

# State of Colorado Employee Handbook



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## PREFACE

This version, published February 1, 2022, of the State of Colorado Employee Handbook supersedes all previous versions.

State employees are governed by certain federal laws including, but not limited to, the Fair Labor Standards Act, the Family and Medical Leave Act, the Americans with Disabilities Act, Title VII of the Civil Rights Act, and the Hatch Act, which outlines permissible political activity;

- The Colorado Constitution and laws passed by the Colorado General Assembly;
- Code of Colorado Regulations, 4 CCR 801-1, State Personnel Board Rules and Personnel Director's Administrative Procedures, (the "Rules"). The Rules are established jointly by the State Personnel Board and State Personnel Director;
  - Board rules are established by the State Personnel Board (composed of five Colorado citizens who are not state employees, three appointed by the governor and two elected by employees).
  - State Personnel Director's Administrative Procedures are established by the State Personnel Director.
- Fiscal Rules established by the State Controller;
- Executive Orders issued by the Governor; and
- The Colorado Partnership for Quality Jobs and Service Act and the negotiated partnership agreement.

This handbook was written in accordance with federal and state laws (e.g., Colorado Anti-Discrimination Act, Colorado Workers' Compensation Act, Pregnant Workers Fairness Act, Healthy Families Workplaces Act, Equal Pay for Equal Work), rules, in effect at the time of publication. Subsequent revisions to these could cause conflicting statements.

If such a situation should arise, the laws, personnel rules, and fiscal rules will always be the official documents upon which a ruling is based, or an interpretation made. This handbook is a statewide guide for all state personnel system employees. It is not a contract. The same applies to department handbooks.

Contact your department's Human Resources (HR) unit if your specific concern is not addressed in this handbook.

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# I. WORKPLACE BASICS

## Appointment to Classified Positions in the State Personnel System

In the state personnel system, you must meet the minimum requirements and compete for any position you apply for. You must maintain Colorado residency to retain employment in the state personnel system, unless it is required that your position must reside elsewhere, or live within 30 miles of your official work location.

### Employment Status

Depending on the type of appointment, your employment status can be:

- **Probationary:** New employees appointed to permanent positions in the state personnel system serve a probationary period that does not exceed 12 months, except when extended for periods of unpaid and possibly paid leave.
- **Trial Service:** A trial service period that does not extend beyond six months, except when extended for periods of leave, applies to certified employees who are promoted to a higher class.
- **Certified:** After you have satisfactorily completed your probationary or trial service period, you are “certified” to your job class in the state personnel system. As a certified employee, you are granted all rights and benefits specified by law.

Depending on the position to which you are appointed, you may be what we call a covered employee under the Colorado Partnership for Quality Jobs and Services Act (the “Act”). Colorado Workers for Innovative and New Solutions, (WINS) is the union that represents state employees. For more information, visit [about Labor Relations](#) or [Colorado Wins](#).

- **Covered Employee:** An employee who is employed in the state personnel system established in Section 13 of Article XII of the Colorado Constitution and excluding individuals who fall into the following categories as defined in the Act and identified as “Non-covered Employees”:
  - Executive;
  - Managerial;
  - Confidential;
  - Employees working to implement the Act;
  - Administrative Law Judges and Hearing Officers;
  - State Troopers;
  - Legislative Branch employees; and
  - Temporary appointees as described in C.R.S. §24-50-114.

An unclassified position, commonly referred to as non-classified, is a position in state government that is not covered by the state personnel system or the union.

## Work Schedule

Colorado law requires that all state offices be open for business Monday through Friday from 8:30 a.m. to 5 p.m. except for legal holidays. However, most state offices are open for business by 8 a.m. and some remain open later than 5 p.m. Some departments operate around the clock, every day. Your appointing authority is responsible for assigning your working hours and for determining the hours your department is open for business. All state employees are expected to be at work regularly and on time. If you will be late or absent, contact your supervisor immediately.

If you are eligible for overtime, take meal periods away from your desk to avoid interruptions and ensure you are completely free of work. Breaks are mandatory if you are a covered employee under the partnership agreement. Mandatory breaks count as work time and cannot be used at the beginning or end of the workday, or to add to a meal period.

## Flexible Work Arrangements

Flexible work arrangements, such as alternate work schedules and job sharing, are endorsed through multiple executive orders and universal guidance. Employees are encouraged to review their department's flexible work arrangement guidelines or policy and discuss options with their supervisor to see if their job assignments are appropriate for such an arrangement.

Appointing authorities are encouraged to use these options where appropriate, given business and operational needs. Flexible work arrangements are not a state employee right and are subject to qualification and appointing authority approval.

- **Alternate Work Schedules:** The two types of schedules that differ from the regular, eight (8) hour day are:
  - **Flextime or Flexible Work Schedules:** Redesigned or restructured traditional employee work schedules over the workweek. Core hours, or the hours all employees must be present, are generally established by the manager.
  - **Compressed Work Schedules:** A full-time workload is compressed, and all job responsibilities are completed in fewer than five days per week or fewer than ten days over two weeks.

## Work Behavior

Employees are expected to know and adhere to personnel rules, laws, and executive orders governing their employment. You may voluntarily and knowingly waive, in writing, rights under the state personnel system, except where prohibited by state or federal law.

## Conduct

As a representative of the state, you are required at all times to use your best efforts to perform assigned tasks promptly and efficiently and be courteous and impartial in dealing with those we serve. Courtesy, tact and helpfulness on your part will help create the positive image state employees deserve.

You must maintain the public's confidence in the integrity of state government by refusing outside compensation for performing your state duties. Do not take additional compensation (fee, gift, reward, gratuity, expenses, etc.) that could result in:

- Real or perceived preferential treatment,
- Impediment of governmental efficiency or economy,
- Loss of complete independence and impartiality,
- Decision making outside official channels,
- Disclosure or use of confidential information acquired through state employment.

If you receive such compensation and it cannot be returned, turn it over to your supervisor immediately.<sup>1</sup> Please see the Independent Ethics Commission's website, [Independent Ethics Commission \(IEC\)](#), for further guidance.

You must protect and conserve state property and use taxpayer dollars prudently. No state time, property, equipment, or supplies shall be used for private purposes or any other purpose not in the interests of the State of Colorado.

You have the right to be treated with dignity and respect. It is to the state's benefit to employ a diverse workforce to assist in providing effective customer service. Discrimination against any person is prohibited because of race, creed, color, gender (including sexual harassment), sexual orientation, national origin, age, religion, political affiliation, organizational membership, veteran status, disability, or other non-job related factors.

### **Personal Appearance**

No personnel rules or statewide policies exist about personal appearance. Speak to your supervisor about any special clothes or equipment needed for your job. Otherwise, the state asks that you dress in a manner suitable for your work, and consistent with good taste and good personal hygiene. Individual departments may have their own particular dress code.

### **Political Activities**

While you may participate in political activities subject to state and federal laws, no state facility or resource can be used for this purpose. State employees also may not campaign actively for any candidate on state time, or in any manner calculated to exert the influence of state employment.

### **Outside Employment**

It is expected that your state job will be your principal employment. Outside employment, either with another state department, an employer other than the state, or other activity

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<sup>1</sup> Exception: You may accept awards from non-profit organizations for meritorious public contributions. Honoraria or expenses for papers, demonstrations, and appearances made with prior approval of your supervisor may also be kept if it occurs during a holiday, unpaid leave, a scheduled day off, or outside normal work hours.



(business transactions or ownership, volunteer positions, etc.) that is or could be perceived as incompatible with the duties and responsibilities of your state position is prohibited.

