



Arial 10pt/ Black / 1 inch margins, / Rule Number ends with a "." / single indent after rule number / ½" indents increments on sub bullets / Bold Headers / Page Break at end of chapter / Rule 5-7 Table in separate working document / Use "shall" not "must" / numbers should be spelled out then depicted by (###) / only one (1) space after periods

**ONLY 1 Master Redline for Secretary of State**

## Contents

4 CCR 801-1.....	2
Preamble.....	2
Chapter 7 Separation.....	<u>33</u>
General Principles.....	<u>33</u>
Resignation.....	<u>33</u>
Layoff Principles.....	<u>64</u>
Determining Priorities for Layoff and Retention Rights.....	<u>75</u>
Notice Requirements.....	<u>85</u>
Retention Areas.....	<u>96</u>
Retention Rights.....	<u>116</u>
Reallocation.....	<u>128</u>
Appeals.....	<u>138</u>
Recordkeeping.....	<u>138</u>
Editor's Notes History.....	<u>149</u>

# DEPARTMENT OF PERSONNEL AND ADMINISTRATION

## State Personnel Board and State Personnel Director

### STATE PERSONNEL BOARD RULES AND PERSONNEL DIRECTOR'S ADMINISTRATIVE PROCEDURES

#### 4 CCR 801-1

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

---

The purpose of the State Personnel Board Rules and Director's Administrative Procedures is to establish a comprehensive system of rules and procedures for employees within the state personnel system. In order to distinguish the Board Rules from the Director's Procedures, rules promulgated by the State Personnel Board are noted as "Board Rules". Rules adopted by the Board and procedures adopted by the Director require the formal rulemaking process defined in the Administrative Procedures Act.

Pursuant to C.R.S. § 24-50-101(3)(b), it is the duty of the State Personnel Board to provide fair and timely resolution of the cases before it. Pursuant to C.R.S. § 24-50-101(3)(c), 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 individuals within the state personnel system.

#### Preamble

Unless otherwise noted in a specific provision, the entire body of State Personnel Board Rules were repealed and new permanent rules were adopted by the State Personnel Board on April 19, 2005, pursuant to a Statement of Basis and Purpose dated April 19, 2005. The entire body of the State Personnel Director's Administrative Procedures were repealed and new permanent procedures were adopted by the State Personnel Director on May 5, 2005, pursuant to a Statement of Basis and Purpose dated May 5, 2005. Such rules and procedures were effective July 1, 2005.

This version reflects changes to Chapter 7, Separation that shall become effective on ~~DATE~~, 2020. These changes clarify and simplify the Board Rules and the Director's Procedures in Chapter 7, Separation. These changes also create the alignment of the Board Rules and Director's Procedures with current law. This version reflects an emergency rulemaking by the State Personnel Director as follows: 3-40, D.4.; 5-39; 5-40; 5-41. These emergency administrative procedures are effective March 13, 2020 and are in effect for 120 days.

This version reflects rulemaking by the State Personnel Director as follows: This version reflects rulemaking by the State Personnel Director as follows: to modify Procedures 1-10, 1-11, 1-15, 1-22, 1-38.1, 1-48, 1-72, 1-79, 1-79.A, 1-79.B, 3-29, 3-35, 3-36, 5-5, 5-10, 5-13, 5-15.B.3, 10-4.C, and add Procedures 1-38.2, 1-38.3, 1-45.1, 1-55.1, 1-55.2, 1-80, 11-28, 11-29, 11-30, and repeal Procedures 1-9.C, 1-79.E, and 1-79.D, effective April 1, 2020.

This version reflects an emergency rulemaking by the State Personnel Director as follows: 5-4.A, 5-7 (Table). These emergency administrative procedures are effective April 1, 2020 and are in effect for 120 days.

## Chapter 7 Separation

Authority for rules promulgated in this Chapter is found in ~~Cele. Const. art.~~ the Colorado Constitution Art. XII, Sections §13, 14 and 15; and in C.R.S. §§ 24-50-109.5, 24-50-124, 24-50-126 and 24-50-136. C.R.S.-Board rules are identified by cites beginning with "Board Rule".

