

CHAPTER 188

GOVERNMENT - STATE

HOUSE BILL 00-1096

BY REPRESENTATIVES Leyba, Clarke, Taylor, Young, Berry, Coleman, Kester, Mace, Tapia, Tate, and Vigil;
also SENATORS Reeves, Anderson, Linkhart, and Lamborn.

AN ACT

CONCERNING STATE AGENCY PROCESSES FOR HUMAN RESOURCE INNOVATION AND MANAGEMENT.

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

SECTION 1. 24-50-123, Colorado Revised Statutes, is amended to read:

24-50-123. Grievances - review. The board shall, by rule, adopt uniform grievance procedures to be used by all principal departments and agencies IN DEVELOPING GRIEVANCE PROCESSES for employees ~~in the state personnel system~~ OF SUCH PRINCIPAL DEPARTMENTS AND AGENCIES. The grievance procedures shall provide an orderly system of review for all grievances and shall define matters that are subject to such grievance procedures. Matters arising under sections 24-50-125 and 24-50-104 (1) (c) shall not be subject to a grievance procedure under this section. The decision of the appointing authority shall be final; except that the board may review the decision of the appointing authority and, upon such review, shall uphold the decision unless the board finds that the decision was made arbitrarily or capriciously.

SECTION 2. Part 1 of article 50 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-50-145. Agency-based human resource innovation and management processes - legislative declaration - definitions - guidelines and goals. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES:

(a) THAT THE STATE PERSONNEL SYSTEM MUST ENSURE THAT THE PROCESS OF STAFFING STATE GOVERNMENT IS BASED ON MERIT AND FITNESS, INDEPENDENT OF THE POLITICAL SYSTEM;

(b) THAT THE PUBLIC IS ENTITLED TO A STATE PERSONNEL SYSTEM THAT PROTECTS THE BASIC MERIT PRINCIPLES PRESCRIBED BY THE CONSTITUTION AND THAT CONSTANTLY IMPROVES THROUGH INNOVATION, FLEXIBILITY, AND RESPONSIVENESS TO CHANGING

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

HUMAN RESOURCE MANAGEMENT NEEDS;

(c) THAT A STATE PERSONNEL SYSTEM BASED ON AND PURSUING THESE FUNDAMENTAL GOALS IS ESSENTIAL IN ORDER TO MAINTAIN THE CONFIDENCE OF THE PUBLIC IN THE STATE PERSONNEL SYSTEM, TO ATTRACT THE BEST POSSIBLE APPLICANTS FOR PUBLIC EMPLOYMENT, TO CREATE A WORKPLACE ENVIRONMENT WHERE STATE EMPLOYEES ARE MOTIVATED TO EXCEL, AND TO ENCOURAGE LONG-TERM CAREERS IN STATE SERVICE;

(d) THAT THE STATE PERSONNEL SYSTEM IS DESIGNED, IN PART, TO PURSUE THESE GOALS BY ALLOWING AGENCIES TO IMPLEMENT PROCESSES FOR HUMAN RESOURCE INNOVATION AND MANAGEMENT, INCLUDING, BUT NOT LIMITED TO, PROCESSES FOR EMPLOYEE RECRUITMENT, APPOINTMENT, PROMOTION, INDIVIDUAL POSITION ALLOCATION, PERFORMANCE EVALUATION, AND DISPUTE RESOLUTION WITHIN THOSE AGENCIES THAT OPERATE WITHIN THE CONSTITUTIONAL FRAMEWORK FOR THE STATE PERSONNEL SYSTEM.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "AGENCY" MEANS ANY DEPARTMENT, BOARD, BUREAU, COMMISSION, DIVISION, INSTITUTION, OR OTHER AGENCY OF THE STATE, INCLUDING INSTITUTIONS OF HIGHER EDUCATION.

(3) EACH AGENCY IS HEREBY AUTHORIZED TO DEVELOP WITH THE STATE PERSONNEL DIRECTOR OR THE PERSONNEL BOARD, AS APPROPRIATE, AND SUBJECT TO THE COLORADO CONSTITUTION, APPLICABLE STATUTES, PERSONNEL BOARD RULES, AND PROCEDURES OF THE STATE PERSONNEL DIRECTOR, PROCESSES FOR HUMAN RESOURCE INNOVATION AND MANAGEMENT APPLICABLE TO SUCH AGENCY. THE STATE PERSONNEL DIRECTOR OR THE PERSONNEL BOARD, AS APPROPRIATE, SHALL PROVIDE ASSISTANCE TO ANY AGENCY WITH IMPLEMENTATION AND COORDINATION OF AGENCY PROCESSES FOR HUMAN RESOURCE INNOVATION AND MANAGEMENT AND SHALL CONSULT WITH AGENCIES TO ENSURE THAT SUCH PROCESSES ARE ADMINISTERED IN ADHERENCE TO THE COLORADO CONSTITUTION, APPLICABLE STATUTES, PERSONNEL BOARD RULES, AND PROCEDURES OF THE STATE PERSONNEL DIRECTOR. THE AGENCY PROCESSES FOR HUMAN RESOURCE INNOVATION AND MANAGEMENT SHALL BE FORMULATED UTILIZING THE INPUT OF THE AGENCY'S MANAGEMENT AND NONMANAGEMENT EMPLOYEES. THE HEAD OF AN AGENCY DEVELOPING PROCESSES FOR HUMAN RESOURCE INNOVATION AND MANAGEMENT SHALL BE RESPONSIBLE FOR IMPLEMENTING SUCH PROCESSES IN THAT AGENCY AND SUBMITTING TO THE STATE PERSONNEL DIRECTOR OR THE PERSONNEL BOARD, AS APPROPRIATE, A WRITTEN STATEMENT DESCRIBING ANY HUMAN RESOURCE INNOVATION AND MANAGEMENT PROCESSES IMPLEMENTED BY THE AGENCY. SUCH WRITTEN STATEMENT SHALL BE SUBMITTED TO THE STATE PERSONNEL DIRECTOR OR THE PERSONNEL BOARD COMMENSURATE WITH THE IMPLEMENTATION OF THE PROCESSES BY THE AGENCY. THE WRITTEN STATEMENT SHALL BE UPDATED BY THE HEAD OF THE AGENCY UPON MODIFICATION OR REVISION OF THE AGENCY'S HUMAN RESOURCE INNOVATION AND MANAGEMENT PROCESSES.

SECTION 3. 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: May 24, 2000