

# MEMORANDUM



## JOINT BUDGET COMMITTEE

TO Joint Budget Committee  
FROM Christina Beisel, JBC Staff  
DATE November 14, 2019  
SUBJECT Briefing/Hearing Common Questions

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As you know, JBC staff create agendas for the department hearings that follow JBC staff briefings. The agenda includes questions that arise during the staff briefing, as well as a set of common questions. The common questions provide an opportunity for JBC members to request information from all departments, and are included in every department hearing packet. Please note that these questions typically require only a written response, but may be included as a discussion topic if you wish.

Included below for your review are the common questions from FY 2019-20 (these were also included in the Organizational Meeting packet presented by Director Kampman on November 12, 2019), as well as staff recommended questions to be included in the 2020-21 common questions.

You will also have received, via email, a file that combines all of last year's common question responses into one document. Bookmarks have been added for all department sections and question numbers in order to help you navigate through responses.

### FY 2019-20 Questions:

- 1 Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.
- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

- 3 If the Department receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?
  - b. Does the Department have a contingency plan if federal funds are eliminated?
  - c. Please provide a detailed description of any federal sanctions or potential sanctions for state

MEMORANDUM

11.14.19

activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

- 4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?
- 5 Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?
- 6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.
- 7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.
- 8 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?
- 9 Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

RECOMMENDATION

Staff recommends the following adjustments to the questions above:

- **Modify Question 5 as follows:** Based on the Department's most recent available record, what is the FTE vacancy and turnover rate: (1) by department; (2) by division; (3) by program for programs with at least 20 FTE; and (4) by occupational class for classes that are located within a larger occupational group containing at least 20 FTE. To what does the Department attribute this turnover/vacancy experience? Do the statewide compensation policies or practices administered by the Department of Personnel help or hinder the department in addressing vacancy or turnover issues?

11.14.19

- **Add the following question:** Please highlight the long-term financial challenges of fulfilling the mission of the Department with particular attention to any scenarios identified in the Department's Long Range Financial Plan involving an economic downturn, department-specific contingencies, emerging trends, or major anticipated expenses (Subsections 3-6 of Section 4 of the Long Range Financial Plan submitted pursuant to H.B. 18-1430).

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

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  - c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.
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- 7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.
- 8 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?
- 9 Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

DEPARTMENT OF AGRICULTURE  
FY 2019-20 JOINT BUDGET COMMITTEE HEARING AGENDA PART 2  
ANSWERS TO QUESTIONS POSED TO MULTIPLE DEPARTMENTS

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

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**The Department does not have any legislation to report.**

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](#)

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**The Department has one high priority recommendation that is outstanding. The recommendation included a five-year plan business plan for the Colorado State Fair. The plan continues through FY 2020-21. CDA anticipates this item will be reported as implemented at the end of FY 2020-21.**

- 3 If the Department receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program? **No.**
  - b. Does the Department have a contingency plan if federal funds are eliminated? **No.**
  - c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20. **The Department is not aware of any sanctions.**

- 4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

### **Agricultural Financial Crisis**

The Colorado Department of Agriculture, along with several industry organizations, have developed a plan to proactively provide mental health information to rural communities in the hope of preventing tragedies and suicides related to a dip in the ag economy. This effort has now turned into a national movement with Commissioner Brown discussing it on a federal level, other states reaching out to Colorado in an effort to start their own program, and additional agricultural organizations joining the conversation. What was once considered a taboo topic has now turned into a contingent of farmers and ranchers who openly discuss the topic and how to prevent tragedies in their organizations and communities.

During this process, CDA staff worked closely with the Colorado Department of Human Services to develop outreach material for the Colorado Crisis Hotline. Our outreach efforts include:

- CDA has submitted an application to participate in the American Association of Suicidology (AAS) conference in 2019, which will be held in Denver.
- Banners have been printed (3’x5”) and are available for all organizations interested in utilizing them during an event. These banners were hung in livestock buildings during the Colorado State Fair.
- The banners and business cards are also being offered, for free, to Colorado’s livestock markets. If a rancher is struggling financially, the auction would be a primary location for them to sell their herds so we believe making resources available at those locations would be helpful.
- Rural mental health agencies are reaching out for ag-specific material and have even said that this is the first time they have ever seen material directed toward their communities.
- The Department publishes an annual magazine at no cost, Cultivating Colorado. The 2019 edition will include an article on the Hotline and the business card artwork.
- This campaign also includes the printing and distribution of approximately 30,000 business cards with the Colorado Crisis Hotline contact information. These cards are distributed or will be distributed during events, to extension offices, conservation districts, industry organizations, etc.
- An anonymous donation has allowed us to purchase ads in rural papers and most of those papers have donated additional space: AG Journal, La Junta Tribune, Bent County Democrat, Fowler Tribune, Ranchland News, Chaffee County Times, Mountain Mail, Plainsman Herald, Eastern Colorado Plainsman, Limon Leader, Huerfano World, and the Sterling Advocate.

It will be difficult to ever really know the success of our efforts but we believe it’s an important project. In March, the hotline reported, “I am pleased to see increases in Yuma, Mesa, Moffat, Morgan, Park, Chaffee, Delta, El Paso, Fremont and Garfield Counties! For the smallest counties in the state that are using the crisis line more consistently, their combined total is 2,058 in 12 months, which is significant.”

## **Colorado Proud**

Colorado Proud was developed by the Colorado Department of Agriculture in 1999 to promote food and agricultural products that are grown, raised or processed in Colorado. Currently there are more than 2,500 members including farmers, ranchers, food manufacturers, associations, restaurants, retailers, distributors, schools and other institutions. Members utilize the common logo that the Department then promotes to consumers, encouraging them to look for the label and buy local. The goals of Colorado Proud are to promote local food and agricultural products, increase the awareness of Colorado Proud, educate the public about Colorado agriculture and encourage consumers to buy local products labeled with the Colorado Proud logo. [www.coloradoproud.org](http://www.coloradoproud.org)

The 2018 Colorado Proud public awareness campaign included television advertising on CBS4-KCNCTV and a public relations campaign.

### **Television Advertising:**

Budget: \$100,000

Colorado Proud contracted with CBS4-KCNCTV in Denver to produce television ads promoting Colorado farmers, ranchers and food producers and encouraging consumers to buy Colorado products. The station aired 669 television and bonus messages, July-September 2018.

The television ads reached 78.2% of households 10.9 times for a total of 14.3 million impressions and 25.2% of adults 25-54 9.9 times for a total of 3.8 million impressions. Digital components including Facebook posts, homepage and news takeovers and in-article video delivered an additional 1,855,197 impressions. [Click here to view the ads.](#)

### **Public Relations:**

Budget: \$50,000

Colorado Proud contracted with Philosophy Communication for public relations efforts. Colorado Proud participated in a variety of events including Colorado Day at the History Colorado Center, the Dillon Farmers' Market and Union Station Farmers' Market. Colorado Proud "home meal box" press kits were given to media to promote local products. Recent media can be found at <https://www.colorado.gov/pacific/agmarkets/newsroom>.

Colorado Proud will celebrate its 20<sup>th</sup> anniversary in 2019. We are currently in the process of developing a promotion plan which will include events, social media, media outreach and other public relations and advertising efforts. Colorado Proud is also seeking feedback from customers and members regarding the potential to re-fresh the current logo to meet consumer demand.

In 1999, Colorado Proud started with 65 companies, and now the program has over 2,500 members including farmers, ranchers, processors, restaurants, retailers, schools and associations statewide. According to a 2018 survey:

- 70% of respondents are very or somewhat familiar with the Colorado Proud logo, up from 59% in 2008.
- 83% purchase at least some Colorado food products.

- 64% are looking for the Colorado Proud logo more often when shopping now than they used to.
- 87% are more likely to buy produce that is labeled with the Colorado Proud logo.
- More than 90% of Coloradans are more likely to buy Colorado grown and produced products if they were available and identified as being from Colorado.

### Colorado Wine

The Colorado Wine Industry Development Board (CWIDB) is part of the Colorado Department of Agriculture dedicated to promoting and furthering the development of Colorado’s grape growers and vintners. The CWIDB supports the efforts of more than 150 wineries throughout the state, producing an increasing array of premium-quality wines, as well as 200 grape growers tending about 1000 acres of grape vines.

According to C.R.S. 35-29.5-105 “(2) In any fiscal year, the board shall budget from moneys in the fund at least one-third toward research and development and at least one-third toward promotion and marketing of the Colorado wine industry, including any administrative costs associated therewith.”

[emphasis added] Paragraph (1) of that same statute, creates the Colorado Wine Industry Development Fund, which is “continuously appropriated to the [CWIDB] for the expenses of the board in implementing the provisions of this article” and is the sole source of CWIDB spending.

The CWIDB is in the fifth and final renewal period of a contract awarded through an RFP process to Cultivator Ad and Design in Denver. Over the past five years, Cultivator has worked to expand the public’s awareness of Colorado wines, primarily using outdoor billboards in the Denver metro area as well as train-station domination installation in the concourse trains at Denver International Airport during a four-week period mid-November through mid-December to target the heavy traffic during the Thanksgiving holiday.

Marketing contracts, pursuant to the statutory mandate above, and includes:

FY2018: \$264,000 total budget for Cultivator (this figure revised the number submitted last year in light of transitioning the contract period to correspond with State fiscal year)

- Design and supervise for reprint of Colorado Wine brochure
  - Printing and distribution costs approximately \$18,000 with IDS (print and fulfillment costs with IDS outside the scope of the marketing contract with Cultivator)
- Digital advertising plus billboards in Denver metro area in spring-summer and in DIA Nov-Dec
  - Total impressions estimated for 2017-18 media plan=24.5 million).
  - Cost for 2018 contract period (adjusted to coincide with State FY, through June 2018)=\$76,000.
- Rebranding of Colorado wine brand and imagery plus retooling web site
- Creation of Governor’s Cup Wine Tasting event held in August 3, 2017

- PR activities and placements, \$52,000 of the total marketing contract, resulted in 139.5 million impressions during FY18 \$1.3 million in ad equivalency.

FY2019: \$172,000 total budget for Cultivator (reduction in budget due to CWIDB efforts to build up cash reserve to alleviate spending authority issues)

- Update of the design and layout of the Colorado wine brochure incorporated into the contract for printing in early 2019
- Digital advertising, billboards and the current train station installations in DEN concourses A and C included again in 2019
  - Total spend budgeted at \$75,000
  - Anticipated impressions for FY19 media buys: 25.6 million
- Colorado Uncorked tasting of the Governor's Collection of wines selected in the Governor's Cup competition, held at History Colorado Center on Nov. 8, 2018
  - Ticket revenue = \$16,710, \$2000 of which was a donation to History Colorado
  - Attendance was 507, including VIPs and media sponsor plus Colorado Lottery giveaways, more than triple attendance for 2017 event
  - This event alone generated 4.6 million PR impressions, with equivalency value of \$43,394
- PR budget for FY19 again at \$52,000

Metrics, based on consumer survey conducted by Focus Research and Strategy in May 2018, and DOR reports:

- awareness of Colorado wine, among those who consumed wine within the past month, rose from 73% in 2016 and 76% in 2017 to 77% in 2018
- awareness of CO wine increases to 84% among 51-70 year old consumers
- future purchase interest for Colorado wine dropped in 2018 to 64%, down from 66% in 2016 to 68% in 2017
- however, future purchase interest much stronger among those who have already tried CO wine and 21-35 year olds
- consumers that reported purchasing Colorado wine, went up 3% in 2018
- The volume of wine reported by Colorado wineries to the DOR in excise tax reports essentially remained flat 2018 over 2017, showing a 0.9% stronger increase than the consumption of all wine in Colorado.
- Five year average still shows a 27% annual increase in reporting to DOR, 10% more than statewide consumption.
  - Note: although hard cider is included in the marketing activities of the CWIDB per statute for the time being, hard cider producers are proposing legislation for the 2019 Session to exempt hard cider from the produce fee that funds a portion of the CWIDB activities (CRS 44-3-503 (1)(d)) and exempt the CWIDB from the requirement to promote hard cider. Due to the current exemption of hard cider from paying the wine development fees (CRS 44-3-503(1)(c), hard cider is not included in the production figures reported to the CWIDB by the DOR.

#### **Other**

The Colorado Department of Agriculture also participates in a number of “public awareness” efforts that do not include advertising buys in order to communicate with the public including

booths, brochures, videos, outreach to schools, Facebook, newsletters, email blasts, news releases, etc. These efforts were not included in the above information since little to no funding is used.

- 5 Based on the Department’s most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

The Department submits FTE data annually with the Schedule 03. In addition, DPA published the following data for FY 2016-17.

FY 2016-17 Separations By Department			
Department	Separations	Avg Employees	Turnover Rate
Agriculture	31	294	10.6%

Separation Type		
Voluntary	Involuntary	Retire
22	3	6

Employees in Quartile of Class Salary Range			
1st	2nd	3rd	4th
24	2	4	1

The Department attributes our turnover/vacancy to:

1. Unemployment rates being so low that applicants are expecting higher entry level pay. As a smaller agency we are not able to compete (especially in our positions that have to maintain a CDL) with private businesses and sometimes even other larger state agencies.
2. Retention in some of our harder to fill positions is almost impossible because we are not able to move employees through the ranges. This is demonstrated by 77.4% of CDA’s turnover occurring in the 1<sup>st</sup> Quartile.

To address some of these issues, DPA implemented a competency-based increase policy. However, the guidelines for using that policy hinder the process to the point of making it very complex, difficult, and time consuming to use. While an introductory training was held, agency HR professionals need formal training on how to create the corresponding department policies, and how to apply individualized development plans that adhere to the guidelines of this Statewide policy.

- 6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section

24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

**2016-17: 15 rules**

**2017-18: 19 rules**

**We have not conducted any cost-benefit analysis or regulatory analysis in FYs 2016-17 or 2017-18.**

- 7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

**The Department analyzed the cost increases from FY 2015-FY 2018. The most notable increases related for operating expenses are reported in the below. This does not include the increases for personnel and salary related costs.**

**Building Maintenance: 60% Increase**

**Equipment Maintenance: 38% Increase**

**Water and Sewer Charges: 31% Increase**

**Communication Charges: 26% Increase**

**Grounds Maintenance: 26% Increase**

- 8 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

**As reported in the Department of Regulatory Affairs Sunset Report (2018), the Pet Animal Care Facilities Act has experienced the following caseload growth:**

**The number of active licensee increased 60.7%**

**The number consumer complaints increased by 470%**

**The number of investigations increased by 177%**

**CDA looks forward to the General Assembly taking action on the report recommendations.**

**In addition, the Department has added new programs related to marijuana and hemp, these programs have grown at a rate higher than population growth.**

- 9 Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

**The Colorado Department of Agriculture has made progress over the past 5 years in the use of outward facing technology. Transitioning from mostly internally developed legacy applications that revolve around the shuffling of paper, and little outward facing interface**

with the public, to a digital enterprise licensing and registration system, mobile apps, and an aggressive social media platform.

**AgLicense:** The Colorado Department of Agriculture implemented an electronic licensing and registration solution in 2015. This application provided the public with the option to renew their licenses or registrations with the department, online and pay with a credit card. This system called USA Plants has an outward facing website that allows CDA customers to renew themselves. The system also provides inspection and enforcement modules. Soon, this enterprise application will allow for new licenses and registrations.

**Mobile Apps:** The Colorado Department of Agriculture engaged with a vendor to create three mobile apps in 2014, Colorado proud, wine and noxious weeds. These apps push information to the users mobile devices about Colorado wineries, outdoor markets and different noxious weeds in Colorado. Technology has moved quickly in this area and the Governor's Office of Information Technology has initiated a new platform for mobile apps for the state called MyColorado. CDA is engaging with that project now to upgrade and modernize onto the Colorado platform that will house all departments mobile apps.

**Social Networking:** CDA has a number of social networking sites including [www.facebook.com/coloradoag](http://www.facebook.com/coloradoag). The purpose of our main Facebook page is to entertain our followers while providing positive, educational information about the world of agriculture. We have over 6,600 followers and have had posts reach well over that amount. In November, we posted an article on a bindweed tuber that reached nearly 67,500 people. This page also provides valuable information to the public regarding important agricultural issues such as livestock diseases. We have a budget of \$20 a month to boost posts we would like to receive more attention. The Department also has social networking pages for the Colorado State Fair, Colorado Proud, and Colorado Wine. **Website:** CDA's website, [www.colorado.gov/ag](http://www.colorado.gov/ag), is often the first interaction people may have with our agency. The website team, which includes at least one person from each division, provides regular updates to their sections to keep the information fresh and timely. In 2018, Colorado Interactive will upgrade our platform from Drupal 7 to Drupal 8. At this time, we do not have much information as to how this will affect our website, its design, and its functionality.

**Video Production:** The video production arm of CDA proactively promotes Colorado agriculture. We want to help raise the agriculture literacy of Colorado constituents. We do this by telling the story of Colorado farmers and ranchers and introducing the public to modern food, fuel and fiber production practices. While our Colorado constituents may be unfamiliar with what it takes to have food available at the grocery store, clothes on their backs, food for their pets or fertilizer for their lawn, there is evidence Coloradans are interested and eager to learn. For example, over the last three years, our videos have been viewed almost 400,000 times.

- 10 What is the Department's process for engaging in (or disputing) federal land, environmental, jurisdictional, and/or water policy issues? How do you coordinate with other departments, the Governor's Office, local governments, and/or citizens?

**CDA's involvement in federal land and regulatory issues is based on multiple factors. It can be reactionary to a request from agency or industry for mediation services particular to a specific grazing allotment or to a request from a local government to become involved in a planning process. CDA may proactively engage in a planning or regulatory process particularly when the issue at hand impacts a large area or is likely to set a precedent for future decisions.**

**When regulatory or planning issues involve other departments, CDA staff participate in multi-agency work groups to comprehensively discuss and analyze the issue. Communication regarding issues is maintained with the Governor's Rural Policy and Outreach Director. CDA staff works directly with individual producers and agriculture industry groups to address concerns.**

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***Response:***

***(a) Legislation not implemented***

*There is no legislation that meets this description.*

***(b) Legislation partially implemented***

*SB 13-210, Concerning Employment Conditions for Correctional Officers, requires the Department to establish staffing levels at each correctional facility and private prison by security level; develop a criteria when a corrections officer works two consecutive shifts and to pay overtime; and establish a new work period for staff subject to Fair Labor Standards Act (FLSA) 28 day work schedule. The Department is in compliance with these provisions of the Act.*

*Additionally, the Department is required to provide all Department employees with a pay stub that clearly and accurately reflects all hours worked, among other requirements. The Department is currently collaborating with the Department of Personnel and Administration (DPA) and the Governor's Office of Information Technology (OIT) on their efforts to modernize the state's personnel timekeeping systems. This modernized system will include the issuance of a pay stub that clearly and accurately reflects all hours worked, standard rate of pay, rate of overtime pay, accrual of any paid leave and compensatory time, remaining paid leave and compensatory time balances, as required by SB 13-210.*

*HB 18-1251, Concerning Measures to Improve the Efficiency of the Community Corrections Transition Placements, requires the Department to coordinate with community corrections boards and specifies the information that must be included in a community corrections transition placement referral packet. The bill also requires that the Division of Criminal Justice (DCJ) provide community corrections training to DOC staff and community corrections boards.*

*The Department has engaged in stakeholder processes and rolled out all changes to the referral process, as required by the bill. In addition, the DCJ trainer has already met with five community corrections boards and will begin the formal training schedule in January 2019. DOC staff are scheduled to begin receiving training by DCJ starting in January 2019.*

- 2 **Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.**

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***Response:***

*In accordance with the State Auditor's Office report dated June 30, 2018, the Department had two audit recommendations classified as High Priority Outstanding as of June 30, 2018. The two recommendations involved federal reporting controls for grant funds received from the federal Bureau of Land Management (BLM) for the Colorado Correctional Industries' Wild Horse and Burro Program (WHIP).*

*Subsequent to the State Auditor report on June 30, 2018, the Department has undergone further audit reviews in conjunction with the Statewide FY 2018 annual financial audit, including a review of the Department's progress on implementing FY 2017 audit recommendations. The preliminary audit findings for the two high priority outstanding recommendations are being repeated in the current year; however, both findings will be reduced from material weaknesses to significant deficiencies. Both recommendations are related to finalizing the budgetary program review with BLM, which is expected to conclude in April 2019.*

*Recommendation 2017-051(A) was previously reported as partially implemented with an implementation date of 10/31/2018. The Department notes that updated grant procedures related to federal reporting, including reconciliation of reports to supporting documentation; documented supervisory reviews of reports to ensure accuracy; and retaining all required support including submission confirmations, have been fully implemented and updated through Administrative Regulation 200-18, Grants Management, effective 10/15/2018.*

*Recommendation 2017-051(C) continues to be partially implemented with an implementation date of 4/30/2019. The Department will continue to work with BLM to provide accurate cumulative expenditures through revised SF-425 reports as well as wait for BLM's review to be finalized before submitting revised SF-425 reports.*

*No additional budget resources are required to resolve the High Priority Outstanding recommendations identified in the report.*

- 3 **If the Department receives federal funds of any type, please respond to the following:**
- a. **Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?**
  - b. **Does the Department have a contingency plan if federal funds are eliminated?**
  - c. **Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.**

***Response:***

- a) *The Department is not aware of any funding impacts related to federal grants.*
- b) *The Department previously took steps to increase FY 2018-19 General Funds required to meet external capacity funding needs with the apparent elimination of awards from the Federal Bureau of Justice Assistance for the State Criminal Alien Assistance Program (SCAAP). The Department was informed of a \$2,189,593 SCAAP award on December 21, 2018.*
- c) *The Department is not aware of any actual or potential federal sanctions of state activities related to federal funding.*

- 4 **Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?**

***Response:*** *The Department does not spend any money on public awareness campaigns.*

- 5 **Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?**

***Response:*** *The Department had 6,083 active employees and 1,131 separations for a total 19 percent turnover rate in FY 17-18. Although division level data is unavailable at this time, the following turnover data is provided for five key classes:*

***FY 2017-18 Turnover Rates by Class:***

Class Title	Total Active Employees	Separations	Turnover Rate
Corr/Yth/Clin/Sec Off I	2,194	560	26%
Corr/Yth/Clin/Sec Off II	722	91	13%
Corr/Yth/Clin/Sec Off III (Spec and Supv)	302	23	8%
Corr Supp Trades Supv I	498	70	14%
Community Parole Officer	204	20	10%
<b>Agency Total</b>	<b>6,083</b>	<b>1,131</b>	<b>19%</b>

*The Department attributes the turnover to salary concerns. Base salaries for the current workforce fall well below range midpoints with 72 percent of staff in quartile 1, 12 percent in quartile 2, 9 percent in quartile 3, and 7 percent in quartile 4. Per the FY 2019-20 Compensation Report, base salaries for state employees are 7% below market median. The following were the top reasons for DOC separations:*

- *Accepted new job outside of system: 279*
- *Full service retirement: 182*
- *Personal reasons: 173*

**6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department’s rules as a whole? If so, please provide an overview of each analysis.**

*Response: Per Section 17-1-111 C.R.S., the Department is not subject to the requirements of Section 24-4-103 C.R.S. Rule-Making, and thus does not promulgate rules.*

**7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.**

*Response: The main cost driver for the Department of Corrections, outside of caseload changes, is staff salaries and benefits, including the common policy increases from the other State agencies that provide services to DOC. The Department does not believe that price inflation for DOC exceeds general CPI; however, other factors as discussed below, do influence Department costs and budget needs.*

*The State of Colorado is experiencing low unemployment and a corresponding tight labor market. Employers often need to raise wages in order to fill vacancies. The Department is experiencing similar recruiting and retention challenges, especially for Correctional Officer (CO) I and II's as the starting annual salary is \$7,000 to \$11,000 less than the average of other law enforcement agencies. The Department is also competing against salary increases for direct care positions at the Colorado Mental Institutes at Fort Logan and Pueblo that included the CO I and CO II classifications. In addition, many of the Department's locations are in lower population areas or, in the case of Buena Vista, have a shortage of affordable housing. The Department is offering incentive pay for these classifications in the Denver, Sterling, Limon, and Buena Vista correctional facilities in an effort to improve staff retention until a more permanent solution, as proposed in the Department's R-01 Staff Retention change request, can be funded and implemented.*

*Other general cost drivers within the DOC include an expanding aging population; an increase in the number of offenders with mental illness; the Department's efforts to move from a model of warehousing offenders to treating offenders; the expansion of reentry initiatives through legislation, to include the legislatively funded Work and Gain Employment Education Skills (WAGEES) program, which was launched via HB 14-1355; higher medical and pharmaceutical costs; and costs associated with caring for a higher risk and higher needs population.*

**8 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?**

**Response:** *The Department's prison caseload, including medical care for incarcerated offenders, is increasing. Although the prison population is increasing, it is not increasing at a pace that exceeds the general population growth in Colorado. The 2018 prison population is 0.35% of the state population which, along with the 2016 prison population, is the low point for prison population as a percentage to total population in the 20-year span from 2005 to 2024. Although the prison population is projected to grow through 2024, the percentage of the 2024 prison population is projected at 0.44% of the state population and is below the high of 0.47% in 2008.*

*The Department of Corrections currently has 19 state and 3 private prison facilities available to house the adult prison population (the 20<sup>th</sup> state facility, Youthful Offender System, houses juvenile and youthful offenders sentenced as adults). Since July 2016, the Department has only had 6 months where the number of vacant prison beds exceeded the recommended 2 percent vacant bed rate as shown in the November 2018 Monthly Report on Prison Population, Capacity, and Utilization Report. With the low number of vacant beds and the projected prison population increase, the Department has a proposal (R-03A Prison Capacity) to increase the budget for the prison caseload. This request includes the cost to operate and staff a currently vacant prison facility in order to house the growing prison population and provide treatment and programming services to assist offenders with community re-entry.*

*Because the prison population has been increasing in recent years, the parole population is also expected to increase in FY 2019-20 as more offenders are released to parole. The Department submitted a change request increase for parole caseload (R-05 Parole Caseload) in order to have additional funding to provide contract services such as substance abuse treatment, medication management, and housing assistance to the growing parole population.*

*An increasing prison population also means the Department will have a larger population requiring medical care. Change request R-04 Medical Caseload reflects the larger population needs for the pharmaceuticals dispensed by the Department’s pharmacy as well as medical services that are provided outside of DOC facilities, e.g., emergency room visits, inpatient care, outpatient treatment, and specialist visits.*

*The medical caseload change request also reflects the increasing cost of providing external medical services to the prison population. One driver for the increase is the higher cost of external medical claims paid for aging offenders (those age 50 and older). Although this population is the minority in the number of claimants over the past 4 years, they have contributed to at least 50 percent of the external claims costs. Correctional Health Partners, the Department’s third-party administrator for managing the health care services provided outside of DOC facilities, reports the following external medical claims information for FY 2014-15 through FY 2017-18:*

External Medical Claims								
Offender Age	# Claimants				Total Paid			
	2015	2016	2017	2018	2015	2016	2017	2018
< 50	5,170	4,690	4,520	4,798	\$10,313,658	\$7,623,709	\$8,993,958	\$11,062,490
50 & above	1,955	2,055	2,017	2,180	\$10,527,394	\$9,696,897	\$10,038,335	\$13,534,031
Total	7,125	6,745	6,537	6,978	\$20,841,052	\$17,320,606	\$19,032,293	\$24,596,521

% 50 & above	27.4%	30.5%	30.9%	31.2%	50.5%	56.0%	52.7%	55.0%
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*The prison population has higher needs than the general population in many different areas. The Department’s FY 2017 Annual Statistical Report reflects 39.6% of the prison population had moderate to severe mental health needs while 74% of the prison population had moderate to severe substance abuse needs. Education needs are also notable with 24.9% of the prison population assessed with moderate to severe academic needs and 43.5% possessing moderate to severe vocational needs.*

- 9 **Please provide an overview of the Department’s current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department’s interactions with the public.**

*Response:* The Department’s website provides statistical information for the offender population, legislative reports, monthly population and capacity reports, dashboard measures, and other published reports. The website also allows the public to access offender information (find an offender, request to visit or contact an offender, send money, etc.); victim services information; work/volunteer opportunities in the department; report PREA incidents; submit records, external research, or media requests; or send a request for information to a department constituent services staff. Department policies are also posted on the website, and real-time alerts are on the home page (canceled visiting hours, facility lockdowns, etc.). This website can be an initial resource for the public and is updated regularly.

- 10 The federal Family First Prevention Services Act of 2018 makes significant changes to the child welfare system aimed at keeping children and youth safely with families and avoiding placement in foster care by strengthening the protective capacity of families long before child welfare services are needed. The Act also expands the eligible use of funds from Title IV-E of the Social Security Act to include approved prevention and intervention services meeting the evidence-based threshold of promising-, supported-, or well-supported practices as defined by the federally selected clearing house. Several programs currently exist in the State of Colorado through which services are provided and that are intended to strengthen the protective capacity of families. The coordination and delivery of many of these services are or could be integrated with other programs and services with the intent of providing wrap-around services to children and families. The FFPSA provides an opportunity for the State of Colorado to evaluate existing programs and funding in order to leverage resources across systems, departments, and divisions and to improve service delivery.

