) Ten points shall be added to the ~~passing grade~~ COMPARATIVE  
21 ANALYSIS SCORE of any candidate ~~of each such examination, except any~~  
22 ~~promotional examination~~, who has so served, other than for training purposes,  
23 and who, because of disability incurred in the line of duty, is receiving monetary  
24 compensation or disability retired benefits by reason of public laws administered  
25 by the department of defense or the veterans administration, or any successor  
26 thereto.

27 (d) Five points shall be added to the ~~passing grade~~ COMPARATIVE  
28 ANALYSIS SCORE of any candidate ~~of each such examination, except any~~  
29 ~~promotional examination~~, who is the surviving spouse of any person who was or  
30 would have been entitled to additional points under paragraph (b) or (c) of this  
31 subsection (1) or of any person who died during such service or as a result of  
32 service-connected cause while on active duty in any such branch, other than for  
33 training purposes.

34 (e) No more than a total of ten points shall be added to the ~~passing grade~~  
35 COMPARATIVE ANALYSIS SCORE of any such candidate pursuant to this subsection  
36 (1).

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

9 (b) In the case of such a person eligible for ~~added points~~ PREFERENCE who  
10 has completed twenty or more years of active military service, no military service  
11 shall be counted in determining length of service in respect to such retention  
12 rights. In the case of such a person who has completed less than twenty years of  
13 such military service, no more than ten years of service under subsection (1) (b)  
14 (i) and (ii) shall be counted in determining such length of service for such  
15 retention rights.

16 (4) The state personnel board and each comparable supervisory or  
17 administrative board of any such civil service or merit system of any agency of  
18 the state or any such political subdivision thereof shall implement the provisions  
19 of this section to assure that all persons entitled to ~~added points and~~ preference  
20 in ~~examinations~~ A COMPARATIVE ANALYSIS and retention shall enjoy their full  
21 privileges and rights granted by this section.

22 (5) ~~Any examination which is a promotional examination, but which~~ NO  
23 PERSON SHALL RECEIVE PREFERENCE PURSUANT TO THIS SECTION WITH RESPECT  
24 TO A PROMOTIONAL OPPORTUNITY. ANY PROMOTIONAL OPPORTUNITY THAT is also  
25 open to persons other than employees for whom such appointment would be a  
26 promotion, shall be considered a promotional ~~examination~~ OPPORTUNITY for the  
27 purposes of this section.

28 (6) ~~Any other provision of this section to the contrary notwithstanding, no~~  
29 ~~person shall be entitled to the addition of points under this section for more than~~  
30 ~~one appointment or employment with the same jurisdiction, personnel system,~~  
31 ~~civil service, or merit system.~~

32 (7) This section shall be in full force and effect on and after July 1, 1971,  
33 and shall grant veterans' preference to all persons who have served in the armed  
34 forces of the United States in any declared or undeclared war, conflict,  
35 engagement, expedition, or campaign for which a campaign badge has been  
36 authorized, and who meet the requirements of service or disability, or both, as

1 provided in this section. This section shall apply to all public employment  
2 ~~examinations~~ OPPORTUNITIES, except ~~promotional examinations~~ AS SET FORTH IN  
3 SUBSECTION (5) OF THIS SECTION, conducted on or after such date, and it shall be  
4 in all respects self-executing.

5         **SECTION 2.** Each elector voting at said election and desirous of voting  
6 for or against said amendment shall cast a vote as provided by law either "Yes"  
7 or "No" on the proposition: "Shall there be an amendment to the Colorado  
8 constitution concerning the state personnel system, and, in connection therewith,  
9 expanding the veterans' preference; increasing the number of candidates eligible  
10 to be appointed to a position; adjusting the duration of allowable temporary  
11 employment; allowing the flexibility to remove a limited number of positions  
12 from the system; modifying the residency requirement; adjusting the terms of  
13 service for members of the state personnel board; and requiring merit-based  
14 appointments to be made through a comparative analysis process?"

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