### General Principles

Board Rule 7-1. The appointing authority ~~must~~shall communicate, or make a good-faith effort to communicate, with an employee before conducting any involuntary separation. The communication may be ~~oral~~verbal or written, and ~~must~~shall provide an opportunity for the appointing authority and employee to exchange information about the separation. If the involuntary separation is an administrative discharge, the appointing authority shall comply with the rules in Chapter 5, Time Off. If the involuntary separation is a disciplinary action, the appointing authority shall comply with the rules in Chapter 6, Performance. (3/30/13)

~~Board Rule 7-2. The State of Colorado seeks to promote progressive employment practices. As such, the Board strongly encourages the Governor, Director, and all appointing authorities to consider alternatives to minimize or avoid the need for layoffs of employees in the state personnel system including, but not limited to, placement into vacant positions for which the laid-off or displaced employees are qualified but for which they do not have retention rights, retraining, voluntary reduction in hours or pay, job sharing, voluntary unpaid leave, voluntary furloughs, and voluntary separation incentives. (3/30/13)~~

~~Board Rule 7-3. Department heads shall administer the layoff process for any affected employee in accordance with this chapter. Appointing authorities cannot use the layoff process as a substitute for disciplinary or corrective action. The layoff process should not prevent or interfere with other personnel actions. (3/30/13)~~

### Resignation

Board Rule 7-24. Resignations.

- A. Written notice of resignation. An employee shall give written notice of resignation directly to the appointing authority at least ten (10) working days before the employee's last day of work. An email to the appointing authority satisfies the requirement of a written notice of resignation.
1. The employee and appointing authority may mutually agree to less time than ten (10) working days between the resignation and the employee's last day of work.
  2. An employee's failure to provide at least ten (10) working days' notice may result in a delay in any payout of leave and a forfeiture of reinstatement privileges.
- B. Verbal notice of resignation. An employee may give a verbal notice of resignation of at least ten (10) working days before the employee's last day of work but verbal notifications may delay any leave payout and result in a forfeiture of reinstatement privileges.

- C. Confirmation of resignation. Upon receipt of a notice of resignation, the department shall give the employee a written Confirmation of Resignation that includes the following:
1. Confirmation that the department received Complainant's notice of resignation, the date of the resignation, the date of the employee's last day at work, and the termination date if different from the last day of work;
  2. A statement that if the employee believes the resignation was coerced or forced, the employee may appeal the resignation to the State Personnel Board;
  3. A statement that the deadline for filing an appeal to the Board is ten (10) days from the date of delivery of the Confirmation of Resignation; and
  4. The Board's physical address, email address, website, telephone and facsimile numbers.
- D. Delivery of the confirmation of resignation. Proof of delivery of the Confirmation of Resignation may be established by:
1. A dated return receipt from the United States Postal Service;
  2. A dated return receipt from a commercial delivery service provider;
  3. The employee's signature affixed to the Confirmation of Resignation;
  4. An affidavit of hand-delivery; or
  5. An affidavit of email delivery establishing email transmission to a valid email address combined with a copy of the email.
- E. Effective time of resignation. The resignation is effective immediately upon the employee giving notice of resignation.
- F. Withdrawal of resignation. An employee may withdraw a resignation only if:
1. The employee requests to withdraw the resignation date prior to the date of delivery of the Confirmation of Resignation; and
  2. The appointing authority approves the employee's request to withdrawal the resignation.

~~An employee must give notice of resignation directly to the appointing authority at least 10 working days before its effective date, unless the employee and appointing authority mutually agree to less time. Failure to provide written notice, as required by § 24-50-126(1), C.R.S., may result in a delay in payout of leave and forfeiture of reinstatement privileges. If the notice is oral, the appointing authority shall provide written confirmation as soon as possible. If the employee reasonably believes the resignation was coerced or forced, the employee has 10 days from the date of the resignation to appeal to the Board, except that an employee cannot appeal a resignation that is tendered in lieu of disciplinary action. Upon receipt of any written notice of resignation or upon an appointing authority providing a written confirmation~~

~~of an oral resignation, an employee must be notified, in writing, of the right to appeal a coerced or forced resignation, including the time for such an appeal, and the Board address and telephone and facsimile numbers for filing the appeal. The 10 days for an employee to appeal to the Board an alleged coerced or forced resignation shall be from the date of receipt by the employee of the notification of appeal rights. If an employee tenders a resignation in lieu of disciplinary action, the employee shall be notified in writing that he or she has waived his or her right to appeal the resignation to the Board. (3/30/13)~~

Board Rule 7-35. Resignations in lieu of disciplinary action. If an employee resigns in lieu of disciplinary action, the employee forfeits the right to file an appeal to the State Personnel Board.