**In what way will the federal Family First Prevention Services Act impact the Department’s programs and budget? What statutory, policy, and rule changes does the Department anticipate will be required to ensure that the State of Colorado complies with all provisions of the federal Act?**

*Response:* The Department does not have programs and budget that are impacted by the federal Family First Prevention Services Act. The Department does not anticipate any statutory, policy, or rule changes will be required to ensure departmental compliance with this act.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

**Response:**

*The Department has identified several education statutes that were intended to be implemented with gifts, grants or donations or other resources that in some cases, may not have been made available. While CDE has attempted to meet the intent of such statutes where possible, there are some that have not been fully implemented. Please find a description of these areas below:*

- *Section 22-27.5-106 (2), C.R.S. requires CDE to provide an annual report on the number and amounts of Dropout Prevention Activity Program grants awarded, a description of the programs that received grants, the number of students participating in each program, and the student dropout rates of the schools at which the programs were operated. CDE has not received funding to administer this grant program for the past 6 years and so has no available data to report.*
- *Section 22-69-106 (1), C.R.S. requires CDE to provide a report on the Alternative Teacher Compensation Grant Program, “so long as grant moneys were awarded to at least one school district pursuant to the grant program during the preceding calendar year.” CDE has not received funding to administer this grant program for the past 6 years and so has no available data to report.*
- *Section 22-2-108 (4), C.R.S. requires the State Board to submit an annual report detailing the total amount of federal funds received by the State Board of Education in the prior fiscal year, accounting how the funds were used, specifying the federal law or regulation that governs the use of the federal funds, if any, and providing information regarding any flexibility the board has in using the federal funds. To CDE staff’s knowledge, this report has never been funded or completed. The Department’s annual budget submission to the JBC does include a schedule that lists out most, if not all, federal funds received and/or distributed by CDE, the authorizing statute, and the purpose of those funds. In addition, the recent reauthorization of the Elementary and Secondary Act, the Every Student Succeeds Act (ESSA), offers potential flexibility to Colorado in some areas. CDE staff has worked with the Board, the State Legislature, and a variety of stakeholders on the ESSA State Plan to ensure that Colorado takes advantage of whatever flexibility is available that is supportive of student learning.*

*Additionally, there are other grant programs that were created by the Legislature in the past but have not been funded recently. These programs do not require CDE to report information to the legislature, but are also not currently being implemented. These include:*

- *Strengthening Civic Education Grant (Section 22 -1-104(6)(a), C.R.S.);*
- *School CPR and AED Training Grant (Section 22-1-129, C.R.S.);*
- *Funding for Regional Service Areas (Section 22-5.5-106, C.R.S.);*
- *Parent Involvement in Education Grant Program (Section 22-7-305, C.R.S.);*
- *Closing the Achievement Gap Program (Sections 22-7-611 to 22-7-613, C.R.S.);*
- *Teacher Development Grant Program (Sections 22-7-701 to 22-7-708, C.R.S.);*
- *Summer School Grant Program (Sections 22-7-801 to 22-8-807, C.R.S.);*
- *Principal Development Scholarship Program (Sections 22-9.5-101 to 22-9.5-104, C.R.S.);*
- *Early Childhood Educator Development Scholarship Program (Sections 22-9.7-101 to 22-9.7-104, C.R.S.);*
- *Grant Program for In-School or In-Home Suspension (Sections 22-37-101 to 22-37-105, C.R.S.)*
- *Second Chance Program for Problem Students (Sections 22-52-101 to 22-52-107, C.R.S.);*
- *Science and Technology Education Center Grant (Section 22-81-203 C.R.S.);*
- *Colorado Information Technology Education Grant Program (Sections 22-81.5-101 to 22-81.5-107, C.R.S.); and*
- *Healthy Choices Dropout Prevention Pilot Program (Sections 22-82.3-101 to 22-82.3-110, C.R.S.).*

*Finally, below is a list of 2018 legislation that the Department has partially implemented. Though these are listed as partially implemented, the Department is on track to meet any deadlines or later effective dates noted in the legislation.*

- *HB 18-1019 Kindergarten through Twelfth Grade Accreditation Weighted Factors – Implementation is underway. The State Board will conduct rulemaking to align with this legislation in early 2019 and changes to reporting and pipeline requirements will take place during the 2019-20 school year.*
- *HB 18-1070 Additional Public School Capital Construction Funding – Implementation is underway. The Capital Construction Assistance Board (CCAB) will approve the amount of lease purchase grants and cash grants by spring 2019.*
- *HB 18-1306 Improving Educational Stability for Foster Youth – Implementation is underway. The Department has started to communicate with the field regarding changes made by the bill. In addition, the State Board will begin rulemaking for the new Education Stability Grant Program early next year in order to ensure that funding will be distributed in FY 2019-20.*
- *HB 18-1309 Programs Addressing Educator Shortages – Implementation is underway. The Department has been working with the field to gather input on the Teacher of*

*Record and Grow Your Own programs. The State Board is expected to promulgate rules related to the bill early next year in order to award grants under the program(s).*

- *HB 18-1333 Part C Child Find Responsibilities of State Departments – Implementation is underway. The Department has finalized its interagency agreement with the Department of Human Services (CDHS) and will report on the results of the study by June 30, 2019.*
- *HB 18-1355 Public Education Accountability System – Implementation is underway. The State Board has adopted rule amendments related to the School Transformation Grant Program and will begin rulemaking related to other changes in the bill in January 2109. The Department’s subsequent duties related to the bill’s changes will continue through the 2019-20 school year.*
- *HB 18-1393 Effective Implementation of the Colorado READ Act – Implementation is underway. The State Board has completed making rule amendments for the Early Literacy Grant Program and funds have been distributed accordingly. The State Board will initiate rulemaking for the programmatic changes to the READ Act early next year and will report on the READ Act working group’s findings by February 2020.*
- *HB 18-1396 Advanced Placement Exam Fee Grant Program – Implementation is underway. The Department has communicated with the field and received feedback on the new program. The State Board will initiate rulemaking early next year and funds will be distributed by the end of FY 2018-19.*
- *HB 18-1430 State Agency Long-range Financial Plan – The Department is awaiting guidance from the Office of State Planning and Budgeting (OSPB) concerning implementation of the new requirements.*
- *SB 18-012 Military Enlistment School Performance Indicator – Implementation is underway. The Department will continue to explore ways to locate these data and incorporate them into the performance frameworks. The data are expected to be included in the frameworks by the fall of 2021.*
- *SB 18-151 CDE Bullying Policies Research – Implementation is underway. The Department has conducted research on the approaches, practices, and policies related to bullying prevention and is in the process of developing a model bullying prevention and education policy.*
- *SB 18-225 Definition of Early College High Schools – Implementation is underway. The Department has met with stakeholders and the Attorney General’s Office to vet early college criteria. The State Board is expected to approve the criteria early next year and review schools designated as early colleges to ensure that they meet the new definition.*

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018)

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

**Response:**

*No. The Department does not have any high priority outstanding recommendations.*

- 3 If the Department receives federal funds of any type, please respond to the following:
- Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?

**Response:**

*CDE is not anticipating any significant reductions or increases in Every Student Succeeds Act (ESSA) or Individuals with Disabilities Education Act (IDEA) federal funding levels at this time. The table below reflects current FY 2018-2019 funding as well as projections for FY 2019-2020. There are no matching requirements for any of the grants included in the table.*

ESSA Federal Program	FY 18-19 Allocation	FY 19-20 National Projected Funding
ESSA Title I, Part A	\$152,699,672	Level Funded
ESSA Title I, Part C (Migrant)	\$6,353,732	Level Funded (possible decrease for Colorado of up to 10 percent)*
ESSA Title II, Part A	\$23,360,309	Level Funded
ESSA Title III, Part A	\$9,779,417	Level Funded
ESSA Title IV, Part A	\$10,458,031	Level Funded
ESSA Title IV, Part B	\$11,437,425	Level Funded
ESSA Title V, Part B	\$600,692	Level Funded

***\*Due to reduced numbers of migrant students, Colorado is operating under a hold-harmless provision with regard to the State's allocation. Colorado's migrant program can anticipate up to a 10 percent decrease in Migrant Education Program funding over the next several years.***

IDEA Federal Fund	FY 18-19 Allocation	FY 19-20 Projected Funding
IDEA Part B	\$167,500,962	\$ 168,673,469
IDEA Preschool	\$4,926,737	\$5,055,818

b. Does the Department have a contingency plan if federal funds are eliminated?

**Response:**

*Yes, in the event of significant cuts to existing programs, CDE would employ the following strategies to make up for the shortfall:*

- *Utilization of carryover funds from the program that has been cut.*
- *Use of other appropriate funding sources to make up for the shortfall.*
- *Reduce state level projects that utilize federal funds from cut programs as their primary funding source.*
- *Attrition – not filling vacant positions that are supported with the program that has been cut.*
- *Lay-offs of staff funded by the program that has been cut.*

c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

**Response:**

*The Department is not subject to any federal sanctions or potential sanctions for Federal Fiscal Year 2018-19 or 2019-20.*

4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

**Response:**

- *The School Nutrition Unit annually receives federal funds to support the administration of the Summer Food Service Program (SFSP). In 2018, \$4,500 was dedicated to statewide marketing and outreach strategies, including sponsored Facebook and Instagram ads as well as creation and distribution of magnets for families.*

*The marketing campaigns were targeted to low income communities with summer meal sites and messaging was targeted to parents and caregivers. Messaging (in both English and Spanish) included:*

- *Kids eat free all summer long! To find a site near you, visit [kidsfoodfinder.org](http://kidsfoodfinder.org) or text FOOD to 877-877*
- *Summer fun is here with free meals for CO kids and teens! Find free #summermeals at a site near you: [kidsfoodfinder.org](http://kidsfoodfinder.org) or text FOOD to 877-877*
- *Have your kids eat free nutritious meals this summer in a safe and fun environment. Find a summer site near you at [kidsfoodfinder.org](http://kidsfoodfinder.org) or text FOOD to 877-877*

*The overall measure of effectiveness is an increase in program participation over the previous year. Campaign results from 2018 are currently being evaluated, but at this time include:*

- *2,389 texts were sent to the hotline.*
  - *The magnet distribution at Children’s Hospital, UC Denver and WIC clinics reached 5,651 English speaking households and 2,580 Spanish speaking households.*
- *The Communications Unit received a grant in fall 2018 from the Council for Chief State School Officers to develop and promote videos highlighting stories about schools and districts that have developed innovative practices that result in improved student outcomes. The grant provides \$12,000 for marketing strategies in the first half of 2019, which will be used to promote the video stories on Chalkbeat and through sponsored posts on the Department’s Facebook and Twitter sites.*
- 5 Based on the Department’s most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

**Response:**

*Based upon our data for Calendar Year 2018 (January through August), the turnover rate by division is as follows:*

	IMS	Assessment	Student Learning	School Quality and Support	School Finance and Operations	Educator Talent	Deputy Commissioner	Commissioner and State Board Office	Total for CDE
January	0	1	2	0	0	0	0	0	3
February	0	1	0	0	1	0	0	0	2
March	0	0	0	0	2	0	0	0	2
April	1	0	2	0	0	1	0	1	5
May	1	0	2	0	1	1	0	0	5
June	0	1	2	2	4	2	0	0	11
July	0	0	2	0	2	0	0	1	5
August	1	0	5	1	3	1	0	0	11
September	0	0	0	0	0	0	0	0	0
October	0	0	0	0	0	0	0	0	0
November	0	0	0	0	0	0	0	0	0
December	0	0	0	0	0	0	0	0	0
Total # of Separations	3	3	18	5	13	5	3	3	53
Number of Employees	44	13	179	38	92	38	61	22	487
Turnover Rate by Division	7%	23%	10%	13%	14%	13%	5%	14%	11%

Based upon the separation data, 70 percent of the overall separations were attributed to staff accepting a job outside of the state system. The second largest reason for separation was attributed to employees who retired from the state system. This accounted for 19 percent of the total separations.

Based upon our exit interview data as well as data obtained from resignation letters, compensation policies have hindered our ability to hire and retain qualified staff. The data shows that at least 20 percent of our staff are leaving for private employment due to compensation and clear increase opportunities. Also, the lack of merit based increases is not just a funding issue. Merit increases, when funding is available, utilize salary quartiles to determine merit pay increases. This methodology is confusing for staff and perceivably minimizes larger increase opportunities based upon their current wage for those that may perform the best.

- 6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

**Response:**

The table below provides details on the number of rulemakings promulgated by the State Board of Education, the Charter School Institute, the Capital Construction Assistance Board, and the Facility Schools Board from July 2016 through June 2018. Please note that in some cases, a set of rules was amended twice over the two-year period. The figures below represent the number of complete permanent rulemaking processes enacted by each entity.

	All Complete Rulemakings	New Rules	Rule Amendments	Rule Repeals
State Board of Education	31	2	21	8

Capital Construction Assistance Board	5	0	5	0
Charter School Institute	0	0	0	0
Facility Schools Board	0	0	0	0
<b>Total</b>	<b>36</b>	<b>2</b>	<b>26</b>	<b>8</b>

*The Department has not conducted any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S. or regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., as these have not been required for any of the rulemakings in the last two years. However, the Department continues to review its rules as to make sure they align with current practice and statute. The review includes an examination of the effectiveness and necessity of the Department’s current regulations and has resulted in recommendations for improving and sometimes repealing rules. This process has informed some of the rulemakings in the past two years and will continue to do so in the coming year. The Department has not conducted a cost-benefit analysis of its rules as a whole.*

- 7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

**Response:**

*The Department distributes over 98 percent of its funding to school districts and other recipients. Of the remaining funds, the primary cost drivers are split fairly evenly between the major cost categories of Payroll, Contracts, and Operating (34.5 percent, 31.5 percent, and 32.6 percent respectively). The Department has not seen a difference between the general CPI and the price inflation it is experiencing.*

- 8 How is the Department’s caseload changing and how does it impact the Department’s budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

**Response:**

*Given that almost 98 percent of the Department’s budget is for assistance to public schools, the caseload changes and budget drivers that are most relevant are those effecting the school districts. Districts are facing difficulties recruiting and retaining teachers and staff. As the majority of district expenditures are for salaries and benefits, this issue has a direct impact on districts’ budgets. Additionally, districts are experiencing cost pressures due to increased maintenance and repair costs and many are making needed investments in buildings and capital assets. Safety and security is a major area of focus for many school districts. As such, some districts are investing in facility upgrades. Many districts are also experiencing additional pressures to address student needs including mental health needs and special education needs.*

- 9 Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

**Response:**

*The CDE has a significant web presence that provides information to parents, schools, districts, teachers, researchers, legislators and other education partners. The information provides vital information for each of these stakeholder groups and allows them to make informed education-based decisions. The technology used to deliver the information is varied and aligned with needs of the public.*

*CDE uses Drupal as its web content management system to allow each of CDE's divisions to administer information for which they are responsible. CDE's Communications Unit provides design and a central coordination functions, ensuring that formats are consistent and sites are easy to navigate. The Communications Unit is currently working to refresh the website design to make information easier to find for all of the Department's audiences, including parents, educators and district staff.*

*The Department provides both static and dynamic reports through its established business intelligence tool suite (Cognos / Tableau) via the web. That reporting is typically done through our SchoolView tools, known as Data Center and Data Lab. These tools allow the more informed users, such as district staff, education advocates and researchers, to quickly access and analyze complex education data.*

*The Department has initiated a Public Data Reporting project to better provide information to all levels of users, with an emphasis on visualization of data for parents and community members, as they have needs for clear, high-level information that are not easily accessed today. Those efforts will result in a parent dashboard that summarizes data about students, teachers, schools and districts in an easy-to-understand format. As the public demands more visualization in data reporting, the department will prioritize accessibility for all to ensure that visually challenged and other disabled people can access the information.*

*Approximately 4 years ago, the Department rolled out Data Pipeline, a custom developed tool to collect statutorily required school and district data. This tool, along with other similar data collection-based applications, are only accessed by pre-authorized district and state employees through CDE's single sign-on application.*

*The Department also contracts with a number of proprietary web sites run by third parties that provide information and functionality for teacher licensing, school and district financial transparency, special education, and other program-specific topic areas.*

*CDE anticipates continuing to use a hybrid approach of CDE-developed, hosted and vendor applications, the department will continue to emphasize the need for single sign-on capabilities, ease of use for all constituents, and consistency in look and feel.*

- 10 The federal Family First Prevention Services Act of 2018 makes significant changes to the child welfare system aimed at keeping children and youth safely with families and avoiding placement in foster care by strengthening the protective capacity of families long before child welfare services are needed. The Act also expands the eligible use of funds from Title IV-E of the Social Security Act to include approved prevention and intervention services meeting the evidence-based threshold of promising-, supported-, or well-supported practices as defined by the federally selected clearing house. Several programs currently exist in the State of Colorado through which services are provided and that are intended to strengthen the protective capacity of families. The coordination or delivery of many of these services are or could be integrated with other programs and services with the intent of providing wrap-around services to children and families. The FFPSA provides an opportunity for the State of Colorado to evaluate existing programs and funding in order to leverage resources across systems, departments, and divisions and to improve service delivery.

In what way will the federal Family First Prevention Services Act impact the Department's programs and budget? What statutory, policy, and rule changes does the Department anticipate will be required to ensure that the State of Colorado complies with all provisions of the federal Act?

**Response:**

*CDE does not receive IV-E funds and is not eligible to receive these funds. Our understanding is that these funds go to state departments of human services. As a result of not receiving funds, there are no direct fiscal or program impacts. We do not anticipate any statutory, policy and/or rule changes. Also, schools/districts/facility schools do not receive IV-E funding, although children in our schools/districts/facilities may be impacted by these resources.*

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 *Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.*

**RESPONSE:** Office of the Governor (GOV), Colorado Energy Office (CEO), Office of the Lieutenant Governor (Lt. GOV), Office of State Planning and Budgeting (OSPB), and Office of Economic Development (OEDIT): These offices do not have any legislation that has not been implemented or is partially implemented.

**RESPONSE (OIT):** The following is legislation that pertains to the specific question posed. It is not a complete list of legislation that impacted OIT

- **HB 18-1421 Procurement Process for Major IT Information Technology Projects:** was codified in Colorado Revised Statute (CRS) 24-37.5-102 and 105 has two actions:
  1. Establishment of policies and procedures regarding a vendor selection standard to be used in selecting a vendor for any major IT project classified as such by the Office. This Policy has been drafted and is on track to be finalized on December 1st.
  2. A qualified, independent third-party consulting firm will review and evaluate the procurement process for the Human Resources Information System, also known as HRWorks and submit a report on or before June 30, 2019 to the Legislative Audit Committee, JBC, JTC and OIT. The consulting firm BerryDunn was selected and has been working since August. Per the legislation, this piece is to be done or before June 30, 2019.
- **HB 18-1022 Department of Revenue (DOR) issue Sales Tax Request for Information:** was codified in CRS 39-26-802.5. This legislation is in regards to an electronic sales and use tax simplification system that state/local could choose to use. OIT will coordinate with DOR as they move through the RFI and any potential procurement actions as deemed necessary by the Task Force Committee created by CRS 39-26-802.
- **SB 18-266 Controlling Medicaid Costs:** was codified in CRS 25.5-4-422 for the concern and controlling costs under the “Colorado Medical Assistance Act”, and, in connection therewith, using data and technology, creating a hospital review program, and making and reducing an appropriation. This legislation provides that the State Department (HCPF) may procure commercial technology to implement the requirements of this legislation. OIT will coordinate with HCPF on any potential procurement actions as deemed necessary.
- **HB 18-1128 Protections for Consumer Data Privacy:** was codified in CRS 6-1-713 and 6-1-716 and provides for specific protections for consumer data privacy. As OIT manages and signs IT contracts, it is reviewing our contract language to ensure OIT is adequately covered with its vendors. OIT recently released an updated model IT Contract that all agencies should be using and will ensure the language in contracts moving forward contains the proper clauses. The contracts state that vendors must follow all laws so this would have automatically been included but OIT believed a closer review was necessary.

- **HB 18-1339 Background Checks Employees Access Federal Tax Information:** was codified in CRS 24-50-1001 and adds requirements for fingerprint-based background checks for every applicant, contractor employee or other individual who has access to Federal Tax information received from the Federal government. As OIT manages and signs IT contracts, it is reviewing contract language to ensure OIT is adequately covered with its vendors. OIT recently released an updated model IT Contract that all agencies should be using and will ensure the language in contracts moving forward contains the proper clauses. The contracts state that vendors must follow all laws so this would have automatically been included but OIT believed a closer review was necessary. In addition, OIT HR department, contracts team and security offices are working with the Colorado Bureau of Investigation.
  - **HB 18-1373 Private Entities Use State Telecommunications Network:** was codified in CRS 24-37.5-501, 502, 505. No action needed until a purchase or lease any real estate, buildings, and property is contemplated, at that time, OIT must follow the budget request requirements set forth in CRS 2-3-208 and 24-37-304(1)(c.3) and subject to appropriation by the general assembly. In addition, lease revenues from public private partnerships must be credited as stated in the statute.
  - **SB 18-158 School Access to Interoperable Communication Technology:** was codified in CRS 24-33.5-2101 through 2108. There is no direct action for OIT, however, the OIT Statewide Public Safety Communications System may be used to support this legislation and modifications due to system capacity expansions for school loading may be required to ensure operation of first responder communication. OIT is coordinating with the Division of Homeland Security and Emergency Management as needed.
  - **SB 18-086 Cyber Coding Cryptology** was codified in CRS 24-37.5-407 and requires specific state agencies including OIT to take certain actions to protect state records containing trusted sensitive and confidential information from criminal, unauthorized, or inadvertent manipulation or theft. OIT has taken steps to ensure that it is organizationally prepared to assess the proper qualifications of hiring the FTE outlined in this legislation, as well as clearly define a workload. At this time, a “Blockchain Center of Excellence” has been established at OIT which has been circulated internally at OIT, as well as publicized at blockchain industry events. All of these efforts have had some focus on attracting internal and or external candidates. OIT has recently posted the position for hire and expects to begin the formal interview process during early December 2018. While the FTE hiring has been delayed, the overall funding provided during FY 2018-19 is expected to be fully utilized for the goals and purposes of this legislation.
- 2 *Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.*

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

**RESPONSE:** Office of the Governor (GOV), Office of the Lieutenant Governor (Lt. GOV), Office of State Planning and Budgeting (OSPB), Office of Economic Development (OEDIT),

and Colorado Energy Office (CEO) do not have any high priority outstanding recommendations from the annual report of audit recommendations not fully implemented.

**RESPONSE (OIT):** OIT has 13 High Priority Outstanding recommendations from the 2018 report; summary details are as follows:

- PA 1A has been partially implemented. The continuation of consolidation efforts of IT services is an on-going effort. OIT recently kicked off a project to upgrade/decommission Windows Server 2008/2003 and SQL 2008. OIT is considering extended support for 3 years for Microsoft.
- PA 1B is in progress. Holding vendors and OIT staff accountable for best practices, including industry hardening standards, in administering OIT systems is an effort that is underway, utilizing a phased approach. OIT will start onboarding vendors in January 2019.
- PA 4C has been partially implemented. The vendor is currently working on the matrix that will allow the agency to install the latest version of the configuration tool. This will result in users getting only the access that they need. This will be implemented in January 2019.
- PA 2017-004 (a): The Governor's Office of Information Technology has partially implemented the recommendations. A standard operating procedure (SOP) was created to outline the process to grant access to TopSecret, and a basic review was completed of the security configurations, however this hasn't yet been reviewed with the agency due to competing priorities involving critical updates to the application, ongoing project work for the replacement system and ongoing maintenance support work related to other existing applications. OIT anticipates that the SOP will be reviewed and signed off by the agency by March 2019.
- PA 2017-004 (a & b) Recommendations (2) for security improvements for Top Secret, a mainframe security application have been partially implemented. A standard operating procedure (SOP) was created to outline the process to grant access to TopSecret, which will be finalized by January 2019, and implemented by March 2019.
- PA 2017-017B, 2017-017D & 2017-016 & 2017-007 Recommendations (4) for security improvements to GenTax: these recommendations have been partially implemented. Three of them are part of a longer-term project, which is underway. The budget request for FY 2019-20 is meant to bring in additional resources to help implement this project. The other recommendation doesn't appear to have a technically feasible solution at this time.
- PA 2017-030 The Department of Personnel & Administration Collections application, Columbia Ultimate Business Solutions (CUBS) and The Colorado Automated Tax System (CATS) security improvements (1 recommendation outstanding): CUBS and CATS have been replaced as part of the Unemployment Insurance Modernization (UIM) project. The outstanding recommendation is in the process of being implemented and will be finalized by December 2018.

- PA 2017-015A OIT has continued to work with SIPA on a master agreement and was very close to finalizing an agreement for February 2019. However, SIPA has since indicated that they would not be continuing to partner with OIT on this effort.
- PA 2017-006 The Colorado Personnel Payroll System (CPPS) security improvement (1 recommendation outstanding). No changes are being made to CPPS, due to the age of the system and need for stability during the HRIS implementation. This recommendation will remain on-hold until the system can be replaced.

3 *If the Department receives federal funds of any type, please respond to the following:*

- a. *Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?*

**RESPONSE:** Office of the Governor (GOV), Office of State Planning and Budgeting (OSPB), Office of Economic Development (OEDIT), Colorado Energy Office (CEO), and Colorado Office of Information Technology (OIT) – these offices are not expecting any material changes in federal funding with the passage of the FFY budgets.

**RESPONSE (Lt. GOV):** While President Trump did zero out the Corporation for National and Community Service (CNCS) in his budget proposal, Congress passed record funding for the program. As such, the Commission Support Grant (Serve Colorado's main administrative grant) received an increase from \$326,021 to \$345,146. The match requirement is dollar for dollar with the CSG grant.

- b. *Does the Department have a contingency plan if federal funds are eliminated?*

**RESPONSE (CEO):** If the DOE's Weather Assistance Program (WAP) and State Energy Program (SEP) appropriations were eliminated, programming would continue at a reduced funding level.

**RESPONSE (Lt. GOV):** The department CNCS funding is one year ahead so should Congress eliminate funds, Serve Colorado would finish administering the current and following year's grant and then begin the federal close out process. As Serve is primarily responsible for the AmeriCorps program, loss of federal funding or elimination of the AmeriCorps program would result in a loss of the office.

**RESPONSE (OEDIT):** The Office of Economic Development (OEDIT) as a whole does not expect any material changes. If federal funding for the Creative Industries from the National Endowment for the Arts were eliminated in the FY 2019-2020, these programs would cease to exist. If federal funding for the Small Business Development Center were eliminated in the FY 2019-2020, programming would continue on a very limited basis and rely on the matching funds from the state. However, this would only be sustainable for a limited time and ultimately this program would dissolve.

**RESPONSE (OIT):** N/A.

- c. *Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.*

**RESPONSE (Lt. GOV):** Serve Colorado is a subgrantee of the Corporation for National and Community Service (CNCS). Funds received are then granted out to various agencies and organizations. In 2017-18 Serve Colorado shut down one of its subgrantees and disallowed \$200,000. This money was returned from the grantee (Denver Public Schools) to the federal agency (CNCS). No sanction was placed on Serve Colorado. In October 2018 Serve Colorado was contacted by the CNCS Office of the Inspector General and notified that an audit of Program Year 2015-2016 and 2016-2017 of the Denver Public Schools program would begin in November. No timetable has been placed on this audit but any findings, and subsequent disallowances, should be resolved by the end of 2019. Again, any disallowances would be charged directly to the grantee and not to the organization. No sanctions would fall on Serve Colorado.

One issue where there may be a potential disallowance is via the social security/citizenship status of former members. CNCS recently mandated that state commissions (like Serve Colorado) verify thousands of members whose verification had not been processed by CNCS from a seven year time span. Serve Colorado started with about two-hundred and seventy (270) names on a list and verified all but fifty-one. Of those fifty-one, six were members of programs that no longer exists. Serve Colorado will attempt to find previous host agencies and fiscal agencies to issue disallowance letters but if none can be found, Serve Colorado may have to absorb the cost. Please see the table below for the potential disallowance by program. It is important to note that the Weld County Youth Conservation Corps was a program hosted by the Weld County Board of Commissioners and Weld County Human Services. This program makes up \$14,920.93 of the potential \$20,951.41 disallowance.

NSP_ID	PGM_NAME	Cost/MSY per PY	Estimated Cost based on slot type	Education Award
810148	Saguache United Methodist Church AmeriCorps Program	\$ 800.00	\$ 800.00	
1288618	Southwest Check and Connect	\$ 13,730.00	\$ 5,230.48	
1160441	Weld County Youth Conservation Corps (WCYCC)	\$ 13,194.00	\$ 3,490.47	\$ 1,468.25
1023290	Weld County Youth Conservation Corps (WCYCC)	\$ 12,590.00	\$ 3,330.68	
1178962	Weld County Youth Conservation Corps (WCYCC)	\$ 13,194.00	\$ 2,792.38	
1022213	Weld County Youth Conservation Corps (WCYCC)	\$ 12,590.00	\$ 2,664.55	\$ 1,174.60
<b>Total</b>			<b>\$ 18,308.56</b>	<b>\$ 2,642.85</b>
			<b>Potential Total Disallowance:</b>	<b>\$ 20,951.41</b>

**RESPONSE (OEDIT):** The Office of Economic Development (OEDIT) does not currently have any federal sanctions, nor are there any expected.

**RESPONSE (OIT):** N/A.

- 4 *Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?*

**RESPONSE:** Office of the Governor (GOV), Office of the Lieutenant Governor (Lt. GOV), and the Office of State Planning and Budgeting (OSPB), do not have public awareness campaigns.

**RESPONSE (CEO):** For the CEO, the Office uses public communications and outreach strategies to inform the public and stakeholders about CEO's programming. However, the CEO has no public awareness campaigns.

**RESPONSE (OEDIT):**

- The Colorado Tourism Office's Leave No Trace campaign is the only OEDIT current paid public awareness campaign. All other FY19 OEDIT marketing activities have shifted into digital lead generation campaigns (e.g. LinkedIn) that target specific executives and business decision makers.
- **Leave No Trace Partnership – Public Awareness Programming –**
  - Last month's public awareness campaign educates visitors to "Care for Colorado," addressing resident concerns over impact to tourism destinations driven from high volume and/or lack of care to the areas. To create effective messaging for travelers, CTO sought out the expertise of the Leave No Trace Center for Outdoor Ethics, long-time partners of U.S. public lands agencies and top outdoor retailers.
  - CTO has also shaped its dispersion strategy to drive rural economic development while coaching small communities into developing compelling traveler experiences. CTO and Leave No Trace are building partnerships with other tourism groups both to expand impact and propagate industry best practices.
  - Budget Total budget impact is approximately \$71,000
  - Metrics The animated video has already earned 43,000 views on the Visit Colorado Facebook page just two weeks after being posted and has gained viral traction on additional third party sites (media and outdoor industry) statewide. Performance metrics will be updated at 90 day and end of year performance (Dec. 31, 2018).
  - Additional Research A total of 84% of Colorado residents surveyed said they believe it's important to attract visitors during off-peak seasons, while 80% also said it's important to attract visitors to less-visited regions. Additionally, 80% said they would feel more positive about tourism if destinations educated travelers to reduce their impacts on resources.

**RESPONSE (OIT):** OIT's public awareness campaigns (e.g., cybersecurity awareness, STEM outreach, etc.) are conducted through earned and social media, as well as inter-agency communications which have no cost attached to them.

- 5 *Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?*

**RESPONSE:** Office of the Governor (GOV) currently has 6 vacancies, Office of the Lieutenant Governor (Lt. GOV) has 2 vacancies, Office of State Planning and Budgeting (OSPB) has 1 vacancy, Office of Economic Development (OEDIT) has 7 vacancies, and Colorado Energy Office (CEO) has 3 vacancies. Turnover rate for Office of the Governor (GOV) was 47%, Office of the Lieutenant Governor (Lt. GOV) was 36%, Office of State

Planning and Budgeting (OSPB) was 45%, Office of Economic Development (OEDIT) 32%, and Colorado Energy Office (CEO) was 27%.

The department attributes turnover rates primarily to compensation or seeking professional opportunities outside the state. The statewide compensation polices do not apply to us and therefore do not help or hinder us.

**RESPONSE (OIT):** FTE Vacancy - As of November of 2018, OIT has a total of 67.5 open FTE's and a vacancy rate of 7.07% (Open positions divided by allocated positions)

Long Bill Line - FY 2018-19	FTE Filled	FTE	Open Positions	Vacancy Rate (Open positions/allocated positions)
(A) OIT Central Admin	148.0	149.0	1.0	0.67%
(B) IT Infrastructure (EAB)	121.0	134.0	13.0	9.70%
(C) Network (EAC)	94.0	106.0	12.0	11.32%
(D) Information Security	49.0	47.0	-2.0	-4.26%
(E) Applications (AE)	316.0	352.5	36.5	10.35%
(F) End User Services (EAF)	159.0	166.0	7.0	4.22%
	887.0	954.5	67.5	7.07%

The FY 2018-19 turnover rate for OIT is 16.1%. Based on exit survey data, aside from retirement which is OIT largest percentage of reasons, individuals left for growth opportunity and pay. Statewide compensation policies are not hindering OIT ability to compensate appropriately; OIT's budget remains the greatest hindrance. OIT does not have the budget to pay incoming or existing staff at a rate that would be considered competitive in the Denver Metro tech market. That said, there are opportunities to improve the Statewide merit process that would improve the pay for existing high performers and could help with turnover.

- 6 *Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.*

**RESPONSE:** Office of the Governor (GOV), Office of the Lieutenant Governor (Lt. GOV), Office of State Planning and Budgeting (OSPB), Office of Economic Development (OEDIT) and Colorado Energy Office (CEO) do not promulgate rules.

**RESPONSE (OIT):** In the past two years OIT has only promulgated the following rule. {8 CCR 1501-9} (Colorado Rules Regarding Electronic Transactions by Colorado Governmental Agencies) - There was no Cost-Benefit Analysis required for this rule. Effective Date: 3/20/2017.

- 7 *What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.*

**RESPONSE:** Office of the Governor (GOV), Office of the Lieutenant Governor (Lt. GOV), Office of State Planning and Budgeting (OSPB), Office of Economic Development (OEDIT) and Colorado Energy Office (CEO) – Cost drivers that impact the department are primarily

payroll and travel expenses. These costs increase in line with the general CPI and there are no other unique factors affecting the prices.

**RESPONSE (OIT):** There are a variety of cost drivers that impact OIT's operations, including increased costs for technical staff, rates for contract professional services, as well as contract cost increases for Software and IT Maintenance. OIT competes with the private sector for skilled technical staff. As market salaries and nationwide demand continues to increase, particularly for key positions related to cyber security, network and database administration, this puts pressure on OIT resources above and beyond standard inflation, and contributes to ongoing challenges with hiring and retention in these areas. In addition to personal services costs, increased volume has driven an overall increase in OIT costs beyond the scope of base appropriations. OIT works to meet agency demand for projects and program needs that require additional developers, project managers, software, security, and infrastructure resources, and these projects in turn drive use of administrative resources.

