

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 13-0980.01 Ed DeCecco x4216

HOUSE BILL 13-1298

HOUSE SPONSORSHIP

Ryden,

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Giron,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EMPLOYMENT POLICIES RELATED TO NONCLASSIFIED**
102 **EMPLOYEES OF THE STATE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill changes employment policies related to employees in the senior executive service and specified departmental positions. These employees are exempt from the state personnel system, subject to the approval of the state personnel director, as a result of a 2012 constitutional amendment. Specifically, the bill establishes that:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- ! The salaries for these nonclassified employees are based on policies established by the state personnel director;
- ! If an employee in the senior executive service is dismissed for failure to perform, he or she is not permitted to appeal directly to the state personnel board;
- ! Senior executive service employees have no right to any position within the state; and
- ! The departmental nonclassified employees are not entitled to anniversary-based merit increases.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-50-104, **amend**
3 (5) (c) and (5) (d); and **add** (5) (e) as follows:

4 **24-50-104. Job evaluation and compensation - state employee**
5 **reserve fund - created - definitions.** (5) **Pay plans.** (c) The senior
6 executive service ~~shall be~~ IS limited to one hundred twenty-five positions.
7 The state personnel director shall establish criteria for inclusion in the
8 senior executive service and shall review each nominated position before
9 it is placed in the pay plan for the senior executive service. The head of
10 the department or agency or state auditor for employees of the state
11 auditor's office shall make appointments to the senior executive service
12 based on competitive selection and is responsible for the management of
13 the employees in such plan. Any person in the senior executive service
14 ~~shall have~~ HAS no right to a ANY position ~~outside of the senior executive~~
15 ~~service~~ WITHIN THE STATE.

16 (d) In the MEDICAL pay plans, ~~for medical and the senior executive~~
17 ~~service,~~ there ~~shall be~~ ARE no anniversary-based merit increases. The
18 salaries in such pay plans ~~shall be~~ ARE based on the negotiation of an
19 annual contract between the employee and the department head or the
20 state auditor, when appropriate, and the amount of such salaries may

1 increase, decrease, or remain unchanged from year to year. Any employee
2 dismissed for failure to perform under such contract may only appeal
3 directly to the state personnel board.

4 (e) IN THE PAY PLANS FOR THE SENIOR EXECUTIVE SERVICE AND
5 THOSE POSITIONS SPECIFIED IN SECTION 13 (2) (a) (XI) OF ARTICLE XII OF
6 THE STATE CONSTITUTION, THERE ARE NO ANNIVERSARY-BASED MERIT
7 INCREASES. THE SALARIES IN SUCH PAY PLANS ARE BASED ON POLICIES SET
8 FORTH BY THE STATE PERSONNEL DIRECTOR. THE AMOUNT OF SUCH
9 SALARIES MAY INCREASE, DECREASE, OR REMAIN UNCHANGED FROM YEAR
10 TO YEAR.

11 **SECTION 2. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.