Board Rule 7-4. Job Abandonment.

- A. If an employee is absent without approved leave and advanced notice for three (3) scheduled consecutive working days, the appointing authority may construe that absence as an job abandonment and therefore an automatic resignation. In the case of a documented medical emergency, employees may seek leave retroactively if the medical emergency was of such nature that it prevented the employee from providing advance notice.
- B. Confirmation of Job Abandonment. The appointing authority shall give the employee a written Confirmation of Job Abandonment that includes the following:
1. The dates of the employee's absence without leave;
  2. A statement that the absence is construed as an automatic resignation;
  3. The effective date of the employee's termination;
  4. A statement of whether the employee is eligible or not for rehire;
  5. A statement that if the employee believes the absence was justified, the employee may appeal the separation to the State Personnel Board;
  6. A statement that the deadline for filing an appeal to the Board is ten (10) days from the date of delivery of the Confirmation of Job Abandonment; and
  7. The Board's physical address, email address, website, telephone and facsimile numbers.
- C. Proof of delivery of the Confirmation of Job Abandonment may be established by:
1. A dated return receipt from the United States Postal Service;
  2. A dated return receipt from a commercial delivery service provider;
  3. An affidavit of hand-delivery;
  4. The employee's signature affixed to the Confirmation of Job Abandonment; or

5. An affidavit of email delivery establishing email transmission to a valid email address combined with a copy of the email.

D. Employees who abandon their jobs may be ineligible for rehire.

~~The appointing authority shall give the employee written notice, by certified mail, of the effective date of the employee's resignation. The employee is ineligible for reinstatement. (3/30/13)~~

### Layoff Principles

Board Rule 7-5. Appointing authorities shall consider alternatives to minimize or avoid the need for layoffs of employees in the state personnel system.

Board Rule 7-6. Department heads shall administer the layoff process in accordance with this Chapter. Appointing authorities cannot use the layoff process as a substitution for discipline. The layoff process should not prevent or interfere with other personnel actions.

7-76. The only reasons for layoff are lack of funds, lack of work, or reorganization. These rules apply to any reduction in force that results in the elimination of one or more occupied positions regardless of the reason for layoff. (1/1/14)

A. For any and all layoffs, department heads have the discretion initially to make the business decisions as to how their department will continue to meet its mission after engaging in the layoff process. These decisions include:

1. Determining which classes or class series will best help the department meet its mission;
2. The level of staffing by various classifications and/or class series and the agency functions to be staffed, either by facility location or department-wide; and
3. Shall must meet any constitutional or statutory mandates.

B. D-A department head may delegate this authority to make any of the business decisions to subordinate appointing authorities within the department.

1. Such delegation shall be in writing and describe the parameters of the business decisions to be made by the subordinate appointing authority.

7-86. Layoff Plan: For any and all layoffs, after making its business decisions and ten (10) days prior to issuing the first (1<sup>st</sup>) layoff notice, the department shall post a Layoff Plan, signed by the Executive Director, department head of a principal department or designee, both in a conspicuous place where all impacted parties have access to view the posting and on the department's internet or intranet websites.

A. The purpose of the Layoff Plan is to facilitate strategic planning prior to the abolishment of any positions and to provide an open and transparent explanation for the elimination of

positions and/or services.

B. The Layoff Plan shall include the following:

1. A description of the planned changes in the fundamental structure, positions, or functions accountable to one or more appointing authorities;
2. A list of the ranking factors and their relative weights;
3. If applicable, an organizational chart setting out the planned changes in the fundamental structure, positions, or functions accountable to one or more appointing authorities;
4. The reasons for the change;
5. The anticipated benefits and results, including any cost savings;
- 5.6. A general description of the expected changes and their effects on employees;
- 6-7. A description of how the work performed by the eliminated positions will be absorbed by the department;
- 7-8. A listing of the classes in which positions will be abolished as contemplated in the Layoff Plan; and
- 8-9. If there have been any modifications to the special qualifications for positions affected by the Layoff Plan within sixty (60) days or less prior to publication of the Layoff Plan, a list of such positions; and.
10. When a function and position are transferred to another department, the employee occupying the position transfers.