- 8 *How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?*

**RESPONSE:** The Governor's Offices do not have caseload.

- 9 *Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.*

**RESPONSE:** The Governor's Office as well as the Lieutenant Governor's Office each have a public-facing webpage on the Colorado.gov domain. The sites are curated by employees in the Governor's Office and contain announcements, news and updates about the business conducted by the offices. OSPB also has a page on the Colorado.gov domain that contains all their publications. The publications are budget requests, economic forecasts and program descriptions and updates. These are all available to the public in PDF format.

**RESPONSE (CEO):** The CEO utilizes its state issued department website as its primary platform for interaction and dissemination of information to the public. CEO's website serves as an informational hub on 1.) energy data in Colorado 2.) CEO energy programs and participation, 3.) energy resources and reports. CEO has been working closely with Colorado Interactive (CI) in anticipation of the pending update and migration of its new website (launch date TBD). Future strategies for the website have not yet been developed as the capabilities of the new website have yet to be presented by CI. Once a migration schedule is issued and a website demo has been completed by CI, CEO will evaluate the opportunities to refine its website to better serve as a centralized hub for energy resources, programs, and incentives in Colorado.

**RESPONSE (OEDIT):** OEDIT's statutory charge to use data and analytics to drive stakeholder engagement informs our agency's use of outward facing technology. Current OEDIT digital technology (web and social) is leveraged to target, attract and support business formation, growth and retention. OEDIT's digital suite provides the most cost efficient platforms to communicate and engage economic stakeholders. Choosecolorado.com (the core

web portal) is the hub of agency lead gen strategy and serves as central repository of business economic program resources.

OEDIT uses Salesforce as our core CRM tool to provide the needed user profiles and list segmentation that enables timely communication of breaking news and information capture (e.g. soliciting community feedback for the identification of eligible state opportunity zone census tracts to support the 2017 federal legislation). Future digital strategy is dependent upon demonstrated user behavior patterns that reveal performance efficiencies and/or enhanced user experience functionality.

**RESPONSE (OIT):** In most cases, OIT is engaged by other departments to provide outward facing technology solutions for their particular service offerings. Case in point is the Program Eligibility and Application Kit (PEAK) located at [Colorado.gov/PEAK](http://Colorado.gov/PEAK). This external-facing website serves as a self-service portal for Coloradans to apply for and manage public assistance benefits. The programs are managed by our health and human services partners while the technology solution is managed by OIT. For these situations, our future strategies are dependent on the strategies of our agency partners. OIT's role in using public-facing technology in the future will also be informed by the expectations of the new administration.

On the contrary, myColorado will serve as OIT's first owned and managed mobile application. As the State of Colorado's official mobile app, myColorado will offer a secure, seamless and accessible user experience for Coloradans to conveniently engage with state services provided by many different departments. Upon myColorado's initial launch, the app will contain services provided by the Division of Motor Vehicles (DMV), but OIT continues to have conversations with agency partners to bring on additional in-app services.

In addition to offering DMV driver license and vehicle registration renewal, myColorado will contain a digital wallet for easy storage of identification a vehicle registration receipt and insurance card. As other state services become available through the app, related digital documents can be added to the wallet.

10 *Upon implementation of the federal Family First Prevention Services Act, how will the Office of State Planning and Budget evaluate programs and services across State Departments and systems to ensure the following:*

- Maximized utilization of federal and cash fund sources;
- Minimization of duplicated independent collaborative initiatives within and across State Departments and integration of the administration of such initiatives at the state level; and
- Appropriate processes that will remove funding barriers so that expenditures for services are paid for out of the responsible Department/program budget and fund source (including, but not limited to Medicaid)?

**RESPONSE:** OSPB has not yet determined how best to evaluate programs under the Family First Prevention Services Act. Achieving the goals of the legislation will be an important undertaking involving cross-Department collaboration. The Department of Human Services has indicated that it does not intend to implement the Act until October 2021 due to statutory and technology hurdles. We will review these plans with the Department. If the JBC or JBC staff has input in how best to address the questions above, we welcome your ideas and engagement.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED**

- 1. Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.**

RESPONSE

Total HCPF Related Bills 2008-2018: 232

Not Fully Implemented 2008-2018: 9

The Department has records of the status of implementation for legislation dating back to 2008. Over the last 10 years, the Department has successfully implemented over 220 bills. Since Medicaid is governed as a partnership between the states and the federal government, any new Medicaid programs or changes to the current program that requires federal funding must be approved by the Centers for Medicare and Medicaid Services (CMS). Several bills passed during this period were contingent upon federal approval which was denied. Without federal financial participation, the Department was unable to implement these bills.

Legislation	Legislation Summary	Barriers to Implementation	FTE
SB 16-120  Review by Medicaid Client for Billing Fraud  (Roberts/Coram)	The bill requires HCPF to provide explanation of benefits (EOB) statements to Medicaid clients beginning July 1, 2017. The EOB statements must be distributed at least once every two months and HCPF may determine the most cost-effective means of sending out the statements, including email or web-based distribution, with mailed copies sent by request only. The bill specifies the information to be included in the EOB statements, including the name of the client receiving services, the name of the service providers, a description of the service provided, the billing code for the service, and the date of the service.	SB 16-120 has not been fully implemented. Though the Department has been unable to launch the Medicaid Explanation of Benefits on July 1, 2017 due to system, policy and operational issues, the Department has completed the development of the Explanation of Benefits Letter and Member Educational Messaging, which includes legislatively required stakeholder feedback and member testing. The SB 16-120 EOBs will be available through the interchange Member Portal once the interchange Member Portal itself is fully operational and launched. The Department does continue to send Medicaid members the federally required Explanation of Benefits as defined by 42 CFR 433.116.	0.5
HB 15-1186	This bill expands eligibility for the Autism Waiver Program by increasing the age limit from 6 years	The Department cannot implement this bill as written because it was contingent on approval from the	0.8

Legislation	Legislation Summary	Barriers to Implementation	FTE
<p>Services for Children with Autism (Young/Steadman)</p>	<p>of age to 8 years of age. If a child enrolls prior to his or her eighth birthday, he or she is eligible to receive services for a total of three full years. The bill removes the existing per child spending cap of \$25,000 per year and instead directs the Medical Services Board to set the per child spending cap each year based on available appropriations. The bill eliminates the program waiting list.</p>	<p>federal Centers Medicare and Medicaid Services (CMS). CMS denied the waiver amendment on September 14, 2015. The Department sent communication to parents and a broad scope of stakeholders. The communications informed parents and stakeholders how to access the services available in the Children w/ Autism Waiver through the Early Periodic Screening, Diagnostic, and Treatment Waiver (EPSDT).</p>	<p>(Temp)</p>
<p>HB 15-1318 Consolidate Intellectual and Dev. Disability Waivers (Young/Grantham)</p>	<p>This bill requires HCPF to consolidate the two Medicaid HCBS waiver programs for adults with intellectual and developmental disabilities.</p>	<p>The Department has reached significant milestones across all components of waiver redesign. Specifically, progress has been made analyzing the breadth of fiscal, operational and programmatic impacts of a redesigned waiver. The Department has nearly finished developing models for quality measures, provider qualifications, service utilization forecasts, individualized budgets with norm referenced service limits, and continues to benefit from our stakeholders ongoing consultation and advice throughout the waiver design and implementation process. Combining the Supported Living Services (SLS) and Developmental Disabilities (DD) waivers is an extremely complex undertaking, thus the analysis has taken longer than anticipated. Current actuarial work is underway to make decisions and inform next steps for the service delivery option for the Residential Habilitation Service. To accomplish this work, the General Assembly appropriated additional resources to the Department for FY 2018-19.</p>	<p>3</p>

Legislation	Legislation Summary	Barriers to Implementation	FTE
<p>SB 10-061</p> <p>Medicaid Hospice Room and Board Charges</p> <p>(Tochtrop, Williams/Soper, Riesberg)</p>	<p>Nursing facilities are to be paid directly for inpatient services provided to a Medicaid recipient who elects to receive hospice care; reimburse inpatient hospice facilities for room and board.</p>	<p>The Department cannot implement this bill as written because it is contingent upon federal financial participation. In order for the state to receive federal financial participation, hospice providers must bill for all services and ‘pass-through’ the room-and-board payment to the nursing facility. CMS has indicated to the Department that there is no mechanism through State Plan or waiver to reimburse class I nursing facilities directly for room-and-board, or to pay a provider licensed as a hospice as if they were a licensed class I nursing facility. Although licensed inpatient hospice facilities are a hospice provider type recognized by the Colorado Department of Public Health and Environment for the provision of residential and inpatient hospice care, they must be licensed as a class I nursing facility to be reimbursed by the state for room-and-board with federal financial participation.</p>	<p>0</p>
<p>HB 09-1103</p> <p>Presumptive Eligibility Long-Term Care</p> <p>(Riesberg/Newell)</p>	<p>Persons in need of long-term care who declare all of the information necessary to determine eligibility under the Medicaid program shall be presumptively eligible for benefits.</p>	<p>The bill authorized the Department to seek federal approval to allow people who are in need of long-term care to be presumptively eligible for Medicaid. The bill directed the Department to seek federal approval from CMS, which was denied. Without federal approval, the Department was not able to implement the legislation.</p>	<p>0</p>
<p>HB 08-1072</p> <p>Medicaid Buy-In for Persons with Disabilities</p> <p>(Soper/Williams)</p>	<p>This bill establishes a Medicaid Buy-in Program for people with disabilities who earn too much to qualify for Medicaid and for those whose medical condition improves while participating in the program.</p>	<p>The Medicaid Buy-in Program for people with disabilities has been implemented. The Department has not implemented a buy-in for the “medically improved” group. The goal of the buy-in for the medically improved was to allow clients with</p>	<p>2</p>

Legislation	Legislation Summary	Barriers to Implementation	FTE
		improved but preexisting conditions to access health care. Under federal rule, the earliest any of these potential clients could have been covered was March 2013. With SB 13-200 and SB 11-200 these clients will either qualify for Medicaid as part of the expansion population or be able to seek subsidies on private health insurance through Connect for Health regardless of a preexisting condition.	
SB 08-003 Medicaid Family Planning (Boyd/Riesberg)	This bill provides flexibility in the income eligibility level for the Family Planning Pilot Program. Currently, the income eligibility level is set in statute at 150 percent of the federal poverty level (FPL), but this bill allows the level to be established in the federal waiver sought for the program.	The Department worked extensively with CMS and stakeholders to submit a waiver in order to implement the program. In December 2011, the Department withdrew its application for a waiver after learning that it would cost over \$800,000 to make system changes to the MMIS and the earliest the changes could take effect would be January 1, 2014 due to national code freezes. As of January 1, 2014, this population would be covered under the expansion or could access subsidized private insurance through Connect for Health Colorado.	0
SB 08-214 Local Government Medicaid Provider Fees (Shaffer/Frangas)	This bill made changes to legislation enacted in 2006 via SB 06-145, which authorized local governments to implement a provider fee on hospital and home health care agencies to draw federal matching funds to increase reimbursement for services provided to Medicaid clients.	As noted in both bills, imposition and collection of a provider fee by a local government is prohibited without federal approval of a Medicaid State Plan Amendment (SPA) authorizing federal financial participation. The Department filed two SPAs with the federal Centers for Medicare and Medicaid Services (CMS) in 2006 and worked with CMS for more than two years for approval. Ultimately, CMS denied the Department's SPAs, concluding that the Department's	0

Legislation	Legislation Summary	Barriers to Implementation	FTE
		reimbursement methodology did not meet the requirements of federal regulations [42 CFR §433.68 (f)] addressing hold harmless arrangements.	
HB 05-1243  Consumer Directed Care Under Medicaid*	This bill extends the option of receiving Home and Community Based Services (HCBS) through the Consumer Directed Attendant Support Services (CDASS) delivery model to all Medicaid recipients who are enrolled in an HCBS waiver for which the Department of Health Care Policy and Financing has federal waiver authority. The bill specifies that an eligible person shall not be required to disenroll from the person's current HCBS waiver to receive services through the consumer-directed care service model.	The legislation authorized the Department to seek federal approval to expand Consumer Directed Attendant Support Services (CDASS) to all the HCBS waivers but the fiscal note assumed significant savings. While a valuable and important delivery model, research and data show that participants in CDASS do not produce significant savings. The Department has received federal approval and implemented CDASS into five HCBS waiver programs, including the recent addition of CDASS into the Support Living Services HCBS waiver program in 2018. The Department continues to review opportunities to expand consumer direction into additional waivers and services.	0.5

\*While the Department does not have record of the implementation status of bills prior to 2008, HB 05-1243 was included because the Department is aware that this bill was not fully implemented and would have been included on this list if the Department had a comprehensive record of legislative implementation.

2. **Does the Department have any high priority outstanding recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the high priority outstanding recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.**

RESPONSE

Regarding the outstanding audit recommendations identified in the Office of the State Auditor's "2018 Annual Report of Audit Recommendations Not Fully Implemented", the Department of Health Care Policy and Financing (the Department) has one recommendation that is considered "high priority" in the report.

Recommendation 2017-058 relates to the Department ensuring personnel costs charged to federal grant programs are compliant with federal cost regulations.

The Department will require staff to semi-annually certify their time spent working on federal or state programs, to comply with federal cost regulations, until the state can implement its new Human Resource Information System (HRIS) and Department staff can track their time. This will be implemented by March 2019.

**3. If the Department receives federal funds of any type, please respond to the following:**

**Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?**

**Does the Department have a contingency plan if federal funds are eliminated?**

**Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.**

RESPONSE

**Changes in Federal Funding**

The Department does not expect any changes in federal funding that are connected to the FFY 2018-19 or 2019-20 federal budget.

However, current federal law does provide for a change in the federal match rate for the Children's Health Insurance Program (CHIP), referred to at the Child Health Plan *Plus* (CHP+) in Colorado. Through September 30, 2019, the federal match rate for CHP+ is 88 percent. On October 1, 2019, the federal match rate for CHP+ will drop to 76.5 percent, and on October 1, 2020, the federal match rate will drop to 65 percent and remain there for future years. Because CHP+ requires a state match, the Department has accounted for the required increase in state funding as part of the November 1, 2018 budget request.

In addition, current federal law provides for a change in the federal match rate for parents and adults newly eligible under the Affordable Care Act (ACA). The federal match rate will drop from 94 percent to 93 percent effective January 1, 2019 and to 90 percent effective January 1, 2020. It will remain at 90 percent for future years. The Department has accounted for the required increase in state funding from the Healthcare Affordability and Sustainability Fee cash fund as part of the November 1, 2018 budget request.

**Contingency Plan**

The Department does not have a contingency plan if federal funds for Medicaid or CHP+ were eliminated, as the elimination of federal funding for these programs would require a comprehensive reevaluation of the state's health care programs. Almost 57 percent of the Department's FY 2019-20 budget request is federal funds. In addition, most of the Department's appropriations have an (M) headnote, which restricts the Department from spending state funds if there is no longer a federal match. The Department would be unable

to continue to pay for any services without a federal match, and the Department, Governor's Office, and General Assembly would need to decide which coverage options to extend with state funding, if any, and make the corresponding statutory and budgetary changes.

### **Sanctions**

When discussing Medicaid, the term "sanction" is understood to mean a penalty for an activity that falls outside of the activities allowed by the Social Security Act (SSA). The federal Centers for Medicare and Medicaid Services (CMS) has the power to reduce the state's Federal Financial Participation or to fine the state as a sanction for these violations. CMS has not penalized or sanctioned the Department in its operation of the Medicaid program in at least the past 10 years.

Federal disallowances can be issued by CMS when they determine that a claim or a portion of a claim is not allowable under the SSA or a program violates CMS rules or regulations. In these situations, the Department may be required to pay back the federal share of the claim(s). The federal disallowances the Department typically encounters are due to disagreements over the administration of various activities. The Department actively challenges and engages with CMS regarding any disallowances by appealing disallowances to the Health and Human Services Departmental Appeals Board (DAB). However, it is unusual for the DAB to rule against CMS' disallowances, even when CMS applies current guidance retroactively or disallows funding for legitimate services provided to eligible clients.

There are no disallowances during FY 2018-19. Deferral is a delay in payment by CMS while CMS requests documentation from the Department in order to determine allowability of the claim. Below are two active deferrals:

- On July 11, 2018, the Centers for Medicare and Medicaid Services (CMS) deferred \$495,388 federal financial participation funds related to the Department's contingency fees resulting from recovering funds from third parties. CMS stated that the Department did not provide documentation regarding the amount reported on Form CMS-64.10P – Line 49 related to Private Attorney fees. CMS State Medicaid Manual addresses contingency fee reimbursement for third-party liability collections. The Manual instructs each state to report any proper administrative expenses (attorney/contractor collection fees) incurred in making the recovery, which are eligible for reimbursement. Colorado State law provides the state Department will pay its reasonable share of attorney fees. The Department continues to work with CMS to resolve questions.
- On July 25, 2018, CMS deferred \$1,018,632 federal financial participation (FFP) related to the Department reporting on FORM CMS-64.10P, Line 49-Other Financial Participation for the quarter ending March 31, 2018. On November 22, 2018, the Department responded with answers to CMS's questions and provided additional support documents. The Department requested that CMS release the deferred amount of \$1,018,632. The Department is waiting for CMS to respond.

**4. Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and**

**whether the Department is working with other state or federal departments to coordinate the campaign?**

RESPONSE

No. The Department is not spending any money on public awareness campaigns.

**5. Based on the Department’s most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?**

RESPONSE

Below is the Department’s FTE turnover and vacancy rate by office. The Department tracks this data by office rather than division, so information on the turnover and vacancy rate by division is not available.

<b>Turnover and Vacancy Rate by Office for FY 2017-18</b>			
<b>Office</b>	<b>Number of Unique Employees</b>	<b>Turnover Rate<sup>1</sup></b>	<b>Vacancy Rate<sup>2</sup></b>
Client and Clinical Care	44	11%	8%
Community Living	90	13%	16%
Executive Director's	28	21%	20%
Finance	137	12%	8%
Health Information	122	17%	12%
Health Programs	73	11%	13%
Policy, Communications, and Administration	126	21%	15%
<b>Total</b>	<b>620</b>	<b>15%</b>	<b>14%</b>
<sup>1</sup> Turnover rate is calculated as the number of times an employee separated from the Department, either voluntarily or involuntarily, divided by the total number of unique employees. <sup>2</sup> Vacancy rate is the percentage of time in FY 2017-18 that positions have been vacant.			

Based on existing historical survey data, the most frequently cited reasons for leaving employment are: 1) to pursue a promotional opportunity; 2) personal reasons, such as a spouse relocation, educational pursuits, or a grant position ending; and 3) dissatisfaction with a supervisor.

To attract and retain employees, the Department is continuing to enhance employee engagement through developing a leadership development program; expanding employee coaching; revising and streamlining the new employee orientation and first-year onboarding process; and providing training to managers to more effectively use competency-based, in-range salary adjustments. Future planned projects include an expansion of career development opportunities for all leaders and staff to increase the value of the employee experience.

The statewide compensation policies, compensation ranges, and implementation rules continue to make competing with the private sector to attract and retain top talent a challenge. As the Department of Personnel and Administration noted in its FY 2019-20 Annual Compensation Report, “[when] the State’s total compensation package is valued, there is a variance of 9.2 percent below the prevailing market.” This disparity, particularly in wages, is a constant source of concern when hiring staff. This is exacerbated by the State’s general policies to fund new positions and hire new staff at the minimum of the salary range. Most Department job postings include disclaimers that new hires are generally paid at the bottom of the range, which can have the effect of discouraging qualified candidates, and particularly those candidates with industry experience.

**6. Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department’s rules as a whole? If so, please provide an overview of each analysis.**

## RESPONSE

From October 2016 to October 2018, the Department promulgated 84 rules. The Department does cost-benefit and regulatory analyses for each proposed rule prior to its introduction to the Medical Services Board (MSB). The analyses are included in the rule-making document packet that accompanies each rule proposed by the Department. The cost-benefit analysis includes the following components:

- Description of persons who will bear costs of the proposed rule and persons who will benefit from the proposed rule;
- Discussion of the probable costs, to the Department or any other agency, of implementation and enforcement, and any anticipated effect on state revenue;
- Comparison of the probable costs/benefits of the proposed rule to the probable costs/benefits of inaction; and
- Determination of whether there are less costly or less intrusive methods for achieving the purpose of the proposed rule.

The Department makes the rule-making document packet available to the public when the public notice of proposed rule-making is published, and it is also included in the public record after the MSB adopts the rule.

With respect to these rules, no person requested a separate cost-benefit analysis for any of the rules. Section 24-4-103 (2.5), C.R.S., states that anyone may request a cost-benefit analysis within five days of the publication of notice of proposed rulemaking in the Colorado Register. The Department performed a regulatory analysis of all 84 rules pursuant to section 24-4-103 (4.5), C.R.S. The regulatory analysis performed on each rule is compliant with statute and is available to the public for review five days prior to the rule-making hearing on the Department’s public website. The Department has not conducted a cost-benefit analysis of the rules as a whole.

Each year the Department is required to submit a Regulatory Report to the General Assembly and the Secretary of State. This report documents all rules promulgated by the Department and is on the Department's website.<sup>1</sup>

**7. What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.**

RESPONSE

The primary cost driver impacting the Department's FY 2019-20 General Fund budget is growth in utilization of Medicaid long term services and supports, including home and community-based services (HCBS), long-term home health, private duty nursing, and nursing facilities. Over the long term, the Department expects that its General Fund growth will be driven in large part by the aging of Colorado's population. Seniors and people with disabilities who qualify for Medicaid are paid for using General Fund and receive a 50 percent federal match rate.

For most services, the Department does not experience "price inflation," as the Department does not automatically adjust rates for inflation. Instead, the Department adjusts most rates only when additional funding is appropriated by the General Assembly. As providers experience rising costs due to factors such as wage growth, the increasing cost of benefits, or increasing rents, they generally must absorb those cost increases until the General Assembly appropriates funding to increase Medicaid rates. Among these issues, the Department is particularly concerned about the effect of the rising minimum wage on providers who deliver personal care and homemaker services to people with disabilities; without annual rate growth to keep pace with the Constitutionally-required minimum wage increases, the Department fears that the people who deliver these services will seek other occupations that pay similarly. Please see the Department's response to question 31 for further discussion about personal care and homemaker wages.

Although most services do not see inflationary rate changes without additional appropriations, some service categories do receive automatic rate increases when required by statutory formulas. Key examples include nursing facilities (required by state statute), federally qualified health centers (required by federal law), pharmacy (required by federal regulation), and Medicare premiums.

**8. How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?**

RESPONSE

Medicaid caseload grew significantly from FY 2008-09 through FY 2015-16, primarily for children and adult populations. Since then, overall caseload growth has been low due to improving economic conditions. The Department is projecting a decline in FY 2018-19 caseload, and small growth of 1.41 percent in FY 2019-20. For populations in which eligibility is not driven by economic conditions, such as older adults and people with disabilities, the Department is projecting growth of 4.03 percent in FY 2019-20. The projected growth is informed by projections of the aging population and historical growth of people with disabilities.

As caseload grows more rapidly for older adults and people with disabilities, the Department is projecting that it will spend more on long term services and supports. The Department is projecting that it will need an increase of \$142.6 million General Fund in FY 2019-20 compared to FY 2018-19 to fund all Medicaid and CHP+ services. Of that amount, approximately \$120.4 million is attributable to services for older adults and people with disabilities, primarily for long term services such as community-based waiver services, nursing facilities, long term home health, and private duty nursing.

**9. Please provide an overview of the Department’s current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department’s interactions with the public.**

RESPONSE

The Department’s current strategy is focused on providing the right tools and resources to enable its member contact center to handle calls more effectively and efficiently. As part of this strategy, the Department has requested resources in its November 1, 2018 Budget Request R-10 “Transform Customer Experience” to improve its member contact center by developing a robust knowledge library and adding automated response and chat functionality. The Department also collaborates with its partners to improve the customer experience that expands beyond the contact center and includes: a detailed online member handbook, a provider directory, online application and benefit management through the Colorado Program Eligibility and Application Kit (PEAK)<sup>18</sup>, a mobile app (PEAKHealth)<sup>19</sup>, partner and county contact centers, the Department’s websites, and in-person experiences.

Moving forward, the Department envisions a coordinated customer support system that aligns and consolidates websites where it makes the most sense for the members and creates interconnected and self-service support models to enable an improved customer experience.

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<sup>18</sup> <https://coloradopeak.secure.force.com/>

<sup>19</sup> <https://www.colorado.gov/pacific/hcpf/peakhealth>

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 Provide a list of any legislation that the Department/governing board has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

*The Department of Higher Education has implemented or is on track to implement all required legislation.*

- 2 Does the Department/governing board have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

*The Department of Higher Education did not receive any outstanding audits recommendations in 2018.*

- 3 If the Department/governing board receives federal funds of any type, please respond to the following:
- a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program? [NOTE: governing boards do not need to provide information on specific research or other grants]

*The Department of Higher Education currently receives federal funds for GEAR UP also known as Gaining Early Awareness and Readiness for Undergraduate Programs. The federal funding for this program is not expected to be impacted by the FY 2018-19 or FY 2019-20 federal budget. Currently the department is in a one-year no cost extension of GEAR UP 3 and the funding will end May 2019. The department was also awarded another \$35 million 7-year grant for GEAR UP 4 that began on October 1<sup>st</sup>, 2018. The program is built as a dollar-for-dollar match, which requires that at least 50 percent of the total cost of a GEAR UP project to be paid with state, local, institutional, or private funds (i.e., for each dollar of federal funds received, at least one dollar of state or private funds must be contributed). Matching contributions can be in the form of cash or documented in-kind contributions.*

- b. Does the Department have a contingency plan if federal funds are eliminated?

*The federal GEAR UP program, which has served primarily low-income, first-generation college students in Colorado since 1999, will provide approximately 5,000 Coloradans through pre-collegiate programming across the state. We have no reason to believe the grant—which has been formally awarded—would be eliminated. Under extraordinary circumstances if funding were eliminated, we would not be able to continue providing the services paid for by GEAR UP. In order to manage such an outcome with minimum disruption to beneficiary students, we would convene schools and their stakeholders and look for opportunities to leverage institutional and state programs such as COSI to provide some stopgap supports and ease the sunset of the program.*

- 4 Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

*The Department of Higher Education has not received any sanctions and is unaware of any potential sanctions.*

- 5 Is the Department/governing board spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign? *Governing boards are requested to provide information on the size of their advertising/PR budgets.*

*The Department has not used any paid media. The Department, through College In Colorado (CIC), runs several annual public awareness campaigns related to planning and paying for college. These campaigns, funded to date by CIC (which receives no general funds), include College Application Month and College Friday. In the current fiscal year, the Department augmented College Application Month with Colorado Free Application Day, a campaign to encourage resident students to apply to Colorado public institutions at no cost on October 30. That campaign had no significant cost; our preliminary analysis shows very positive results—a 12 percent increase in application submissions statewide through November 15, with half of the applications submitted by students of color and a third by first generation students, two groups that have historically lower college enrollment rates.*

- 6 **DHE ONLY:** Based on the Department’s most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

*The Department does not participate in the State’s classified personnel system. The number of FTE in the Department is small, approximately 32, so small numeric changes can have large percentage changes. Based on the most recently available data, the Department has 1 FTE vacant, and had a turnover rate of 44% (14 FTE) in the past fiscal year. The FTE for Division of Private Occupation Schools (DPOS) are also appropriated in the Long Bill. Currently, all positions are filled, and DPOS had an approximate 11% (1 FTE) turnover rate in the past fiscal year. The department had leadership turnover in the last fiscal year, and we attribute some of the turnover to a “trickle down” from that; other reasons for turnover at the department are common to what is seen in most labor markets:*

- i. *Career changes or promotions to other agencies*
- ii. *Family situations*
- iii. *Low salary*
- iv. *Limited career path*
- v. *Moved out of area*
- vi. *Did not enjoy work*

- 7 **DHE ONLY:** Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department’s rules as a whole? If so, please provide an overview of each analysis.

*The only Department of Higher Education divisions that promulgate rules are the Colorado Opportunity Scholarship Initiative (COSI) and the Division of Private Occupational Schools (DPOS).*

*COSI did not promulgate any rules in the past two fiscal years.*

*In FY 2016-17 the Division and Board of Private Occupational Schools implemented a fee increase and a minor revision to a portion of its rules addressing bond requirements for its schools. The fee increase did not require a*

*fiscal analysis or cost-benefit analysis as DPOS is a cash funded division and only increased fees to cover administrative costs. In FY 2017-2018, the Division and Board were required to update all rules to reflect the relocation of its Act from title 12 (C.R.S. 12-53-101 et seq.) to title 23 (C.R.S. 23-64-101 et seq.) and chose to review all rules at that time to ensure accuracy, clarity, and relevance. A cost benefit analysis was not required.*

- 8 What are the major cost drivers impacting the Department/governing board? Is there a difference between the price inflation the Department/governing board is experiencing compared to the general CPI? Please describe any specific cost escalations.

*The majority of Department costs are personnel costs, and therefore inflation in these costs (including as reflected in salary increases appropriated by the General Assembly) is generally in line with the overall CPI.*

- 9 How is the Department's/governing board caseload [student population] changing and how does it impact the Department/governing board's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

*The changes in our economy mean that Colorado's future depends upon raising our attainment rate. Raising our attainment rate requires us to invest in closing equity gaps and successfully engaging and supporting students from historically underserved populations including adult students, veterans, first generation students, and students of color. The expanded scope of the population that our public higher education institutions must serve in order to strengthen Colorado does drive a need for increased investment, including an increased per-capita investment for students from historically underserved populations who may need additional services and supports to successfully complete an academic program.*

- 10 Please provide an overview of the Department/governing board's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

*The Department is committed to robust engagement with our stakeholders and the broader public. Our website and social media platforms disseminate information about the Department's goals, activities and that of our institutions. In addition, the Department is either leading or supporting several efforts aimed at harnessing technology to better serve and support students, including an overhaul of our College In Colorado platform. We are hopeful that the advance of technology as well as the advance of access to broadband as well as internet-connected devices will enhance our ability to leverage data to help students and families make decisions about their educational options.*

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 Provide a list of any legislation that the Department/governing board has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

**Colorado Community College System**

*There are none.*

**Aims Community College**

*Aims Community College is encouraged by and supports the progress identified in the report.*

**Colorado Mountain College**

*None.*

**Area Technical Colleges**

*We are not aware of any legislation that is not implemented.*

- 2 Does the Department/governing board have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](#)

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

**Colorado Community College System**

*There are none.*

**Aims Community College**

*No comment at this time.*

**Colorado Mountain College**

*No.*

**Area Technical Colleges**

*N/A.*

3 If the Department/governing board receives federal funds of any type, please respond to the following:

- c. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program? [NOTE: governing boards do not need to provide information on specific research or other grants]

**Colorado Community College System**

*The Department is anticipating increased federal funding for the Perkins Grant in FY 2019-20. The Perkins Grant requires a state administrative match of 5.0 percent, which is paid for through the Administrative Costs line item in the Division of Occupational Education. As a result of this increased federal funding, the Department has requested to increase the appropriation to the Administrative Costs line item by \$62,309 reappropriated funds in order to meet the 5.0 percent state match requirement.*

**Aims Community College**

*The Aims Community College Board of Trustees does not expect any significant changes in the current level of federal funding receive by the College.*

**Colorado Mountain College**

*None of which we are aware. The only federal funds provided to CMC, outside of financial aid, are in college access (TRiO) programs. Any reductions in federal funding in these areas would result in commensurate reductions in programming to eligible students.*

**Area Technical Colleges**

*The ATCs look at all federally funded activities on an annual basis. In the event federal dollars are lost, in support of key strategic scope, we have a few options that we will consider. Federal dollars are currently used to support a full suite of academic delivery and instructional support for Colorado refugees, as part of the Colorado Refugee Service Provider (CRSP) grant. In addition, we annually receive Perkins funding, which is used to help offset the cost intensive nature of Career and Technical Education (CTE) equipment in our classrooms. We also receive Adult Education and Family Literacy Act (AEFLA), which helps offset testing costs for students, tuition relief for English Language Acquisition (ELA) and offsets some instructional costs to help provide job readiness for our students.*

- d. Does the Department have a contingency plan if federal funds are eliminated?

