

CHAPTER 89

GOVERNMENT - STATE

HOUSE BILL 93-1132

BY REPRESENTATIVES Tucker, Agler, Anderson, Dyer, Snyder, and Williams;
also SENATOR Bishop.

AN ACT**CONCERNING THE JOB EVALUATION SYSTEM WITHIN THE STATE PERSONNEL SYSTEM.**

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

SECTION 1. 24-50-104 (3) (a), (3) (b), (3) (g), and (4), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

24-50-104. Job evaluation and compensation. (3) **Job evaluation system principles.** (a) The state personnel director shall be responsible for the preparation, maintenance, and revision of a ~~classification~~ **JOB EVALUATION** system for all positions in state government not expressly exempted in the constitution or laws of the state.

(b) The ~~classification~~ **JOB EVALUATION** system shall be based on sound, systematic occupational analysis and ~~position~~ **JOB** evaluation methods which provide for consistent occupational groupings of classes and uniform alignment of classes and salaries among the various departments, institutions, and agencies.

(g) Any employee directly affected by the allocation of a position to a class may file a written appeal of such allocation with the state personnel director within ten days after notice of the allocation. The appeal shall be heard by the state personnel director or, at ~~his~~ **THE DIRECTOR'S** delegation, a three-member panel within sixty calendar days after the written appeal has been received by the state personnel director. Said director or panel shall review the appeal in summary fashion on the basis of written material which may be supplemented by oral argument at the discretion of the director or panel. Said director or panel shall issue a written decision within thirty calendar days after completion of the hearing. The allocation decision may be overturned only if the director or panel finds it to have been arbitrary, capricious, or contrary to rule or law. If the director or panel does not issue such decision within thirty calendar days of completion of the hearing, the allocation

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

decision shall be final. Any decision of the panel or final action of the state personnel director shall be subject to judicial review pursuant to section 24-4-106. The state personnel director's designee shall be a member of the panel and the presiding officer of such panel. One panel member shall be selected by the aggrieved employee. The third panel member shall be selected jointly by the panel member selected by the aggrieved employee and the state personnel director's designee. All members of the panel shall have demonstrable knowledge of and experience with the state ~~classification~~ JOB EVALUATION system. The state personnel director shall maintain a list of all potential qualified panel members. Such list shall be compiled by the state personnel director from names of persons possessing the required knowledge of and experience with the state ~~classification~~ JOB EVALUATION system as submitted to the state personnel director from appointing authorities, employee organizations, and other interested parties. All members of the panel shall be selected from such list.

(4) Revision and maintenance of the job evaluation system. (a) The state personnel director shall revise the ~~classification~~ JOB EVALUATION system whenever conditions indicate that a change is necessary. Such revision may consist of the addition, abolition, consolidation, division, or amendment of existing classes, occupational groupings, and levels.

(b) At the same time the state personnel director revises the ~~classification~~ JOB EVALUATION system, ~~he~~ THE DIRECTOR shall assign the class to an appropriate pay grade, salary rate, or salary range.

(c) The state personnel director shall determine the ~~classification~~ PAY relationships among classes and shall publish all such relationships annually. In addition, the state personnel director shall publish any subsequent changes in such relationships whenever they occur.

(d) (I) Any employee directly affected by a recommendation of the department of personnel made pursuant to this subsection (4) may file a written appeal with the state personnel director within ten days after the department of personnel has published the recommended changes to the ~~classification~~ JOB EVALUATION system. The appeal shall be heard by the director or, at ~~his~~ THE DIRECTOR'S delegation, a three-member panel within sixty days after the written appeal has been received by the state personnel director. Said director or panel shall review the appeal in summary fashion on the basis of written material which may be supplemented by oral argument at the discretion of the director or panel. The director or panel shall issue a written decision within thirty days after completion of the hearing. A ~~classification~~ JOB EVALUATION system determination may be overturned only if the director or panel finds it to have been arbitrary, capricious, or contrary to rule or law. If the director or panel does not issue such decision within thirty days of completion of the hearing, the ~~classification~~ JOB EVALUATION system determination shall be final. Any decision of the panel or final action of the state personnel director shall be subject to judicial review pursuant to section 24-4-106. The state personnel director's designee shall be a member of the panel and the presiding officer of such panel. One panel member shall be selected by the aggrieved employee. The third panel member shall be selected jointly by the panel member selected by the aggrieved employee and the state personnel director's designee. All members of the panel shall have demonstrable knowledge of and experience with the state ~~classification~~ JOB EVALUATION system. The state personnel director shall maintain a list of all potential qualified panel members. Such list shall

be compiled by the state personnel director from names of persons possessing the required knowledge of and experience with the state ~~classification~~ JOB EVALUATION system as submitted to the state personnel director from appointing authorities, employee organizations, and other interested parties. All members of the panel shall be selected from such list.