Board Rule 7-97. After an appointing authority has made the initial business decisions and posted the department's Layoff Plan, the layoff of individual employees and the subsequent calculation of their retention rights, if any, ~~must~~ shall be made in accordance with the rules-procedures in this Chapter setting forth the priorities for determining the priorities for layoff, and retention rights. (3/30/13)

7-8. ~~The layoff of certified employees whose age plus years of service credit equal 75 on or before January 1, 2013, is to be in accordance with the rules within this chapter. Layoff decisions for all other certified employees, after September 1, 2012, are to be in accordance with this chapter, except as in Board Rule 7-15, Board Rule 7-16, Board Rule 7-17, Board Rule 7-18, and Board Rule 7-19, and as set forth below. (3/30/13)~~

**Procedures for Determining Priorities for Layoff and Retention Rights**

7-109. In making both layoff and retention rights decisions, appointing authorities shall rank employees based upon seniority, performance and applicable veterans' preference. A department should consider weighting these three factors according to its layoff plan. (3/30/13)

Board Rule 7-110. ~~Seniority in State Service: Seniority is the calendar year in which total state service began, plus up to 10 additional years (rounded to the next whole year for partial years) of military service for those eligible for veteran's preference. State service includes permanent status and state employment outside the state personnel system. (3/30/13) is the total number of years of state service plus any veterans' preference.~~

- A. ~~State service includes all employment for the State of Colorado even if employed outside the state personnel system.~~
- B. ~~Veterans who have completed less than twenty years of active military service receive a preference in calculating seniority by adding years of active military service to the total number of years of state service, up to ten (10) years.~~
- C. ~~The calculation of the years of state service and active military service is rounded up for partial years.~~

7-121. ~~Layoff Ranking: If applicable, the department head shall must establish the ranking formula for the affected area(s). The formula shall must be consistently applied to any certified employee affected by the layoff process, for the affected area(s). The formula shall must be communicated to all employees within the layoff plan. Employees with lower rankings shall must be separated displaced before employees with higher rankings, except, as set forth in art. XII, Section 15 of the Colorado Constitution Art. XII, Section 15, no veteran can be displaced before a non-veteran regardless of rank. (1/1/18)~~

- A. ~~If there is a tie under the department's formula, then the employee with the earliest start date of employment with the State of Colorado shall be the higher ranked employee. If the employees are still tied, then the decision shall be made by taking into account any the affirmative action Equity Diversity and Inclusion program established by the State Personnel Director, pursuant to § 24-50-101(3)(e), C.R.S. (3/30/13)~~

7-132. ~~When a person is separated from state service based upon documented lack of funds, lack of work or reorganization, an appointing authority shall consider placing the displaced person into a vacant funded position for which they qualify. An appointing authority should consider prior experience, past performance and tenure in making such decision. (3/30/13)~~

Board Rule 7-143. ~~Trial service employees are treated as if certified in the trial service class during the layoff process. Conditional employees will be considered according to their previously certified class. (3/30/13)~~

### Layoff Notice Requirements

7-154. ~~The department shall must publish the Layoff Plan layoff plan at least fifty-five (55) calendar days before the layoff is effective.~~

- A. ~~These fifty-five (55) days will incorporate shall include at least forty-five (45) days notice days' notice to a certified employee that their position is being eliminated and they are being separated. their position is being eliminated~~