**Colorado Community College System**

*CCCS would need to cut or adjust programs if federal funding was eliminated.*

**Aims Community College**

*If any federal funding is eliminated, the College would make the necessary operational adjustments. The only significant federal (non-financial aid) revenue the Colleges receives is for TRIO and Perkins Grants from the US Department of Education.*

**Colorado Mountain College**

*Please refer to the response given above.*

**Area Technical Colleges**

*In the event that the ATCs lose funding levels in any of these areas, we will determine the strategic benefit of continuing to offer these services. If we feel that part or all of this scope is paramount to the core value of our institution, we will seek other sources of funding. This could include utilizing our private funding sources (such as the Emily Griffith Foundation), via corporate and private grants, other grants that have a scope match, or even our general fund. However, it is very realistic that reduced federal funding levels will severely impact our programs, and result in closure of programs, either in part or in full.*

- e. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

**Colorado Community College System**

*CCCS is not aware of any federal sanctions or potential sanctions.*

**Aims Community College**

*The College has no current or pending federal sanctions.*

**Colorado Mountain College**

*Please refer to the response given above.*

**Area Technical Colleges**

*We are not aware of any current or potential federal sanctions.*

- 4 Is the Department/governing board spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign? *Governing boards are requested to provide information on the size of their advertising/PR budgets.*

**Colorado Community College System**

*CCCS does not spend money on public awareness campaigns per se, but we do spend money on marketing/advertising to promote enrollment and educate students on course offerings, etc. In FY 2017-18, our 13 colleges collectively spent \$3.6 million on marketing/advertising, which represents approximately 0.7 percent of the total expenditures by our colleges.*

**Aims Community College**

*Aims Community College is not participating in any awareness campaigns.*

**Colorado Mountain College**

*Marketing-driven campaigns incorporate such initiatives as:*

*Semester registration:*

- *Social media (organic & paid) (\$2k/yr) (paid/ owned media)*
- *email to current and stop out students (owned media)*
- *commercial and public radio (\$36k/yr) (paid media)*
- *mailing class schedules and postcards (\$95k estimate) (owned media)*
- *press releases (earned media)*

*President's Scholarship:*

- *letters and postcards to all local seniors (\$5k estimate) (owned media)*
- *press releases (earned media)*
- *email blasts (owned media)*
- *Social media (organic & paid) (\$1k) (paid/ owned media)*

*Statenide awareness and recruitment support:*

- *high school gym ads (\$13k) (paid media)*
- *out of home (\$35k)*
- *online display, paid search, sponsored social (\$185k) (paid/ owned media)*
- *print advertising in magazines and industry newsletters (\$10k) (paid media)*
- *press releases (earned media)*

*Marketing campaigns are not coordinated with other entities except with business, government or industry partners. Most of this is earned media, or outreach through owned channels (websites, blogs or email).*

*Over the years, the Public Information Office has demonstrated that more than 90 percent of outreach to the news media results in news coverage of the college. A recent survey has shown that the college has an 88% favorable perception among community members. Overall, the college's proactive public relations efforts are tied to communicating ways in which the college supports the educational and training needs of students, employers and taxpayers, largely driven by the college's strategic plan. Because the college's strategic plan is tied to the strategic initiatives of the state's higher education efforts, successful campaigns support the Colorado Department of Higher Education.*

*On occasion the Public Information Office conducts specific targeted campaigns: for instance, in support of the college's 50th anniversary year and related community celebrations, or to inform the community about the launch of a new program of great interest to the community such as the Fund Sueños income-share agreements, or to support media coverage of the college's 9-12 graduation ceremonies each May. Because the Public Information Office does not have a budget for paid media, all work from this office is conducted through earned or owned media.*

*In the more targeted campaigns – such as the year-long 50th anniversary campaign that involved combined efforts from the Public Information Office, Marketing and Communications Department, and CMC Foundation – we made a point of measuring specific results. The on-campus events drew more than 2,200 community members. A*

regional newspaper readership of more than 200,000 residents was exposed to news coverage of the events and the college's history.

### **Area Technical Colleges**

*Yes, Emily Griffith Technical College is running strategic public awareness campaigns with the goal of increasing enrollment. Messaging focuses on affordable education that leads to long-term career opportunities with the ability to graduate debt free. Emily Griffith uses a range of digital ads on various platforms (search engines, social media, in apps). The effectiveness of these ad campaigns is measured through the use of landing pages which track the number of leads generated through the ads. We have the ability to track how many of those leads become applicants and ultimately how many applicants become enrolled students. The budget for these campaigns and their support services is \$143,000. We also do target media outreach to get articles published with the goal of generating more awareness about our school in addition to generating links to specific pages on our website where we want to drive more traffic. In addition, we have several active social media platforms that we use to engage our audience and create awareness about Emily Griffith Technical College. Whenever possible, we work with our partners and other institutions, like apprenticeship partners, CDHE, DPS and graduates who are now business owners, to cross promote specific initiatives on social media.*

*Due to the cyclical nature of drops and enrollment during robust economic times, it is imperative that Pickens Technical College has a strong media presence to stabilize enrollment and ensure that local residents continue to seek out PTC as their source of career training. Marketing ventures include ads on the morning radio show with Willie B, social media posts including original PTC produced videos, targeted email campaigns, website content, and advertising banners.*

*Technical College of the Rockies (TCR) employs a multi-tiered effort to provide public awareness to our communities and industry partners. Data indicates our ROI is best when marketing our services through social media, local newspapers, industry partners, public schools, and workforce development. In these spaces, we capitalize on earned media as public service announcements (PSA) as well as pay-for-service. We currently have contracts in place to exploit search engines and social media platforms like Facebook, Twitter, Instagram and LinkedIn. We limited our investment in radio and television due in-part to survey results, higher costs, limited coverage, and low return on investment. Over all, we allocate approximately \$50,000 annually on marketing. Last, we found a large part of our community's awareness of a result of our static signage strategically located throughout our service area.*

- 5 **DHE ONLY:** Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?
- 6 **DHE ONLY:** Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

- 7 What are the major cost drivers impacting the Department/governing board? Is there a difference between the price inflation the Department/governing board is experiencing compared to the general CPI? Please describe any specific cost escalations.

### **Colorado Community College System**

*The major cost driver for CCCS is personnel. Approximately 72.2 percent of our costs are spent on personnel. This causes CCCS to experience price inflation that is greater than the general CPI because benefit costs, particularly healthcare benefit costs, have increased at a greater rate than the general CPI.*

### **Aims Community College**

*The major cost driver for the College has been maintaining and/or reaching a level of competitiveness in salaries for high demand faculty and staff positions. The college continues to experience student FTE growth which has also resulted in increased costs due to the need for additional academic and student support services. Increases for general expenses for ongoing operations remain within the Denver-Boulder-Greeley CPI.*

### **Colorado Mountain College**

*In general, the major cost drivers for personnel at CMC parallel those found in the CPI. These include costs of housing, fuel, utilities, health care, and retirement benefits. As a rule, CMC monitors the CPI when establishing its salary adjustments each year, attempting to stay slightly ahead of the official CPI due to the higher costs in Colorado's mountain communities. In 2019-20, CMC expects to benchmark salary increases at 3.5-4.0% in order to stay current with CPI inflation. As an organization, however, the most significant cost drivers are technology (software [annual] and hardware [scheduled replacement]), construction materials, capital maintenance/replacement, health insurance, PERA increases, and market "externalities" such as extreme competition for employees with technical skills or contractors in specialized trades. In nearly every example just cited, annual inflation routinely exceeds standard CPI inflation, at times exponentially.*

### **Area Technical Colleges**

*Career and Technical education is among the costliest programs to administer, given the low student to faculty ratio and the high cost of equipment needed to support an industry relevant lab/classroom. The ATC's do not have the luxury of offering general education classes with extremely high student to staff ratios to subsidize CTE programs, as some of our peers do. Given this, we are forced to become very entrepreneurial, effectively working with local industry, regional and national philanthropies and local, state and federal grants to help offset the high cost of equipment. In addition, operating costs in Downtown Denver (parking lots, transportation options, rent) continue to escalate. EGTC recently expanded capacity for its Barbering and Cosmetology space, taking down a 5-year lease. The construction and renovation costs were significantly higher (~30%) than anticipated, given the current state of commercial construction in Denver.*

*Maintenance and repair cost are increasing as a result of aging infrastructure. The majority of the facilities at TCR are over 40 years old and require major repairs. Compounded by the fact building codes have changed significantly over the years, most buildings are not compliant and would need major renovation to meet code.*

*In addition, health care costs, while administered by our respective School Districts, continue to increase above CPI levels, putting great strain on our ability to offer attractive and comprehensive plans. We have switched insurance providers two times in the past three years, in an effort to mitigate the financial impacts. This most recent year saw a 15% cost increase.*

- 8 How is the Department's/governing board caseload [student population] changing and how does it impact the Department/governing board's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

### **Colorado Community College System**

*Student enrollment is the primary caseload measure for CCCS. Student enrollment in higher education tends to be countercyclical, but it is particularly notable for the community college system. When the economy is doing well and growing, the student enrollment at CCCS tends to flatten or decrease.*

### **Aims Community College**

*Since FY 2015-16, the college has experienced a 17.5% increase in student headcount. This increase in students has resulted in a 11% increase in the same period for salary & benefits and general operating expenditures which ensures students have and will continue to receive the academic and support services needed.*

### **Colorado Mountain College**

*CMC's student population has declined slightly each of the past four years due to an expected economic rebound in the mountain communities. (The unemployment rate in Colorado's resort communities is at an all-time low and hovers around 2.5%.) The college's overall enrollment is generally stable, though we expect to experience declining enrollments among non-resident enrollments due to national structural population changes. In spite of these changes, the college has generally performed well, financially and academically.*

### **Area Technical Colleges**

*The below highlights how our caseload is changing, and outlines the funding impacts on the overall budget:*

*Changing (increase) demographic caseload:*

- *Students with special needs, both documented, physical and mental disabilities*
- *Variety of barriers such as homelessness, food insecurity, joblessness, justice involved*
- *Students entering training programs that have not had success in prior academic endeavors*
- *Career changers and re-entry*
- *Soft skill deficient, in particular in the areas of reliability and dependability*

*Funding has been allocated/increased for:*

- *Staff to provide more intensive services along the lines of navigation as opposed to traditional advising.*
- *Variety of accommodations as our costs have quadrupled*
- *Emergency support funding for our students to complete and be placed in their program*
- *Classroom supports for contextualized learning with math and reading (academic supports)*

- *Noncredit on-ramps into for credit programs*
- 9 Please provide an overview of the Department/governing board’s current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department’s interactions with the public.

**Colorado Community College System**

*Technology plays a vital role in almost everything we do at CCCS from registering students for classes to providing interactive learning experiences for students to providing transcripts to students after their time at CCCS.*

**Aims Community College**

*The Aims’ Board of Trustees (BOT) has a progressive technology strategic plan which includes an update of the Aims’ website: BOT posting of monthly agenda and minutes; streaming monthly BOT meetings; “Watch the latest BOT meeting” (archived video); opportunity for constituent email communication with the BOT. Additional technological initiatives are being explored by the Aims Marketing team and will be recommended to the BOT in 2019.*

**Colorado Mountain College**

*The overall direction of Colorado Mountain College's web presence is to leverage technology to make more college resources available to the public. We are implementing systems that simplify the application process, and allow better search and registration processes, for both credit and noncredit. Our technology enhancements allow students to engage with CMC from mobile devices and when it is convenient for them.*

*The college website is built on the Wordpress platform. With its huge user base and development community, Wordpress gives us the flexibility to adapt to changing technology, and present information from multiple sources on public webpages (e.g., academic catalog, campus events, news, social media feeds, job listings for graduates).*

*Current strategies for CMC's public online presence include:*

- *Remove barriers, simplify and increase ease of enrollment and registration.*
- *Communicate the breadth of CMC's opportunities for education and career building.*
- *Represent all of CMC's offices and departments publishing their relevant information and contributions.*
- *Connect CMC and its communities through CMC's multiple websites, blogs and social media platforms.*

*Future strategies include:*

- *Continue to address and improve accessibility and usability.*
- *Continue to optimize for mobile platforms.*
- *Efficiently share content through multiple sites and platforms.*
- *Improve ease of registering for non-credit courses.*

### Area Technical Colleges

*Emily Griffith Technical College uses its website EmilyGriffith.edu as a primary means to provide outward facing information to the public including program information, potential career pathways and admissions processes. In addition, Emily Griffith uses marketing automation software to quickly respond to inquiries from prospective students and email them information about the programs they are interested in. Automating and sending information this way is a strategy we recently employed and is proving to be in high demand from prospective students. Emily Griffith also uses various social media platforms in addition to Google My Business to reach our audience and disseminate information. We have scaled back our use of costly print publications which can quickly become outdated. These digital platforms allow us to update our outward facing information as needed and in an efficient and timely manner.*

*In addition, EGTC strives to limit public facing resources to maintain security posture and provide a smaller attack surface for potential intruders while providing essential services to students, faculty, and staff. EGTC utilizes the following outward facing services:*

- *Google Apps For Education provides secure email, files services for staff, faculty, and students.*
- *Secure file drop service for documents containing Personally Identifiable Information (PII).*
- *Secure VPN access for remote staff access.*
- *Mobile capable, secure student portal for faculty and staff for managing schedules, attendance, grades, and financial aid.*
- *Mobile capable, secure Learning Management System (LMS) for faculty and student coursework and materials. Consumer facing marketing website (highlighted above).*
- *Job board for student placement.*
- *Virtual Reality training portal through STRIVR.*

*All services are secured with firewalls, intrusion protection and prevention systems, and multi factor authentication where appropriate. All other services are non-public facing.*

*Higher Act (H.R. 6543), which was a comprehensive reauthorization of the Higher Education Act (HEA) introduced by the House Democrats in July 2018. This movement gives the tuition waiver legislation an advantageous position, given the change of power in the House, should HEA move forward for consideration in the next Congress. The college will seek to partner with the Governor and Colorado legislature to secure their support in these efforts to obtain federal assistance with the Native American tuition waiver.*

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 Provide a list of any legislation that the Department/governing board has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

**Adams State University**

*N/A*

**Fort Lewis College**

*N/A*

**Western State Colorado University**

*Western does not have any unimplemented legislation.*

- 2 Does the Department/governing board have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](#)

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

**Adams State University**

*No. Adams State University does not have any high priority outstanding recommendations identified in the Annual Report.*

**Fort Lewis College**

*Fort Lewis College does not have any high priority outstanding audit recommendations.*

**Western State Colorado University**

*Western does not have any outstanding audit recommendations.*

3 If the Department/governing board receives federal funds of any type, please respond to the following:

- a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program? [NOTE: governing boards do not need to provide information on specific research or other grants]

**Adams State University**

*Based on the discontinued funding of the Perkins Loan Program, we are liquidating our Federal Perkins Loan Portfolio. This program had previously funded the indirect cost components of our Federal Workstudy and Federal Supplemental Educational Opportunity Grants (SEOG) as well as the Perkins Program. Adams State's Federal Workstudy indirect cost is \$13,777 and Federal SEOG indirect cost is \$6,932.*

**Fort Lewis College**

*Fort Lewis College receives federal funding primarily for financial aid, Pell grants, Work Study and Supplemental Opportunity Educational Grants (SEOG). The college also has four TRIO grants, as well as several federal research grants funding through the NSF. The college is not anticipating major changes with federal financial aid in the 2019-20 federal budget. Matching funds are required for federal work student and the supplemental opportunity educational grants. The annual match on these programs is approximately \$85,000.*

**Western State Colorado University**

*While there has been much discussion around the PROSPER Act and the Aim Higher Act, there has been no movement forward for either bill, and with a new Congress convening in the new year it is likely delays will continue. Western did not have any changes in federal funding for FFY 2018-19, and we do not expect changes for FFY 2019-20.*

- b. Does the Department have a contingency plan if federal funds are eliminated?

**Adams State University**

*The elimination of federal funds would be devastating to Adams State, as over 50% of our students rely on Federal Pell grants, as well as other federal support. Given the high poverty region we serve and our institutional role and mission that includes a focus on first generation college students, we have no capacity to develop a contingency plan to address the elimination of federal funds.*

**Fort Lewis College**

*The college would not backfill any of the TRIO or research grants if the federal funds were eliminated, as these are stand-alone programs. The administration would weigh the options related to replacing federal work study and SEOG if those funds were eliminated.*

**Western State Colorado University**

*From a federal financial aid perspective, we currently do not have a contingency plan as we expect no changes for either FFY 2018-19 and FFY 2019-20. Western receives a very small allocation in Supplemental Educational Opportunity Grant (SEOG) and could likely utilize institutional funding in lieu of this. However, we would not be able to offset our allocation for Federal Work Study.*

*The federal funds coming in for sponsored programs do not require a contingency plan because research and associated activities can cease without impacting general operations. So, while it will have an impact on federally supported research and activities, it will not impact Western's general operations.*

- c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

**Adams State University**

*There are currently no federal sanctions or potential sanctions by the federal government for the 2018-19 or 2019-20 years.*

**Fort Lewis College**

*N/A*

**Western State Colorado University**

*Western is not aware of any potential sanctions that would impact operations.*

- 4 Is the Department/governing board spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign? *Governing boards are requested to provide information on the size of their advertising/PR budgets.*

**Adams State University**

*Adams State currently has paid radio media buys running in the markets of the San Luis Valley and Chaffee County, and spends an estimated \$500-\$800 per month on radio buys, depending on the number of markets the radio spots are airing in simultaneously. The radio spots run during high school prep games to engage radio listeners tuned into local high school sports. One metric Adams State uses to determine the effectiveness of the radio campaign is student applications from those specific small markets. Adams State also has executed a digital media buy through Tegna Corp. and 9News in Denver targeted at web users in small towns across Colorado, northern New Mexico, and the Rocky Mountain Region. The campaign is measured in the delivery of guaranteed digital impressions yielded through targeted buys, and again looks at whether the university is increasing the number of students applying who come from small towns and small, regional markets. The digital media campaign spend is an estimated \$8,000 per month, which has been funded by private donors to pay for and support the digital media buys and strategically places digital media buys during high school recruiting seasons.*

*Adams State's marketing strategy as a whole is to appeal to high school students growing up in small towns. The strategy aligns to data that shows students who come from small towns retain better and graduate at higher rates from Adams State than students from large urban metro areas. Data show our current digital campaign nets interest from mostly small, rural markets with the majority of the viewers in the 18-24 year old age range. We closely monitor the effectiveness of these campaigns and change strategies as needed. Adams State aspires to be the university of choice for kids growing up in small towns, hence its focus on small markets with paid media buys.*

### **Fort Lewis College**

*Fort Lewis College spends approximately \$500,000 annually on print materials and advertising costs. The vast majority of these expenditures are directly related to student recruiting. Of this amount, approximately \$25,000 is directed towards increasing awareness and reputation of the college. Existing marketing and communications staff are leveraged to accomplish this brand awareness. Some of the efforts include:*

- Feature stories and profiles about faculty, students, staff and benefactors that capture the essence of Fort Lewis College.
- Electronic and social media is used to deliver messages in a targeted way.
- A reputation building campaign in the local paper to tell the Fort Lewis College story.
- A wall display at Durango-LaPlata County Airport that features the college and the activities that guests and visitors may find of interest; concerts, walking art tour, Frisbee golf and the “million dollar” view that Fort Lewis College offers above the city of Durango.
- The FLC Magazine, now in its fifth issue, is mailed to appropriate leadership including governmental and civic leaders, local school systems, parents of current students and benefactors.

### **Western State Colorado University**

*Western participates in/contributes to public awareness campaigns in partnership with the CDHE. The goal of these campaigns is to increase college attendance (Free App Day Campaign) and completion of FAFSA requirements. Generally the cost of these campaigns is limited to staff time already allocated to social media or email campaigns. The Free App Day campaign on October 30, 2018 included waiving the standard application fee, costing Western approximately \$30,000 in lost revenue.*

- 5 **DHE ONLY:** Based on the Department’s most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?
- 6 **DHE ONLY:** Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department’s rules as a whole? If so, please provide an overview of each analysis.

- 7 What are the major cost drivers impacting the Department/governing board? Is there a difference between the price inflation the Department/governing board is experiencing compared to the general CPI? Please describe any specific cost escalations.

### **Adams State University**

*Personnel costs are our single largest cost driver. Colorado PERA costs have risen steadily for over ten years. We paid 10.15% for our employer share of PERA in 2005. In 2017, this percentage had risen all the way to 20.15%. While PERA reform is needed, it continues to drive up the costs, far outpacing the general CPI. Not only are rates increasing, but also the expansion of the definition of what is includable salary is also driving up costs. In addition, our share of the unfunded PERA liability which we are required to book on our balance sheet is over \$80 million. Personnel costs are also driven by the cost of faculty, which require higher levels of education and corresponding nationally competitive salary. Being in a remote, rural location also hinders our ability to contain costs by shifting to less expensive adjunct faculty. In many cases, the pool is just not there.*

### **Fort Lewis College**

*The Fort Lewis College budget can be divided into three major categories, salaries and benefits, non-discretionary expenses, and operating costs. The salary category includes faculty, state personnel system (classified) staff and staff exempt from the state personnel system. Due to declining enrollment over the previous few years, faculty and exempt staff have not received salary increases. Classified staff increases, set by the legislature, have been in excess of the general CPI. Education and General Fund salaries and benefits represent approximately 68% of the E&G budget.*

*Non-discretionary expenses include utilities, health benefits, PERA contributions, scholarships and contractual agreements. Most of these expenses have experienced annual increases above the CPI rate.*

*Federal mandates, especially Title IX and Title IV, require increased staffing to keep the institution in compliance. Additionally, Durango has a high cost of living due primarily to housing prices. Housing prices have been a disadvantage when recruiting faculty and staff, leading to the need to have competitive salaries.*

### **Western State Colorado University**

*Like most institutions of higher education, the biggest cost driver is the recruitment and retention of quality faculty and staff. Over 60% of Western's education and general fund expenses are personnel-related. This includes providing competitive benefit packages, such as health insurance, the cost of which is growing exponentially. Over the past five years, Western's contribution to health insurance premiums for the education and general fund grew by 40%, from \$1.9M to \$2.6M, well beyond the rate of inflation.*

*One of the largest challenges for Western in recruiting and retaining quality faculty and staff is the relatively high cost of living, a significant contributor of which is the high cost of housing, within Gunnison County. The most recent American Chamber of Commerce Researchers Association (ACCRA) statistics pegs the cost of living in Gunnison County at 106% of the national average. Over the past five years, cost of living indices (COLI) for Gunnison have ranged from 102% to 117% of national averages, largely due to higher-than-average housing and grocery costs.*

- 8 How is the Department's/governing board caseload [student population] changing and how does it impact the Department/governing board's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

**Adams State University**

*In general, our population based in the San Luis Valley is not expected to grow at the same rate as urban locations on the front range. Like the rest of the state, the San Luis Valley's population is also expected to age, which will result in an increase in our non-traditional student population. The population of our San Luis Valley is the most diverse in the state and also the poorest region of the state, and is projected to become more diverse.*

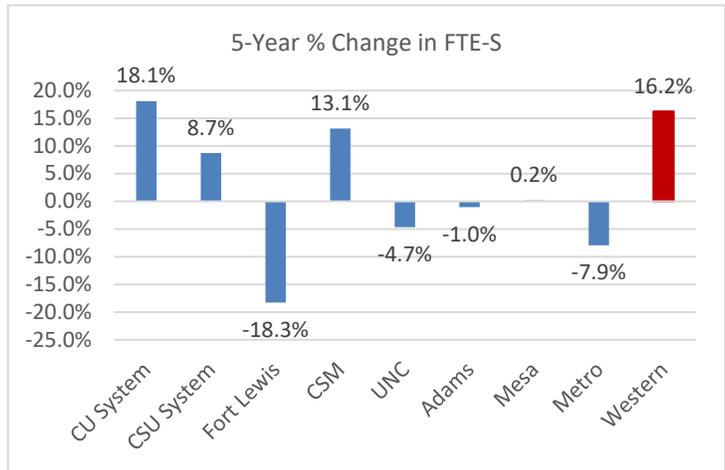
*A predominant service need is K-12 teachers, especially for rural Colorado. Adams State University has focused attention on its teacher education program to help support K-12 and graduate teachers. Healthcare is another service needs. ASU is part of the Region 8 Healthcare Sector Partnership to ensure that healthcare needs and related workforce development are addressed.*

**Fort Lewis College**

*Over the last few years, overall enrollment at Fort Lewis College has declined. Fall 2018 headcount was **virtually flat** from Fall 2017 enrollment. In Fall 2018, slightly over 50% of the student body was made up of minority students, a first for the college. Additionally, approximately one third of students are first generation, and 38% are Pell eligible. There has been a significant increase in the services needed by students, especially mental health. Students today are demanding amenities, innovative programs and competitive scholarships.*

**Western State Colorado University**

*Western has had the second largest growth rate in student FTE over the past five years. In general, this has had positive impacts on our institutional budget in terms of increased tuition revenue to support this growth and fund strategic initiatives. However, Western's growth has not been recognized through the state funding formula. Since the inception of the new funding formula (HB14-1319), Western's state support has not grown much beyond the statewide average. This is due to the volume-based nature of the funding formula which rewards sheer numbers and not proportional improvements or growth.*



*Western has been able to accomplish this rate of growth despite the increasing demographic challenges facing small, rural institutions. Specifically, growths in population are occurring in urban settings, not rural. Further, the college-going population is beginning to shrink and they are also more economically strained. Finally, the number of competitors in the higher education market is increasing, as many out-of-state institutions are entering Colorado to recruit our students. Recruiting students to attend Western will become increasingly challenging given these trends.*

- 9 Please provide an overview of the Department/governing board's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

### **Adams State University**

*ASU's current and future strategy is to use outward facing technology to accomplish at least three goals. First, we strive to provide a mobile-friendly, ADA compliant, and user-friendly experience through our website and related applications to share relevant information and content with current and future students, parents, and the public at large. Secondly, we seek to integrate outward facing technology with internal systems to simplify and streamline the student experience and enable easy-to-use, secure access to our educational systems. Lastly, we are working to use open-source software and cost-effective technologies and systems whenever possible to help control costs while still delivering high-quality content to our audiences.*

### **Fort Lewis College**

*Fort Lewis College is undertaking an aggressive and multi-faceted marketing campaign related to our outward-facing technologies in 2018-19, and beyond. These initiatives include:*

- *Website*
  - *A complete re-design of the [www.fortlewis.edu](http://www.fortlewis.edu) website. A thorough website audit was completed during summer 2018, and a branding firm and website design firm have been contracted to work through August 2019 on the redesign. Branding rollout is expected in Spring 2019 and the site will be in place before the start of the Fall 2019 semester.*
  - *The new site will have improved navigation, be more mobile responsive, and display more compelling visual and written content. The updated site will help Fort Lewis College reach more prospective students, better convey the college's differentiators, and help users better accomplish what they seek from the site (e.g., application, donation, navigation of College processes).*
- *Digital Marketing*
  - *Multiple digital marketing campaigns, comprised of social media advertising, search, programmatic, television, and other technologies. These campaigns will increase overall brand awareness as well as interest in signature academic programs including environment, health sciences, and business.*
- *APPS include:*
  - *A campus app that allows students to complete important tasks like checking their courses, billing, and access to campus services. The public can use the app to find campus contact information, check a webcam, read news stories, etc.*
  - *A virtual tour app introduces prospective students to the specifics of campus through interactive navigation, photos, and videos.*
- *Digital Accessibility Initiatives*
  - *The Informational Technology & Digital Accessibility Review Committee was established in 2015, which created policy to convey the college's commitment to addressing digital accessibility issues.*
  - *The Marketing & Communications office subscribes to Monsido, a cloud-based web governance tool that scans the Fort Lewis College site for broken links, search engine optimization issues, and ADA compliance issues.*
  - *Teaching & Learning Services integrated a video hosting solution, Arc, into the college's learning management system, Canvas, that provides automated captioning of videos as well as the ability to proof and edit captions to ensure accuracy.*

**Western State Colorado University**

*Western uses several websites (western.edu, gomountaineers.edu, go.western.edu) as well as a university app.*

*We do not anticipate any changes in our use of outward facing technology in the near future.*

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 Provide a list of any legislation that the Department/governing board has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

*No, History Colorado has no outstanding high priority recommendations in the "Annual Report: Status of Outstanding Audit Recommendations".*

- 2 Does the Department/governing board have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

*No, History Colorado has no outstanding high priority recommendations in the "Annual Report: Status of Outstanding Audit Recommendations".*

- 3 If the Department/governing board receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program? [NOTE: governing boards do not need to provide information on specific research or other grants]

*No, History Colorado does not expect any changes in federal funding with the passage FFY 2018-19 or FFY 2019-20 federal budgets.*

- b. Does the Department have a contingency plan if federal funds are eliminated?

*The Department does not anticipate any changes to its federal funds. However, if its federal funds were eliminated, the agency would review its federally funded programs, fund some with gaming funds and reduce staff from others.*

- c. Please provide a detailed description of any federal sanctions or potential sanctions for state

activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

*History Colorado is not aware of any potential federal sanctions for its state activities in FFY 2018-19 or FFY 2019-20.*

- 4 Is the Department/governing board spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign? *Governing boards are requested to provide information on the size of their advertising/ PR budgets.*

*With the recent growth of Colorado, the competition for attention and relevancy continues to be a factor in gaining support for noteworthy organizations such as History Colorado. Now more than ever, it's critical that History Colorado actively manages a positive reputation, builds an arsenal of deep strategic relationships, and secures its position as extremely relevant for Coloradans. After careful introspection, board engagement, leadership participation and consumer feedback, we've developed the following History Colorado Communication Strategy to guide us toward our mission and vision.*

#### Goals

1. *Reputation and Awareness – To be the top cultural organization focused on Colorado*
2. *Organization-wide Alignment – To build reputation through stakeholders*

*To become the top cultural organization dedicated to Colorado's rich and unique history, it's more important than ever to weave together the stories of our heritage to be one, solid, cohesive voice that centers around our communication goals and objectives. We will set the tone for deeper relationships with all who we engage with us by:*

1. *Creating proactive communication sharing and storytelling*
2. *Identifying opportunities to foster relationships and stakeholder engagement*
3. *Developing an inventive, supportive culture*

*The tactical communications plan is currently being developed will be guided by corporate communications strategy, executed through the History Colorado communications team with the support of Philosophy Communications. The current corporate communications budget of \$100,000 is solely for plan development and support around securing earned media. There is no planned paid advertising for corporate messaging, although the messaging will be pulled down through paid museum program and exhibition advertising. For FY 2019, the agency has budgeted \$203,000 from limited gaming and earned revenue funds for marketing and advertising. History Colorado also spends funds on program and exhibit specific public awareness campaigns with donations it receives, which are budgeted as they are received throughout the fiscal year.*

- 5 **HC ONLY:** Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this

turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

*From January 1st, 2018 to December 27th, 2018, twenty-three (23) employees left History Colorado, or 17%. Of those twenty-three employees that left, fourteen (14) left because they found jobs with better pay, four (4) were terminations, two (2) were relocations, two (2) are working on their own businesses, and one (1) is traveling the world.*

**History Colorado Vacancy by Division**

<b>Division</b>	<b>Turnover</b>
State Historic Fund/Office of Archeology and Historic Preservation	7
Philanthropy	3
Education	2
Library	2
Curators	2
Facilities	2
Guest Services	1
Accounting	1
Exhibits	1
Community Museums	1
Marketing	1

- 6 **HC ONLY:** Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department’s rules as a whole? If so, please provide an overview of each analysis.