You must get advance written approval from your appointing authority before engaging in outside employment. Failure to obtain approval before beginning outside employment may result in corrective or disciplinary action.

## **Substance Use and Dependence**

The State of Colorado policy addressing drug and alcohol use is contained in an executive order.

In addition, many agencies have established their own policies regarding specific circumstances in which testing is required.

As a state employee, you have options for care associated with alcohol or drug use or dependence.

If you are enrolled in an employee health plan, consult your plan information or your insurance carrier before seeking any treatment to ensure coverage of the costs.

Other helpful resources include your agency Benefits Administrator (BA), your departmental human resources unit, and the Colorado State Employees Assistance Program (CSEAP).

## **Employment of Relatives**

Appointing authorities have discretion to reassign related employees to different sections or divisions. For example, a principal department head might elect to assign a father and son to different sections or divisions of the department so they are not in the same reporting chain. A state law applies to spouses or employees who plan to marry. It states that it is discriminatory or an unfair employment practice for an employer to terminate or to refuse to hire an employee solely because the person is married to or plans to marry another employee of that employer. However, an employer can refuse to hire a person in cases where:

- One spouse would have direct or indirect authority to supervise, appoint, dismiss or discipline the other spouse;
- One spouse would audit, verify, receive or be entrusted with money received or handled by the other spouse; and
- One spouse has access to the employer's confidential information, including payroll and personnel records.

## **Performance Expectations**

There is a basic expectation that all employees will perform successfully in their jobs based on constitutional provisions, statutes, rules, and their department's policies that determine success in the workplace. Failure to meet performance expectations can result in a variety of workplace consequences.

## Performance Management

The State of Colorado promotes an employee-centered approach to performance management.

State law, and the Rules require that each state personnel system employee's performance be evaluated at least once a year. Employee performance is managed through ongoing feedback throughout the performance rating cycle, regarding how their performance is meeting the supervisor's expectations, coaching, and a simplified, "no surprises" approach to conducting annual evaluations.

## Employee Performance Accountability

As an employee, you are accountable for your own performance. This is achieved by:

- Clarifying the expectations for your job with your supervisor;
- Asking questions and discussing problems as they arise;
- Maintaining your own records about your performance;
- Documenting significant contributions throughout the rating cycle;
- Sharing your goals and expectations with your supervisor;
- Giving input to improve the work environment; and
- Accepting responsibility for your work performance and determining ways to improve it.

## Supervisor Performance Accountability

Supervisors guide, direct, and support the work of employees. Supervisors are responsible for:

- Communicating the performance management process to their staff;
- Setting clearly defined expectations for the employee's job performance;
- Meeting regularly with employees to provide continuous quality feedback;
- Documenting significant events throughout the rating cycle;
- Providing praise often and helping motivate employees to achieve expectations;
- Correcting or redirecting behavior when necessary; and
- Encouraging employee growth by teaching, coaching, and mentoring.

Detailed components of the performance management system are documented in Chapter 6 of the Rules, as well as individual departments or institutions of higher education's Performance Management Programs can be found at [Approved Performance Management Programs](#)

## Job Description

Each position in the state personnel system must have an official job description detailing the permanent duties and responsibilities assigned by the appointing authority. This official document plays a key role in a number of human resource processes, ranging from determining the class for your position, assisting in performance planning, and organizational

staffing. Therefore, it is important that you and your supervisor periodically review the document for accuracy. A best practice is to review annually during the performance planning process.

## **II. WORK CHANGE POLICIES**

### **Job Evaluation/Position Allocation**

Each position in the state personnel system is assigned to a specific class. If the permanent duties of your job change significantly, your position may be evaluated to determine the correct class based on an official job description.

HR professionals who are certified in the Statewide Personnel Certification Program concentration of Job Evaluation conduct evaluations of positions in their department. As a result of an evaluation, your position can move to a higher or lower class or remain in its current class.

If your position is allocated to a higher class (class with a higher pay range maximum), you may compete for the position. If you do not meet the minimum qualifications for the new class or are not appointed, you will begin the layoff process.

If your position is allocated to a lower class (class with a lower pay range maximum) and you are a qualified certified or probationary employee, you may choose to voluntarily demote to the position, have your name placed on a reemployment list for your former class, and your base pay will remain the same, including saved pay. If you do not choose the demotion option, layoff provisions apply.

If you are a probationary employee, you may be demoted to the position in lieu of layoff if you qualify for the new class.

### **Transfer**

Transfer is a privilege that allows you to move to a vacant position in your same class or a different class at a pay grade with the same pay range maximum, provided that you meet the requirements of the class and position you are transferring to. An appointing authority can transfer you to other units or divisions within your department. You or your appointing authority may request a transfer.

Before a transfer between departments or divisions occurs, both appointing authorities should agree to the timing and any other details.

### **Promotion**

Several kinds of promotional opportunities are available to state employees. Some vacancies will be open only to current employees in a department or division while others will be open

to other state employees or the public. In all cases of promotion, you must apply for and compete with all other qualified applicants.

## Layoff

Layoffs may only be initiated due to lack of work, lack of funds, or reorganization. The department or institution of higher education abolishing the positions begins the layoff process.

The state shall offer retention rights to certified eligible employees who, as of January 1, 2013, were within five (5) years of being eligible for full retirement. More information about retention rights can be found in Chapter 7 of the State Personnel Board Rules and Director's Administrative Procedures.

Certified employees who are subject to layoff may have retention rights through the principal department in which they are employed in. Probationary employees are given a notice at least ten (10) calendar days before separation.

At their discretion, departments may offer employees, who may be affected by a layoff, the option of voluntarily waiving retention rights in exchange for a cash separation payment.

## Reemployment

The names of certified employees who are laid off or demoted as a result of the layoff process are placed on a departmental reemployment list for up to one (1) year.

Reemployment rights allow employees to be returned to the class from which they were separated. When referrals are made, all names are referred and the appointing authority may select which person to appoint.

When hired from a reemployment list, an employee's base pay will be at the same rate as it was before being placed on the reemployment list. In addition, all previously accrued sick leave and the annual leave-earning rate are restored. An employee does not have a break in service if appointed from a reemployment list.

## Resignation

You are expected to submit a written resignation to your appointing authority at least fourteen (14) calendar days before the effective date unless you and your appointing authority agree to less time. If you do not give sufficient notice, your records may reflect that fact, and it may result in a delay of leave payout and forfeiture of reinstatement privileges.

You may request to withdraw your resignation within seventy-two (72) hours of when you first gave notice of the resignation. Your request to withdraw the resignation must be in writing to the appointing authority or to HR. An email to the appointing authority or to HR satisfies the requirement of a written withdrawal.



An employee who resigns in lieu of disciplinary action, while under suspension, or while awaiting disciplinary action, forfeits the right to a hearing on the action or suspension.

If you are absent without approved leave for three (3) or more scheduled consecutive working days and have not contacted your supervisor or appointing authority, and they cannot contact you, you may be deemed to have resigned and are ineligible for reinstatement due to job abandonment.

## **Reinstatement**

If you are a former or current certified employee and wish to be reinstated to a vacant position in the same (or a related) class in which you were previously certified and left in good standing, the appointing authority for the vacant position has the discretion to reinstate you without requiring you to compete for the position. You must meet the minimum qualifications as well as all conditions of employment for the position into which you are reinstating, and, per the Rule, you may be required by the appointing authority to serve a probationary period of up to 12 months.