- ~~B. The layoff notice shall must include appeal rights, and give eligible employees at least three working days from the date of delivery to state whether they want the department to determine their retention rights and then give the employees an additional three working days to accept or reject the offer. The layoff notice shall be delivered in person at the workplace, whenever possible. In the event the agency or department is not able to provide it in person, it should be delivered by email and/or delivered to the employee's last known address. The notice is deemed delivered when it is actually received or five days after the mailing, whichever is earlier. (1/1/18)~~
- ~~C. The department must provide written notice to certified employees who are being displaced by another employee at least 10 business days before the displacement. A displaced certified employee who is separated shall be paid for at least 22 working days after receipt of the notice of displacement. Proof of delivery of a layoff notice may be established by:~~
- ~~1. A dated return receipt from the United States Postal Services;~~
  - ~~2. A dated return receipt from a commercial delivery provider;~~
  - ~~3. The employee's signature and date affixed to the layoff notice;~~
  - ~~4. An affidavit of email delivery establishing email transmission to a valid email address combined with a copy of the email; or~~
  - ~~5. An affidavit of hand-delivery showing the data of delivery.~~
- ~~D. The department shall provide written notice to non-certified employees who are being separated at least ten (10) business days before the layoff is effective.~~

### **Retention Rights Areas**

Board Rule 7-165. Certified employees who, as of January 1, 2013, were within five years of being eligible for full retirement under C.R.S. section 24-51-602(1)(a) shall have retention rights.

- A. In making retention decisions when there is more than one employee eligible for retention rights, a department shall rank eligible employees based upon performance and seniority.
- B. Unless the Board approves a request to limit the retention area, eligible employees shall have retention rights throughout their principal department. If a department requests to limit the retention area, it shall submit the request in writing to the Board at least four (4) weeks before the monthly Board meeting and must concurrently serve the request on all affected employees. Within two (2) weeks of receipt of the request to limit the retention area, anyone opposing the request may submit a written opposition to the Board. Departments shall obtain Board approval to limit the retention area at least thirty days before publication of the Layoff Plan under Board Rule 7-7.
- C. An eligible employee shall meet the minimum qualifications and any bona fide special

qualifications in order to have retention rights to a position.

D. The department shall offer retention rights to eligible employees in the following order:

1. To a funded vacant position in the same class as the eligible employee.

2. To an occupied position in the same class as the eligible employee if the person occupying the position is a non-certified employee.

3. To a funded vacant position in a previously certified class of the eligible employee.

4. To an occupied position in a previously certified class of the eligible employee if the person occupying the position is a non-certified employee.

5. To a position in the same class as the eligible employee that is occupied by a certified employee.

6. To an occupied position in a previously certified class of the eligible employee that is occupied by a certified employee.

E. If there are multiple occupied positions at any step in this order, then the lowest ranked employee shall be displaced first.

F. If the only available position at any step in this order falls outside a seventy-five (75) mile radius of the eligible employee's current work location, then the eligible employee may proceed to the next step. If the eligible employee accepts an offer outside of the seventy-five (75) mile radius, the employee can claim moving expenses as permitted by fiscal rule.

D. When eligible employees exercise retention rights to a position, saved pay applies for a period of three (3) years after exercising retention rights. After three (3) years, the eligible employee's base pay shall not remain above the grade maximum for the position. An eligible certified employee may exercise retention rights within the principal department in which the certified employee is employed. (3/30/13)

E.G.

A. Institutions of higher education have the following separate retention areas: each state college, each community college, each university, each campus of the University of Colorado, University of Colorado system administration, each junior college, Auraria Higher Education Center, and central staff of Community Colleges of Colorado. (3/30/13)

B. The Department of Higher Education shall be a separate retention area in which certified employees in central staff and Colorado Student Loan Program shall have retention rights. (3/30/13)

C. History Colorado shall be a separate retention area in which certified employees employed therein shall have retention rights. (3/30/13)

D. For purposes of these layoff rules, the Governor's Office, and any units or offices created

~~within the Governor's office, shall be considered a retention area. (3/30/13)~~

~~Board Rule 7-16. — A department, upon approval of the Board, may limit retention rights to major divisions of the department only if its department head requests the limitation and the Board approves that request at least thirty days in advance of the posting of the Layoff Plan required by Board Rule 7-7. Any request to limit retention rights must set forth a reasonable basis for the request. (3/30/13)~~

~~Board Rule 7-17. — Any request to limit retention areas must be submitted in writing on or before the twelfth day before the monthly Board meeting at which the request will be considered. A copy of the request to limit retention areas shall be provided to all affected employees by mail to their home addresses and by email to their state email address, if any, on or before submittal of the request to the Board. Any parties opposing such a request may either submit a written opposition prior to the Board meeting or testify before the Board at the time of the Board meeting. The requester may either submit a written response to the opposition or testify before the Board at the time of the Board meeting. (3/30/13)~~