*In FY 2016-17 and into FY 2017-18, History Colorado promulgated updated rules for CCR 1504-7, Section 9 (Curation of Collections in Approved Museums) under authority from section 24-80-202, C.R.S. A public hearing was held on May 4, 2017, and the rules went into effect on August 8, 2017. No cost-benefit analysis was required pursuant to the statutes referenced.*

*The agency is currently working on rules for Income Tax Credit for Qualified Costs Incurred in Preservation of Qualified Residential Structures, CCR 1504-10, Section 8. The preservation income tax credits for qualified residential structures is authorized under Section 39-22-514.5, C.R.S. A public hearing was held for the proposed rules on December 3, 2018. No cost-benefit analysis was required pursuant to the statutes referenced.*

- 7 What are the major cost drivers impacting the Department/governing board? Is there a difference between the price inflation the Department/governing board is experiencing compared to the general CPI? Please describe any specific cost escalations.

*The largest drivers of the agency's costs are increases to health, life and dental insurance and information technology, as included in the Department's common policies. Both of these costs are increases at a rate higher than inflation. In addition, the agency's portion of the Department of Higher Education's indirect cost allocation has been going up faster than inflation and is made up of the Department's costs and History Colorado's portion of the Statewide Indirect Cost Allocation Plan.*

**History Colorado Non-Personnel Common Policies History**

	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>Five Year Change</b>
<b>Workers Compensation</b>	\$ 97,667	\$ 76,811	\$ 67,588	\$ 46,816	\$ 43,562	\$ 35,321	-54.0%
<b>Legal Services</b>	\$ 12,240	\$ 11,747	\$ 11,751	\$ 9,675	\$ -	\$ 42,893	265.1%
<b>Risk Management</b>	\$ 128,964	\$ 89,946	\$ 120,251	\$ 168,196	\$ 287,050	\$ 224,666	149.8%
<b>COFRS Moderization</b>	\$ 49,806	\$ 78,265	\$ 53,985	\$ 78,960	\$ 81,643	\$ 79,516	1.6%
<b>Payments to OIT</b>	\$ 343,890	\$ 395,445	\$ 341,974	\$ 622,124	\$ 438,316	\$ 580,007	46.7%
<b>Higher Education Indirect Cost Analysis</b>	\$ 195,404	\$ 164,549	\$ 140,168	\$ 234,000	\$ 216,287	\$ TBD	10.7%
<b>TOTAL</b>	<b>\$ 827,971</b>	<b>\$ 652,214</b>	<b>\$ 735,717</b>	<b>\$ 1,159,771</b>	<b>\$ 850,571</b>	<b>\$ 962,403</b>	<b>47.6%</b>

Note: FY 2015-FY 2019 are actuals; FY 2020 is from the Nov. 1 Governor's budget submission. FY 2019 "Payments to OIT" includes \$100,000 in General Fund and FY 2020 includes \$150,000 in General Fund, as per a FY 2019 Decision Item.

- 8 How is the Department's/governing board caseload [student population] changing and how does it impact the Department/governing board's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

*History Colorado serves the entire State through P-20 education programs, museums, adult programming, federal section 106 review, and historic preservation grants. While the population of Colorado is changing demographically and History Colorado is reaching out to populations that have been underserved in the past, the agency does not anticipate any changes to its budget as a result of these demographic changes.*

- 9 Please provide an overview of the Department/governing board's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

*In FY 2017-18, the agency launched a new website. The public can find information about all of the agency's programs at [www.historycolorado.org](http://www.historycolorado.org). In addition, the agency has received funds to implement a point of sale system at its community museum and anticipates that will impact History Colorado's outward facing technology, as customers will be able to buy tickets online for museums and programming. The agency is currently working on an upgrade to the library collections database, which will make it easier for the public to access library materials online. History Colorado has also requested an information technology capital request to implement an electronic section 106 process (E-106). E-106 will be a customer facing portal that allows the public to request section 106 consulting from the Office of Archeology and Historic Preservation.*

## MULTI-CULTURAL ENGINEERING PROGRAM

- *This student success program works closely with students from under-represented populations to help them succeed at Mines. Programs include professional development and academic advising. MEP also helps provide cultural affiliation and camaraderie that are key to building community for students.*

## **ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

1. Provide a list of any legislation that the Department/governing board has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

### **University of Colorado System**

*CU has and will continue to implement all legislation that is enacted.*

### **Colorado State University System**

*All legislation has been implemented.*

### **University of Northern Colorado**

*UNC is not aware of any legislation that the governing board has not implemented.*

### **Colorado School of Mines**

NONE

2. Does the Department/governing board have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018)

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

### **University of Colorado System**

*The OSA's June 30, 2018 Annual Report: Status of Outstanding Audit Recommendations, states:*

*“From July 1, 2012, through June 30, 2017, the University of Colorado System (System) agreed to implement six audit recommendations—all were from financial audits. Based on the OSA’s follow-up audit process, as of June 30, 2018, the System has no outstanding audit recommendations.”*

**Colorado State University System**

*None – not applicable.*

**University of Northern Colorado**

*UNC does not have any High Priority Outstanding recommendations.*

**Colorado School of Mines**

*NONE*

3. If the Department/governing board receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program? [NOTE: governing boards do not need to provide information on specific research or other grants]

**University of Colorado System**

*Federal funding for FY 2018-19 remains in flux at the time of this response (December 2018). While a number of federal agencies have been funded for the remainder of the current fiscal year, several of the key federal agencies that are important to CU’s federal research enterprise are currently operating under a Continuing Resolution (CR). Because a CR is a short term funding mechanism, it is difficult to forecast how much federal funding CU will receive for the remainder of FY 2018-19. However, despite efforts to cut federal spending in many areas, research funding continues to have bipartisan support in congress. So far, congressional appropriators have protected federal research funds and education programs important to CU students and faculty. We are working with our delegation and our national higher education colleagues to ensure federal research funds remain protected.*

**Colorado State University System**

*Financial Aid:*

*The Federal Perkins Loan Program was terminated in FY19. CSU has awarded approximately \$3.5M in Perkins loans on an annual basis with a focus on low-income student retention. As a campus-based loan program, the flexibility in awarding funds allowed the University to focus on students who were near graduation but facing financial challenges due to a loss in Federal Pell Grant eligibility, being at their Direct Loan aggregate limit, or at their limit for the University’s tuition assistance grant. Using 2014-2015 Perkins Loan recipients as an example, they had a median Expected Family Contribution (EFC) of 20 (very low-income); 77% have graduated; and those still enrolled have a potential graduation rate of 86%. Loss of the Federal Perkins Loan Program puts this most-vulnerable population at risk of stopping out or pushes them to private lenders that may or may not lend and if so, with significantly less-favorable terms.*

*Research*

*We routinely monitor the federal agencies budgets from which we currently and historically have received funds, given that approximately 70% of our total research expenditures come from federal agencies. These include HHS, DOE, DOD,*

NSF, EPA, USDA, NOAA, USGS, and others. The federal budgets of FY2018-19 did not see significant cuts in most areas other than USDA and EPA funding. Last fiscal year, we lost funding for a \$1M USDA climate hub in the Warner College of Natural Resources, and a \$26M EPA proposal for remediation of western lands has been held up in the agency without resolution. Overall, our research expenditures were up 10.8% this fiscal year at \$375M, and our federal awards were up 3.8% to \$257M. The federal budgets for 2019-2020 are still in final resolution. The farm bill has just been signed, and we are evaluating any changes that might result in its final implementation. The budget process does not have predictable stability, and we will continue to monitor changes in federal administrative priorities. Our regional and state economies are supported by critical research infrastructure, and we participate in federally supported coalitions such as the Colorado Energy Collaboratory. The Collaboratory is also subsidized by cost-matching from the state, and it will be seeking reauthorization under state statute in the next fiscal year.

National professional organizations such as the AAAS are projecting modest growth in future Federal R&D spending at institutions of higher education for FFY 2019. According to the latest estimates, both the House and Senate could provide moderate increases (2.0% to 5.5%) to Federal R&D overall in FFY 2019. Based on CSU history and current activity, CSU conservatively projects federal obligation activity to increase from \$257M to \$263M (increasing approximately 2.4%), largely driven by CEMML. Two “minibus” appropriation bills covering Energy, Water Development, Military Construction, VA, and Defense, HHS, Labor, Education were signed into law in September 2018. According to an AAAS report released on 09/20/2018, “Following the Senate’s lead, conferees provided NIH with a \$2 billion increase: the fourth year in a row NIH will receive at least that much. The agency overall receives a better than five percent boost, with every individual institute increased by at least 2.6 percent. Several funding areas in the final agreement matched the proposals originally put forth in the Senate. NIH will also reach its highest funding point since FY 2007 as it continues to close the gap with its all-time FY 2003 peak. FY 2019 funding will end up approximately nine percent below that peak.”

CSU’s other primary Federal funders (USDA, NSF) are currently operating under a continuing resolution. Appropriation bills have been approved by full committees of both houses of Congress for these agencies. According to AAAS, House and Senate committees have proposed modest increases for NSF (5.2%, 3.9% respectively) and flat increases or slight decreases for USDA research units ARS, NIFA and AFRI (3.8%, -3.2%, 2.8%, 1.1%, and 3.8%, 1.3% respectively.) CSU research programs are competitive in all of these funding arenas and should remain funded consistent with their historical levels.

### **University of Northern Colorado**

We are not aware of any federal sanctions, actual or potential, for FY 2018-19 or 2019-20, nor are we aware of any specific programs that will be cut in the 2019-20 federal budget. Should federal funding for programs be eliminated, UNC would evaluate the specific outcomes of those programs to determine whether using institutional funds is appropriate.

### **Colorado School of Mines**

Funding allocations to specific federal agencies continues to evolve as the FY19 Federal Budget is negotiated by Congress. Mines is monitoring the updates; particularly, the news regarding the government shutdown and any proposed budget amounts of the National Science Foundation (NSF), one of our largest federal funders. If the government shuts down for an extended period of time, or NSF receives significant budget cuts, Mines will see an impact on future research funding. It is not anticipated that cuts in the FY19 budget will impact funding currently allocated to Mines from previous federal fiscal year budgets. The President signed a minibus of bills on September 21, 2018 that funded the Department of Energy (DOE), our largest federal sponsor, which increased DOE’s federal budget for FY19.

The National Science Foundation, as well as various other federal agencies, have programs that include matching requirements. To meet the matching requirements, Mines uses a combination of faculty effort and cash sources. Cash

*sources have come from:*

- *Mines operating budgets*
- *State entities, including, but not limited to:*
  - *Colorado Higher Education Competitive Research Authority*
  - *Colorado Energy Research Collaboratory*
  - *Colorado Office of Economic Development and International Trade*
- *Third parties:*
  - *Industry partners*
  - *Non-profit entities*
  - *Other institutions of Higher Education*

*Currently funded federal projects with matching requirements have their matching allocations already agreed upon and should have already been reserved in budget forecasts. Matching requirements for future projects will be managed through the normal budgeting process.*

*On September 28, 2018, the President signed into law the Department of Energy Research and Innovation Act which exempted institutions of higher education from the cost-sharing requirements of the Energy Policy Act of 2005 for two years. As such, Mines will see a decrease in cost sharing for DOE funded programs.*

b. Does the Department have a contingency plan if federal funds are eliminated?

### **University of Colorado System**

*Public institutions of higher education have a limited number of funding sources. The primary funding sources for CU are: tuition and fees, research grants, cooperative agreements and contracts, philanthropy, endowment income, and state appropriations. An elimination of federal funding would mean:*

- *CU would no longer be able to conduct research on behalf of federal agencies and support the infrastructure for research activities including personnel and facilities.*
- *The elimination of federal financial aid and student loans would have serious impact on CU students. This could result in decreased enrollments, retention, and completion as students that rely on this type of funding can no longer afford a post-secondary education.*

### **Colorado State University System**

*Financial Aid:*

*While the Office of Financial Aid has been approved to implement an institutional loan program, only very limited funding is available to implement the program.*

## Research

*Historically, we have received mandated cuts in federal funding that ranged from 5-10%. These cuts were met with adjustments in the research expenditure of the project to accommodate the reduction in funds. Larger cuts could jeopardize research outcomes and not provide critical mass of resources required to drive the ideation or innovation process forward. Largely fueled by federal funds, our research enterprise consists of faculty, students, and staff who support the infrastructure and implementation of the projects competitively awarded. Deep cuts to federal funds would cripple our mission and degrade critical training opportunities for undergraduate and graduate students, limit recruitment of new faculty and talent into the region, and could require job reductions to staff.*

*The University continues efforts to diversify sources supporting its funding portfolio for research. In addition to its federal efforts, CSU maintains a robust infrastructure to aid faculty in finding sponsors at corporate, foundation, NGO, and non-profit entities. These efforts encompass national and international organizations. The University also engages in strategic planning exercises to identify its research strengths and match those strengths against scientific trends to maintain competitiveness in research funding from all sources.*

### **University of Northern Colorado**

*Please refer to the response given above.*

### **Colorado School of Mines**

*While a significant decrease in federal funding would have a negative impact on our research volume, Mines maintains a diverse research portfolio that can help mitigate a reduction in federal funding. On average 30% of Mines' research revenue comes from non-federal sources including private industry. With the continued recovery of the oil and gas industry, Mines could see additional funding from those industrial partners. In addition, Mines research faculty continue to broaden their research endeavors and explore new federal funding opportunities.*

- c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

### **University of Colorado System**

*CU Boulder is not aware of any potential federal sanctions. CU Boulder has an outstanding Clery Act finding from 2011 that the campus believes has met the requirements of and will seek resolution from the US Department of Education in 2019.*

*In 2015 CU Denver|Anschutz self-disclosed a single misreported crime statistic under the Clery Act to the U.S. Department of Education (DOE) which occurred at the Auraria Higher Education Center. The DOE has not*

responded to this self-report. In similar circumstances for other institutions of higher education, some have been fined (up to \$37,500) while others have not received any sanction at all.

UCCS are not aware of any potential federal sanctions.

### **Colorado State University System**

None – Not applicable

### **University of Northern Colorado**

Please refer to the response given above.

### **Colorado School of Mines**

NONE

4. Is the Department/governing board spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign? *Governing boards are requested to provide information on the size of their advertising/PR budgets.*

### **University of Colorado System**

#### **CU System**

CU System office spends \$4 million annually from earnings on CU investments (not state funds or tuition revenue is diverted to the project) on public awareness and promotion. Three of the four million pays for its All Four: Colorado marketing campaign. It is delivered largely through paid media. The multimedia campaign uses TV, radio, print, social media, digital media, search engine marketing and billboards. CU also pursues non-paid communications strategies including the President's Electronic Newsletter that is distributed monthly to nearly half a million people, as well as the CU Advocates program that identifies and engages supporters throughout Colorado and beyond.

The goals of the marketing campaign are to:

- Promote the value and contributions of the University of Colorado to targeted segments of key constituents;
- Leverage campus-based marketing efforts and provide connective tissue among them;
- Lay the groundwork for fundraising.

Effectiveness is assessed by annual research surveys to a geographically diverse and statistically significant number of Coloradans. Additionally, survey work done on campus-specific campaigns query the effectiveness of the All Four campaign.

The CU System also has a contract with RTD for the University of Colorado A line from Union Station to Denver International Airport for \$1 million per year for five years (it will hit the three-year mark in April). CU does not work with other state or federal departments to coordinate the campaign.

#### **CU Boulder:**

*The CU Boulder campus launched an integrated reputation campaign that demonstrates CU Boulder is a bold, innovative community of scholars and learners who accelerate human potential to solve the humanitarian, social and technological challenges of our time. The campaign is directed to national and state audiences: peer institutions, government, elected officials, industry, general public, alums and employees. This is a multi-channel effort utilizing Facebook and earned media, and is in addition to our overall recruitment paid media efforts. The campus anticipates spending an annual budget of \$250,000 in FY 2018-19 on its reputation campaign.*

#### CU Denver:

*The CU Denver campus spends just over \$1 million for advertising and public awareness. This includes approximately \$374,000 in production and \$746,000 in paid media (ad buys) in support of the CU in the City advertising campaign. The goal of the campaign is to build overall awareness of the Denver campus, to establish our foothold as the only public research university in the heart of downtown, and to educate the Front Range community on our academic quality and variety of degree programs. Success is measured via an annual tracking study that measures advertising recall, overall image and awareness and likelihood to recommend CU Denver to others. Click traffic is also measured through online as well as pre-roll video completion online.*

#### CU Anschutz:

*In the fall of 2018, CU Anschutz engaged the Denver-based advertising firm Karsh/Hagan to develop and execute a national public awareness campaign designed to elevate the reputation of the Anschutz Medical Campus as a world-class medical destination, and amplify the recruitment and retention of the unparalleled talent that powers this campus and positions us at the forefront of life-changing medicine, science and healthcare. This multi-market, regional and national campaign will launch in the fall of 2019 and will include detailed tracking to measure metrics and effectiveness. Additionally, in the fall of 2018, CU Anschutz established a dedicated marketing team to further the Anschutz Medical Campus brand by proactively promoting our research, education, innovation and patient care in the media and across a spectrum of marketing channels and touchpoints.*

#### UCCS:

*The goal of our UCCS fuels SUCCESS marketing campaign is brand awareness. Market research revealed that UCCS was not a well-recognized brand outside of the Southern Colorado region, which is crucial to attracting students. As such, we developed a media campaign tied to print, out of home, broadcast, digital television, social media and digital display advertising. This campaign is designed to broaden awareness in Colorado as a whole, especially the Denver area, and improve perceptions and awareness of the UCCS brand.*

*The campaign conveys the excellence that is UCCS as part of the CU system, with degrees that stand out from the crowd, highly-engaged professors, nationally-ranked programs, community connections and an accessible platform for higher education. This led us to the pillars of the campaign, which are: Affordability, Location, Career-focused Education, Small Class Sizes and Innovative Degrees.*

*Our original media budget for Fiscal Year '19 was set to be \$394,038. Please note, we have added on several very small efforts outside of the scope of the campaign.*

*We will measure success during the campaign through data analysis where we assess the success of our digital efforts as compared to industry benchmarks, as well as after the campaign through a deep-dive Awareness and Perceptions Survey. Our benchmark for that post-campaign survey is an identical survey we did ahead of our brand awareness campaign. An additional metric of success is an increase in interest from highly qualified students.*

*UCCS is planning coordination meetings between contracted firm Karsh Hagan and CU system advertising agency Greenhouse Partners to align on marketing strategy.*

Because of CU's unique IT needs required to support research, such as high-performance computing, advance data informatics, and archival of research data, CU's cybersecurity program continues to adapt to support advanced technology. Typical enterprise cybersecurity solutions designed to meet the collaboration and scalability requirements for research are only affordable to the largest public-sector companies. As such CU will continue to partner with other top research universities on security appropriate solutions. For example, CU has collaborated with teams from the International Computer Science Institute (in Berkeley, CA) and the National Center for Supercomputing Applications in (Urbana-Champaign, IL) to run one of the largest intrusion detection clusters of its type in the nation.

### **Colorado State University System**

The CSU System and governing board are not engaged in any public awareness campaigns at this time. The public information and awareness activities of the System and the Board center largely on sharing the actions of the Board of Governors and the decisions of the board as they relate to the three institutions in the System. These activities take place primarily through media relations activities and a twice-per-year magazine that highlights impact and outcomes around the state. For efficiency, staff from the flagship institution in Fort Collins serve in communications support roles for the Board and the System as part of their normal duties. All campuses are engaged in marketing efforts and strategic partnerships. Any funding used for brand awareness at the campus level in terms of public relations, community engagement, and sponsorships are reviewed and approved based on mission and strategic objectives for increasing access and opportunity for higher education in Colorado and beyond.

Colorado State University in Fort Collins focuses its public awareness activities on key areas critical to university success, including communications/marketing activities in support of: student recruitment; alumni and donor communications; the institution's statewide engagement and extension role; promotion of the contributions of its faculty, staff and students as a nationally leading research university; and to promote accountability and transparency of the university to the general public. These efforts are intended to accumulate into an effective brand identity for the university that allows it to recruit and retain the best students, faculty and staff possible, to fulfill its missions as the state's land-grant university and to promote the world-class education, service to society, and research driven by the university.

As part of this effort this year, CSU launched a "Proud To Be" marketing campaign designed to reach alumni, donors, prospective students, and the general public. This campaign was developed in-house, launched this past fall, and to date the University has spent about \$70,000 on it, including events, video, and print advertising.

While the university's colleges and other key units engage in public relations and promotional activities, the primary leadership for these communications efforts is housed in the Division of External Relations, which has units responsible for: social media, web communications, internal communications, media and public relations, graphic design, brand strategy. University faculty, staff and students are regularly featured prominently in earned media. Promoting these people and activities through media relations falls to the Public Relations team primarily, which has an annual operations budget of \$42,000. Here's a brief synopsis of the resulting Colorado State University media coverage so far in 2018:

National:

- 72, 261 total mentions
- 3.7 million shares on social media
- 60 billion aggregate readership (online news, blogs and broadcast)
- \$136 million total advertising equivalency

### **University of Northern Colorado**

Examples include UNC's participation in statewide higher ed initiatives, such as College in Colorado's Free Application Day, College Friday, and FAFSA workshops. The university campaigns focused on raising awareness of the opportunities for current and prospective students and their families primarily through earned and social media.

*While there was minimal cost sharing the information, there was loss of university revenue associated with waiving application fees.*

*UNC, through its Integrated Recruitment and Marketing Team and University Relations office, leverages paid media (advertising) and earned media (PR) to grow awareness of the university and its undergraduate, graduate and extended campus programs within the State of Colorado. These integrated paid and earned media efforts have a budget of just over \$350,000 for 2018-19. Additional resources within the recruitment and marketing areas of the university are also applied in support of enrollment and recruitment goals within the state, across the country and around the world.*

### **Colorado School of Mines**

*Colorado School of Mines sponsors CBS4's Future Leaders program. Future Leaders recognizes a high school scholar who has achieved excellence academically and in the community. Mines' sponsorship includes paid advertisement. The total program cost is \$127,000. Mines also purchases ad space at the Denver International Airport at a cost of \$87,000 per year.*

5. **DHE ONLY:** Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?
  
6. **DHE ONLY:** Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.
  
7. What are the major cost drivers impacting the Department/governing board? Is there a difference between the price inflation the Department/governing board is experiencing compared to the general CPI? Please describe any specific cost escalations.

### **University of Colorado System**

*Higher Education is a service business and it takes people to educate people. The November request for CU is around \$30 million which is a 1.95% increase from CU's FY 2018-19 operating budget. While CU is incredibly grateful, the proposed \$30 million it does not cover the anticipated total compensation costs in FY 2019-20 (see table below).*

Operating Change in Budget on a Per Student Basis (Headcount)			
	FY 2017-18	FY 2018-19	Percent Change
Total Operating Budget (E&G) <1>	\$1,486,626,911	\$1,537,875,129	3.4%
Fall Headcount <2>	65,325	67,002	2.6%
Operating Per Student	\$22,757	\$22,953	0.9%
Operating Per Student (adjusted for CPI)	\$23,531	\$22,953	-2.5%

<1> Budget Data Books; <2> Fall Census; CY 2017 CPI = 3.4%

While some of the costs at CU do grow faster than inflation, CU is revenue constrained by available state funding as well as tuition revenues that are a result of tuition rate and student enrollment changes. This means that CU has to make hard choices amidst offering high cost, in demand workforce relevant degree programs. CU continues to review its operations to look on going efficiencies and over the last three years along has identified over \$120 million in cost savings to the university or its students.

### Colorado State University System

#### 1) Changing demographics of the student body

- a) More diverse
- b) More first-generation students
- c) More students falling right above Pell eligibility – impacts Institutional Aid
- d) More students coming with varied preparation (dual/ concurrent enrollment)
- e) More students exhibiting mental health issues
- f) More students who have a variety of other ‘risk factors’ for retention/persistence/completion

All of these are putting pressure on our student success/ student support budgets, over and above normal growth

#### 2) Increasing competition for faculty/ staff

- a) CSU’s reputation continues to grow, and our faculty are being constantly recruited by other institutions nationally.
- b) Salary competition in specific areas (most notably Business and Computer Science, where the cost of faculty greatly outstrips regular inflation).

In some cases, these challenges apply to staff, as well, especially in more technical areas (HR, accounting, IT)

#### 3) Housing costs in Fort Collins are driving up costs, and attracting faculty and staff requires higher salaries as a result.

#### 4) Federal and other regulatory compliance issues are becoming more costly to address and administer.

### University of Northern Colorado

Personnel—including both salary/wages and fringe benefits—accounts for about 70% of UNC’s operating expenditures. Over the past five years UNC has increased salaries and wages by a total of 16% (including increases in minimum wage for student wages) and yet faculty and staff salaries are still significantly below the median of our

peers. This makes recruiting and retaining faculty and staff challenging. In addition, fringe benefit costs have increased 35%, due primarily to increases in PERA and health insurances costs.

In non-personnel expenses, technology and library expenses both exceed the general rate of inflation. Software maintenance costs have increased 68% over the past five years due to both price increases and the student demand and business need for increased digitalization. Library materials have increased 23% in the past five years.

### **Colorado School of Mines**

Although budget projections at Mines are still in development, the following are high level estimates using basic assumptions:

Any anticipated increase in revenue over CPI is due to moderate enrollment growth, the corresponding resources to support that growth, and investment in new academic programs. The major cost drivers include:

- A potential 3% salary increase for classified staff and exempt faculty as well as increased benefit costs
- Capital infrastructure, debt, and operational costs of academic space
- Expansion of student support services due to student need
- Additional teaching need due to the increased enrollment
- New investments in technology and classroom infrastructure to diversify revenue streams (e.g. on-line programs) and develop innovative learning facilities.

57% of our net general fund increases (including the proposed increase in state support and net of financial aid and graduate support) will fund total salary and fringe increases, of which \$1.1 million is for classified staff.

Mines tuition spending authority is included in the Long Bill for informational purposes only. Based on our market and enrollment strategy and within the spirit of the Governor's intent, Mines will explore all options to minimize and eliminate net tuition increases for in-state students.

8. How is the Department's/governing board caseload [student population] changing and how does it impact the Department/governing board's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

### **University of Colorado System**

Enrollment has a large impact on CU's budget. CU has been able to increase enrollment at all four of its campuses over the last five years. From Fall 2014 to Fall 2018 CU has seen the following percent increases in students, by campus:

- CU Boulder = 15.2% increase
- UCCS = 13.0% increase
- CU Anschutz = 10.9% increase
- CU Denver = 6.0% increase

*The increase in enrollment results in more revenue but also additional costs for students. There is greater cost associated with students that are increasingly enrolling in high cost STEM programs at CU as well as a higher cost to provide the appropriate support services for students that are first generation, Pell and/ or underrepresented. These trends are likely to continue as the pipeline of students from K-12 is continuing to be comprised of a larger and larger low income population and as the labor market continues to demand more high skill STEM workers.*

*Both of these challenges will require colleges and universities to continue to find more cost effective ways in serving students so they can graduate and participate in the labor market.*

### **Colorado State University System**

#### **CSU-Fort Collins**

- (1) From FY 17 to FY18, CSU experienced a 5.8% increase in New Undergraduates Students*
- (2) From FY 17 to FY18, CSU experienced a 4.2% increase in Transfer Undergraduate Students*
- (3) Growth in student majors has concentrated in areas where the cost to education are much higher, Engineering, Business, Biomedical Sciences, and Natural Sciences/Resources*
- (4) Increasing number of student veterans*
- (5) As noted in #7, more students presenting with mental health issues*

#### **University of Northern Colorado**

*The makeup of UNC's undergraduate population reflects a higher percentage of Pell-eligible students than any other public research institution in Colorado. Further, UNC's undergraduate population has a higher percentage of underrepresented minority students than all Colorado public research institutions other than CU-Denver.*

*Our Fall 2018 undergraduate population is 40 percent first-generation; this rate has been increasing since Fall 2015. Preliminary reports from CDHE indicate that this rate is higher than the other Colorado public research institutions.*

#### **Colorado School of Mines**

*Although the level and composition of Mines' student population has remained fairly stable, the demand for student-support resources has risen due to the evolving needs of the college-going population. Mines is experiencing a higher level of need and an expanding set of expectations for services surrounding student wellness, Title IX, and disability support. Mines remains committed to meeting these needs and expectations through continued and expanded investments in the following areas: substance abuse prevention programming; suicide prevention and mental health awareness; veteran support services; counseling services; crisis assessment, response, and education; Title IX investigation support; sexual and domestic violence prevention programming; and disability support services and accommodations.*

9. Please provide an overview of the Department/governing board's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

## University of Colorado System

Each campus has specific strategies for the use of outward facing technologies. These are mentioned below. Also see the response to question #12 regarding online efforts.

### CU Boulder:

CU Boulder provides a rich continuum of outward facing digital information. This begins with the [www.colorado.edu](http://www.colorado.edu) homepage and accompanying deep underlying content that extends the university's strategic imperatives of shaping tomorrow's leaders, being the top university for innovation and positively impacting humanity. This content is augmented and reinforced by closely coordinated social and email communication campaigns. In coordination with the colorado.edu domain is an array of academic (instructional and research) and enterprise-administrative web-based information. These websites are also the primary launching points for various ways for the public to interact with CU Boulder.

The use of such resources to provide instruction, augmented by the appropriate use of technology, is offered and accomplished in a myriad of ways. CU Boulder offers fully online asynchronous courses and programs, synchronous distance, and MOOC offerings. CU Boulder is expanding its online strategy and investing in the growth of massively open online course (MOOC) offerings.

CU Denver | Anschutz digital strategy guides the University's use of digital assets such as websites, apps, and online resources. The digital strategy focuses the use of these technologies on the personalized needs of university constituents. Further, it underscores the need to fully understand the business processes of the university as well as the strategic outcomes in the implementation of existing and emerging technologies.

The digital strategy consists of four primary components; service, data, insights, and adaptive technology.

- Service refers to providing personalized, ubiquitous services to university constituents through optimized business processes that are represented leveraging new and innovative technologies.
- Data refers to the collection, storage, management, curation, and definition of student, research, clinical, and many other types of data that are used in the operation of the University.
- Insights refers to the knowledge gleaned through the analysis of data collected throughout the operation of the university. These insights provide incredible opportunity in the optimization of ongoing operational activities at the University of Colorado Denver | Anschutz Medical Campus.
- Adaptive technology refers to the technology that realizes the insights gleaned through the analysis of data collected to provide personalized, ubiquitous services to university constituents.

The role of CU Denver | Anschutz outward facing technologies is many. They include:

### CU Denver:

- Promote student admissions, and enrollment.
- Provide resources to current students and ensure retention.
- Provide parents with information to support prospective and current students.
- Support transfer students in their admissions and enrollment activities.
- Promote opportunities for partnerships with the university, information and services for Alumni as well as potential donors.