If you are a former classified employee returning to the state personnel system, regardless of whether you are reinstated or required to compete, the following applies:

- Previously accrued sick leave (up to the maximum accrual allowed by personnel rule); and
- The rate at which you were earning annual leave at the time you left the state personnel system, are restored.

## **III. COMPENSATION**

### **Pay**

The state as an employer is committed to providing a competitive compensation package based on comparisons to employers in the public and private sectors. Your pay may change due to a number of actions (annual adjustments, promotions, demotions, etc.). In addition, there is a specific order for calculating pay when multiple actions are effective on the same day. It is important that you verify your pay when changes occur and report any potential errors immediately.

### **Pay Plans**

Pay is based on an assigned class that has a pay range minimum and maximum. Each of the occupational groups has a pay plan.

## Annual Compensation Survey

Each year, the Division of Human Resources (DHR) surveys the labor market so the state can remain a competitive employer. The annual compensation survey process begins each spring. Employees are invited to comment on the published proposed survey process through the “meet and confer”. Based on survey findings, the personnel director makes recommendations for changes to pay ranges, salary and state contributions to group benefit plans. The survey findings and recommendations are published on September 15<sup>th</sup>. These recommendations are subject to funding by the legislature.

Any change in pay and group benefit plans is implemented on July 1<sup>st</sup> unless the legislature passes a law with other provisions. Please see the annual survey process, report, or recommendation for more information.

## Salaries

Typically, the entry salary is the minimum rate for the class to which a person is hired, including former employees (except those laid off within the past year). In cases of unusual market conditions, or recruitment difficulties, an employee may be hired above the minimum, at the discretion of the appointing authority.

Salary may remain the same or increase in an upward movement to a higher pay grade (promotion, position allocation, system maintenance study). The employee’s base salary must fall between the minimum and maximum of the new pay range. In the case of a system maintenance study involving a class, salary does not increase unless it falls below the minimum.

Salary may remain the same or decrease in a downward movement to a lower pay grade. In the case of a job evaluation action (position allocation or system maintenance study), your current base pay will remain the same, including above the maximum of the new range for up to three years. At the end of the three-year period, your salary must be placed at the maximum of the range, if still above the maximum. In the case of other demotions (non-disciplinary demotion or discipline), the salary cannot exceed the current base pay and the maximum of the new range.

Base salaries may also be adjusted through the use of in-range salary movements (range compression, counteroffer, delayed promotion, and new hire). These movements are base building and discretionary on the part of the department.

## Merit Pay

The state’s performance pay mechanism is called merit pay. Employees who receive a final overall performance rating of successful or above are eligible for base-building merit pay. Prior to the payment of merit pay, the State Personnel Director shall specify and publish the percentage for any merit pay increase for applicable priority groups.

Base building merit pay shall be based on final performance evaluation and salary position within the pay range on June 1. Payment of base building merit shall not cause an employee's base pay to exceed the grade maximum. The payment of any remaining portion of base building merit pay that will cause the base pay to exceed the grade maximum shall be paid as a one-time, non-base-building lump sum.

Payment is subject to the policies of the personnel director and available funding by the legislature. Those who receive a final overall performance rating of needs improvement are ineligible for achievement pay. Payments are made on July 1, unless specified otherwise through legislative action.

## Incentives and Recognition

Departments may administer programs designed to reward and recognize employees with cash and non-cash incentives or recognition programs. Such programs are developed with employee involvement and are communicated within a department on an ongoing basis.

## Premium Pay

Compensation also includes several different types of premium pay. All premium pay requires advance approval unless specifically indicated in the published compensation plan.

The federal Fair Labor Standards Act (FLSA) applies to all employees and cannot be waived. The state's standard FLSA workweek is Saturday at 12:00am through Friday at 11:59pm.

- **Overtime:** Overtime is any time worked by eligible employees in excess of maximum hours allowed in a standard workweek, typically forty (40) hours (law enforcement, healthcare, and fire protection employees may have different designated work periods). An eligible employee is paid in cash or compensatory (comp) time off at a rate of one and one-half (1 ½) times for overtime hours. Your supervisor may adjust leave requests or schedule the use of comp time to avoid overtime liability. Determining eligibility for overtime pay is the responsibility of your department.

If you are not eligible for overtime, you will not receive pay or comp time for hours worked in excess of forty (40) hours in a week. If FLSA exempt, you may be required to work beyond forty (40) hours if needed to accomplish the work, including evenings, weekends, and, if necessary, holidays.

- **Shift Differential:** Shift differential is pay in addition to an eligible employee's base pay rate, in compensation for working certain shifts. The personnel director determines eligible classes and department heads may approve positions in other classes.
- **Call-Back Pay:** Call-back pay is a minimum of two hours' pay when an eligible employee is required to return to work after completing the assigned shift or called to work before a scheduled shift. There must be a break between shifts and not simply a continuation of a regularly scheduled shift.

- **On-Call Pay:** On-call pay is a special established rate of pay earned by an eligible employee while specifically assigned in advance to on-call status. The personnel director sets the premium rate annually.
- **Other Pay Premiums:** Other premiums such as hazardous duty pay, second domicile pay, housing allowance, and discretionary pay differentials (e.g., signing and referral bonuses, and temporary assignment pay differentials) may also be available.

## Payroll

State employees shall be on the Direct Deposit Payroll Program unless the state controller or delegate approves an exception. Most employees are paid on the monthly payroll schedule and some are paid on the biweekly payroll schedule. The monthly payday is the last working day of the month except in June when the payday is the first working day of July. The biweekly payday is every other Friday, usually twice a month. Payroll schedules may be obtained from your department's payroll office.

## Reimbursing for Overpayment or Underpayment

According to present law and fiscal rules, an employee is responsible for reimbursing overpayment made by the state to the employee regardless of who made the error. The state, on the other hand, is responsible for any underpayment. Accordingly, employees are advised to review pay changes carefully, because they share in the responsibility for proper amounts. Familiarity with how state pay is computed is essential.

# IV. LEAVE

Regular attendance and punctuality are an essential part of each state job. Use your leave responsibly. Follow your department's protocol on requesting leave and reporting absences. Any leave should be requested as far in advance as possible, typically thirty (30) calendar days by completing a State of Colorado Leave/Absence Request form. Your supervisor will determine the type of leave to be used. Unauthorized use of any leave may result in the denial of paid leave and/or corrective or disciplinary action.

## Leave Accrual

Permanent full-time and part-time employees earn (accrue) annual and sick leave on the last day of each month but it is not available for use until the 1st of the following month. Borrowing against future leave or "buying back" used leave is not allowed. Permanent part-time employees and full-time employees who work, or are on paid leave, less than a full month, earn a pro-rated amount of leave time. Paid leave is used before unpaid leave unless a specific type of leave does not apply to your circumstances.



## Annual Leave

Annual leave is used for personal needs such as vacation or personal business.

Years of Service*	Hrs. / Mon.	Max. Accrual**	Payout
Years 1 - 5 (01 - 60 Months)	8	192 hours	Upon termination or death, unused leave is paid out up to the maximum accrual rate.
Years 6 - 10 (61 - 120 Months)	10	240 hours	
Years 11 -15 (121 - 180 Months)	12	288 hours	
Year 16 or Greater (181 or more Months)	14	336 hours	

\* Years of service is computed from the 1st calendar day of the month following the hire date; except if the employee began work on the 1st working day of a month, include that month in the count. Employees with prior permanent state service, in or out of the state personnel system, earn leave based on the total whole months of service, excluding temporary assignments.