### **Retention Rights**

~~Board Rule 7-18. — An eligible employee must meet the minimum qualifications and any bona fide special qualifications in order to have retention rights to a position. Departments may not modify special qualifications of any position in a class series impacted by a layoff after the publication of the Layoff Plan, unless the modified special qualifications are directly related to the job duties and qualifications. (3/30/13)~~

~~A. — The department shall offer retention rights in the following priority to eligible employees:~~

- ~~1. — First, to any funded vacant position in the current certified class. If there are no funded vacant positions, then positions occupied by the following types of employees are offered in the following order: provisional, probationary, conditional, certified. If there are multiple occupied positions in the current certified class and the occupants of those positions are certified, then the lowest ranked employee shall be displaced first.~~
- ~~2. — If there are no available funded vacant or occupied positions in the current certified class, then a funded vacant position in a previously certified class occupied within the last two years and at the same maximum pay rate. If there are no funded vacant positions, then positions occupied by the following types of employees shall be offered in the following order: provisional, probationary, conditional, certified. If there are multiple occupied positions in a previously certified class at the same maximum pay rate and the occupants of those positions are certified, then the lowest ranked employee within the most junior ranking shall be displaced first.~~
- ~~3. — If there are no available funded vacant or occupied positions in the current or a previously certified class at the same maximum pay rate, then the highest level demotion in a vacant position in the current or a previously certified class series occupied within the last two years. If there are no vacant positions, positions occupied by the following types of employees shall be offered in the current or a previously certified class series in the following order: provisional, probationary, conditional, certified. If there are multiple occupied positions in the highest level demotion in the current or a previously certified class series and the occupants of those positions are certified, then the lowest ranked employee shall be displaced first. An employee can displace another employee only if the~~

~~displacing employee has been certified in the class. (3/30/13)~~

- ~~B. For these departments with multiple work locations throughout the state, the department shall offer retention rights in the following order:~~
- ~~1. Within a 75-mile radius of the employee's current work location, funded vacant positions in the current certified class.~~
  - ~~2. If there are no funded vacant positions in the current certified class, positions occupied by the following types of employees in the current certified class within a 75-mile radius are offered in the following order: provisional, probationary, conditional, certified. If there are multiple occupied positions in the current certified class within the 75-mile radius, and the occupants of these positions are certified, then the lowest ranked employee shall be displaced first.~~
  - ~~3. If there are no available funded vacant or occupied positions in the current certified class within a 75-mile radius, then a funded vacant position in a previously certified class occupied within the last two years at the same maximum pay rate. If there are no funded vacant positions, then positions occupied by the following types of employees shall be offered in the following order: provisional, probationary, conditional, certified. If there are multiple occupied positions in a previously certified class at the same maximum pay rate and the occupants of these positions are certified, then the lowest ranked employee shall be displaced first.~~
  - ~~4. If there are no available funded vacant or occupied positions in the current or a previously certified class at the same maximum pay rate within a 75-mile radius, then the highest level demotion within a 75-mile radius in a vacant position in the current or a previously certified class series occupied within the last two years. If there are no vacant positions, positions occupied by the following types of employees shall be offered in the current or a previously certified class series in the following order: provisional, probationary, conditional, certified. If there are multiple occupied positions in the current or a previously certified class series within the 75-mile radius, and the occupants of these positions are certified, then the lowest ranked employee shall be displaced first. An employee can displace another employee only if the displacing employee has been certified in the class.~~
  - ~~5. If the only retention opportunity within a 75-mile radius is a demotion, then in addition to the offer of that demotion, the employee may be given retention rights outside of the 75-mile radius to a position in the current certified class. (3/30/13)~~

~~Board Rule 7-19. If the employee accepts an offer outside the 75-mile radius, that employee can claim moving expenses as prescribed in fiscal rule. (3/30/13)~~