### CU Anschutz:

- *Provide resources to current students and ensure retention.*
- *Promote student admissions, and enrollment*
- *Priority for the ability to find a doctor and medical services and facilitate easy connections to our health care affiliates and clinical partners.*
- *Provide easy access to research activities and information.*
- *Promote opportunities for partnerships with the university, information and services for Alumni as well as potential donors.*

### UCCS:

*UCCS is dedicated to the availability of online education support for high school and college age students in Colorado. The University offers seven fully online undergraduate degrees and 12 fully online graduate degrees supported by 472 online courses. These courses support 1600 fully online students and provide options for students who take courses both on-line and on-campus with over 14,339 enrollments in the past two terms.*

*The University continues to invest in this area as a priority and is in the first year of a newly funded program to expand our online effort. This program will increase current offerings by six new fully online degrees in the next three years. And, will improve our existing infrastructure for better support of online instruction using proactive advising tools driven by predictive analytics, a new virtual lab that students can access from anywhere with an internet connection, and 24/7 call support to serve all students.*

### Colorado State University System

*CSU has literally thousands of outward-facing, web-based technology sites in its highly distributed Information Technology (IT) environment. These web sites serve a variety of purposes, including:*

- *Matriculation, from student prospects, to applicants, to admits, to enrollees*
- *Academic program descriptions, including courses, majors and degree*
- *Academics, including enrollment, pre-registration, registration, add/drop, and all other functions dealing with participating in courses*
- *General information, usually intended for external audiences*
- *Information for potential donors to CSU*
- *Events and calendar information for CSU-sponsored activities, many available to the public*
- *Services delivery, generally for students, faculty, and staff at CSU, including:*
  - *Administrative system access to the Student Management system, the Human Resources Management system, the Financial Management System, the Research Management System, the Business Analytics system, and other, smaller systems*
  - *Course sites, using the Canvas Learning Management System, mostly for faculty and students*
  - *Collaboration and communication tools*
- *Evidentiary information, including access to reporting information and statistics*
- *Access as allowed by individual students to allow their parents and others they designate to see any or all of their grades, unofficial transcript, course schedule, and student accounts (e.g. tuition payments due)*
- *Access to Library systems, services, and content*
- *And many more*

*Our philosophy in the deployment of such systems is to provide: 1) easy, web-based access to all of our systems that we possibly can (as opposed to a client-server access, we prefer web-based access as easier to deploy, maintain, and support for our users); 2) secure methodologies for access, including very strong passwords, and two-factor authentication in front of critical systems; and 3) accessibility in accordance with ADA accessibility requirements for all outward-facing sites.*

*As our IT environment is highly distributed, significant effort is devoted to coordinating among all units to ensure that sites are coherent and consistent. For example, we have a Web Standards Committee that establishes and enforces standards for web pages, and a Web Accessibility Subcommittee that is responsible for establishing and maintaining standards for accessibility. Constant vigilance is required.*

*We strive to keep the sites up to date insofar as possible, reduce / eliminate duplication between and among sites, and provide excellent, easy-to-use user interfaces wherever practicable.*

### **University of Northern Colorado**

*All UNC official web assets are unified under one Content Management System. These properties are being continually refined and developed to facilitate the recruitment of students, support the institution's fundraising goals, direct current students and employees to necessary assets and tools, communicate important alerts and news, and to promote campus and community events. The university also has both a new Customer Relationship Management (CRM) tool that it uses to recruit and retain students, as well as an institutional marketing and communications system that is utilized across offices and organizations to communicate effectively with the general public, ticket holders, alumni and supporters, and so on. All these tools, as well as the university's social media accounts (main accounts plus branded office accounts), together form a curated web of tools and channels that the university uses in its work to enrich its community, support its academic mission (and students, faculty and staff) and address enrollment, development and growth goals.*

### **Colorado School of Mines**

#### **Online**

*In response to the growing demand for online learning options, Mines has recently launched an online degree program in Space Resources and is seeking HLC approval to launch two more (Mines Engineering & Management and Advanced Manufacturing). The programs aim to meet the following goals:*

- *Reach students who might otherwise not be able to take our graduate courses due to location and proximity (i.e., students who are working and living elsewhere in the world)*
- *Provide more options for our students who pursue a BS+MS degree (including new degree and certificate programs).*
- *Develop online learning skills in our residential students*
- *Provide opportunities for alumni and other high-tech workers to retool, enhance, and advance their disciplinary skill set.*
- *Expand the reach of our brand, promote faculty & programs, and increase awareness of expertise at Mines*
- *Grow partnerships with industry*

*As of fall 2018, we had 27 students enrolled in the Space Resources program. We anticipate that number to increase to 900 for all programs by fall 2023.*

#### *Mines Web Presence*

*Mines is currently undergoing a complete renovation of all institutional websites to ensure they are maximally effective in providing the information and resources needed by Mines stakeholders as well as the general public. In addition to providing the latest information and resources, the renovation will ensure accessibility to all populations and via all mobile devices. The Mines web presence provides a robust directory of resources, many of which can be accessed online. It is the primary platform through which information and resources are made available to the general public as well as potential students, employees, and other external partners. It is a key recruitment tool, providing information on academic resources, research areas, and student engagement opportunities. It is also the primary mechanism for application to the university for students, as well as for employment opportunities.*

#### *Learning and Work-related Resources*

*An increasing number of resources are being made available to students and faculty/staff through outward-facing technologies. For students, this includes access to the learning management system, specific applications used in coursework, as well as a variety of resources to support academic success. Providing access to such resources to all students regardless of location is key in ensuring the success of an increasingly diverse and digitally-native population. For employees, this includes new and improved service offerings (such as a new travel and expense management system) via mobile technologies to support work-related tasks and increased efficiencies*

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 Provide a list of any legislation that the Department/governing board has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

**Metropolitan State University of Denver**

*The University's governing board has implemented all legislation.*

**Colorado Mesa University**

*None specific to CMU.*

- 2 Does the Department/governing board have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](#)

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

**Metropolitan State University of Denver**

*MSU Denver's FY17 annual report was free from any recommendations, and FY18 is still pending, which is consistent with the absence of recommendations at the link provided.*

**Colorado Mesa University**

*From July 1, 2011, through June 30, 2018, CMU received no audit recommendations.*

- 3 If the Department/governing board receives federal funds of any type, please respond to the following:
  - d. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program? [NOTE: governing boards do not need to provide information on specific research or other grants]

**Metropolitan State University of Denver**

*No anticipated impact related to federal grants and contracts. At this time MSU Denver is not aware of any pending or possible sanctions.*

**Colorado Mesa University**

*It is simply far too early in the process to project.*

- e. Does the Department have a contingency plan if federal funds are eliminated?

**Metropolitan State University of Denver**

*Please refer to the response given above.*

**Colorado Mesa University**

*For financial aid, CMU has steadily increased institutional aid in grants, scholarships and work programs. In FY 2013, CMU awarded \$5.5 million in institutional grants/scholarships, which increased to \$12.3 million in FY 2018. During this time, the CMU foundation increased scholarships awarded from \$535 thousand to \$1.8 million. CMU has also developed an institutional work study program called MavWorks that provides work study funding for students where federal and state work study falls short; in all, CMU spends \$3.7 million to pay student workers above and beyond scholarship amounts. The City of Grand Junction, Mesa County, and the City and County of Montrose continue to financially support scholarships, at increasing levels. While CMU will continue to pursue these opportunities and partnerships there is a limit given the resources and demographics of the institution and the region. CMU*

*For Sponsored Programs (OSP), CMU follows the direction of the federal agencies that award the funds. Typically, funds already awarded are not affected, but in the event of a government shutdown, the Office of Sponsored Programs will seek immediate guidance from any of the agencies from whom CMU has current funding. In the event that federal funds would be eliminated, OSP would focus on non-federal funding opportunities.*

- f. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

**Metropolitan State University of Denver**

*Please refer to the response given above.*

**Colorado Mesa University**

*For financial aid and sponsored programs, there are no current or potential sanctions for federal or state activities.*

- 4 Is the Department/governing board spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign? *Governing boards are requested to provide information on the size of their advertising/PR budgets.*

**Metropolitan State University of Denver**

*The University is not spending money on public awareness campaigns.*

**Colorado Mesa University**

*CMU has a planned investment of \$847,000 in FY 2019, from non-state and federal fund sources, for a paid public awareness campaign targeted at prospective undergraduate students, with the goal of improving enrollment via growth in awareness of CMU—including its two-year division Western Colorado Community College—as a high-quality, high-*

*value option for post-secondary education. A variety of metrics are used to evaluate effectiveness, including growth in website traffic, new site users and site sessions due to campaign activity, inquiries from prospective students and applications for admission. Additionally, an annual survey of Colorado high school seniors is used to gauge effectiveness and overall shifts in awareness and perception.*

- 5 **DHE ONLY:** Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?
  
- 6 **DHE ONLY:** Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.
  
- 7 What are the major cost drivers impacting the Department/governing board? Is there a difference between the price inflation the Department/governing board is experiencing compared to the general CPI? Please describe any specific cost escalations.

**Metropolitan State University of Denver**

*Four main factors make Higher Education Institutions and MSU Denver's core costs to rise higher than general CPI:*

1. *Higher Education is a service industry and in general, personal service industries do not have the same opportunities to create efficiencies or technological progresses that help reduce costs like manufacturing industries do. Therefore, CPI is not the best factor to project increasing costs for Higher Education.*
2. *Higher Education workforce is highly educated; therefore, the personnel costs are higher including health insurance and pension that are directly related to increased costs related to our core mission which is teaching students.*
3. *MSU Denver, because of its student population, has invested in its wrap-around student services to ensure a rising standard for educational experience and student services that lead to student success.*
4. *MSU Denver has maintained the lowest tuition and fees in the state of Colorado while receiving lower than average state support, despite facing the same pressures as other institutions in the state. Ultimately, the University has been compelled to increase tuition to remain competitive. However, a percentage increase to MSU Denver's tuition has a lower dollar impact to the student than other institutions.*

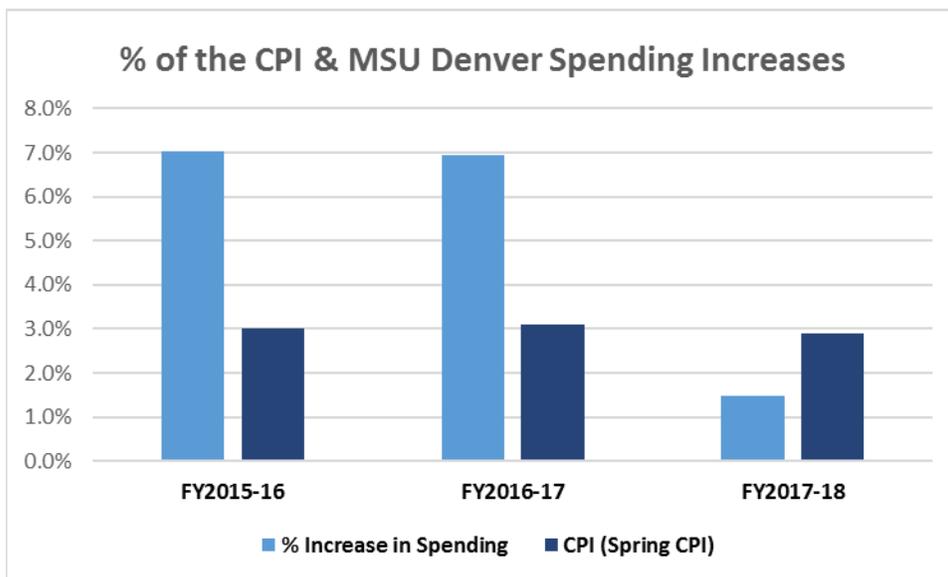
*For the University, the main mandatory cost increases have been larger than CPI, which has made it challenging to help our faculty and staff. For example, for Fiscal Year 2019-20, our initial estimates show that our mandatory*

costs add up to \$3.2 million. We offered no annual increases to Faculty and Professional Staff in Fiscal Year 2018-19, because after mandatory expenses were funded, there simply wasn't funding available. The main mandatory costs include faculty promotions, tenure, and post tenure reviews; health insurance and PERA; AHEC and Library annual cost increases; and on-going contracts including technical contract annual increases.

Additionally, for FY 2017-18, after mandatory expenses were funded, MSU Denver offered only 1% ATB salary increases to its Faculty and Professional Staff. This helped maintain the spending at a very low level.

The graph presented below, shows actual percentage spending increases for MSU Denver in comparison to general CPI increases for the past three fiscal years.

The higher spending trends in FY2015-16 and FY 2016-17 were due to the University investing in adding academic and financial advisors, lab assistants, and STEM career specialist positions to address student needs. In FY2017-18, the state support increase for MSU Denver was only \$212K.



### **Colorado Mesa University**

At this time, CMU is projecting costs increases of over \$4+ million in 2019-20. However, departmental budget requests are not due until after the first of the year. This \$4.0+ million includes increases for compensation to address retention; mandated minimum wage increases which are particularly significant when the number of student employees is considered; mandated PERA employer contributions; new academic programs to meet CO workforce needs such as the physician assistant program; health care cost increases which are traditionally higher on the west slope; nominal increases for program improvements (e.g. IT sustainability funds for added student computer labs, new student coordinators under the Diversity and Health division, electronic library resources, faculty development, new custodian for added buildings); inflationary cost increases passed on by third party service providers such as security; and utilities increases.

The traditional reference of Boulder-Denver-Greeley CPI is a general average that does not address specific cost increases, nor necessarily relate to costs on the Western Slope. The proposed \$3 million general fund increase for CMU coupled with a tuition freeze will not be sufficient to cover the estimated increase in expenses of \$4.0+ million.

*This is further exacerbated by the fact that CMU receives \$1,201 less in state funding per student than other four-year CO institutions, based on statewide appropriation per FTE student.*

- 8 How is the Department's/governing board caseload [student population] changing and how does it impact the Department/governing board's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

### **Metropolitan State University of Denver**

*MSU Denver is experiencing a shift in our incoming student population. Over the last several years, we have started to attract more traditionally-aged students who have just graduated from high school, while also seeing a decline in transfer students. We expect to continue attracting more traditional-age students and continue to see a decline in transfer students (due to declining enrollment at community colleges and increased competition amongst the four-year institutions). Nearly 50% of our students are first generation, 1/3 are PELL recipients, and 45% of our student population are students of color. Our Hispanic students make up 2/3 of our students of color and is a population that has been growing and we anticipate continued growth. We also continue to see higher demands for online and hybrid courses as students want more options that accommodate their busy schedules since 87% of our students are working an average of 33 hours a week. Due to our mission and admission standards, MSU Denver admits students who have more academic challenges to overcome and who may not have another four-year alternative. Educating these students, many of whom are first-generation and low income, is costly because of the resources needed to support them from time of application to graduation. However, even with our limited resources, we have created student support services such as peer mentoring, expanded orientation offerings, training on diversity and inclusion, financial literacy training, and several other student support programs. At MSU Denver, most departments operate at a significantly reduced staffing level and resources are stretched thin. With expanded funds we would continue to improve our advisor to student ratio, which includes our peer mentoring program. These services provide students not only the knowledge they need to be successful in college, but they also build community and a sense of belonging.*

*According to one of the preeminent scholars on student success, "factors that tend to be negatively related to higher [retention and graduation] rates are nontraditional student characteristics (older, part-time), minority status (especially Black and Hispanic), lower income, and first-generation college attendance" (Ewell, 2006: 24-25)." Of course, he has defined the "post-traditional" student body MSU Denver is proud to serve (as described above), as well as the impending college demographic that will enter our universities for years to come (WICHE, 2012). As Colorado aims to close the state attainment gap for minority and low-income students, the increased support these students require will need to be reflected in budget allocations.*

*Information from MSU Denver's Office of Institutional Research provides the following profiles of our students:*

- *Age: The average age of an MSU Denver undergrad in Fall 2018 was 25+.*
- *Full-Time and Transfer Students: Our full-time students were 65.8%. Transfer students were 56% of our population; most of our transfer students come to us from Colorado institutions of higher education – both four- and two-year; however many come to us after having attended 5 or more IHEs across the country.*
- *Minority Status: The percentage of students of color MSU Denver serves continues to increase, from 24.7% in Fall 2008 to 44.7% in Fall 2018.*

- *Low Income: The number of students receiving Federal Pell Grants is a typical measure used by IHEs to determine the number of low-income students served. At MSU Denver, 31.5% of our students received Pell Grants in Fall Semester 2018.9.*
- *First Generation Students: During Fall 2018, 49.1% of MSU Denver students are the first in their family to attend any kind of post-secondary educational institution.*

*We can demonstrate that, in those programs where we are able to – or required to because of funding parameters – provide significantly more wrap around student support services, student retain and graduate at higher rates. These programs include undergraduate research (where students work with faculty to co-discover or create knowledge and/or artistic products), certain scholarship programs, peer mentoring, and tutoring. Students have indicated that they have benefited from these programs and would like to see them expanded to include more specialized tutoring distributed to different disciplines as needed; they have also observed that they benefit more from full-time faculty teaching and would like to have more full-time faculty at the University.*

### **Colorado Mesa University**

*CMU works with students who come from different backgrounds with different behaviors than those at some of our sister institutions. 62% of CMU students received Pell and/or reported that they were first generation. Many of these CMU undergraduates demonstrate the following:*

- *Lack financial resources*
- *Lack fiscal sophistication and do not know how to navigate financial aid. That includes not understanding how to navigate the FAFSA / financial aid process, not understanding that financial aid doesn't cover all education-related expenses; not having support from family, friends and counselors in navigating financial issues; unprepared for both unexpected expenses and balancing enough work hours to cover living expenses with time needed to succeed academically*
- *Are just learning how to self-advocate prior to problems becoming serious barriers to educational pursuits, lack self-confidence*
- *Lack of academic preparedness*
- *Often need to financially support their families*

*In order to support their success, low-income and first-generation students often need more support to graduate and therefore, are more costly to serve. They use a large share of these services provided by CMU:*

- *Career/ college advising in local high schools*
- *Assistance completing financial aid forms*
- *Loan management and financial counseling*
- *Registration assistance*
- *Specialized courses on success in college*
- *Developmental education*
- *Frequent one-on-one interactions with academic coaches*
- *Regular meetings with advisors on progress*
- *Frequent meetings with faculty on coursework*
- *Utilizing individual tutoring services and the writing center*
- *Mentoring and advocacy services*
- *Diversity and inclusion services*
- *Access to integrated medical health care services including emotional/mental health/behavioral (averaging approximately four visits per year semester for behavioral services). Other services include suicide prevention efforts, drug & alcohol prevention, eating disorder awareness and prevention, and peer mentoring programs.*
- *Career services counseling*

*In FY 2019, the average state funding for four-year Higher Education institutions is \$5,580 per resident FTE student. Comparatively, CMU receives \$0.78 on the dollar (\$4,379). CMU is among the highest Pell serving institutions in Colorado. Additional state funding of \$7.8 million for CMU is requested to address this long-standing funding inequity.*

- 9 Please provide an overview of the Department/governing board's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

### **Metropolitan State University of Denver**

*Metropolitan State University of Denver firmly believes in our integrated and strategically aligned plan for technology services campus wide. With our focus on engagement and support, technology is vital to our operation and an academic tool for our students.*

*Information technology systems and services must not only provide efficiency and automation, but also integrate with and support the entire institution. This requires systems, services, resources and personnel to work proactively. We have created the Information Technology Strategic Planning task force that includes faculty, staff, students and administrators to develop recommendations to improve our infrastructure. They focused on*

- *Academic Technology – Working on communication, collaboration and coordination specifically related to the teaching and learning environment. In particular, they worked on the learning environment that includes, learning management systems, classrooms and computer labs.*
- *Enterprise Systems – Advised on functionality, operation and configuration of the enterprise technology systems including enrollment, human resources and finance.*
- *Information and Instructional Technology Policy – Developed policy related to new IT policies, access controls, data classification, data access and security.*

### **Colorado Mesa University**

*CMU has adopted a mobile-first strategy for delivering applications and web services to meet current and future demands of both prospective and enrolled students. The same would be true for public websites and services such as ticket sales. CMU has recently revamped a portion of its website, an effort that is ongoing. With every software and cloud-service purchase, the campus evaluates the vendor's delivery of mobile responsive webpages and/or apps to streamline tasks and processes. With respect to websites or applications accessible by the public, the University prefers to the approach of responsive website design to ensure a full user experience, support for older mobile devices and interoperability across operating systems.*

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1. Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.**

The following offices do not have prior year legislation that is pending implementation:

- Office of Early Childhood
- Office of Community Access and Independence
- Office of Economic Security
- Office of Performance and Strategic Outcomes

### **Office of Children, Youth and Families**

#### Division of Child Welfare

There are various elements of SB 18-254 Child Welfare Reform bill which are still in the process of being implemented.

Specifically, section 4 of SB 18-254 required that on or before August 1, 2018 the State had to develop a new program regarding out-of-home placements for children and youth with intellectual and developmental disabilities. A Request for Proposal was released and an agency was selected for this new program and a contract with that entity shall be completed by December 31, 2018. In addition, the bill required that the state draft rules and there are currently two more meetings of the subcommittee that will be completed by December 31, 2018.

Notably, there is an issue with this section and the Department believes that Section 4, which refers to C.R.S. 26-5-102 (j), needs to be removed from the bill.

### **Office of Behavioral Health**

#### Division of Community Behavioral Health: SB 17-207

SB 17-207 was passed to strengthen the crisis system and to end the use of jails for the purpose of holding individuals in a behavioral health crisis who have not committed a crime. The funding for these enhanced services went to support for the crisis system and law enforcement. The Department is on track to implement the Co-Responder pilots, the Law Enforcement Assisted Diversion pilots, and the use of criminal justice liaisons in the four crisis regions. The Department worked closely with the crisis contractors on the start-up and support for three new crisis stabilization facilities in Frisco, La Junta, and Montrose. Funding for three facilities has been added to the crisis contracts, and approved for use for start-up costs. However, none of these three facilities, which are required by statute to be licensed and prepared to take clients by Jan 1, 2018, have opened. Specifically, the statute provides:

*“27-60-104. Behavioral health crisis response system - crisis service facilities - walk-in centers - mobile response units. (1) on or before January 1, 2018, all crisis walk-in centers, acute treatment units, and crisis stabilization units within the crisis response system, regardless of facility licensure, must be able to adequately care for an individual brought to the facility through the emergency mental health procedure described in section 27-65-105 or a voluntary application for mental health services pursuant to section 27-65-103.”*

While the Department has updated contracts with existing crisis stabilization units to meet these criteria, the three new facilities have encountered multiple delays in the process to finalize facility licensure from the Colorado Department of Public Health and Environment (CDPHE). The facilities are awaiting local fire and safety inspections and have faced multiple delays related to this step. OBH is working with the facility leads and CDPHE to provide support and technical assistance.

#### Office of Behavioral Health: SB 17-012

The Department continues to implement SB 17-012, which concerns the development and implementation of a statewide infrastructure for an outpatient restoration program to meet the community need for restoration services for those involved in the criminal justice and juvenile justice systems.

SB 17-012 provided a FY 2017-18 appropriation of \$18,000 from the Marijuana Tax Cash Fund (MTCF) for operating expenses related to community behavioral health administration. The Department was required to develop a standardized juvenile and adult curriculum for restoration services by December 1, 2017.

Implementation Progress: The Department has identified a curriculum for adults and this curriculum is currently available for dissemination. In addition, a curriculum has been identified for juveniles and is currently being revised for use in Colorado with a planned dissemination date of December 29, 2018.

#### **1331 Emergency Supplemental Funding**

The Department received additional funding for FY 2017-18 through a staff-initiated 1331 emergency supplemental in the amount of \$461,702 General Fund to begin providing outpatient restoration services. This includes funding for the development and implementation of an outpatient restoration program:

Implementation Progress: A Request for Proposals (RFP) was developed to solicit bids for a contractor to hire educators/case managers to deliver competency restoration education with a standardized curriculum statewide. The RFP was posted on November 29, 2017 and closed on June 5, 2018. The RFP was unsuccessful so the Department revised the solicitation and reposted a Request For Application (RFA) in order to contract with numerous vendors. This new RFA posted on 6-18-18 and closed on November, 2, 2018 resulting in 21 responses being received. The Department was also able to directly negotiate with the Community Mental Health Centers (CMHC) through the client based services provision within the Procurement

Code. As of December 1, 2018, there are nine (9) fully executed purchase orders, two (2) fully executed contracts with CMHCs, and 19 contracts in process.

2. Does the Department have any **HIGH PRIORITY OUTSTANDING** recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the **HIGH PRIORITY OUTSTANDING** recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](#)

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

The Office of the State Auditor identified four recommendation parts as "high priority" for the Colorado Department of Human Services: two recommendations related to the Colorado Child Care Assistance Program (CCCAP) and two recommendations related to its Child Care Automated Tracking System (CHATS).

*Colorado Child Care Assistant Program Recommendation (2017-065 A & B):*

The Department of Human Services (Department) should strengthen its internal controls over the Colorado Child Care Assistance Program (CCCAP or Program) by:

A. Continuing to provide detailed training to county caseworkers over CCCAP program areas and internal control procedures, including areas to address the issues identified in the audit.

B. Improving the Program's follow-up on the quality assurance review process to ensure that caseworkers follow the CCCAP's policy and procedure manual regarding case file documentation, timely processing of applications and redeterminations, and proper data entry and income calculations.

Department response:

The Department will continue to work with the Department's Quality Assurance (QA) team to identify and address critical errors through either training or policy change. For example, this collaboration resulted in the development and presentation of the Q-Fit, a quarterly review of QA findings with county and state staff. The Department will continue to follow up with individual counties to ensure their errors are addressed. In addition, the Department will continue to regularly train county staff to the policy and procedure manual as well as provide online self-guided training through the Learning Management System. The Department has already implemented several changes to the CCCAP application to streamline the documentation for both families and counties, including incorporating the Client Responsibilities Agreement into the application in August 2017. The Department will add timely processing of applications and redeterminations to the county monitoring process.

*Child Care Automated Tracking System Recommendations (2017-066 A & B):*

The Department of Human Services should work with the Governor's Office of Information Technology to strengthen information technology general controls over the Child Care Automated Tracking System (CHATS) by:

- A. Implementing separation of duties and access management procedures to address the problems identified in the detailed confidential finding.
- B. Developing and communicating separation of duties and access management policies and procedures for CHATS, as identified in the detailed confidential finding.

Department response:

The OEC, through the CHATS Modernization project, revised access control and user security profiles to align with the Office of the State Auditor (OSA) findings for the prior CHATS application. The OEC will continue to make revisions under the existing operations and maintenance agreement to these items now that we have operationalized these changes and received county user feedback. Remaining work on these findings is primarily isolated to articulating policy changes in a single reference document and ensuring implementation on ongoing monitoring activities.

- 3. **If the Department receives federal funds of any type, please respond to the following:**
  - a. **Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?**
  - b. **Does the Department have a contingency plan if federal funds are eliminated?**
  - c. **Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.**

**Office of Economic Security**

a. *Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?*

*Temporary Assistance for Needy Families (TANF):* The federal government restored the 0.33% reduction in the FFYs 2016-17 and 2017-18 State Family Assistance Grant (i.e. TANF Block Grant) in FFY 2018-19. Colorado also receives TANF Contingency Funds from a separate grant. Contingency Fund grant amounts vary from year to year, yet the authorizing legislation is not expected to change. Proposed legislation would secure the funding through FFY 2020-21 at current levels.

*Colorado Refugee Service Program (CRSP):*

The FFY 2018-19 federal budget for the Office of Refugee Resettlement (ORR) is consistent with previous years, despite the decrease in refugee and Special Immigrant Visa holder arrivals. CRSP does not expect any major changes to its budget in FFY 2018-19. While some funding lines have decreased, CRSP has received additional funds for youth mentoring and career pathways programs which offsets formulary grant decreases. There are no match requirements for ORR funds.

ORR has informed CRSP that it is eliminating the current Wilson Fish program effective FFY 2019-20. Wilson Fish is both a program model and a funding source. Therefore, Colorado will transition to a different program model (public-private partnership) in FFY 2019-20, which will have limited impact on service structure or delivery. Many costs currently attributable to the Wilson Fish grant (discretionary) will be transferred to its Cash and Medical Assistance (CMA) grant (formulary). Intensive case management, currently allowed for Wilson Fish funding, is not allowable under CMA. This will result in a loss of approximately \$300,000 per year to Colorado.

*b. Does the Department have a contingency plan if federal funds are eliminated?*

The Colorado Refugee Services Program's (CRSP) contingency plan includes aligning CRSP direct service contracts with other funding streams (including those from the Colorado Departments of Education and Health Care Policy and Financing) so that CRSP is not the sole funder of programs that serve refugees.

*c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.*

*Colorado Refugee Services Program:*

Colorado received a corrective action finding from the Office of Refugee Resettlement (ORR) regarding its issuance of Refugee Medical Assistance (RMA). RMA is a Medicaid look-alike program co-administered with the Department of Health Care Policy and Financing (HCPF). For FFYs 2017 and 2018, ineligible individuals received approximately \$4,000 of services. CRSP is working with HCPF to balance the funds.

*Colorado Works Program*

The Department has received notice from the U.S. Department of Health and Human Services that Colorado did not meet the Work Participation Rate (WPR) for the Temporary Assistance for Needy Families (TANF) program in federal fiscal years 2012-2016. In federal fiscal year 2017, the State met the All Families rate, but not the Two-Parent rate. Since then, the State has eliminated its Two-Parent rate, and expects to remain in compliance with the All Families rate. The Department anticipates being released from any penalties since coming into compliance. Currently, the Department is awaiting notification from the federal Administration for Children and Families (ACF).

In correspondence from ACF received July 12, 2018: “The Federal government calculates the base penalty amount by applying the regulations at 45 CFR 261.50 to the data submitted by the Department. Because Colorado was subject to a penalty for failure to meet the participation rate in the immediately preceding fiscal year, the base penalty is last year's penalty amount plus two percent of the FY 2016-17 adjusted state family assistance grant. The Federal government (Administration for Children & Families) then reduces the penalty based on the degree of the State’s noncompliance, in accordance with regulations at 45 CFR 261.51.”

If any penalty is imposed, the Department will request relief and/or reduction in the penalty under the terms of a “discretionary reduction” as outlined in federal regulations. In the event this request is denied, Colorado will enter into a corrective action plan that will ameliorate any penalty, if followed. When the Department meets the WPR in either the current or any future year, the liability status for any prior year is eliminated. The Department anticipates meeting the federal WPR requirement for FFY 2018.

### **Office of Early Childhood**

*a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?*

The Child Care and Development Fund (CCDF) is comprised of three separate grant awards: Mandatory, Match, and Discretionary, which have to be spent over one, two, or three years, respectively. The Department has only received its Mandatory grant award for FFY2018-19 and it has not changed from last year. The Department has not received an award letter for the FFY 2018-19 Discretionary or Match grants. The Match grant award does not typically fluctuate from year to year. The Department received a significant increase of \$27.2 million in the FFY 2017-18 CCDF Discretionary award, but has not received any information from the federal government to indicate that this increase is ongoing. The Department’s estimates of available CCDF funding conservatively assume that the award will return to FFY 2016-17 levels.

*b. Does the Department have a contingency plan if federal funds are eliminated?*

The Department does not yet know the amount of the Discretionary federal award for FFY 2018-19. The CCDF Discretionary grant does not require a state match. The Department would need to request General Fund or reduce direct services if federal funds are eliminated.

*c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.*

The OEC is not aware of any federal sanctions or potential federal sanctions for its programs.

### **Office of Children, Youth and Families**

*a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?*

With regards to the Department's Division of Child Welfare (DCW), Colorado's Title IV-E Waiver (Waiver) is scheduled to end on June 30, 2019. This date includes an extension of the Waiver from the Administration for Children & Families (ACF) for another year. The end of the Waiver will cause Colorado's Title IV-E federal funds to decrease by an estimated \$9 to \$12 million leaving Colorado with minimal federal support for interventions and prevention services. However, with the enactment of the Family First Prevention Services Act of 2018 (FFPSA), and if the Department chooses to "opt in" to provide placement prevention services, and as soon as the Administration for Children & Families releases their Clearinghouse of federally approved prevention/intervention services, Colorado is posed to earn a federal IV-E funding match on October 1, 2019 for any prevention and intervention services currently funded through state General Fund only that are being offered in Colorado and that are in federal Clearinghouse.

*b. Does the Department have a contingency plan if federal funds are eliminated?*

If the Department's child welfare federal funds, including Title IV-E, Title IV-B, Title XX, Chafee Foster Care Independence Program, and Child Abuse Prevention and Treatment Act grants are eliminated, the Department would have to notify the counties of the need to significantly reduce awarded allocations that are used to fund services for families including adoption, foster homes and other out of home services, reunification, education and independent living services, training related to child abuse and neglect and family violence, primary prevention programs and treatment program services for children and their families.

*c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.*

There are two areas in which the Department's DCW has been out of compliance with federal data performance/reporting expectations:

The Federal Administration for Children and Families (ACF) performs several quality reviews on states' bi-annual Adoption and Foster Care Analysis Reporting System (AFCARS) file submissions. The number of non-compliant records for Colorado's AFCARS Element #57 (timeliness of entry for End Removal Dates) has been increasing over the past several submissions and the non-compliance may result in financial sanctions to Colorado. However, to date, the Department has not yet received a notification letter from ACF with regards to a sanction. The Department has provided the necessary guidance to the county departments of human and social services to ensure they have the required information to ensure they are entering necessary documentation into the statewide case management system in a timely manner.

