

CHAPTER 10

GOVERNMENT - STATE

HOUSE BILL 93-1119

BY REPRESENTATIVES Hagedorn and Armstrong;
also SENATOR Wham.

AN ACT**CONCERNING AMENDMENTS CONFORMING THE "STATE PERSONNEL SYSTEM ACT" TO CERTAIN
LEGAL DECISIONS.**

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

SECTION 1. 24-50-114 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-50-114. Temporary appointments - term - tenure. (2) The state personnel director may, by rule, authorize principal department heads and presidents of colleges and universities to employ persons from outside the state personnel system on a temporary basis while an eligible list is being provided or in emergency or reasonable situations nonpermanent in nature, but in each case the period of employment shall not exceed six months. ~~or one thousand forty hours in any twelve-month period.~~

SECTION 2. 24-50-120 (1), (2), and (3), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

24-50-120. Leaves of absence. (1) The ~~board~~ STATE PERSONNEL DIRECTOR shall prescribe by rule the conditions and length of time for which leaves of absence without pay may be granted by appointing authorities.

(2) Leaves of absence for jury duty or to fulfill military duty may be granted with or without pay as provided by applicable state law or rule of the ~~board~~ STATE PERSONNEL DIRECTOR.

(3) The rules of the ~~board~~ STATE PERSONNEL DIRECTOR shall provide for conditions under which leave with full or part pay or without pay may be granted for educational purposes deemed to benefit the state as well as the employee, subject to authorization of funds for the purpose by the general assembly.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 3. 24-50-125 (5), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-50-125. Disciplinary proceedings - hearings - procedure. (5) In addition, the board shall hold a hearing within forty-five days of the appeal, upon request by the employee or ~~his~~ THE EMPLOYEE'S representative, for any certified employee in the state personnel system who protests any action taken which adversely affects the employee's current base pay as defined by board rule, status, or tenure. A probationary employee shall be entitled to all the same rights to a hearing as a certified employee; except that ~~he~~ SUCH PROBATIONARY EMPLOYEE shall not have the right to a hearing to review ~~his dismissal for unsatisfactory performance~~ ANY DISCIPLINARY ACTION TAKEN PURSUANT TO SUBSECTION (1) OF THIS SECTION while a probationary employee. This subsection (5) shall not apply to appeals brought pursuant to section 24-50-104.

SECTION 4. 24-50-202, Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

24-50-202. Establishment of procedure. ~~In order to encourage such careers, to attract the best new people and ideas, to encourage reexamination of existing functions and methods, and to enhance the tone, vitality, and efficiency of state operations in the service of the public, the general assembly in this part 2 establishes a procedure whereby employees who become superannuated may, without hardship or prejudice, be replaced by other employees.~~

SECTION 5. 24-50-203, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-50-203. Preretirement education and counseling. The state personnel director shall provide a continuous preretirement education and counseling program for employees in the state personnel system, which program is to be carried out at strategic geographic locations throughout the state. All employees in the state personnel system may participate on a voluntary basis. ~~employees with demonstrable depreciation shall be offered counseling on an individual basis.~~ Each appointing authority shall be responsible for implementing the preretirement program in his organization, in cooperation with the state personnel director.

SECTION 6. 24-50-204, Colorado Revised Statutes, 1988 Repl. Vol., is repealed as follows:

24-50-204. Retirement. (1) ~~On the first day of each calendar month, employees under the state personnel system shall retire or be retired therefrom upon attaining the age of seventy years; except that the appointing authority in the department employing such persons may postpone, in its discretion and with the employee's approval, the retirement age in the case of any employee if it determines that the state will benefit through continued employment of the individual. Reviews of such postponements shall be conducted annually. The decision of the appointing authority shall be final.~~

(2) ~~Not less than three nor more than six months before an employee attains retirement age, the state personnel director shall notify such employee in writing,~~

~~informing him that he is approaching retirement age. Employees shall concurrently be advised that they may initiate a postponement of retirement by filing such a request with the appointing authority. A copy of such notice shall also be sent to the head of the department employing such person.~~

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 4, 1993