

CHAPTER 59

GOVERNMENT - STATE

HOUSE BILL 99-1076

BY REPRESENTATIVES Pfiffner, Leyba, Taylor, Alexander, Clarke, Dean, Larson, Lee, McElhany, McKay, Paschall, Stengel, Webster, and Witwer;
also SENATORS Powers, Linkhart, Reeves, Lamborn, and Weddig.

AN ACT

CONCERNING THE USE OF OBJECTIVE MEASURES OF COMPETENCE OTHER THAN COMPETITIVE EXAMINATIONS FOR THE SELECTION OF PERSONS FOR EMPLOYMENT IN THE STATE PERSONNEL SYSTEM.

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

SECTION 1. 24-50-111, Colorado Revised Statutes, is amended to read:

24-50-111. Appointments and promotions to offices - competitive examinations. ~~Original~~ Appointments and promotions to ~~vacancies~~ OFFICES AND EMPLOYMENTS IN THE PERSONNEL SYSTEM OF THE STATE shall be ~~based on~~ MADE ACCORDING TO merit ~~as determined~~ AND FITNESS DEMONSTRATED by competitive examination OR OTHER OBJECTIVE MEASURES OF COMPETENCE WITHOUT REGARD TO RACE, COLOR, CREED, RELIGION, NATIONAL ORIGIN, ANCESTRY, AGE, OR POLITICAL AFFILIATION AND WITHOUT REGARD TO SEX OR DISABILITY EXCEPT AS PROVIDED BY LAW. Examinations shall be in such form as will fairly evaluate the abilities and aptitudes of candidates but may not include any inquiry into or in any way be influenced by the political or religious affiliations or beliefs or race of any candidate. No examination shall involve any discrimination on account of sex except as a bona fide job requirement.

SECTION 2. 24-50-112 (3) (c) (I) and (3) (c) (II), Colorado Revised Statutes, are amended to read:

24-50-112. Examinations - when held - standards - eligible list. (3) (c) The state personnel director may, following consultation with the state auditor and consistent with sections 13, 14, and 15 of the Colorado constitution and principles of

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

separation of powers, establish special procedures governing the selection and examination process for employees of the state auditor's office in the state personnel system in order to take into consideration the special situations, circumstances, and duties unique to such employees. Such procedures shall incorporate the directives, requirements, and elements of sections 13, 14, and 15 of article XII of the Colorado constitution, including, but not limited to, the following:

(I) The appointment and promotion to offices and employments in the state personnel system according to merit and fitness ~~to be ascertained~~ AS DEMONSTRATED by competitive ~~tests~~ EXAMINATION OR OTHER OBJECTIVE MEASURES of competence without regard to race, creed, ~~or~~ color, RELIGION, NATIONAL ORIGIN, ANCESTRY, AGE, or political affiliation AND WITHOUT REGARD TO SEX OR DISABILITY EXCEPT AS PROVIDED BY LAW;

(II) The appointment to any position in the personnel system of one of the three persons ranking highest on the eligible list for such position, or such lesser number as qualify, as determined ~~from~~ BY competitive ~~tests~~ EXAMINATION OR OTHER OBJECTIVE MEASURES of competence, subject to limitation in the state personnel rules applicable to multiple appointments;

SECTION 3. 24-50-115 (5), Colorado Revised Statutes, is amended to read:

24-50-115. Employment lists - appointments - probationary periods. (5) The person to be appointed to any position under the state personnel system shall be one of the three persons ranking highest on the eligible list for such position, or such lesser number as qualify, as ~~determined from~~ DEMONSTRATED BY competitive ~~tests~~ EXAMINATION OR OTHER OBJECTIVE MEASURES of competence WITHOUT REGARD TO RACE, CREED, COLOR, RELIGION, NATIONAL ORIGIN, ANCESTRY, AGE, OR POLITICAL AFFILIATION AND WITHOUT REGARD TO SEX OR DISABILITY EXCEPT AS PROVIDED BY LAW AND subject to limitations set forth in procedures of the state personnel director applicable to multiple appointments from any such list.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 29, 1999