### Reallocation

~~7-1720. If a position is allocated downward and the employee elects not to remain in the position or if a position is allocated upward and the employee does not qualify, is not appointed or elects not to remain in the position, the employee will be laid off separated or, if eligible, given retention rights pursuant to the provisions of this Cchapter. If a certified employee is laid off separated or demoted~~

due to an upward or downward allocation or layoff, the employee is placed on a departmental reemployment list. ~~If an employee refuses a retention offer, the employee is laid off and placed on the departmental reemployment list. (3/30/13)~~

### **Appeals**

Board Rule 7-~~1821~~. All employees whose are separated or who are ~~positions have been eliminated or who have been upwardly or downwardly allocated to a different class in the course of a layoff~~ shall have a mandatory right to a hearing before the State Personnel Board. Acceptance of retention rights to another position does not eliminate the employee's appeal rights. Appeals shall be filed according to the procedures in Chapter 8, Dispute Resolution. (3/30/13)

### **Recordkeeping**

Board Rule 7-~~1922~~. Department heads shall ~~must~~ provide any required or requested information to the Director or State Personnel Board in a timely manner as requested. (3/30/13)

## **Editor's Notes History**

Chapters 1, 2, 3, 5, 6, 8, 10 eff. 07/01/2007.

Chapters 1, 4, 7, 8 eff. 10/01/2007.

Chapters 3, 5 eff. 07/01/2008.

Chapters 1, 2, 3, 4, 5, 6, 8 eff. 08/01/2008. Preamble, Chapter 7 emer. rules eff. 04/10/2009.

Rule 5-13 A emer. rule eff. 05/20/2009; expired eff. 08/20/2009. Rules 7-4, 7-15, 7-18, and 7-21 eff. 07/01/2009.

Preamble, 8-2, 8-50(C) eff. 12/01/2009.

Preamble, 1-51, 1-70, 2-7, Chapter 5, 8-78 eff. 05/01/2010. Chapter 11 eff. 07/01/2010.

Preamble, Chapter 8-50(C) eff. 08/14/2010. Preamble, Chapters 1 and 4 eff. 03/15/2011. Chapters 3, 6-8 eff. 09/01/2012.

Preamble, Rules 1-25, 1-37.1, 1-38.2, 1-43, 1-46, 1-54, 1-55, 1-56.1, 1-61, 1-62.2 – 1-62.4, 1-64.1, 2-10.B.1, Chapter 4, 8-42, 8-46.A, 8-46.1, 8-53, 8-81, 9-7, 10-3.F emer. rules eff. 01/02/2013.

Preamble emer. rule eff. 01/15/2013; rule 2-13 emer. rule repealed eff. 01/15/2013. Entire rule eff. 03/30/2013.

Preamble, Chapters 5 and 8 eff. 07/01/2013. Entire rule eff. 01/01/2014.

Preamble, Rules 1-2, 1-26, 4-42, 6-10, 6-14, 8-28, 8-38 – 8-39, 8-45, 8-47, 8-51.A, 8-51.F, 9-6, eff. 01/01/2015.

Preamble, Rules 5-19 – 5-20 eff. 01/14/2015.

Preamble, Procedures 3-18, 5-1, 5-2, 5-5, 5-7 – 5-10, 5-12 – 5-16, 5-18 – 5-21, 5-25, 5-28 – 5-32, 5-34, 5-37, 5-38, 11-3, 11-9, 11-11, 11-12, 11-16, 11-19, 11-21 eff. 02/14/2017. Procedure 11-7 H repealed eff. 02/14/2017.

Preamble, Chapters 2, 3, 7 eff. 01/01/2018. Preamble, Chapter 8 eff. 01/14/2018.

Preamble, Procedures 3-9.C, 3-26, 3-27, 3-42, 5-6, 5-10, 5-17, 5-17.D, 5-21 - 5-24, 5-33 - 5-36 eff. 11/01/2019. Procedure 9-7 repealed eff. 11/01/2019.

Preamble, Procedures 3-49.D.4, 5.39 – 5.41 emer. rules eff. 03/13/2020.

Preamble, Chapters 1, 3, 5, 10, 11 eff. 04/01/2020. Procedures 1-79.C-E, 10-4.C repealed eff. 04/01/2020.

Preamble, Procedures 5-4.A, 5-7(Table) emer. rules eff. 04/01/2020.