



COLORADO

Office of Administrative Courts

Department of Personnel
& Administration

Denver Office
1525 Sherman St.
Denver, CO 80203

STATEMENT OF BASIS AND PURPOSE

The Office of Administrative Court's Workers' Compensation Procedural Rules ("Rules") are found at 1 CCR 104-3. A rulemaking hearing of the Executive Director will be held by Zoom on July 10, 2023 at 11:00 a.m. The rulemaking hearing will be held by a Hearing Officer in order to conform the Office of Administrative Court's Workers' Compensation procedural rules with operational practices, and the Workers' Compensation Act.

The Executive Director is exercising his rulemaking authority as granted under §24-50.3-104(3)(a) and (3)(g), C.R.S. (2022) and to track changes to the Worker's Compensation Act (§8-40-101 et seq., C.R.S.)

The Notice of Rulemaking was issued May 25, 2023, for publication by the Secretary of State on June 10, 2023. The proposed rules and the proposed statement of basis and purpose have been available for review at the Executive Director's office and on the Executive Director's website since May 25, 2023. The proposed rules and the proposed statement of basis and purpose also have been available for review at the Office of Administrative Courts website since May 25, 2023. The Hearing Officer will take testimony at the public rulemaking hearing on July 10, 2023. The Executive Director will deliberate on the proposed rules and the rules will be submitted to the Office of the Attorney General for approval.

The general purpose of the Executive Director in conducting the rulemaking was to provide, with regards to the Office of Administrative Courts Workers' Compensation Procedural Rules, for the following:

- (a) Update procedures consistent with operational practices and make certain procedures are explicit in the rules found at 1 CCR-104-3; and
- (b) Conform the rules to changes to the Workers' Compensation Act.

The Executive Director will adopt on a permanent basis, new rules contained within 1 CCR-104-3.

The Hearing Officer finds, as required by §24-4-103(4)(b), C.R.S. that the record of the rulemaking proceeding demonstrates the need for the rules; the proper constitutional and statutory authority exists for the rules; to the extent practicable, the rules are clearly and simply stated so that their meaning will

be understood by any required to comply with the rules; the rules do not conflict with other provisions of the law; and any duplication or overlapping of the rules, if any, has been explained.

The specific authority of the Executive Director to promulgate these rules is found at §24-50.3-104(3)(a) and (3)(g), C.R.S. (2022).

The permanent rules, if adopted by June 11, 2023, shall become effective September 1, 2023.

Dated this 25th day of May, 2023.

A handwritten signature in black ink, appearing to read "Tony Gherardini". The signature is fluid and cursive, with a large initial "T" and "G".

Tony Gherardini
Executive Director
Department of Personnel &
Administration