

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.