In regards to the National Youth in Transition Database (NYTD) 2017B file submission, the Department was out of compliance due to the non-issuance of SIDMODs (unique identifiers) with regards to youth within the Division of Youth Services. The Department is actively working with the Governor's Office of Information Technology (OIT) to resolve these issues. The Department anticipates ACF will send a notification letter to the Department of a possible sanction, the amount of the sanction, along with the deadline to remediate the error in order to avoid the sanction. This issue is being addressed currently, and the Department has every confidence the issue will be resolved and avoid a sanction.

### **Office of Behavioral Health**

*a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?*

For FFY 2018-19, the federally funded block grant from the Substance Abuse and Mental Health Services Administration (SAMHSA) increased as follows:

- Substance Abuse and Prevention Block Grant -- OBH's budget increased from \$28,780,376 to \$28,919,201, an increase of \$138,825.
- Mental Health Block Grant -- the funding increased from \$11,504,252 to \$13,189,237, and increase of \$1,318,924 or 14.65%.

There is no match requirement for either Block Grant.

The Department's SAMHSA Projects for Assistance in Transition from Homelessness (PATH) FFY 2018-19 budget is \$1,019,092, which is \$320 higher than the FFY 2017-18 award of \$1,018,772. The match rate is 3 to 1 Federal to State and local match. All match costs are covered by contractors.

OBH was awarded a State Opioid Response Grant (SOR), in the amount of \$15,093,156 per year for FFY 2018-2019 and FFY 2019-2020. This new grant is different from the State Targeted Response to the Opioid Crisis (STR) Grant, which provides the state with \$7,869,651 per year for two years from May 2017 - April 2019. This STR grant performance period does not align with state or federal fiscal years, and overlaps with the SOR grant for seven months. No match is required for either of these programs.

The Division of Mental Health Institutes of the Office of Behavioral Health is not anticipating any additional changes in federal funding with the passage of FFY 2018-19 or FFY 2019-20 federal budget.

*b. Does the Department have a contingency plan if federal funds are eliminated?*

The Office of Behavioral Health's Division of Community Behavioral Health's contingency plan is to reduce the State personal services, operating, indirect, and contractual costs to balance any cost reductions in the future.

For the Division of Mental Health Institutes of the Office of Behavioral Health, if federal funds are eliminated, the Institutes would not be reimbursed by Medicare or Medicaid. The Department would require General Fund dollars to operate the Institutes.

*c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.*

The Division of Community Behavioral Health Programs has sent a communication to SAMHSA regarding a \$55,164 reduction in state "maintenance of effort" spending from FY2011 that was identified in a SAMHSA 2016 audit. This communication was drafted in coordination with SAMHSA finance officers and should be processed and serve as a justification for the decline in state spending. If this justification is not approved, the State could be asked to return the \$55,164.

The Division of Mental Health Institutes of the Office of Behavioral Health is not aware of any sanctions in the FFY 2018-19 or FFY 2019-20 federal budget that would impact the state hospitals and/or forensic services.

**4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?**

Yes, the Department is spending money on public awareness campaigns. For more information see Attachment E: CDHS Public Awareness Campaigns illustrates the expenditures related to the campaigns.

**5. Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?**

Vacancy data for the Department of Human Services, by Division and for the Department as a whole, is provided in Table 1 below, including information on vacancies for both direct care and non-direct care FTE.

**Table 1: Department of Human Services Vacancy Rate, by Division/Facility, as of November 26, 2018**

	<b>Total # Direct Care<sup>2</sup> FTE</b>	<b>Total # Vacant Direct Care FTE</b>	<b>% Direct Care Vacant</b>	<b>Total # Non-Direct Care<sup>2</sup> FTE</b>	<b>Total # Non-Direct Care FTE</b>	<b>% Non-Direct Care Vacant</b>		<b>Total # FTE</b>	<b>Total # Vacant FTE</b>	<b>% Vacant</b>
<b>Department of Human Services<sup>1</sup></b>	0.0	0.0	0%	1,383.0	274.8	20%		1,383.0	274.8	20%
<b>Office of Behavioral Health</b>	813.7	107.9	13%	771.6	94.7	12%		1,585.4	202.6	13%
<b>Division for Regional Center Operations</b>	642.2	85.4	13%	233.9	21.9	9%		876.1	107.3	12%
<b>Division of Veterans Community Living Centers</b>	363.6	65.1	18%	281.1	38.1	14%		644.8	103.2	16%
<b>Division of Youth Services</b>	977.0	175.0	18%	430.2	81.3	19%		1,407.2	256.3	18%
<b>Total</b>	2,796.6	433.4	15%	3,099.9	510.8	16%		5,896.5	944.2	16%

**Source: Department of Human Services analysis of information contained in CPPS.**

**Notes:**

<sup>1</sup>Department of Human Services data includes FTE from the Executive Director's Office, Office of Administrative Solutions, the Office of Early Childhood, the Office of Economic Security, and the Office of Early Childhood.

<sup>2</sup> Because the Department of Human Services operates 19 24-hour care facilities, the Department's FTE can be described as non-direct care and direct care FTE. Non direct care FTE are administrative staff typically working in an office setting while direct care FTE are working in 24/7 facilities at the Regional Centers, Mental Health Institutes, Youth Services facilities, and the State Veterans Community Living Centers.

The Department attributes the non-direct care and direct care FTE turnover/vacancy rate to the reasons outlined below:

*Non-direct care FTE*

The Department attributes the turnover/vacancy rates for non-direct care staff to staff transferring to other State agencies or private sector employers, often due to the opportunity for a pay increase or promotion. Other causes of turnover and vacancies include internal promotion, retirement, or more ideal working conditions that better suit personal preferences (e.g., flexible schedule, shorter commute, and ability to meet family obligations). Some turnover is beneficial to the Department in cases where an underperforming employee finds a position more suited to their skillset.

*Direct Care FTE*

Similar to non-direct care, the Department attributes turnover/vacancy rates for direct care staff to employees transferring to other State agencies or private sector employers, often due to the opportunity for a pay increase or promotion. For example, direct care employees often find work with other health care providers at a higher rate of pay, a better benefits package, and with a more easily cared for population.

These dynamics make it more difficult to hire and retain employees within the Department. For direct care staff specifically, we find that staff is hired with little experience. As they gain experience, many direct care FTE leave seeking higher salaries elsewhere in nursing and law enforcement. Direct care staff turnover can also occur due to staff concerns about the risk of working with high acuity patients and residents who often have significant behavioral challenges, with the potential risk of injury. Finally, the reasons for employee turnover are gathered through a variety of means, both informal and formal. The information provided is largely through conversations with employees who have given notice of their resignation to their hiring authority.

6. Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a

cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

The Department has four Type I rule-making entities. These rule-making entities include the: Executive Director of the Department of Human Services; State Board of Human Services; Juvenile Parole Board; and the Adoption Intermediary Commission.

All four rule-making entities follow the requirements set forth in the Colorado Administrative Procedure Act (APA) concerning posting, noticing, and preparing regulatory analyses for each rule proposed for adoption by its respective board. The proposed rule combined with the regulatory analyses constitutes a rule "packet."

#### Executive Director Rules

An Executive Director rule-making session occurs on an as needed basis for rule-making purposes, which are also preceded by stakeholder input and feedback on proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules.

The Executive Director promulgated 2 permanent rule packets between July 1, 2016 and June 30, 2018. These rule packets included: "Certified Addiction Counselor Clinical Training Program - Approved Trainer Fees," and "County Finance and Accounting, Executive Director Rules (Volume 5)."

#### State Board of Human Services

The State Board of Human Services meets on a regular basis, usually the first Friday of each month, to conduct business including rule-making. Prior to the rule-making session, stakeholder input and feedback are sought on all proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules.

The State Board of Human Services promulgated 90 permanent rule packets between July 1, 2016 and June 30, 2018. There were 6 emergency rules within this same time frame that were later promulgated as permanent, these permanent rules are included in the 90 total.

Cost-benefit analyses are completed upon request through Department of Regulatory Agencies. For FY 2016-17 and FY 2017-18 there were no requests.

No cost-benefit analysis of the Department's rules has been conducted as a whole.

#### Juvenile Parole Board

The Juvenile Parole Board meets regularly to conduct its work pursuant to statutory mandates; however, they meet on an as needed basis for rule-making purposes. Prior to rule-making, stakeholder input is sought on proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules.

There were no rules promulgated from July 1, 2016 and June 30, 2018.

#### Adoption Intermediary Commission

Similar to the Juvenile Parole Board, the Adoption Intermediary Commission convenes to conduct work in fulfillment of its statutory mandates and meets on an ad hoc basis for rule-making. Consistent with the other three rule-making entities in the Department, stakeholder input is sought on proposed new rules, modifications to existing rules, and repeal of outdated or redundant rules prior to rule-making.

There were no rules promulgated from July 1, 2016 and June 30, 2018.

- 7. What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.**

Major program drivers affecting the Department include caseload and personnel costs. As provided in response to Common Question 8, the Department manages numerous programs that are driven by caseload. The Department also operates multiple 24-7 facilities, including two Mental Health Institutes, three Regional Centers, five Veterans Community Living Centers and ten Youth Services Centers. The cost of personnel including benefits is a significant cost driver in the facilities.

The counties administer caseload-driven programs and the Department is responsible for the supervision of the counties. Therefore, funds appropriated for these programs is allocated to the counties to contract with community providers to deliver services to eligible Coloradans.

The Department is requesting funding to adjust community provider rates through an annual cost of living adjustment. The requested funding is based on available revenues but has traditionally not matched the consumer price index changes. Funding for state personnel and benefits is requested as part of the annual Governor's budget request and appropriated by the General Assembly based on the available revenues.

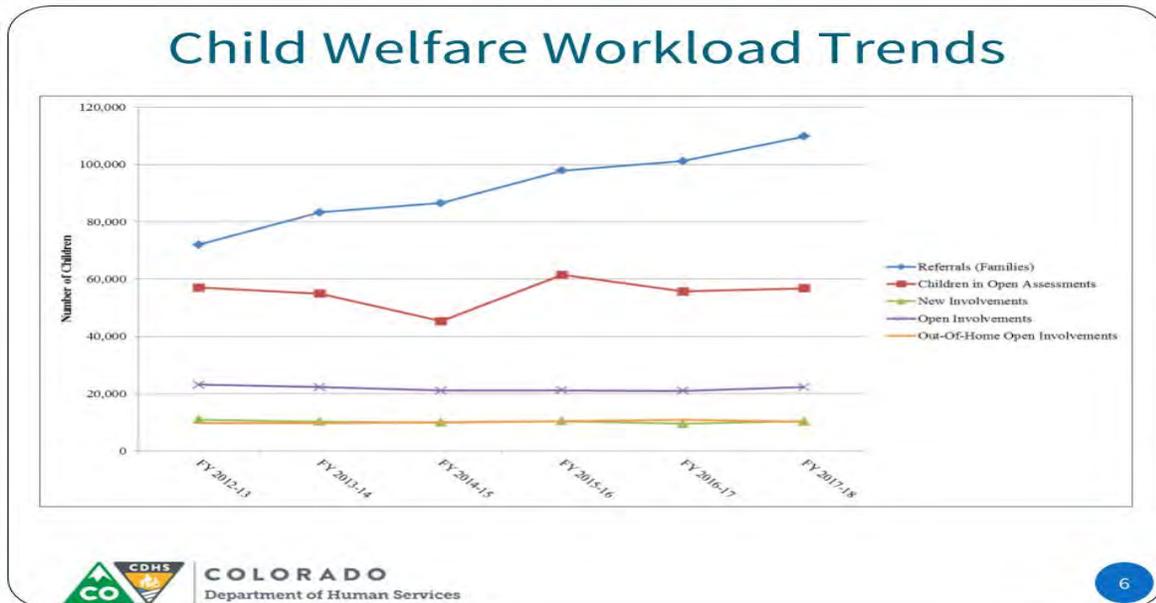
- 8. How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?**

### **Office of Children, Youth and Families**

*The Division of Child Welfare* - Chart 1 shows the county child welfare workload changes from FY 2012-13 through FY 2017-18. The Office of the State Auditor (OSA) workload study, conducted in 2014, determined that counties need 650 additional child welfare staff to meet program goals and achieve outcomes. Additionally, the 2016 Division of Child Welfare Caseload Study, contracted through ICF International, supported the determination that counties need additional staff and provided a tool to quantify county level staffing needs based on county child welfare staff caseload.

Based on the results of both the workload study and the caseload study, the Department is in Phase 5, of a phased approach, of adding additional county child welfare staff through Department budget requests.

Chart 1. Child Welfare Workload Trends



The Division of Youth Services caseload for committed youth will be forecast in late December or early January with an anticipated decline.

### Office of Community Access and Independence

*Division of Regional Centers Operations* - In FY 2017-18 the average census for the Regional Center system was 258. The census is projected to remain stable, thus having no impact on the budget. The Regional Center system continues to see a high level of people admitted with the dual diagnosis of intellectual/ developmental disability and major mental illness.

*Aging and Adult Services* - Colorado’s population is rapidly becoming older and more diverse. Growth in the population of adults age 65 and older in Colorado is estimated to be the fourth fastest in the nation. The majority of this change is expected to occur between the years of 2010 and 2030. According to the Colorado State Demography Office, the population over age 65 is forecasted to increase by 120 percent between 2010 and 2030, from approximately 550,000 in 2010 to 1.2 million in 2030. In anticipation of this shift in demographics, the General Assembly has provided increased funding to the Department for State Funding for Senior Services in recent years. As a result of the increased funding, there has been an increase in the number of older adults served in Colorado. Specifically, through its contracts with the Area Agencies on Aging, the Department delivered services to 40,414 older adults in FY 2014-15 compared to 50,113 older adults in FY 2017-18, an increase of 24 percent. The Department anticipates that the need for State Funding for Senior Services will continue to increase as the number of older adults relative to the general population increases in Colorado.

Historically, there has been a 1-2 percent increase each year in the number of Adult Protective Services (APS) reports made statewide. However, in July 2014, SB13-111 became effective in Colorado that requires certain professionals to report mistreatment of persons age 70 and older to

law enforcement; law enforcement must then share those reports with APS. Then on July 1, 2016, SB15-109 expanded the law to include reporting of mistreatment of at-risk adults with an intellectual and developmental disability. More professional groups were added as mandatory reporters, as well. As a result of these changes, there has been a 91 percent increase in the number of reports made to APS in Colorado since July 2014. The General Assembly has appropriated additional funding over the past four years to the APS program to support the Department and County departments of human or social services in managing the additional workload these increases in reports and cases has generated. The Department continues to monitor the caseloads for APS statewide to determine if additional funding is needed to meet increased workload needs.

**Office of Early Childhood**

Children under six years of age are the primary population served by the Colorado Child Care Assistance Program (CCCAP). Table 2 shows that the number of children in the State under six has been relatively stable over time.

**Table 2: Colorado Children Under 6 Years Old by Year**

<b>Year</b>	<b>Number of Children Under 6 in Colorado</b>
2010	413,610
2011	410,276
2012	405,320
2013	400,645
2014	398,341
2015	399,697
2016	401,240
2017	400,449
2018	400,895

*SOURCE: Colorado State Demography Office (Accessed November 15, 2018)*

However, CCCAP is not an entitlement program and so its caseload is constrained more by available resources than by shifts in population - i.e., not all eligible children are served.

CCCAP costs are driven by three factors: (1) caseload, (2) time spent in care per capita and (3) rates. As any one of these factors increases, so too does the cost of the CCCAP program. Caseload tends to vary along with the resources made available with more children being served

when more dollars are made available, though as rates or time in care increases more dollars are required to serve the same number of children.

*Early Intervention (EI)*

Early Intervention is an entitlement program and so shifts in population more directly impact the Departments’ budget. As shown in Table 3, the population for children under 3 has remained relatively stable.

**Table 3: Colorado Children Under 3 Years Old by Year**

<b>Year</b>	<b>Number of Children Under 3 in Colorado</b>
2010	202,996
2011	200,216
2012	197,608
2013	196,840
2014	196,944
2015	199,543
2016	201,359
2017	200,505
2018	199,022

*SOURCE: Colorado State Demography Office (Accessed November 15, 2018)*

However, the prevalence of children under determined eligible for EI services has increased significantly in the past six years. Table 4 shows the total number of children determined eligible for Early Intervention by year.

**Table 4: Children Eligible for EI by Year**

<b>Year</b>	<b>Total Children Found Eligible for EI Services</b>
2012	5,909
2013	6,166
2014	7,547
2015	8,862
2016	7,597

2017	8,656
2018 (YTD)	7,883

It is not entirely clear the extent to which this increase is due to a change in the number of children with developmental disabilities, versus a change in the efficacy of diagnosis. What is clear is that Early Intervention caseload is growing substantially faster than the population.

**Office of Economic Security**

*Supplemental Nutrition Assistance Program (SNAP):* The SNAP caseload has remained consistent over the past three years. Funding for SNAP benefits is directly provided by the federal government (unlike block grants). The 50% match for administrative funding does not fluctuate significantly as it is based on caseload size. There are currently no specific population changes or service needs.

*Low-Income Energy Assistance Program (LEAP):* The LEAP caseload has decreased slightly. The majority of funding is provided through a federal block grant for counties/contractor to administer the program. Any funding available after the heating season (November 1 through April 30, annually) is used to provide a supplemental payment to recipients during that year. If there is an increase in applicants, no additional payment is issued to the recipients. Caseload changes are not expected to impact the Department’s budget.

*Temporary Assistance for Needy Families (TANF):* The TANF caseload has decreased slightly due to a robust economy. County implementation is mostly funded by allocations from the federal block grant. When counties underspend their block grant, the unspent funds carryforward in their County TANF Reserves, up to a statutory cap. If a county overspends its block grant, funds from their County TANF Reserves are used. Caseload changes are not expected to impact the Department’s budget.

*Old Age Pension (OAP):* The Old Age Pension (OAP) program caseload has decreased during the last few years. This is likely due to a robust economy and the need for some participants to continue working to make ends meet. OAP funds are continuously appropriated and available for benefits. The Department informs the Office of State Planning and Budgeting (OSPB) and the General Assembly of spending projections quarterly. These projections are included in State economic forecasts. Colorado has a Maintenance of Effort (MOE) requirement with the Social Security Administration (SSA) whereby the State must provide a certain dollar amount of benefits to Social Security Income (SSI) recipients annually. Due to caseload decreases, the Department may utilize the existing OAP budget to pay additional benefits to participants to help meet this MOE requirement. In years when the State does not meet the federal MOE requirement, Colorado could be sanctioned for one quarter of Medicaid funding.

*Aid to the Needy Disabled (AND):* The AND program caseload has decreased during the last few years. This is potentially due to a robust economy. Similar to OAP, the Department can make additional payments to AND-Colorado Supplement recipients in order to meet MOE.

### *Office of Behavioral Health*

The Department's Office of Behavioral Health Community Behavioral Health Programs Division has seen a general increase in the numbers of clients served in the behavioral health system. However, it has not submitted a budget request for changes in the number of clients served because as it is utilizing federal block grants.

The Department is currently receiving additional federal funds to address the opioid crisis, including:

- \$15,093,156 from Year 1 of the federal State Opioid Response Grant. It is effective for two years beginning 9/30/2018.
- \$7,869,651 from Year 2 of the federal State Targeted Response to the Opioid Crisis Grant. It is effective through 4/30/19.

*Division of Mental Health Institutes;* The caseload for the Mental Health Institutes and Forensic Services continues to rise based on the number of court orders received for competency exams, sanity exams, restoration, education, and inpatient care. The increase in projections impacts the Department's need for additional beds, staff and operational resources in order to meet demands, as well as stay in compliance with a court settlement agreement. The Department has received funding to address this increased caseload through additional jail based restoration beds, additional psychologist evaluators staff, and through capital construction for additional bed space at the Colorado Mental Health Institute at Pueblo. However, it is anticipated the increase in demand will continue, and the Department may need to submit additional funding requests as well as exploring other solutions (including legislative) in order to meet the ongoing needs.

9. Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

### **Office of Children, Youth and Families**

The Department implements an integrated approach blending social media, email, local support and outreach, earned media and paid advertising to educate and raise awareness. Content creation, storytelling techniques, visual digital content, targeted digital advertising and campaign partnership with local organizations remain essential to the success of the CO4Kids Campaign and the overarching Office communications strategy.

Utilization of owned communications, such as websites and social media channels, is a key element of the Office of Children, Youth and Families communications strategy. Below is a summary of communications channels that are owned by CDHS to communicate directly to target audiences.

#### *Websites*

- CDHS external website: <https://www.colorado.gov/cdhs>

- CDHS Boards and Commissions external  
website: <https://www.colorado.gov/pacific/cdhs-boards-committees-collaboration>
- CDHS internal  
website: <https://sites.google.com/a/state.co.us/cdhsintranet/cdhsconnection>
- Colorado Child Abuse and Neglect Public Awareness Campaign: [www.co4kids.org](http://www.co4kids.org)
- Colorado Foster and Adoption Website: [www.cofosterandadopt.org](http://www.cofosterandadopt.org)
- CDHS Community Performance Center: [www.CDHSdatamatters.org](http://www.CDHSdatamatters.org)
- Colorado Heart Gallery: [www.COheartgallery.org](http://www.COheartgallery.org)

### *Blogs*

- Parent Partner Blog - Targeted Audience: parents, caregivers, kinship parents, foster parents, adoptive parents, people parenting children with trauma, people working with systems to parent children involved with child welfare services.
- Professionals Blog - Targeted Audience: caseworkers and professionals within the child welfare workforce on the frontlines working directly with children, youth and families.
- Community Blog - Targeted Audience: Coloradans who care about child abuse and neglect.
- Division of Youth Services Announcements Blog on CDHS website - Targeted Audience: Coloradans interested in juvenile justice. Families of youth looking for detailed, real-time activities and information on youth services in Colorado.
- Domestic Violence Program Announcements Blog on CDHS website - Targeted Audience: Domestic Violence Program-Funded organizations.

### *Social Media Channels*

- CO4Kids Campaign Facebook Page - Targeted Audience: Coloradans who care about child abuse and neglect.
- CO4Kids Campaign Instagram - Targeted Audience: Coloradans who care about child abuse and neglect.
- Colorado Foster Care Facebook Page – Targeted Audience: Colorado foster parents, potential foster parents and those supportive of fostering in Colorado.
- Colorado Kinship Facebook Page - Targeted Audience: Kinship families both involved and not involved with child welfare.
- Colorado Heart Gallery Facebook Page - Targeted Audience: Potential adoptive parents and those supportive of adopting from the foster care system.
- Colorado Tony Grampas Youth Service (TGYS) Page - Targeted Audience: TGYS funded organizations and potential funded organizations.

### *Newsletters*

#### Internal Newsletters:

- CDHS Connections Newsletter
- Solutions Newsletter
- 1575 Newsletter
- The DYS Minute - Division of Youth Services Internal Newsletter

#### External Newsletters:

- Office of Children, Youth and Families Newsletter - Targeted Audience: All professionals employed at a county or community partner engaged in the work of the Office.
- Parent Partner newsletter - Targeted Audience: foster and adoptive parents
- CO4kids campaign newsletter - Targeted Audience: campaign partners and speakers bureau
- Domestic Violence Program Newsletter – “DVP Alert” – Targeted Audience: DVP-funded organizations.
- Child Abuse and Neglect Hotline System Newsletter - Targeted Audience: County employees involved in the functioning of the Child Abuse and Neglect Hotline System.
- Foster Care and Adoption Recruitment and Retention Newsletter - Targeted Audience: County employees and child placement agency employees engaged in the recruitment and retention of foster and adoptive parents.

### *Apps and Widgets*

The Department is in the process of developing an app to offer an innovative way to help young people in Colorado. The “I’m into” app is a fun and engaging way of helping young people find their way and become the best version of themselves through self-discovery and fostering connections.

The “I’m into” app focuses on:

- Discovery: The process of discovery in the app is led by the young person giving simple answers about themselves.
- Connection with peers: This app is meant to be social. Peers can see and observe things that we don’t necessarily see. By inviting friends to use the app and connect we create a supportive environment and invite them to speak about and affirm what young people have said about themselves.
- Connection with organizations: The app will begin to understand the youth based on answers in the self-discovery sections. It will also use age and geography to make recommendations of organizations near them. Creating a “connection” alerts an organization to reach out to the youth. It also stores that organization in a list of “my connections” that the youth can refer back to at any point.

The Department has also continued to make small improvements to the CO4Kids.org website to better connect Coloradans with the local county departments and nonprofits. In FY 2017-18, the Department incorporated a search widget that enables people to connect with more than 150 county and community organizations based on their location preference or interest, ie. fostering, mentoring, adopting. During this FY 2018-19, the website will also be upgraded to allow community partners access to better serve as a tool for collaboration, community planning and coalition building.

Finally, the Department is in the process of creating an electronic means of reporting child abuse and neglect, outlining rules and process for receiving concerns via social media, and researching the benefits and concerns of incorporating texting &/or artificial intelligence into the Colorado Child Abuse and Neglect Reporting System.

## Office of Economic Security

### *Colorado Benefits Management System (CBMS):*

The Employment and Benefits Division along with the Food and Energy Assistance Division will be launching the second phase of our the CDHS mobile app, MyCOBenefits, in June 2019. After implementation, customers will be able to:

- Apply for SNAP, Colorado Works, and Adult Financial programs both through a simplified flow (completing only their name, address, and signature) or a more extensive flow (lasting no more than 10 minutes). A customer will not need to have a PEAK account in order to apply.
- Recertify eligibility for SNAP, Colorado Works, and Adult Financial programs.
- More easily engage with the work programs for SNAP and Colorado Works. Customers will be able to report and verify their work program hours, find a copy of their roadmap, sign their updated roadmap, and get details on any negative actions being taken on their case due to non-compliance.

To further strengthen MyCOBenefits and utilize research on behavioral science and executive functioning, notifications will be pushed to customers via text messages and email. This update will follow in the steps of the Department of Health Care Policy and Financing (HCPF)'s mobile app, which was implemented in October 2018.

Enhancements will be made to PEAK (online application for multiple benefit programs) throughout 2019. These upgrades will enable customers to report and verify their work hours directly in PEAK, with those hours interfacing directly into CBMS after review by a case manager.

### *Low Income Energy Assistance Program (LEAP):*

LEAP has introduced a new online application platform through the PEAK website beginning November 1, 2018. This platform has been introduced to reduce barriers to the application process.

### *Child Support Services (CSS):*

The Department's Division of Child Support Services was recently awarded a \$500,000 two-year digital marketing grant (October 2018 through September 2020) from the federal Office of Child Support Enforcement (OCSE). In partnership with the Center for Policy Research and Spearca Communications, the Department will implement three digital marketing interventions and test the effectiveness of these interventions in increasing child support applications from parents and caretakers. The three interventions include the following: 1) website redevelopment and search engine optimization, 2) social media advertising, and 3) website remarketing and geofencing. Metrics have not been developed.

The Department's Division of Child Support Services implemented outbound text and email messaging in 2016. The first messages were to parties receiving payments to notify that a payment had been received. The next message was to payers of Child Support that they had missed a payment. Currently, CSS is in the process of opting all parties in to receive messaging,

with the ability to opt out. The next planned message will be to payers that they have a payment due. Future messages could include: payment received, we need your address, we need employer information, suspension notices, and hearing notices.

## **Office of Behavioral Health**

In 2018, the Office of Behavioral Health launched websites for the statewide opioid anti-stigma campaign, Lift The Label, at [LiftTheLabel.org](http://LiftTheLabel.org), and a opioid crisis response webpage at [opioidcrisiservices.org](http://opioidcrisiservices.org). Both websites provide resources aimed at referring Coloradans to treatment for opioid addiction, and OBH is running paid advertisements to both websites. OBH also created [belowthesurfaceco.com](http://belowthesurfaceco.com), a webpage for the state's newly acquired Below the Surface campaign. The campaign aims to reach teens navigating academic and social pressures; bullying and harassment; depression and anxiety; family instability; identifying as LGBTQ+; and more. OBH is expanding the campaign statewide.

Also in 2018, the Office of Behavioral Health created a new substance use and mental health service directory, called LADDERS, at [www.colorado.gov/ladders](http://www.colorado.gov/ladders). The website provides a searchable database of state-licensed treatment options with several filters to help the public find the services they need in their area. LADDERS replaced LinkingCare.org.

In December 2018, OBH will release an updated [OpiRescue](#) mobile application that enables users to locate medication-assisted treatment providers, pharmacies that carry naloxone, and make a call to Colorado Crisis Services within the app. OpiRescue is an overdose support tool created by the Attorney General's Office that assists users with recognizing the signs of opioid overdose and guides them through a five-step process if they are responding to an overdose.

OBH is working on updates to [coloradocrisiservices.org](http://coloradocrisiservices.org) that promote the use and awareness of the state's crisis hotline. OBH also redesigned the website for Speak Now! Colorado, [speaknowcolorado.org](http://speaknowcolorado.org), to feature new resources to help adults talk with their children about the dangers of underage substance use.

## **Office of Community Access and Independence**

The Division for Regional Center Operations (DRCO) maintains a website for external communication with its stakeholders. The website contains general information regarding Regional Center services and admission policy. The website is for information sharing only; it is not for user interaction or application for services. There is no current plan to change the role of this technology in the DRCO's interaction with the public.

*AAS (Aging and Adult Services)* - The Department has developed a new website for the CAPS Check Unit (CCU), the unit within the Department that will be responding to requests from employers for background checks of the Adult Protective Services database (CAPS) when they are hiring a new employee who will be providing direct care for at-risk adults beginning January 1, 2019. The CCU website includes information on how employers such as hospitals, nursing homes, home health agencies, etc., will send a request and payment to receive information on whether a person they are hiring has been substantiated in a case of mistreatment of an at-risk

adult by APS previously. Employers will also use the website to register as an employer required to conduct the checks and submit their requests and payment.

## **Office of Early Childhood**

The Office of Early Childhood owns four websites to connect families, early childhood professionals, local programs, advocates, and other stakeholders to information and resources. These websites are offered in English and Spanish languages and include:

- EIColorado.org - A website for families, early childhood professionals, Community Centered Boards, and the general public to learn about the Early Intervention Colorado program, support local administration of the program, and connect to services.
- EarlyLearning.org - A website for families, early childhood professionals, and advocates to access the Colorado Early Learning and Development Guidelines. The Guidelines provide practical tips and points of reference that anyone can use to help kids grow.
- ColoradoShines.com - The state's Child Care and Development Block Grant Act (CCDBG) consumer education website for families, child care providers, and early childhood professionals. This site connects families to licensed, quality child care options and provides information and resources in order for families and professionals to create quality learning environments for children. This site provides resources for programs related to the licensing rules and application process. The site also serves as a portal for programs to submit an application for the Colorado Shines Level 2 and Level 3-5 processes, upload documentation when going through the on-site rating process for a high quality rating (Levels 3-5), and offers the ability for licensed programs to market their business.
- ColoradoOfficeOfEarlyChildhood.com - A website for families, early childhood professionals, partners, contractors/grantees, other stakeholders, and the general public to learn about the state's early childhood system, connect to services, and support children ages 0-8 and their families.
- Colorado Shines Professional Development Information System (PDIS)- The PDIS offers high quality, self-paced e-learning courses statewide free of charge. This system also markets face-to-face courses and scholarship opportunities to professionals statewide.

Over the last four years, the Office of Early Childhood has continued to modernize our IT systems, consolidating our public facing user experience into common applications and websites. As we look to enhance these systems, two goals will steer our designs: security improvements to protect public data, and increased transparency and enhance user experience for our clients. The OEC is currently exploring enhancements to support:

- Consumer education and enhanced child care search - Helping families looking for child care by improving how we explain health and safety, quality rating, and filtering search results. We will also be assessing existing website resources for improvements to align with ADA accessibility standards.
  - Colorado was recently awarded federal Technical Assistance to make improvements to the consumer education website, Colorado Shines, which include user interface and experience, and a digital strategy to support increased public use of the website.

