

# RULMAKING FOR JUNE 2022

## BOARD RULE 1-19

Board Rule 1-19. An employee may voluntarily and knowingly waive, in writing, all rights under the state personnel system, except where prohibited by state or federal law.

By law, the State Personnel Board has exclusive jurisdiction over claims by an employee involving certain matters. Employees may not waive their rights to file a claim before the State Personnel Board regarding, but not limited to, the following matters:

- 1) Disciplinary Actions;
- 2) Actions that adversely affect an employee's pay, status, or tenure; and
- 3) Claims under the State Employee Protection Act (a/k/a Whistleblower Act) by a classified state employee.

In circumstances where an employee or an applicant may waive their rights under the state personnel system, the waiver must:

- 1) Be made in writing;
- 2) Be signed by the employee or applicant;
- 3) Indicate it is knowing and voluntary;
- 4) Advise employees and applicants of their rights under the Colorado Constitution at Article XII, Section 13 and under the State Personnel System Act, including rights to appeal; and
- 5) Notify an employee or applicant that they may obtain information regarding the State Personnel Board on the Board's website ([spb.colorado.gov](http://spb.colorado.gov)).

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## BOARD RULE 1-5

Unless otherwise ordered, all materials to be considered by the Board at its monthly meeting shall be received in the Board's office at least fourteen (14) calendar days before the meeting. The party shall provide the original and nine (9) copies of all materials to be considered by the Board, except as otherwise provided in these rules.

## BOARD RULE 8-7(C)

If a deadline falls on a weekend, official state holiday, or office closure by governor order, the deadline is extended to the next regular business day.

## BOARD RULE 8-25(A)(2)

Respondent shall file its Information Sheet with the Board within ten (10) days from its receipt of Complainant's Information Sheet.

### **BOARD RULE 8-25(A)(3)**

Complainant may file a reply in further support of Complainant's Information Sheet within five (5) days of Complainant's receipt of Respondent's Information Sheet.

### **BOARD RULE 8-35(H)**

Exhibits. A list of any exhibits the party intends to offer as evidence at the hearing;

### **BOARD RULE 9-3**

Discrimination and/or harassment against any person is prohibited because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, religion, age, national origin, ancestry, political affiliation, veteran's status, marital status, or any other protected class recognized under the Colorado Anti-Discrimination Act (CADA). This applies to all employment decisions