\*\* Over-accrued amounts are forfeited at the beginning of the new fiscal year (July 1st)

Your appointing authority may establish periods when annual leave may not be taken or is required. In some cases involving other types of leave (e.g., exhaustion of sick leave or Family Medical Leave (FML)), the use of annual leave may be required.

## Sick Leave

Sick leave is provided for health reasons, including mental or physical illness, injury, a health condition, diagnostic and preventative examinations, treatment, and recovery. It can also be used for the health needs of a family member as defined in the Rules (Chapter 5). Note: a different definition of family member applies to FML.

Sick leave is accrued at six point sixty-six (6.66) hours per month by full-time employees. Accrual is limited to three hundred sixty (360) hours plus any sick leave accrued on July 1, 1988. This means that employees who worked in the state personnel system on July 1, 1988, have individual maximum accrual rates for as long as they stay with the state.

At the end of a fiscal year, up to eighty (80) hours of accumulated sick leave beyond the maximum limit is converted to annual leave at a rate of five hours of sick leave to one hour of annual leave, up to a maximum of sixteen (16) hours of annual leave and the remainder is forfeited.

For any absence from work for self or family of more than three consecutive full workdays, the employee is required to submit the State's authorized form (or other official document containing the same information) completed by a healthcare provider, except for the qualifying exigency leave, within fifteen (15) calendar days or sick leave must be denied.

A State of Colorado Fitness-To-Return Certificate is required when an employee is absent from work for more than thirty (30) calendar days due to the employee's own health condition. The appointing authority may require this certification for any absence of thirty

(30) days or less based on the nature of the health condition in relation to the job assignment.

If you exhaust your sick leave and are unable to return to work, accrued annual leave will be used. If annual leave is exhausted, your appointing authority has the discretion to grant you unpaid leave or administratively discharge you if FML, short-term disability leave or the Americans with Disabilities Act are not applicable.

All unused sick leave is forfeited upon separation, except for employees meeting age and service requirements under the Public Employees' Retirement Association (PERA) defined benefits plan on the date of separation, regardless of the retirement plan actually enrolled in. Employees who meet these requirements are compensated for one fourth (¼) of their accrued sick leave balance up to their maximum accrual.

## **Holiday Leave**

Ten (10) legal holidays are observed. Permanent full-time employees are granted up to eight hours of paid leave for each holiday (prorated for part-time). If an employee works an alternate schedule, arrangements must be made to cover the extra hours. You must be at work or on paid leave during your scheduled workday before or after a holiday to receive the paid leave. If a holiday is observed on the first regularly scheduled workday of the month you are hired, you will be granted leave, provided you work all other scheduled workdays of the month.

Appointing authorities may adopt alternate holiday schedules depending upon the operating schedules of their departments. When an alternate holiday schedule is adopted, the alternate holidays take the place of the legal holidays for all purposes of the holiday leave provisions. A department head has the discretion to grant César Chávez Day (March 31) in lieu of another holiday in the same fiscal year.

## **Administrative Leave**

Administrative leave is paid time off granted at the discretion of the appointing authority for the good of the state.

Participation in hearings or settlement conferences at the direction of the State Personnel Board or the State Personnel Director, or to testify in court or official government hearings on State-related matters when required to do so by an appointing authority or subpoena is work time.

Administrative leave shall be granted for the following cases:

- Two days of administrative leave are granted in a fiscal year to an employee who donates organ, tissue, or bone marrow for a transplant. These two days cannot be accumulated for use in a subsequent fiscal year.

- An employee with fewer than three (3) hours of non-work time scheduled between 7 a.m. and 7 p.m. on General Election Day (even-numbered years) is also granted two (2) hours of administrative leave to vote.
- An employee serving as an election judge can receive paid administrative leave, provided that their supervisor determines the employee's attendance at work is not essential. The employee cannot receive any other compensation and must provide evidence of service.
- In addition, up to fifteen (15) days in a calendar year for a qualified volunteer of a qualified volunteer organization as listed by the Department of Local Affairs (DOLA) when directed to serve during an emergency within the state, or a member of the civil air patrol called to duty for a rescue mission. Employees are to be restored to the same position and class as if they had not taken the leave. If the certified disaster volunteers in the American Red Cross also qualify for this volunteer leave, the two leaves run concurrently. The American Red Cross volunteer leave runs on a fiscal year, not a calendar year.

## **Bereavement Leave**

Employees may request up to forty (40) working hours of paid bereavement leave to make arrangements for, travel to, and attend services or to grieve family members or other persons (not for settling estates). Supervisors and employees have a mutual responsibility to engage in a dialogue where the employee's needs are made clear. Employees are expected to request the amount of leave needed in writing and communicate their needs to the supervisor. This includes divulging the nature of the relationship and the employee's needs related to grieving and any service or gatherings.

## **Jury Leave**

Paid jury leave is granted for the time that a permanent employee is required to serve on jury duty. Temporary employees are granted up to three (3) days of paid jury leave required during those days they are normally scheduled to work. Proof of jury duty may be required. If an employee receives jury pay, it is not turned over to the department.

## **Military Leave**

Upon presenting proper military orders, a member of the National Guard, military reserve, or National Disaster Medical Service is granted up to fifteen (15) working days in any calendar year of military leave for the annual encampment or equivalent reserve-training, or when called to active service including declared emergencies.

An employee must return to work upon release from active duty if serving in the National Guard for a state emergency. An employee called to active federal military service must apply to return to work. Failure to follow procedures for return to work may be deemed a resignation from state employment.

## Paid Family Medical Leave

Paid family medical leave (PFML) provides permanent full-time employees up to eighty (80) hours of paid leave (prorated for permanent part-time employees) per rolling twelve (12) month period when employees are eligible and qualify for unpaid, job protected FML. PFML supplements and runs concurrently with the Family Medical Leave Act (FMLA) and the short-term disability waiting period. PFML is used before accrued paid leave except when an employee elects to use PFML to bond with their newborn child or for a newly placed adopted or foster child within twelve (12) months after the birth or placement as allowed under the FMLA. Employees who work for the state including the same department or division as his or her spouse, partners in a civil union or domestic partnership are each entitled to PFML when they are eligible and qualify for FML.

PFML may be used when an employee or an employee's family member is a victim of domestic abuse, stalking, sexual assault, or any other crime related to domestic violence and needs to seek medical attention, mental healthcare or other counseling, or victim services including legal services or relocation. The use of PFML for domestic violence related reasons does not automatically qualify an employee for FML. An employee must meet the eligibility requirements for FML to qualify for PFML for domestic violence related reasons.

## Public Health Emergency Leave<sup>2</sup>

Both temporary and permanent employees are granted up to 80 hours (prorated for part-time) of paid public health emergency leave due to the cause of a disaster or public emergency declared by the Governor or a federal, state, or local public health agency, when they are unable to work or telework for any of the following reasons:

1. Needing to self-isolate because the employee is diagnosed or experiencing symptoms of the communicable illness;
2. Seeking or obtaining medical diagnosis, care or treatment, preventative care, or care of such illness;
3. Being exposed to, or experiencing symptoms of, such illness;
4. Being unable to work due to a health condition that may increase susceptibility or risk of such illness;
5. Caring for a child or other family (as defined under sick leave) member for reasons 1, 2, or 3 above, or whose school, child care provider, or other care provider is either unavailable, closed, or providing remote instruction due to the public health emergency; or
6. Closure of the temporary employee's work location, and work cannot be performed remotely. Public health emergency leave replaces the emergency paid sick leave and

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<sup>2</sup> This leave is only available during a declaration of a state of emergency by the Governor, as defined in the Colorado Disaster Emergency Act,



Employees may take PHEL intermittently if the employee is taking leave to care for their child whose school or place of care is closed, or whose child care provider is unavailable because of COVID-19 related reasons, regardless of telework status. Departments and supervisors are highly encouraged to work collaboratively with employees to achieve maximum flexibility to meet mutual needs

PHEL is granted one-time during the entirety of a public health emergency even if such public health emergency is amended, extended, restated, or prolonged. PHEL may be used up to four (4) weeks after the suspension of the public health emergency.

