

BOARD RULE 1-2

Board Rule 1-2. Certified state employees in the State Personnel System shall be eligible to elect members of the Board in accordance with C.R.S. § 24-50-103 and this Rule.

A. Eligibility to serve as a Board Member.

1. State Personnel Board Members shall be qualified state electors in the State of Colorado.
2. State Personnel Board Members shall not be officers or employees of the State of Colorado or of any state employee organization.

B. Eligibility to vote for Board Members and to sign a nomination petition. Only certified state employees are eligible to vote for Board Members and to sign a nomination petition.

C. Nomination Process.

1. For an expiring term, the Board Director shall initiate the nomination process no later than sixty (60) days prior to the expiration of an elected member's term. For any other elected member vacancy, the Board Director shall initiate the nomination process no later than thirty (30) days after the date of the vacancy.
2. To initiate the nomination process, the Board Director shall announce the process for nominating candidates and the deadline for making nominations.
3. Candidates for election to the Board shall be nominated by any of the following three methods:
 - a. **Nomination by Petition:** Employees may nominate a candidate by providing a petition signed by not less than fifty (50) certified state employees by the deadline established by the Board Director. To be valid, the nomination petition must include each certified state employee's full name, employee identification number, state email address (if any), the name of the Department or Institution where the employee works, and the employee's signature.
 - b. **Personnel Director Nomination:** The Colorado State Personnel Director may nominate a candidate by providing written notice to

the Board Director by the deadline established by the Board Director.

- c. Certified Employee Organization Nomination: The certified employee organization previously certified pursuant to Executive Order D 028 07 may nominate a candidate by providing written notice to the Board Director by the deadline established by the Board Director.

D. Information from Departments and Institutions.

- 1. Departments and Institutions shall provide the Board with a designated contact person. The designated contact person shall facilitate transmission of the Board's election announcements and shall ensure the Board receives a current list of certified state employees.
- 2. Departments and Institutions shall provide the Board a list of their certified state employees within thirty (30) days of the Board Director initiating the nomination process. The list shall include the employee's full name, employee identification number, state email address (if any), and the employee's date of certification. The list shall be in a searchable electronic document.

E. Determination of eligible candidates and next steps.

- 1. The Board Director shall review the nominations to determine the total number of eligible candidates.
- 2. Uncontested election. If only one eligible candidate is nominated across all nominating methods, the Board Director shall announce that the election is uncontested and the candidate is deemed elected.
- 3. Contested election. If more than one eligible candidate is nominated across all nominating methods, the Board Director shall proceed to the voting process.
- 4. Failure of Nomination. If no eligible candidate is nominated across the three nominating methods, the Board Director shall reinitiate the Nomination Process. In this situation: (a) candidates seeking Nomination by Petition only need to obtain five nominating signatures from certified state employees; and (b) a fourth nomination method shall be added to the existing methods; specifically, the Board Chair may also nominate a candidate for election to the Board.

F. Voting Process.

1. To initiate voting, the Board Director shall announce: (a) the names of the candidates; (b) instructions for voting; and (c) the deadline for completing voting.
2. Voting shall be completed in accordance with the Board Director's instructions by the deadline. To ensure eligibility to vote, certified state employees shall provide their full name, employee identification number, state email address (if any), and the name of the Department or Institution where they work.
3. The Board Director or a third party election vendor shall count the votes of certified state employees. The candidate with the most votes is elected. Following the count, the Board Director shall announce the election results.

G. Contesting the Election. A certified employee may contest the Board election pursuant to C.R.S. § 24-50-103(3)(c) only after the following:

1. Providing written notice of the specific grounds for contesting the election. Such notice shall be given to the Board no later than ten (10) days after the Board announces the election results.
2. Allowing at least twenty-one (21) days for the Board to cure the alleged invalid election.

BOARD RULE 8-21

Board Rule 8-21. Allegations of a Violation of the Whistleblower Act. Pursuant to § 24-50.5-104, C.R.S., the Board has discretionary jurisdiction over claims of retaliation in violation of the Whistleblower Act filed by employees in the state personnel system.

- A. Employees shall file both the Consolidated Appeal/Dispute Form and the Whistleblower Complaint Form. Both forms are available on the Board's website.
- B. The Board will notify the employee of the notice requirements of the Governmental Immunity Act, § 24-10-101, C.R.S., et seq.
- C. The Board will refer the whistleblower complaint to the department.

D. The department shall respond to the whistleblower complaint as follows:

1. The department's response shall provide substantive responses to each of the material allegations in the whistleblower complaint.
2. The department shall file its response within forty-five (45) days from the date the complaint was filed with the Board.

E. Upon the department filing its response to the whistleblower complaint, unless the matter is stayed pending a CCRD investigation, the Board will issue a Notice of Preliminary Review or a Notice of Hearing.