



STATEMENT OF BASIS, PURPOSE, SPECIFIC STATUTORY AUTHORITY, AND FINDINGS

State Labor Relations (“SLR”) Rules, 7 CCR 1103-12 (2024), as proposed December 29, 2023; to be followed and replaced by a final Statement at the conclusion of the rulemaking process.

I. BASIS: The Director (“Director”) of the Division of Labor Standards and Statistics (“Division”) has authority to adopt rules and regulations under the authority listed in Part II, which is incorporated into Part I as well.

II. SPECIFIC STATUTORY AUTHORITY: These rules are issued under the authority of, and as implementation and enforcement of, Colorado Revised Statutes (“C.R.S.”) Title 24, Article 50 (2023), the “Colorado Partnership for Quality Jobs and Services Act,” as well as the general labor law implementation and enforcement authority of C.R.S. Title 8, Articles 1 and 3 (2023), and are intended to be consistent with the rulemaking requirements of the Administrative Procedure Act, C.R.S. § 24-4-103. These rules are promulgated pursuant to express authority, including but not limited to, C.R.S. §§ 24-50-1103, -1106(4), and C.R.S. § 8-3-105.

III. FINDINGS, JUSTIFICATIONS, AND REASONS FOR ADOPTION. Pursuant to C.R.S. § 24-4-103(4)(b), the Director finds as follows: **(A)** demonstrated need exists for these rules, as detailed in the findings in Part IV, which are incorporated into this finding as well; **(B)** proper statutory authority exists for the rules, as detailed in the list of statutory authority in Part II, which is incorporated into this finding as well; **(C)** to the extent practicable, the rules are clearly stated so that their meaning will be understood by any party required to comply; **(D)** the rules do not conflict with other provisions of law; and **(E)** any duplicating or overlapping has been minimized and is explained by the Division.

IV. SPECIFIC FINDINGS FOR ADOPTION. Pursuant to C.R.S. § 24-4-103(6), the Director finds as follows.

A. Rule 4. Unfair Labor Practices.

The proposed amendment to Rule 4.2.8 ensures that appeals will be conducted in a manner consistent with the State Administrative Procedure Act, C.R.S. § 24-4-101 et seq.

An amendment to Rule 4.1.9 is also proposed to parallel a concurrent proposed amendment to the Wage Protection Rules, 7 CCR 1103-7. This Statement of Basis and Purpose incorporates the concurrent proposed Wage Protection Rules Statement of Basis and Purpose on this point.

B. Rule 5: Appeals of Coverage Decisions by the State Personnel Director.

The proposed amendment to Rule 5.7 ensures that appeals will be conducted in a manner consistent with the State Administrative Procedure Act, C.R.S. § 24-4-101 et seq. Based on a recent ruling by the Colorado Court of Appeals (*Colorado Workers for Innovative & New Solutions v. Gherardini*, Case No. 22CA1260, 2023 COA 80 (September 14, 2023)), the Division is amending these rules to ensure conformity with the State Administrative Procedure Act as to appeals of classifications decisions under the Colorado Partnership for Quality Jobs and Services Act, H.B. 20-1153.

C. Other proposed amendments

The proposed rules also include other technical or otherwise non-substantive changes where Division review found a need for clarifications or corrections.

V. EFFECTIVE DATE. If adopted, these rules take effect April 1, 2024, or as soon after as rulemaking completes.

Scott Moss
Director
Division of Labor Standards and Statistics
Colorado Department of Labor and Employment

December 29, 2023
Date