## **Work-Related Illness or Injury Leave and Make Whole**

An employee who suffers an on-the-job injury or illness that is compensated under the workers' compensation program is granted up to ninety (90) occurrences if the temporary workers' compensation insurance payments are assigned to the department. Note that unlike other types of leave, this is counted in whole-day increments regardless of the number of hours actually absent. If the ninety (90) days are exhausted, "make whole" applies where any accrued paid leave is used in an amount that is closest to the difference between the temporary payment and the employee's gross base salary, excluding any pay differentials.

## **Unpaid Leave**

Unpaid leave could result in an adjustment to service dates and a probationary or trial service period, which may also be extended for paid leave. It also may affect the amount of paid leave earned. Sometimes referred to as Leave Without Pay (LWOP).

## **Family Medical Leave**

The Family Medical Leave Act (FMLA) provides eligible employees with unpaid leave with job protection for an employee's own serious health condition and the following conditions:

- Birth and care of your child or the placement and care of a child for adoption or foster care within one (1) year of the event;
- Physical care or psychological comfort for a child under the age of 18 or over the age of 18 if disabled, parent, or spouse, partner in a civil union, or registered domestic partner with a serious health condition. Active duty military leave when a parent, child, or spouse experiences a qualifying event directly related to being deployed to a foreign country;
- Care for a child, parent, spouse, or next of kin who suffers a serious injury or illness in the line of duty while on active duty in support of a contingency operation or for veterans who are receiving treatment within five (5) years of the beginning of that treatment.

A serious health condition is defined as an illness, injury, impairment, physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical care

facility, or continuing treatment by a health care provider. This includes temporary pregnancy-related disability (prenatal visits, childbirth and recovery). In the case of a serious health condition, the requirements for the Medical Certification and Fitness to Return Certificate forms are consistent with sick leave. If not provided, FML can be delayed or denied, or return to work could be delayed.

For the purposes of FML, an “immediate family member” is defined as the employee’s child including a foster, adopted, or step child, legal ward, or a disabled adult child 18 or over incapable of self-care as defined by the Americans with Disabilities Act (ADA); parent (including individuals who filled the role of a parent); or spouse (including common-law marriage). This is a different definition than the one that is used for general sick leave.

An employee with a total of one year of total state service, before the leave begins, is eligible for up to four hundred eighty (480) hours of FML (pro-rated for part-time employees) and up to forty (40) hours of State FML per rolling calendar year (pro-rated for part-time employees) regardless of employee type. A state temporary employee shall also have worked one thousand two hundred fifty (1250) hours within the twelve (12) months prior to the date leave will begin. Time worked includes overtime hours. The service time does not need to be consecutive because it is based on the total time of employment with the state.

The amount of paid leave during FML depends on an employee’s accrued leave balances. An employee is required to use all accrued sick leave, to the extent allowed by the sick leave policy, and all accrued annual leave. All other types of leave and absences that also qualify as FML will be counted toward FML, except while “make whole” applies under workers’ compensation conditions.

Military caregiver leave is a one- (1) time entitlement of up to one thousand forty (1040) hours (prorated for part-time) in a single twelve (12)- month period starting on the date the leave begins. While intermittent leave is permitted, it does not extend beyond the twelve (12)- month period. In addition, the combined total for military caregiver, state family medical leave, and all other types of FML shall not exceed one thousand forty (1040) hours.

Benefit premiums will continue to be paid through normal payroll deduction when the FML is paid. Any unpaid FML is treated the same as unpaid leave except the department continues to pay the State's contribution to benefit premiums if an employee continues to pay the employee contribution in a timely manner. Coverage may be terminated if the employee contribution is not paid in a timely manner. An employee must make arrangements for such payments through the department payroll administrator or office.

Upon return to work from FML, an employee is placed in the same or an identical position, subject to the conditions of the FMLA. Restoration to the same or equivalent job does not apply if the employee would have otherwise been separated had the leave not been taken (e.g., layoff or disciplinary termination). For purposes of the employee’s evaluation, any time taken for FML (except fraudulently taken) shall not be considered in the performance rating or in corrective/disciplinary action.

For assistance with requesting FML and for more information about FML, please contact your department's FMLA coordinator or human resources office.

## **Short-Term Disability Leave and Make Whole**

An employee with one year of service is eligible for up to one hundred eighty (180) days of short-term disability leave when applying for or receiving short-term disability benefits. To be eligible for the leave, your application for the benefit must be submitted through the department within thirty (30) days from when the absence begins. There is a thirty (30) day waiting period before short-term disability benefits begin during which you must use sick leave, followed by annual leave, then unpaid leave, if necessary.

When an employee is receiving short-term disability payments, the employee may choose to use accrued paid leave to make their salary whole in an amount that is closest to the difference between the short-term disability benefit payment and the employee's gross base pay, excluding any pay differentials. Employees who elect to be made whole will use accrued sick leave first, then annual leave or compensatory time as available. Leave earning is not prorated when an employee is being made whole.

The short-term disability leave is treated as unpaid leave for the purpose of earning sick and annual leave and seniority. If you applied for short-term disability leave, your employment cannot be terminated during the thirty (30) day waiting period. Your employment with the state may be terminated if you are denied short-term disability and are ineligible for or have exhausted FML, or you fail to apply for short-term disability benefits. Although an employee with less than one (1) year of state service is ineligible for the leave, the employee may still be eligible for the short-term disability benefit. Also, you may be granted unpaid leave.

## **Leave Sharing**

Each department designs its own leave sharing program within parameters established by the personnel director that allows employees to donate annual leave to another employee when an employee or an employee's family member (as defined in the sick leave section) is experiencing an unforeseeable, life-altering event beyond the employee's control.

To request donated annual leave, the employee must have a minimum of one (1) year of service and exhaust all accrued annual leave and sick leave. Leave sharing is not a substitute for other temporary benefits such as short-term or long-term disability benefits. If all leave is exhausted, donated leave may be used to cover the leave necessary during the thirty (30) day waiting period for short-term disability benefit payments. The approval of a request is at the sole discretion of the department head. Denial of a request to transfer or receive annual leave cannot be grieved or appealed.

## V. GROUP BENEFIT PLANS

Information regarding the benefit plans and the rules and procedures that govern the plans, as well as access to the online Benefits Administration System (BAS), is available at [State of Colorado Employee Benefits](#). You can only enroll in these benefits online through the BAS.

As a permanent employee, you are eligible for a variety of group benefit plans. You have 31 days from your date of hire to enroll in the various plans. Your effective date of coverage is the first day of the month following your date of hire.

If you do not enroll within the first 31 days after your date of hire/eligibility, you must wait for the next annual open enrollment period unless you experience specific events such as:

- A loss of other coverage
- Marriage
- Birth
- Gain/loss of other coverage (marriage, divorce, birth, death, etc.)

Examine all of the benefits information provided to make an informed decision. Ask questions before making a decision and review and verify the accuracy of your elections before submitting and approving them.

