

**Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**REREVISED**

LLS NO. R12-0672.01 Ed DeCecco x4216

**HCR12-1001**

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**HOUSE SPONSORSHIP**

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**House Committees**

State, Veterans, & Military Affairs

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**Senate Committees**

State, Veterans & Military Affairs

SENATE  
Amended 3rd Reading  
May 1, 2012

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**HOUSE CONCURRENT RESOLUTION 12-1001**

101     **SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF**  
102             **COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION**  
103             **CONCERNING THE STATE PERSONNEL SYSTEM, AND, IN**  
104             **CONNECTION THEREWITH, EXPANDING THE VETERANS'**  
105             **PREFERENCE; INCREASING THE NUMBER OF CANDIDATES**  
106             **ELIGIBLE TO BE APPOINTED TO A POSITION; ADJUSTING THE**  
107             **DURATION OF ALLOWABLE TEMPORARY EMPLOYMENT;**  
108             **ALLOWING THE FLEXIBILITY TO REMOVE A LIMITED NUMBER OF**  
109             **POSITIONS FROM THE SYSTEM; MODIFYING THE RESIDENCY**  
110             **REQUIREMENT; ADJUSTING THE TERMS OF SERVICE FOR**  
111             **MEMBERS OF THE STATE PERSONNEL BOARD; AND REQUIRING**  
112             **MERIT-BASED APPOINTMENTS TO BE MADE THROUGH A**  
113             **COMPARATIVE ANALYSIS PROCESS.**

SENATE  
2nd Reading Unamended  
April 9, 2012

HOUSE  
3rd Reading Unamended  
March 21, 2012

HOUSE  
2nd Reading Unamended  
March 20, 2012

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.*

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## Resolution Summary

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

The concurrent resolution makes the following changes to the state personnel system (system):

- ! **Merit principles.** Currently, appointments and promotions in the system are made based on competitive tests of competence. Competitive tests of competence are replaced with the requirement that there be a comparative analysis of candidates based on objective criteria.
- ! **Exemptions.** Subject to the approval of the state personnel director, specified departmental positions and senior executive service employees are exempted from the system, but the total number of these new exemptions may not exceed 1% of the total number of persons in the system.
- ! **Rule of 3.** Currently, appointments within the system must be made to one of the 3 persons ranking highest on the eligible list for the position. The number of persons eligible for appointment is expanded from 3 to 6.
- ! **Residency requirement.** All appointees are currently required to reside in the state, but applications may be accepted for positions that the state personnel board determines cannot be readily filled from among residents of this state based on training, education, or qualifications. The concurrent resolution allows the state personnel director to make exceptions and removes the criteria relating to that authority. It also creates an exception to the residency requirement for a position located at a work site that is within 30 miles of the state border.
- ! **Temporary employment.** Currently, the state personnel director may authorize the use of temporary employees for up to 6 months. This limit is changed to 9 months.
- ! **State personnel board.** Members of the state personnel board currently serve 5-year terms and may only be removed from the board for specified reasons. The concurrent resolution changes a board member's term to 3 years and limits each member to 2 terms, regardless of whether a term is a full term or a partial term filling a vacancy. In addition, 2 of the board members appointed by

the governor will serve at the governor's pleasure.

- ! **Veterans' preference.** Currently, veterans receive additional points on a passing grade on a competitive examination. The concurrent resolution adapts the veterans' preference to the new comparative analysis system and eliminates the prohibition on a veteran using the preference more than once.

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

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

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

9           **Section 13. State personnel system - merit system.**

10          (1) Appointments and promotions to offices and employments in the  
11          STATE personnel system ~~of the state~~ shall be made according to merit and  
12          fitness, to be ascertained by ~~competitive tests of competence~~ A  
13          COMPARATIVE ANALYSIS OF CANDIDATES BASED ON OBJECTIVE CRITERIA  
14          without regard to race, creed, ~~or~~ color, or political affiliation. A  
15          NUMERICAL OR NONNUMERICAL METHOD MAY BE USED FOR THE  
16          COMPARATIVE ANALYSIS OF CANDIDATES.

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

20               (I) Members of the public utilities commission, the industrial  
21          commission of Colorado, the state board of land commissioners, the  
22          Colorado tax commission, the state parole board, and the state personnel

1 board;

2 (II) Members of any board or commission serving without

3 compensation except for per diem allowances provided by law and

4 reimbursement of expenses;

5 (III) The employees in the offices of the governor and the

6 lieutenant governor whose functions are confined to such offices and

7 whose duties are concerned only with the administration thereof;

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

9 (V) One deputy of each elective officer other than the governor

10 and lieutenant governor specified in section 1 of article IV of this

11 constitution;

12 (VI) Officers otherwise specified in this constitution;

13 (VII) Faculty members of educational institutions and departments

14 not reformatory or charitable in character, and such administrators thereof

15 as may be exempt by law;