(II) Any assignments or reassignments of classes to pay grades, salary rates, salary ranges, or ~~classification~~ PAY relationships required by the creation of new positions or any duly authorized reorganization or change in work method which have a fiscal impact shall be made effective, with the approval of the governor, on the ensuing July 1, except as provided in subparagraph (III) of this paragraph (d). ~~and except that, for the fiscal year beginning July 1, 1983, such action shall take place on February 1, 1984.~~ In order for the fiscal impact of any such ~~classification~~ JOB EVALUATION study to be included in the annual general appropriation bill, the results of such study shall be submitted to the JOINT BUDGET COMMITTEE OF THE general assembly no later than January 15 of each year. Each study shall contain a detailed fiscal impact calculation by agency and department. Other than as provided in section 24-50-109.5 or in paragraph (g) of subsection (5) of this section, the only exception to the July 1 date regarding any assignment or reassignment of classes to pay grades, salary rates, or salary ranges, including those resulting from special salary surveys, shall be made in those urgent situations where personnel shortages will endanger the health, safety, or welfare of citizens of the state of Colorado and where special salary surveys utilized as a part of that ~~classification~~ study indicate that such assignment or reassignment of classes is necessary to provide salaries comparable to those prevailing in comparable kinds of employment. In such urgent situations, upon approval of the governor and the state personnel director, such changes shall be effective on the first day of the month following such approval.

(III) Notwithstanding any other provision of this section to the contrary, any reassignments of classes to pay grades, salary rates, salary ranges, or ~~classification~~ PAY relationships required by the systems maintenance study published by the department of personnel in January, 1991, concerning correctional classes in the enforcement/protective services occupational group, including the forensic security officer class, shall be implemented on the effective date of this subparagraph (III), or on the first day following administrative resolution of any appeals concerning such study, whichever date is later. The department of personnel shall make every reasonable effort to expedite the resolution of such appeals, including consolidation of hearings where appropriate. Notwithstanding the provisions of section 24-50-107, the compensation rate of employees in the correctional classes and the forensic security officer class who have commenced work on or before the effective date of this subparagraph (III) shall be sustained at rates in effect immediately prior to the implementation of the study described in this subparagraph (III).

SECTION 2. 24-50-107, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-50-107. Grade reduction by job evaluation action. ~~Under certain conditions and for specified periods,~~ The compensation rate of an employee may be sustained by the state personnel director in the event of ~~his~~ SUCH EMPLOYEE'S position being placed in a lower pay ~~grade~~ RANGE due to a ~~classification study~~ AN ALLOCATION of ~~his~~ SUCH EMPLOYEE'S position, ~~an occupational~~ A SYSTEM MAINTENANCE study of all positions

in a class, or a general ~~classification~~ JOB EVALUATION study of the state personnel system, ~~but in no case shall such pay be sustained at more than ten percent above the rate provided in the new classification~~ FOR A PERIOD NOT TO EXCEED THREE YEARS FROM THE EFFECTIVE DATE OF SUCH PLACEMENT.

SECTION 3. 24-50-108, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-50-108. No claim against state. No employee whose salary may be increased by ~~a reclassification or regrading~~ AN ALLOCATION of ~~his~~ SUCH EMPLOYEE'S position to a higher grade shall have any claim against the state for the difference, if any, between the salary of the position under its old ~~classification~~ CLASS and grade and that which ~~he~~ SUCH EMPLOYEE may receive by reason of a new ~~classification~~ CLASS and grade of the position, but if the ~~reclassification~~ ALLOCATION to the higher grade is effective more than one year from the time the ~~reclassification~~ ALLOCATION request is initiated by the employee or department, the employee shall receive the difference between the salary of the position under its old grade and that which ~~he~~ SUCH EMPLOYEE receives at the new grade for that period over twelve months.

SECTION 4. 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: April 7, 1993