Once enrolled in any of the group benefit plans, you then have certain responsibilities:

- Verify the accuracy of enrollment elections and the deductions for these elections
- Provide required supporting documents (e.g. birth or marriage certificates)
- Inform your department of any changes
- Become familiar with your elected plans, as well as any information regarding the state rules and procedures governing those plans

You are allowed to add a new spouse/civil union partner or dependent child within 31 days of a Qualifying Life Event (QLE), such as marriage or birth. This 31-day window is prior to or following the date of the event, such as the date of marriage or birth. Such changes must be made in the BAS.

When your spouse or dependent child is no longer eligible, you must make the appropriate change in the BAS within 31 days of the ineligibility date. You must also provide any supporting documentation regarding changes within 45 days of the event date (e.g., documents that verify a new spouse, a divorce, a new child or a change in a spouse's employment or eligibility for benefits with another employer).

Enter your change prior to the event date to avoid gaps in coverage. Enter your change online even if you do not have the supporting documentation. You can provide the documentation separately.

Speak to your Benefits Administrator (BA) if you anticipate any delays in gathering supporting documentation or if you encounter technical difficulties.



## **Medical Insurance**

The state offers several medical plans for eligible state employees and their eligible dependents. Each option offers a unique schedule of benefits at various price points to provide choices to address the needs of our diverse workforce. Please review each option carefully before selecting the plan that is the best for you and your family.

## **Dental Insurance**

Employees have two dental plans to choose from with different benefit schedules and price points. Carefully review each option to choose the plan that best meets your household's needs.

## **Vision Insurance**

The state offers two vision plan options for employees to choose from. Similar to medical and dental, each plan has a different schedule of benefits and price points.

## **Life Insurance**

All eligible employees in the state personnel system are provided state-paid, basic group term life insurance and Accidental Death and Dismemberment (AD&D) coverage. If the life insurance benefit the state provides does not meet the needs of you or your family, employees have the opportunity to buy additional voluntary life group term life and AD&D coverage for themselves, their spouse/civil union partner or dependents.

Newly hired employees should strongly consider purchasing this coverage when first offered because they qualify for a guaranteed amount of coverage not subject to a health review.

Employees/dependents will need to satisfactorily answer health questions in order to purchase additional life insurance outside of the initial offer period. The employee is responsible for the entire voluntary group term life and AD&D coverage premium(s).

## **Disability Insurance**

### **Short-Term Disability**

All eligible employees in the state personnel system are automatically enrolled in the state-paid Short-Term Disability program. This program provides 24hour coverage for disabilities that occur because of an accident or illness.

Colorado Public Employees' Retirement Association (PERA) also offers a short-term disability program for state employees with five or more years of service. Please contact PERA directly for details.

## Long-Term Disability

Employees who work at least 12 hours per week on a year-round basis may apply for the voluntary Long-Term Disability (LTD) program. Coverage is not subject to medical underwriting as long as it's purchased during the new hire enrollment period. Employees will need to satisfactorily answer health questions to purchase this coverage after the new hire enrollment period.

The premium for LTD coverage depends on age, salary and vesting status within the PERA Defined Benefit (DB) retirement plan (if the PERA DB plan is not chosen as your retirement plan, then your PERA DB vesting status is, and will remain, non-vested). Once vested in the PERA DB plan, the employee should contact their BA to change to the lower VESTED LTD premiums. You are responsible for the entire premium for this coverage.

PERA also provides a LTD program to eligible employees enrolled in the PERA DB retirement plan, as it is part of the survivor and disability benefits associated with that DB program.

## Salary Reduction (125) Plan (Pre-tax Deductions & FSAs)

### Pre-Tax Premiums

This voluntary program allows you to pay the premiums for medical, vision and dental benefits with pre-tax dollars. Under Section 125 of the Internal Revenue Code, you may annually elect to reduce your taxable salary by the amount you pay towards medical and dental premiums. Participation in the salary reduction plan can result in you paying less federal, state, and Medicare taxes.

Because of the tax savings you receive, the federal government places certain restrictions on what you can and cannot do under this plan. This is an irrevocable choice, meaning changing your decision to have your premiums deducted pre-tax, as well as canceling or changing the benefits associated with these deductions, is not allowed until the next open enrollment period unless you experience a qualifying event as defined in federal law [Treasury Regulation 1.125-4(b-f)].

### Flexible Spending Account (FSA)

Flexible spending accounts allow you to pay for certain healthcare and dependent day care expenses on a pre-tax basis. You make an annual election of an amount to contribute through a salary reduction agreement. This amount is then deducted over the course of the plan year, divided on a per pay period basis, and deposited into your account.

These funds are not subject to federal, state or Medicare taxes, or PERA deductions. However, you may not deduct any expenses on your tax return that were reimbursed with pre-tax funds from a FSA.

The state offers three different types of FSAs:

- Health Care FSAs can reimburse you for a number of qualifying healthcare expenses for you, your spouse and your eligible dependents, not covered by insurance such as deductibles, co-insurance, co-payments, orthodontia, etc.
- Limited Purpose FSAs are available only to those enrolled in a Health Savings Account (HSA). The IRS limits these employees to dental and vision-only FSAs.
- Dependent Day Care FSAs reimburse you for eligible daycare expenses for your dependent child(ren), up to age 13.

## Health Savings Account

Employees who are enrolled in one of the Qualified High Deductible Health Plan (HDHP) medical options offered by the state, are eligible to establish a Health Savings Account (HSA).

These employee-owned bank accounts let the employee set aside dollars to pay for unreimbursed medical, dental, and/or vision expenses on a tax-favored basis. Unlike the FSAs described above, the dollars in this account cannot be forfeited if unused. They remain the employee's property.

The state of Colorado currently contributes dollars monthly to employees who have set up their HSA account and who participate in HDHP coverage. State HSA contributions will not be provided to employees who fail to timely set up their HSA.

## Wellness

The state offers a myriad of different wellness programs and resources to help our employees and their families live their healthiest lives. The programs offered by our health insurers are accessed directly through their websites.

As a component of our medical plans, we offer our voluntary health improvement program, STATE OF HEALTH, for employees who want to get or stay healthy. The program offers an intensive program for those suffering from certain chronic health conditions up to a low-impact, do-it-yourself program appropriate for employees in any state of health. Employees who participate in this program will enjoy a discount on their state health insurance premiums.

# VI. RETIREMENT

## Colorado Public Employees' Retirement Association

State employees do not contribute to Social Security; therefore, new hires (except judges and those in four-year institutions of higher education) must choose one of two retirement plans. This mandatory decision is an important one-time choice so employees should consider the options carefully and choose the retirement plan that best suits their needs. The choices are:

- Colorado PERA Defined Benefit Plan (PERA DB Plan); or,

- Colorado PERA 401(a) Defined Contribution Plan (PERA DC Plan).

If a plan is not elected within 60 calendar days from the date of hire, the choice defaults to the PERA DB Plan.

NOTE: New employees in other institutions of higher education hired into the state personnel system do not have a choice and are enrolled in the PERA DB Plan.

Retired PERA members who want to return to work for the state in any capacity should contact PERA.

A percent of your total salary is deducted and transferred to the proper retirement plan where it is credited to your individual member account. Additionally, the state contributes a percentage of the payroll to the retirement plans. The employee and employer contribution rates are the same regardless of which retirement plan you choose. Please note that contribution rates for state troopers and Colorado Bureau of Investigation (CBI) agents differ from other state employees. Questions about membership benefits should be directed to your retirement plan.