16 (VIII) Students and inmates in state educational or other

17 institutions employed therein;

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

19 (X) Members, officers, and employees of the legislative and

20 judicial departments of the state, unless otherwise specifically provided

21 in this constitution;

22 (XI) SUBJECT TO THE APPROVAL OF THE STATE PERSONNEL

23 DIRECTOR, THE FOLLOWING PERSONS FROM EACH PRINCIPAL DEPARTMENT:

24 DEPUTY DEPARTMENT HEADS, CHIEF FINANCIAL OFFICERS, PUBLIC

25 INFORMATION OFFICERS, LEGISLATIVE LIAISONS, HUMAN RESOURCE

26 DIRECTORS, AND EXECUTIVE ASSISTANTS TO THE DEPARTMENT HEADS;

27 AND

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

3           (b) THE TOTAL NUMBER OF EMPLOYEES EXEMPTED FROM THE  
4 STATE PERSONNEL SYSTEM PURSUANT TO SUBPARAGRAPHS (XI) AND (XII)  
5 OF PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL NOT EXCEED AN  
6 AMOUNT EQUAL TO ONE PERCENT OF THE TOTAL NUMBER OF PERSONS IN  
7 THE STATE PERSONNEL SYSTEM.

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

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

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

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

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

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

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

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

12           **Section 14. State personnel board - state personnel director.**

13           (1) There is hereby created a state personnel board to consist of five  
14 members, three of whom shall be appointed by the governor with the  
15 consent of the senate, and two of whom shall be elected by persons  
16 certified to classes and positions in the state personnel system in the  
17 manner prescribed by law. Each member APPOINTED OR ELECTED PRIOR  
18 TO JANUARY 1, 2013, shall ~~be appointed or elected~~ SERVE for a term of  
19 five years. ~~and may succeed himself, but of the members first selected,~~  
20 ~~the members appointed by the governor shall serve for terms of one, two,~~  
21 ~~and three years, respectively, and the members elected shall serve for~~  
22 ~~terms of four and five years, respectively.~~ EACH MEMBER APPOINTED OR  
23 ELECTED ON OR AFTER JANUARY 1, 2013, SHALL SERVE FOR A TERM OF  
24 THREE YEARS. NO MEMBER SHALL SERVE MORE THAN TWO TERMS OF  
25 OFFICE, REGARDLESS OF WHETHER A TERM IS A FULL TERM OR A PARTIAL  
26 TERM FILLING A VACANCY. Each member of the board shall be a qualified  
27 elector of the state, but shall not be otherwise an officer or employee of

1 the state or of any state employee organization, and shall receive such  
2 compensation as shall be fixed by law.

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

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

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

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

1           **Section 15. Veterans' preference.** (1) (a) (I) ~~The passing grade~~  
2 ~~on each competitive examination~~ THE MINIMUM REQUIREMENTS FOR A  
3 CANDIDATE TO BE PLACED ON AN ELIGIBLE LIST FOR A POSITION shall be  
4 the same for each candidate for appointment or employment in the STATE  
5 personnel system ~~of the state~~ or in any comparable civil service or merit  
6 system of any agency or political subdivision of the state, including any  
7 municipality chartered or to be chartered under article XX of this  
8 constitution.

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

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

23           (c) Ten points shall be added to the ~~passing grade~~ COMPARATIVE  
24 ANALYSIS SCORE of any candidate ~~of each such examination, except any~~  
25 ~~promotional examination~~, who has so served, other than for training  
26 purposes, and who, because of disability incurred in the line of duty, is  
27 receiving monetary compensation or disability retired benefits by reason



1 of public laws administered by the department of defense or the veterans  
2 administration, or any successor thereto.

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

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

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

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

1 counted in determining such length of service for such retention rights.

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

9 (5) ~~Any examination which is a promotional examination, but~~  
10 ~~which~~ NO PERSON SHALL RECEIVE PREFERENCE PURSUANT TO THIS  
11 SECTION WITH RESPECT TO A PROMOTIONAL OPPORTUNITY. ANY  
12 PROMOTIONAL OPPORTUNITY THAT is also open to persons other than  
13 employees for whom such appointment would be a promotion, shall be  
14 considered a promotional ~~examination~~ OPPORTUNITY for the purposes of  
15 this section.

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

20 (7) This section shall be in full force and effect on and after July  
21 1, 1971, and shall grant veterans' preference to all persons who have  
22 served in the armed forces of the United States in any declared or  
23 undeclared war, conflict, engagement, expedition, or campaign for which  
24 a campaign badge has been authorized, and who meet the requirements  
25 of service or disability, or both, as provided in this section. This section  
26 shall apply to all public employment ~~examinations~~ OPPORTUNITIES, except  
27 ~~promotional examinations~~ AS SET FORTH IN SUBSECTION (5) OF THIS

1     SECTION, conducted on or after such date, and it shall be in all respects  
2     self-executing.

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

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