

## CHAPTER 347

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**GOVERNMENT - STATE**

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## SENATE BILL 93-252

BY SENATORS Bird, Traylor, and Rizzuto;  
also REPRESENTATIVES Grampas, Owen, Romero, Berry, Lawrence, Pfiffner, and Taylor.

**AN ACT**

**CONCERNING THE COMPENSATION OF STATE EMPLOYEES, AND, IN CONNECTION THEREWITH, CONTINUING THE EXISTING MAXIMUM MONTHLY SALARY CEILING AND POSTPONING IMPLEMENTATION OF THE METHOD FOR ADJUSTING THE AMOUNT OF THAT SALARY CEILING, POSTPONING IMPLEMENTATION OF SALARY SURVEY RECOMMENDATIONS FOR THE FISCAL YEAR 1993-94, POSTPONING THE JULY 1, 1993 EFFECTIVE DATE FOR IMPLEMENTATION OF THE SENIOR EXECUTIVE SERVICE, AND REPLACING THE METHOD FOR DETERMINATION OF ANNUAL SALARY INCREASES WITH A MERIT-BASED SYSTEM, EFFECTIVE JULY 1, 1994.**

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

**SECTION 1.** 24-50-104 (5) (g) (VII), (6) (e) (I), (6) (e) (V), and (8) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended, and the said 24-50-104 (5) (g) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

**24-50-104. Classification and compensation. (5) Salary and fringe benefit surveys.** (g) (VII) Notwithstanding the provisions of subparagraph (I) of this paragraph (g), beginning January 1, 1992, and until January 1, 1993, the pay grade assigned to any class of positions assigned to grade 99 on or after June 30, 1991, shall be one-half the difference between grade 99 and the pay grade recommended for such class pursuant to this paragraph (g), subject to a maximum monthly salary of five thousand six hundred forty dollars; except that such maximum monthly salary for classes requiring licensure as a physician or dentist shall be six thousand two hundred fifty dollars. If no pay grade exactly equals one-half of such difference, the closest pay grade greater than one-half shall be used. Beginning January 1, 1993, and until ~~July 1, 1993~~ MAY 1, 1994, the maximum monthly salary for any employee whose position is assigned to a pay plan in effect prior to July 1, 1991, shall be five thousand seven hundred ninety-four dollars; except that classes requiring licensure

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

as a physician or dentist shall be subject to a maximum monthly salary of seven thousand eight hundred twelve dollars. ~~For the fiscal year Beginning July 1, 1993,~~ MAY 1, 1994, and FOR each fiscal year thereafter, such amounts shall be adjusted by the state personnel director in accordance with the change in the consumer price index for the Denver-Boulder metropolitan statistical area for the preceding calendar year or the percentage increase in state general fund appropriations in relation to such appropriations for the preceding fiscal year, whichever is less.

(X) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (g), FOR THE FISCAL YEAR BEGINNING JULY 1, 1993, SALARY ADJUSTMENTS OF ALL PROPOSED REASSIGNMENTS OF CLASSES TO PAY GRADES, SALARY RATES, OR SALARY RANGES SHALL TAKE EFFECT MAY 1, 1994. THIS SUBPARAGRAPH (X) IS REPEALED, EFFECTIVE JULY 1, 1994.

(6) **Pay plans.** (e) (I) The state personnel director shall create a separate pay plan in the classified personnel system for the senior executive service, which is hereby created and which shall be implemented on ~~July 1, 1993~~ MAY 1, 1994. Positions in the traditional classified service which the state personnel director determines to be in the highest management classifications, in accordance with procedures adopted pursuant to subparagraph (VII) of this paragraph (e), shall be allocated to the senior executive service. The number of positions allocated to the senior executive service shall not exceed four-tenths of one percent of the total number of positions in the state personnel system as of July 1, 1991. ~~Fifty~~ ONE HUNDRED percent of the cost of implementing the provisions of this subparagraph (I) for the 1993-94 fiscal year shall be paid with savings from appropriations for personal services in the 1993-94 general appropriation act.

(V) All employees in positions in the traditional classified service as of ~~January 1, 1993~~ JANUARY 1, 1994, which will be moved into the senior executive service shall have the option of retaining such position and moving into the senior executive service or taking another position for which they are qualified in the same department. Such employees shall exercise their option between ~~April 1, 1993, and May 31, 1993~~ FEBRUARY 1, 1994, AND MARCH 31, 1994. In the event that an employee chooses to move into the senior executive service, such employee shall be eligible to return to the traditional classified service within three years so long as such employee's service is continuous.

(8) **Salary administration.** (a) (I) The state personnel director shall provide by rule, based upon a system of performance evaluation, for periodic salary increases which are based on demonstrated ability for satisfactory performance and quality of performance, for the withholding of such increases for less than satisfactory performance, and for payment of an incentive award in recognition of above-standard or outstanding performance by an employee. THIS SUBPARAGRAPH (I) IS REPEALED, EFFECTIVE JULY 1, 1995.

(II) Notwithstanding the provisions of subparagraph (I) of this paragraph (a), for the fiscal year beginning July 1, 1992, no periodic salary increases for satisfactory performance and quality of performance scheduled to take effect during such fiscal year shall be implemented, and no employee shall be advanced to the next step in the employee's assigned pay grade until the fiscal year beginning July 1, 1993. The fiscal year beginning July 1, 1992, shall not be credited for any purpose related to

calculating the timing or amount of all subsequent periodic increases for satisfactory performance for any employee. THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE JULY 1, 1993.

(III) FOR THE FISCAL YEAR BEGINNING JULY 1, 1994, AND EACH FISCAL YEAR THEREAFTER, THE SALARIES OF ALL EMPLOYEES MAY BE INCREASED OR LEFT UNCHANGED BASED UPON MERIT AND PERFORMANCE OR THE EXPECTATION OF PERFORMANCE OF SUCH EMPLOYEES, SUBJECT TO THE LEVEL OF AVAILABLE APPROPRIATIONS THEREFOR. THE STATE PERSONNEL DIRECTOR SHALL PREPARE AND TRANSMIT TO THE GENERAL ASSEMBLY, NO LATER THAN JANUARY 1, 1994, RECOMMENDATIONS FOR CHANGES IN THE STATUTES NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SUBPARAGRAPH (III).

**SECTION 2. Effective date.** This act shall take effect July 1, 1993.

**SECTION 3. 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: June 11, 1993