Please visit the Public Employees' Retirement Association (PERA) website at [www.copera.org](http://www.copera.org) for more information regarding your retirement choices. PERA is located at 1301 Pennsylvania St., Denver, Colorado 80203. If you have more questions, contact PERA's Customer Service Center at 303-832-9550 or 1-800-759-7372.

## Voluntary Supplemental Retirement Plans

Most people know that it's a good idea to supplement retirement benefits for a financially secure retirement. One way to do this is by participating in one or more of the voluntary plans offered to state employees. These plans help employees reduce their current income taxes by deferring income as they save for retirement. Two plans are offered:

- PERAPlus 457 Plan
- PERAPlus 401(k) Plan

PERA also offers a Roth savings option of the PERAPlus 401(k)/457 Plans that can help you save and may also provide tax-free withdrawals when you retire.

For more information about these voluntary plans, please visit the PERA website, [www.copera.org](http://www.copera.org).

If employed by an institution of higher education, employees may also be eligible to participate in a 403(b) plan.

## VII. OTHER BENEFITS

### Workers' Compensation

Employees are automatically insured under the Workers' Compensation Act for injuries sustained in the course of employment. It is the employee's responsibility to report any accident on the job to a supervisor in order to receive workers' compensation. If an employee is injured seriously enough to cause missed work because of the injury, lost time, medical and rehabilitation expenses may be paid for by this insurance.

It is extremely important that employees report all accidents in a timely manner. In all cases of on-the-job injuries, employees must notify employers in writing of the specific job injury within four days of the injury. Also, if the employee violates a safety rule and those actions contribute to the injury or illness, employee benefits may be reduced or denied.

Employees must seek medical assistance at one of the healthcare providers assigned by their department. With a few exceptions, visits to a non-designated health provider will not be paid by workers' compensation.

### Unemployment Insurance

If employees are separated from their jobs under certain conditions, they may be eligible for unemployment insurance benefits. The amount an employee receives is based upon earnings and the terms and conditions of separation.

The Department of Labor and Employment (DOLE) administers this program. For information to file a claim for benefits, call 1-888-550-2800 or 303-813-2800 (Denver metro area).

### Medicare Coverage

All state employees hired on or after April 1, 1986, are covered under Medicare, including former employees who return. Temporary employees are included unless the basis for employment is a fire, storm, snow, earthquake, flood, or similar emergency. The required percentage of the employee's gross wages is deducted from pay.

For more information please refer to the Colorado Department of Labor and Employment's website, [Special Requirements for Some Workers](#).

### Training

Job-related and career enhancement courses may be provided to state employees at no cost or at a reduced cost as authorized by each department. Requests for training must be approved by the employee's appointing authority.

## State-Owned Housing

A department may provide housing for a state employee where state-owned facilities are available and it's in the best interest of the state. The department determines the rental cost, if any.

The employee and department execute a rental agreement. Rent, and, in some cases, utility costs, are paid through payroll deduction.

## Uniforms

Required uniforms and their maintenance may be provided to employees at no charge, at a reduced charge, or through a uniform allowance.

## Reimbursable Expenses

### Travel Expense Reimbursement

Employees are entitled to reimbursement for travel expenses incurred while carrying out responsibilities that are for the benefit of the state. Personal or political expenses or those that are not directly related to official functions or programs of a state department are not reimbursable.

Employees must use the most economical available transportation that will satisfactorily accomplish the state's business. Employees may use their own vehicle and receive a mileage reimbursement, or use a state vehicle. When travel extends beyond one (1) calendar day, employees may claim the actual cost of reasonable accommodations, plus the state allowance for meals that would normally be eaten. If travel is completed in a single day, lunch will not be reimbursed. Under certain circumstances, an appointing authority may approve a meal allowance for breakfast and/or dinner.

Employees should obtain all needed prior approvals and complete all required forms that pertain to state travel. Reimbursable amounts and allowances are reviewed and changed periodically and are contained in the state fiscal rules.

### Moving & Relocation Expenses

Employees may be entitled to reimbursement for moving or relocation expenses related to their duties, including acceptance of a position outside 50 miles as part of the layoff process. The appointing authority approves moving expenses when in the best interests of the state. Limits and qualifications are specified in state law and fiscal rules.

## Colorado State Employee Assistance Program

The Colorado State Employee Assistance Program (CSEAP) provides free and confidential EAP services to state employees and state leaders. Contact CSEAP at 303-866-4314 or [CSEAP Contact Us](#) to request mental health counseling support or consultation regarding other CSEAP

services. Additional services provided by CSEAP include professional coaching, employee mediation, team facilitation, wellbeing webinars, and financial assistance for basic and critical employee needs.

## **Work Perks**

Given the profound changes in demographics and the workplace, programs addressing the work experience are a key component of total compensation. Providing a supportive and flexible work environment that helps balance personal and work responsibilities has an impact on productivity and customer service. A broad spectrum of statewide programs is available to employees and supervisors.

By executive order, the performance evaluation of supervisors and managers is to include a factor on the application of basic business skills and sound judgment using work-life policies and programs.

Orientation information, worksheets, and checklists have been published for flexible work arrangements (job sharing, flextime, and flexplace). Various resources and referral information, tips and manager awareness tools, along with discounts on child care and other valuable discounts have been established for employees.

## **VIII. STATE PERSONNEL DIRECTOR**

It is the duty of the State Personnel Director to establish the general criteria for adherence to the merit principles and for fair treatment of employees within the state. It is also the responsibility of the Director to provide leadership in the areas of policy and operation and to provide consultant services to executive branch agencies and institutions of higher education to further their professional management of employees in state government. The Director, pursuant to the “State Administrative Procedure Act”, shall provide necessary directives and oversight for the management of the state personnel system and in the discharge of their constitutional duty to administer the state personnel system.

## **IX. APPOINTING AUTHORITY**

Executive directors of departments and presidents of institutions of higher education are appointing authorities for their own agencies and institutions. Division directors as defined by law are appointing authorities for their respective divisions. An appointing authority may delegate in writing any and all human resource functions, including the approval of further delegation beyond the initial designee. In the area of corrective, disciplinary, or other actions that have an adverse effect on base pay, status, or tenure, each department shall establish a written document specifying the appointing authority for each individual employee and this information shall be made available to the employee.

Appointing authority powers include, but are not limited to:



- Hiring and evaluating performance;
- Determining the amount and type of any non-base incentive within policies issued by the director and the department's written plan;
- Defining a job;
- Administering corrective/disciplinary action;
- Determining work hours including meal periods and breaks, and safe conditions and tools of employment;
- Identifying positions to be created or abolished;
- Assigning employees to positions;
- Determining work location; and
- Accountability for any other responsibilities in the Rules.

Appointing authorities have a duty to ensure employees are oriented to the workplace, including communicating requirements and rights.

All appointing authorities, managers, and supervisors are accountable for compliance with personnel rules and all applicable laws, including implementation of policy directives, partnership agreements and executive orders.

## **X. STATE PERSONNEL BOARD**

The State Personnel Board is an independent state agency created by Article XII, Section 14(1) of the Colorado Constitution. Pursuant to Article XII, Section 14(3), the Board promulgates rules governing the state personnel system. Pursuant to Article XII, Section 13(8), the Board hears appeals by certified state employees of disciplinary actions. Pursuant to Section 24-50-125(5) of the Colorado Revised Statutes, the Board also hears appeals by certified state employees of adverse actions that affect base pay, status, or tenure. The Board may also use its discretion to grant a hearing when it appears that:

- An employment action violates the Colorado Anti-Discrimination Act (commonly referred to as "CADA");
- An employment action violates the State Employee Protection Act (commonly referred to as the "Whistleblower Act");
- A final grievance decision violates an employee's rights under the federal or state constitutions;
- A final grievance decision violates an employee's rights under the grievance procedures;
- A final decision of the State Personnel Director violates a rule or statute relating to the comparative analysis process; or
- A final decision of the State Personnel Director on a matter involving the overall administration of the state personnel system is arbitrary, capricious or contrary to rule or law.

## **XI. Colorado Workers for Innovative and New Solutions (COWINS)**

The state recognizes COWINS as the exclusive certified Employee Organization and collective bargaining representative for a single bargaining unit of all Employees who are employed in the personnel system of the state established in Section 13 of Article XII of the Colorado Constitution, except for those excluded by the Act: Executive, Managerial, Confidential, the Director, the Director of the Division of Labor Standards and Statistics, the Governor's Designee, and employees working with either Director to implement the Act, Administrative Law Judges and Hearing Officers, State Troopers, Legislative Branch employees, and temporary appointees as described in C.R.S. § 24-50-114.

COWINS shall represent covered employees in the partnership process for the purpose of negotiating an agreement over wages, hours and terms and conditions of employment.

## **XII. ALTERNATIVE DISPUTE RESOLUTION**

### **State Employees Mediation Program (SEMP)**

The state has a mediation program that is a facilitated problem-solving approach to resolving disputes. It is less adversarial than either the grievance or appeal process. It is a free and confidential service available to all employees in the state personnel system. It can be requested to resolve differences before they reach the grievance stage or after a grievance has been filed.

A key fact to remember is that if you want to mediate a dispute and yet retain the right to grieve, you must also start the formal grievance process within the ten (10) day time limit. If the formal grievance process described earlier in this section has already been started, either party may request mediation. Deadlines required by the grievance process are suspended while mediation is occurring. ([State Employee Mediation Program \(SEMP\)](#))

### **Settlement**

Parties are encouraged to resolve their appeals before the State Personnel Board, prior to a hearing through the settlement program. ([Colorado SPB Settlement Program](#))

### **Arbitration**

Arbitration is a dispute resolution alternative available for cases before the State Personnel Board, where rapid closure is most desired. By mutual agreement, both parties may divert their case to arbitration under the Uniform Arbitration Act.

## **XIII. ADDITIONAL PROGRAMS**

### **Risk Management**

The risk management program protects state employees against liability in the operation of state vehicles and in cases of general liability exposure (potential loss to the state not related to an incident with an automobile). The self-insured liability program will defend state employees during their employment, unless they are guilty of willful or wanton misconduct. The state's program may not apply to certain institutions of higher education.

If you are involved in an accident while driving a state vehicle, notify your supervisor immediately. You are responsible for filing any forms required by law enforcement agencies, but any further contact with the other party or parties involved should be referred to the Statewide Office of Risk Management (SORM) at 303-866-3848.

If you are driving your personal vehicle on state business and are involved in an accident, your personal insurance policy on this automobile is the primary insurer. The state self-insured liability program may provide coverage in excess of the employee's personal insurance policy liability limits. Physical damage (collision) coverage on personal vehicles is solely an employee responsibility.

Risk management also administers the state's property insurance program but provides no coverage for employee-owned property. A 1989 executive order created a safety committee in each department to establish safety policies and procedures that fit each department's needs. It is the employee's responsibility to become familiar with the policies and procedures for their worksite and department and to report areas for potential improvement to the safety committee. Each employee is responsible for securing the safety of items of value.

### **Disability Accommodations and Accessibility**

The Americans with Disabilities Act Amendments Act of 2008 (ADAAA) requires that services, programs, and activities of state agencies be accessible to persons with disabilities. It prohibits discrimination against such persons in all aspects of the employment process. The state must provide reasonable accommodations to the known limitations of otherwise qualified applicants and employees with disabilities.

Each department has designated an ADA coordinator who investigates complaints and is the main contact for resources on accessibility and accommodation.

### **Credit Union of Colorado**

By joining the Credit Union of Colorado you gain access to low-interest rates on loans, higher interest yields on deposit accounts and much more. You are automatically eligible for membership if you or a member of your family falls within the guidelines below:

- State employees
- Retired state employees
- Part-time and temporary state employees
- Employees, elected officials, appointees and retirees of any Colorado county, municipality, special district or school district
- PERA employees
- Faculty, employees, students and alumni of Colorado School of Mines
- Faculty, employees, students, and alumni of Colorado Community Colleges, local district colleges, or area vocational schools
- Students of Mesa State College
- Miscellaneous affiliated groups
- Family members that are related by blood, marriage or adoption of the groups listed above

A permanent member of a household of the groups listed above, who lives at the same residence and participates in the maintenance of the household, including family members, domestic partners, foster children, and legal guardian relationships. Fraternities, sororities, and nursing homes are excluded from this definition.

Membership may include any small group or association that has a common bond or association, provided the group has been accepted by board action and received regulatory approval.

To become a member, fill out an application, or for more eligibility information visit ([Credit Union of Colorado](#)).

For a list of Credit Union of Colorado locations please visit ([Credit Union of Colorado locations](#)).

## Local Assistance & Basic Needs

CSEAP provides the following list of resources as a convenience to employees. The services provided by any agency or organization linked below are not provided by CSEAP and are not associated with CSEAP.

CSEAP does not recommend or otherwise suggest the use of any of the listed services but simply offers the information below as a convenience to you. As with any website you visit, be cautious and practice safe use. Never provide your personal information to any company/organization/provider unless you feel confident about the legitimacy of the company/organization/provider. ([CSEAP Resources Local Assistance Basic Needs](#))

## Emergency Financial Assistance

CSEAP provides emergency financial assistance grants to state employees in need through generous funding by the Credit Union of Colorado Foundation. Please ensure you meet the following criteria prior to completing the application. Applicants must be active state employees for a minimum of six (6) months prior to applying for financial assistance.

Eligible uses of funds include housing (rent only), utilities, and food. [CSEAP Support for All Employees Emergency Financial Assistance.](#)

## XV. WEBSITES

### Colorado.gov, Find Your Department

- [Colorado Contact Us](#)
- Filter results by drop-down to <Select Your Agency>

### Department of Personnel & Administration ([DHR Colorado](#))

The State Personnel Director is appointed by the Governor and is also the Executive Director for the Department of Personnel and Administration. The Division of Human Resources is headed by the Statewide Chief Human Resources Officer (CHRO) and is delegated to provide leadership in the areas of policy and operation of the state personnel system.

The statewide services include:

- State Employee Benefits ([State Of Colorado Employee Benefits](#))
- Center for Organizational Effectiveness, for Learning and Development ([Center For Organizational Effectiveness](#))
- Time Off & Leave and Accommodations ([Time Off and Leave](#))
- Employee Wellness Program ([Employee Wellness Program](#))
- State Office of Risk Management ([State Office of Risk Management](#))
- Colorado State Employees Assistance Program (CSEAP) ([CSEAP](#))

### Other Useful Resources

- Employee Resources ([Employee Resources](#))
- Employee Forms ([State HR Professionals Forms](#))
- Colorado State Personnel Board ([State Personnel Board](#))
- Colorado WINS ([Colorado WINS](#))
- The Independent Ethics Commission (IEC) ([The Independent Ethics Commission IEC](#))
- The Rules ([4 801-1 CCR the Rules](#))