- Child care business portal - Aligning and enhancing the user experience for child care providers that interact with the state to manage their licensure, quality rating, and Colorado Child Care Assistance Program (CCCAP) attendance. These enhancements include online payment, improved notifications, new administrative access, and enhanced business reports.
- Child care professional development - Supporting professionals in their goal to demonstrate the training and experience, we are rolling out new credentials, increasing our online training portfolio, and evaluating areas where we can simplify processes for users.
- Security - Behind all of these changes, we are assessing how to improve on the security of our systems as stewards of public data. The Office of Early Childhood is invested in increasing security around login access, data encryption, and reviewing how public data is shared with partner organizations.
- Analytics - the Division of Community and Family Support (DCFS) has implemented real-time analytics on five programs using Salesforce Einstein. DCFS will continue to expand the use of program performance dashboards for management at both the State and community partner levels.

The Office of Early Childhood is currently a candidate for competitive federal innovation funds, the Preschool Development Grant, which includes opportunities to build a multi-year strategic roadmap for IT system enhancements. Our focus under the grant will be the user experience and how IT supports human interactions for children and their families, birth to age five. IT solutions will help support information transparency, business process improvement, and our goals of improving program alignment.

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.

- 1 Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

Please see the responses above.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](#)

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

None. From July 1, 2012, through June 30, 2017, the Judicial Branch (Judicial) agreed or partially agreed to implement 49 audit recommendations. One recommendation was from a financial audit and 48 were from performance audits and /or information technology performance audits. Based on the OSA's follow-up audit process and information reported by Judicial, as of June 30, 2018, it has no outstanding audit recommendations.

- 3 If the Department receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?
  - b. Does the Department have a contingency plan if federal funds are eliminated?
  - c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

a/b. Statewide Systems Improvement Program (SSIP): This program was technically considered a cooperative agreement and not a grant. The SSIP funding for Office of Juvenile Justice and Delinquency Prevention (OJJDP) will not be renewed after 2018-2019; however, it is not due to the federal budget it was a policy decision by OJJDP to reallocate funds to Family Treatment Drug Courts. Funding was not guaranteed beyond 2018-2019; however, we did expect to have the opportunity to apply for year 2 and year 3 of implementation funding. We no longer have those options and are seeking funding to keep the program operational beyond September 2019. Match: 25% cash or in-kind.  
Court Improvement Program: Grant funding through the Children Bureau is part of this budget cycle and funding was reauthorized through 2021. Match: 25% cash or in-kind.

Access and Visitation Grant (AV): Office of Dispute Resolution receives this grant from Administration of Children and Families and we have no reason to believe this program will be impacted by budget. Match: 25% cash or in-kind.

Juvenile Drug Court Fidelity Improvement Project under OJJDP (Office of Juvenile Justice Delinquency Prevention): This award is through 2021 and there are no anticipated changes at this time. Match is 25% in kind. There is no contingency plan should funds be eliminated.

SCAO 2018 Statewide Drug Court Grant Program Under BJA (Bureau of Justice Assistance): This award is through 2022 and there are no anticipated changes at this time. Match is 25% in kind and dollar match. There is no contingency plan should funds be eliminated.

C - No federal sanctions are anticipated in 2019 or 2020

- 4 **Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?**

The only Judicial Department entity spending funds on a public awareness campaigns is the Office of Judicial Performance Evaluation. This is their response:

The Office of Judicial Performance Evaluation (OJPE) was established in the Judicial Department by the legislature through C.R.S. 13-5.5-103 (2017). One of the duties assigned to the OJPE is to “Conduct public education efforts concerning the judicial performance evaluation process and the recommendation made by the state and district commission 13-5.5-103(3)(d). As part of these duties the OJPE does spend money on public awareness campaigns and activities. We use a combination of earned and paid media with the goals, of driving citizens to the OJPE website ([www.ojpe.org](http://www.ojpe.org)) to access judicial performance evaluations as well

as providing other educational information on merit selection, performance evaluations, and retention elections. Earned media comes primarily from press releases resulting in published articles on the availability of judicial performance evaluations and/or the results of the evaluations.

The Voter Information Guide, commonly referred to as the “Blue Book” is another contributor to our earned media along with Twitter and Facebook sites. To amplify our messaging, we also used paid media contracting with the Colorado Broadcasters Association and their “Non-Commercial Supporting Announcements Program (NCSA). In collaboration with the Colorado Broadcasters we create television and radio announcement in English and Spanish. The messages are 15 and 30 sec spots for television and 15, 30, and 60 second spots on radio. Member stations throughout the state air the messaging. We track airtime through a report provided by the CBA identifying which message and time the messages were aired. OJPE also worked with the CBA to develop a social media campaign with separate weekly messages for twitter and Facebook building voter’s awareness of judicial evaluations and judicial retention election. The messages are “retweeted,” “reposted” and “shared” by member stations amplifying the messaging to social media followers of the member stations. OJPE directly monitors the impact of social media activities on our twitter and Facebook sites. OJPE also monitors our website analytics during these campaigns to measure effectiveness. We have collected website analytics for the last four elections cycles, so we have a baseline from which to monitor the impact of various levels of advertising over time. The 2018 public awareness campaign was a recording breaking year for OJPE. From the August start of the public awareness campaign through its November conclusion we saw direct links, in fact referrals to our website associated with the social media posts and increased traffic because of television and radio campaigns being on the air. In the first seven days of November there were over one million pageviews on the OJPE website which can be directly correlated to paid and earned media. The total expenses for the contract with the CBA was \$50,000.00 with an additional \$228.00 to purchase stock photos used in the television message.

OJPE’s public awareness campaign also includes direct citizen engagement through our “Know Your Judge Vote Your Judge” activities. OJPE staff schedule times in libraries and on college campuses to host a table and engage citizens in conversation about their awareness of judicial selection, judicial evaluations, and retention elections. To entice participation OJPE bookmarks and brochures are handed out at the events (we also distribute the brochures through self-help centers in local courthouses). We find the direct contact with citizens is an effective way to gauge citizens understanding of the court system, how judges are selected and retained. Ultimately, these events serve to direct voters to the OJPE website and voter resources. Total expenses for these activities are \$2,951.56.

Total expenses for the 2018 OJPE public awareness campaign - \$53,179.56

- 5 Based on the Department’s most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

Judicial Vacancy Rate 10/30/2018	
Program	Vacancy Rate
Appellate	1.54%
Probation	3.46%
SCAO	12.57%
Trial Courts	4.40%
<b>Overall Judicial</b>	<b>4.56%</b>

Turnover Rates			
Program	Termed	Active	Turnover Rate
Courts (Trial & Appella	196	2,032	9.60%
Probation	96	1,216	7.90%
SCAO	23	250	9.20%

Turnover Rate - Job Class		
Clasification	# of Seperated Employees	Turnover Rate
Court Judicial Assistant	115	12.30%
Support Services	15	10.60%

The Judicial Department’s Pay for Performance (Merit Pay as the Executive Branch’s equivalent) increases provide a mechanism to move employees up the salary band and provide room for salary growth that corresponds to increasing skill levels and performance throughout the year. The limited funding and in many cases lack of pay for performance increases creates ever increasing compression issues at the lower ends of the salary range bands. The Judicial Department has been able to offset this issue slightly by providing approved realignment increases to employee base salaries. This has been a long standing, standard practice for the Department.

It is critical that the Judicial Department continue this practice to offset further compression issues which occur when new employees are brought in at or near the rate of pay of others in the same classification with longer lengths of service. For many years the Executive Branch has taken a different approach. The Executive Branch's practice moves salary ranges the determined percentage amount, and only those incumbents below the new range minimums are moved within the range. All other incumbents stay at their current rate of pay. This has resulted in compression problems for many Executive Departments. The Judicial Department has attempted to avoid this issue by providing the realignment increase to all incumbents when a salary range is realigned.

While the Department is unable to speak to the impact of this approach on the Executive Branch's turnover and vacancy rates, it is our assessment that Judicial practice of providing the incumbent increase has assisted the Judicial Department in reducing the impact on retention of staff.

- 6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

The only rules promulgated by the Department are by the Supreme Court regulating the practice of Law. The Department is exempted from the provisions of Section 24-4-103 (2.5) C.R.S. or Section 24-4-103(4.5).

7. What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

Changes in the distribution of new court case filings are the main cost driver for the Department. Specifically, the substantial increase in new felony criminal case filings (approximately 44% over the last five years) have increased workload and the need for additional resources. To the best of our knowledge, the Judicial Department is not experiencing significant price inflation compared to the general CPI.

8. How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

Courts:

As mentioned above, increases in the district court caseload, and the felony criminal caseload in particular, have caused a considerable impact on the workload

in District Courts across Colorado. The top priorities in the Judicial Department's budget request reflect the impact of the increased felony caseload. General population growth in Colorado appears consistent with the types of caseload impacts experienced by the Judicial Department.

Probation:

Throughout the last several years, Colorado has advanced its criminal justice system through legislation and policy changes designed to avoid cost growth while balancing smart crime control measures. As Colorado's criminal justice system evolves under these changes, the composition of probation's population has also shifted, reflecting those changes. Of general consideration is the fact that system wide efforts have been initiated to divert and reduce low-risk offenders from deep placement in high cost areas of the criminal justice system. Collectively, legislation, programs, and policies have reduced the number of low-risk adults and juveniles that enter and are exposed to traditional community and institutional supervision settings.

Specifically, House Bill 10-1338 was enacted with the intention of widening the net for probation eligibility which authorizes the court to use probation as a sentencing option for persons with two or more prior felony convictions. This was to avoid unnecessary prison growth and increase opportunities for rehabilitation in the community. Over the course of time, implementation of this law had its intended effect. Specifically, the Colorado probation population has measured growth in its population where offenders have more robust criminal history patterns to include multiple previous felony convictions.

The Judicial Department, the Executive Branch, and the General Assembly have focused systemic efforts to shift the system from criminalizing and incarcerating those suffering from mental health and substance abuse issues and instead treat them in the community where more services and support are available. These system efforts are underway to further address this complex community and behavioral health issue. While this transition has been in place, probation districts have witnessed that offenders with more complex risks and needs are being placed on probation which necessitates more intensive approaches to behavior change and supervision. The Division of Probation Services has also begun to observe this trend through novel approaches to its data analysis.

These two shifts in the offender population, along with other factors in local level capacity, have also resulted in a corresponding shift in the demand for state rather than private probation supervision. Over the 5-year period from FY2013 to FY2017, the proportion of state probationers has shifted from 76.1% (FY 2013) to 82.5% (FY2018).

Globally speaking, as Colorado's criminal justice system evolves, so has probation's population. Currently, probation is serving a population that, while not increasing in size, is increasing in complexity. Probationers are presenting with

more robust criminal histories, more complex risk/need profiles, more histories of community supervision failure, more acute mental health issues, and more behavioral or rehabilitation issues. The complexity of that population requires increased demand on the density and quality of staff services from the probation districts and offices throughout Colorado.

9. **Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.**

In spring 2019, the Department will begin piloting its new Pro Se E-Filing system in two court locations with the intent of implementing statewide. The Pro Se E-Filing system will allow the public to electronically file, on their own behalf, domestic cases. The Department plans to expand to other cases classes according to the readiness of the local courts. The Department also plans to integrate its Colorado Legal Help Center website with the Pro Se E-Filing system, also known as Colorado Court E-Filing (CCE). Additionally, the Department is strategizing on either developing or purchasing an online dispute resolution system for public use.

The Department is planning to implement its Online Probate Conservator's Reporting system, which is an application that allows Conservators to submit to the Court financial details of the estate(s) of which they are appointed to. The structure of the application follows the format of JDF Court Form 885. The system allows for prior report data to be transferred in to the next report in a case, and also allows for the amending of prior reports submitted. The calculations of account balances are automatic, which alleviates the need for the Protected Proceeding Monitors to cross-check math upon report submission. The application also allows for account transactions to be uploaded via CSV file to allow for bulk entry.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN  
RESPONSES ARE REQUIRED**

1. Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

*We have fully implemented all legislation.*

2. Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? PLEASE INDICATE WHERE IN THE DEPARTMENT'S BUDGET REQUEST ACTIONS TAKEN TOWARDS RESOLVING HIGH PRIORITY OUTSTANDING RECOMMENDATIONS CAN BE FOUND. <http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

*The OSPD does not have any outstanding audit recommendations.*

3. If the Department receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?
  - b. Does the Department have a contingency plan if federal funds are eliminated?
  - c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

*The OSPD does not receive any federal funds.*

4. Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

*The OSPD does not spend any money on public awareness campaigns.*

5. Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

*Over the past decade, our attrition rate has averaged approximately 11.5% but, of particular concern, the attrition rate for our attorneys has been quickly escalating, reaching 18% in FY*

*2017-18. As of the first quarter of the current year, we have lost 26 attorneys. If this trend continues, we expect to lose over 100 attorneys by the end of the year, pushing our attrition rate to 20% in FY 2018-19.*

*While we have seen many reasons why attorneys leave the OSPD, a consistent theme has been the opportunity for higher pay in other jobs, including government jobs. Over the last several years, funding for salary survey and merit pay has not been consistent and, as a result, OSPD attorney salaries have not kept up with the market. This in turn has contributed to our turnover issues.*

*The statewide compensation policies administered by the Department of Personnel can help, somewhat, with our agency's vacancy and turnover issues, but only if the funding provided is truly enough to keep the OSPD at what is deemed to be a market level.*

6. Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

*The OSPD does not promulgate rules.*

7. What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

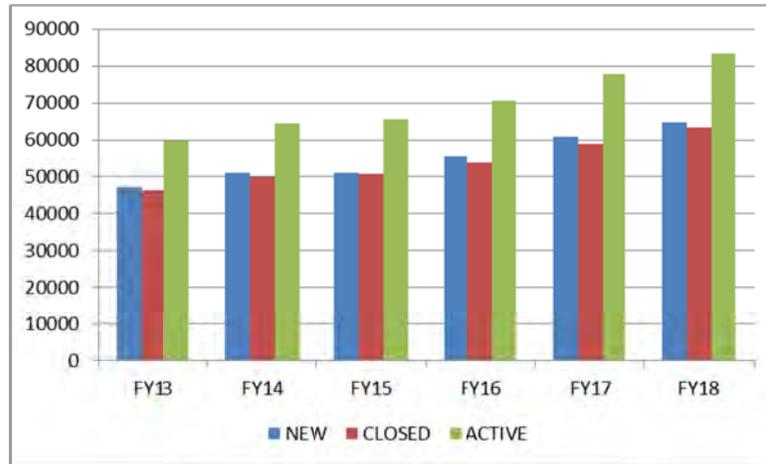
*As stated previously, our largest cost increases are tied directly to the surge in felony cases. An increase in felony cases requires more resources and thus additional FTE. Since we are a service-oriented agency with 85% of our appropriation devoted to personal services, any increase in FTE will have a direct impact on our budget.*

8. How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

*Over the past five years, the OSPD has seen its active felony cases increase from 59,891 cases in FY 2012-13 to 83,494 cases in FY 2017-18, nearly a 40% increase. The Judicial Department District Courts are also reporting significant increases and, over the same timeframe, have experienced an approximate 44% increases in felony filings.*

*Felony cases, primarily the trial and pre-trial cases, require the greatest attorney effort, time and dedication of resources. They cost the State the most money and increasingly draw OSPD resources away from misdemeanor and juvenile defendant cases. Felony cases make up approximately 45% of our cases yet require 65% of our trial FTE resources.*

## Felony Case Trends



9. Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

*The Office of the State Public Defender is currently working on a project to revamp its public website to be released this fiscal year. The focus of the project is to make information for the public easier to find and understand, in particular for those that need our services. The new website will also make information regarding our budget and our mission clearer in describing the extent and quality of services we provide to indigent Coloradans. We will also be looking at options for making the application process for a public defender available electronically; however, those forms are owned and maintained by the Judicial Department.*

Addendum: Other questions for which solely written responses are requested. Please retain the numbering in order to maintain consistent labeling for common questions across departments.

- 1 Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

**The OADC does not have any outstanding legislation to be implemented.**

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](#)

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

**The OADC has no outstanding recommendations identified in the Annual Report of Audit Recommendations.**

- 3 If the Department receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?
  - b. Does the Department have a contingency plan if federal funds are eliminated?
  - c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

**The OADC does not receive federal funds of any type.**

- 4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

**The OADC is not spending money on public awareness campaigns.**

- 5 Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

**The OADC has no FTE vacancies and no turnover for FY18.**

- 6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

**The OADC has not promulgated any new rules in the last two years.**

- 7 What are the major cost drivers impacting the Department?

**The major cost driver impacting the OADC is the increase in the number of cases upon which OADC attorneys are appointed.**

Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

**N/A**

How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

The Agency has experienced caseload increases each fiscal year since FY12 as demonstrated by the following chart:

	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actuals	FY11 to FY18 % change
Caseload	12,585	13,290	15,085	16,680	18,244	20,103	22,638	79.88%
Change from previous FY		5.60%	13.51%	10.57%	9.38%	10.19%	12.61%	

As the Agency’s caseload increases, so does its expenditures as most of the Agency’s appropriation goes toward paying contractors for working the cases.

	FY12 Actual	FY13 Actual	FY14 Actual	FY15* Actual	FY16 Actual	FY17 Actual	FY18 Actuals	FY11 to FY18 % change
Expenditures	\$ 22,187,179	\$ 22,660,445	\$ 25,453,717	\$ 29,694,094	\$ 31,551,612	\$ 32,935,253	\$ 35,387,940	59.50%
Change from previous FY		2.13%	12.33%	16.66%	6.26%	4.39%	7.45%	

*\*In FY15 there was an 8% rate increase for attorney contractors, a 14% increase for Investigators, and a 20% increase for paralegals, resulting in a disproportionate increase in expenditures for that year.*

Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

**This is not something that the agency can assess.**

- 8 Please provide an overview of the Department’s current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department’s interactions with the public.

**Currently, the Agency’s public-facing efforts mainly consist of limited access to an informational website. For the public, the website provides brief information about such topics as the process for obtaining counsel through the Agency, the process for becoming a contractor with the Agency, and occasional news items of interest, both about the Agency and about other resources in the community. A listing of links to outside organizations is maintained on the site and updated whenever additional resources are available. Public events, such as the Agency’s Commission meetings, are listed on the public site. In addition to the informational site hosted**

by the Agency, outside listing sites such as Google, Bing, etc., are monitored and updated so the public can contact the Agency.

The bulk of the content currently available on the informational website is geared toward the Agency's more than 750 contract attorneys, investigators, paralegals, legal researchers, case assistants, social workers, and forensic clinical advocates, as well as their administrative staff. The Agency is constantly seeking ways to reduce individual email and telephone inquiries by producing easily accessed and helpful information regarding processes within the Agency. This includes, in addition to the informational website, periodic blog updates, a weekly email regarding current opinions issued by the U.S. Supreme Court, the 10th Circuit Court of Appeals, the Colorado Supreme Court, the Colorado Court of Appeals, and any other statutes or opinions that would impact the performance of the Agency's contractors, an on-demand podcast of the weekly caselaw update email, and an email notification system for training opportunities. An expert database provides information to help match contractors and experts without consuming Agency staff resources, and an eLibrary of motions, briefs, case opinions, legal research, and juvenile/social science research is also maintained on the site. A quarterly newsletter was launched in 2018 to provide updates, staff biographies, reminders, training event notifications, etc.

The Agency wishes to expand public-facing communication and information in the following ways:

To provide information to the public regarding the Agency. Agency staff field inquiries about getting a lawyer (particularly from members of the public who do not qualify for court appointed counsel), how to reach their court appointed lawyer, how to give feedback about a contractor, and how to navigate the court system.

To expand the content available to the public. Some of the resources compiled and provided to the Agency's contractors would be extremely useful for the public as well. At this time there is insufficient staffing to ensure that all confidential information has been redacted and is presented in a way that would be useful and accessible to non-lawyers. Some of these resources might include portions of the eLibrary and the weekly case-law update and podcast.

To improve the "Links" section of the informational site to provide more complete and accurate information about organizations that help reduce recidivism, find housing, address substance abuse issues, etc., and improve access to the many resources and related organizations that exist in the community.

**To partner with other Judicial Departments, such as the Office of the State Public Defender (OSPD), the Office of the Child’s Representative (OCR), and the Office of Respondent Parent Counsel (ORPC), to coordinate messaging and resources to mutual constituencies and share information across channels.**

**To develop future programs, technologies, and content that provide value to the citizens of the State of Colorado.**

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

Response: Title 13, Section 91 of Colorado Revised Statutes requires the Office of the Child's Representative (OCR) to enhance the Court-Appointed Special Advocates (CASA) program. The OCR has historically transferred its CASA appropriation directly to Colorado CASA for allocation to local CASA programs, a transparent practice reflected in OCR's legislative reports, Joint Budget Committee documents, and a previous audit. While this practice has been understood by the OCR and relevant stakeholders to be consistent with the OCR's enabling legislation, the OCR's recent performance audit found that the practice was not in compliance with the enabling legislation. The OCR understands the issues identified by the audit and agrees with the recommendations. During the upcoming 2019 legislative session the OCR will seek statutory changes to address the issues and will also establish a process to allocate CASA funds to local CASA programs consistent with the OCR's statutory obligations.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](#)

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

Response:

The OCR does not have any high priority outstanding recommendations in the "Annual Report: Status of Outstanding Audit Recommendations" published by the Office of the State Auditor. The OCR's performance audit was presented to the Legislative Audit Committee on September 25, 2018. The OCR accepted and is in the process of implementing all recommendations identified in the audit.

- 3 If the Department receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?

**Response:** The OCR does not receive federal funds directly; rather, it receives reappropriated funds as available from the Department of Human Services and the State Court Administrator's Office. The OCR does not expect significant changes in funding from either source.

- b. Does the Department have a contingency plan if federal funds are eliminated?

**Response:** If any of these discretionary reappropriated federal funds are eliminated, the OCR would be forced to reduce its training activities. Reappropriated federal funds represented approximately 0.2% of the OCR's total expenditures in fiscal year 2018.

- c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

**Response:** The OCR is not aware of any federal sanctions or potential sanctions.

- 4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

**Response:** The OCR does not spend money on public awareness campaigns.

- 5 Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

**Response:** The OCR's vacancy rate in FY 2017-18 was 3.1%; its turnover rate was 26%. Turnover of attorney positions (3 positions during FY 2017-18) in the OCR's El Paso office is attributable to higher salaries offered by the El Paso County Attorney's Office.

- 6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

**Response:** The OCR does not promulgate any rules (i.e., regulations).

- 7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

Response: Contract attorney caseload and workload are the primary cost drivers impacting the OCR. Because the rates paid to contractors are already established, the general CPI is not a factor in the OCR's costs. Appropriations that may be influenced by the CPI represent less than one percent of the OCR's total appropriations. However, the increasing complexity in juvenile law may have an impact on the OCR's caseload and workload.

- 8 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

Response: The OCR projects an increase in both its Dependency and Neglect (D&N) and Juvenile Delinquency (JD) caseloads, building on a trend the OCR has experienced over the last several years (OCR attorneys are appointed in ALL D&N cases, while it is up to the judge's discretion to appoint OCR attorneys in JD cases). While it is difficult to quantify all the factors driving these increases, conversations with attorneys and judges point to an increased prevalence of D&N-like issues in JD cases and an increasing awareness of adequately addressing the needs presented in JD cases as a means of promoting long-term success and minimizing the potential for future court involvement. Additionally, while Appellate appointments represent a relatively small portion of the OCR's overall caseload, these filings increased significantly in FY 2018 due to the complexity and length of D&N cases. The OCR expects this increased caseload to continue in FY 2020.

- 9 Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

Response: The OCR's website provides useful information to and allows for feedback and records requests from the public. However, the website provides significant resources for attorneys, including a litigation toolkit to enhance best practices and efficiencies, a complete Guided Reference in Dependency (GRID), and centralized access to the OCR's policies. Furthermore, the OCR's web-based Colorado Attorney Reimbursement Electronic System (CARES) provides a case management/billing system for all attorneys with whom the OCR contracts. This system was recently redesigned, launching April 1, 2018 with enhanced functionality and reporting capabilities.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

**The Office of Respondent Parents' Counsel (ORPC) has implemented all legislation.**

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was

published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](#)

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

**The ORPC does not have any High Priority Outstanding Audit Recommendations.**

- 3 If the Department receives federal funds of any type, please respond to the following:
- a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?

**The ORPC does not expect any changes.**

- b. Does the Department have a contingency plan if federal funds are eliminated?

**The ORPC expects to receive two small subrecipient grants to implement training programs. If these federal funds are eliminated, the ORPC will schedule fewer trainings and/or scale back scheduled trainings.**

- c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

**The ORPC does not have and does not anticipate any federal sanctions.**

- 4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?
- The ORPC is not spending money on public awareness campaigns.**

- 5 Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

**In FY2017-18, the ORPC vacancy rate was 3%, which was the result of normal delays between the departure of existing employees and the hiring of new employees. In the first 5 months of FY2018-19, the ORPC vacancy rate was 8%, which is due to the same cause. The FY2018-19 rate is higher because we have held one position open for a longer than normal period because the highly qualified applicant we have offered the position is unavailable to start until January. The statewide compensation policies administered**

**by the Department of Personnel have a minimal impact in addressing vacancy or turnover issues of the ORPC.**

- 6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

**24-4-102 (3), C.R.S., excludes the Judicial Branch from the definition of Agency. As an independent agency within the Judicial Branch, the ORPC is not subject to the requirements of 24-4, C.R.S.**

- 7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

**The major cost drivers impacting the ORPC is the number of appointments and the cost per appointment.**

**The number of appointments is important because in a child welfare case, attorneys are appointed for each indigent respondent parent named by the county department of social services in a petition in dependency and neglect. In practice, this means there are cases where one RPC is appointed because only one indigent parent was named in the petition or, conversely, there are cases where five or six attorneys are appointed because multiple children with different parents are named as respondents to the petition. Measuring costs must take these cases with multiple appointments into account, and ORPC data measures are therefore appointment-driven instead of case-driven. In the first 4 months of FY2018-19, the number of appointments was 13.9% greater than in the same period of FY2017-18. This is significantly greater than the general CPI as reported in the September 2018 Economic & Revenue Forecast prepared by Colorado Legislative Council Staff, which forecasts that the 2018 Denver-Boulder-Greeley CPI-U inflation rate will be 3.2%.**

**In addition to the number of appointments, the cost per appointment is a major cost driver for the ORPC. The average cost per closed appointment increased by 9.7% in the first three months of FY2018-19 as compared to FY2017-18.**

- 8 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

As noted above, the number of appointments is the best measure of the “caseload” of the ORPC and has increased by 13.9% in the first four months of FY2018-19. It is unclear if specific population changes are affecting the increase.

- 9 Please provide an overview of the Department’s current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department’s interactions with the public.

Our strategy for the use of outward facing technology is to continue to make incremental improvements to our website (the only ORPC technology that is used by both the general public and our contractors), to our attorney application system, and to our attorney payment application (RPPS) based on changing agency needs and the feedback provided by users. In addition, we have identified a need for an online database of ORPC-approved experts.

The ORPC has a website (<https://www.coloradoorpc.org/>) which provides information and resources to parents, Respondent Parents’ Counsel, and others. The website provides complete, accurate and useful information about our agency, family resources, attorney resources (including a comprehensive motions bank), trainings, and events. The website provides current information about the agency to parents and the public, and provides a number of resources for our attorneys. In addition, the website provides a form for complaints and other feedback. We strive to make the website as comprehensive and user-friendly as possible and intend to continue to do so. The motions bank is the most used portion of our website and has new motions and practice resources added on a regular basis.

Completing a database of ORPC-approved experts and making it available online for our contractors will save staff time providing contact information to ORPC contract attorneys. Currently, ORPC staff must provide contact information for ORPC experts each time an attorney needs to talk to an expert about potential retention on a case. Making this information available will decrease attorney costs as well, as they can simply obtain the information they need, rather than calling or emailing the office. The expert list is in constant flux, as we add new experts, experts stop taking cases, have caseloads that fill or open up, or experience disciplinary issues in their respective professions. It is not feasible to convert our internal database to a printed resource on a daily basis.

The ORPC uses a database for contractor applications and annual verifications. ORPC plans upgrades to the database that will allow contractors to update vital information such as addresses and phone numbers themselves. This too will save staff time making these changes manually.

The ORPC also has an online payment system which all attorneys and those social workers in the Social Worker Pilot Program use to provide information about appointments and to submit payment requests. This allows ORPC to collect consistent information about cases, as well as to ensure payments comply with our billing policies.

**INDEPENDENT ETHICS COMMISSION**  
**JUDICIAL BRANCH**  
**FY 2019-20 JOINT BUDGET COMMITTEE HEARING**

**Tuesday, December 18, 2018**

**4:30 pm – 4:45 pm**

Main Presenters:

- April Jones, Chair, Independent Ethics Commission
- Matt Smith, Commissioner, Independent Ethics Commission

Supporting Presenters:

- Dino Ioannides, Executive Director, Independent Ethics Commission

**INTRODUCTIONS AND OPENING COMMENTS**

**QUESTIONS FOR THE INDEPENDENT ETHICS COMMISSION**

**None.**

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

**None.**

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](#)

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

None.

- 3 If the Department receives federal funds of any type, please respond to the following:
- Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?
  - Does the Department have a contingency plan if federal funds are eliminated?
  - Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

The Independent Ethics Commission receives no federal funding.

- 4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

Although the Independent Ethics Commission conducts outreach and training, these efforts are almost exclusively aimed at covered individuals within state or local government, not at members of the public, as such. Therefore, the Commission spends no money on public awareness campaigns of the type that are contemplated by this question (i.e., broadcast media).

- 5 Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

The Independent Ethics Commission has only one FTE and no vacancies. The attrition rate over the last two years has been zero. Because there is only one data point (one FTE) for the Commission, it is difficult to attribute a zero-attrition rate to any one factor. The statewide compensation policies of DPA do not appear to have any direct effect on the Commission's employee attrition rate.

- 6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

The Independent Ethics Commission promulgated one rule in the past two years. No cost-benefit analysis was required or completed. No cost-benefit analysis of the Commission's rules as a whole has been required or completed.

- 7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

There are two primary cost drivers for the Commission: personnel and legal expenses. The general CPI for all urban consumers rose 2.5% from October 2017 to October 2018. The Commission's expenditures during roughly that same period (comparing expenditures from FY 17 to expenditures from FY 18) rose 9.1%. Legal costs over that period rose 21.6%, representing the largest portion of the Commission's cost increases. However, this increase comes after several years of decreasing legal expenses.

- 8 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

Caseload is driven by two major Commission functions: complaints and opinion requests. The Commission's overall caseload can vary significantly from year to year, especially with respect to complaints. Complaints are also a large driver of legal expenses, particularly when the Commission's complaint decisions are appealed in the courts. Both complaints and opinion requests are largely driven by outside factors and, as such, caseloads are difficult to predict. Demographic changes and general population growth have little, if any, impact on the Commission's caseload.

- 9 Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

The Commission's outward facing technology needs are simple and its website continues to meet most of those needs. Some members of the public have expressed the desire that the Commission live-stream its meetings. The Commission has already addressed this issue in its budget request document, as follows:

Increase access to the Commission proceedings for covered individuals and citizens outside the Denver metro area. This remains an ongoing area of concern for the Commission, to ensure access to its proceedings to all those who may be interested. The IEC has experimented with video live-streaming and audio transmission of its meetings to the public and archiving the recordings. However, audio-visual transmission to promote public participation remains an ongoing challenge: professional production is cost-prohibitive; and one staff member is insufficient to assist with meetings while operating audio-visual equipment and preserving the Constitutional requirement to maintain as confidential select portions of the proceedings.

Additionally, the Commission has made appearance by telephone a possibility for complainants, respondents, witnesses, opinion requesters, attorneys, and other members of the public. Allowing telephone appearances has worked well and has provided meaningful options for participants.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 **Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.**

CDLE has met all statutory deadlines for implementation of legislation.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](#)

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The UI Modernization project supplanted the WyCAN project to replace CUBS and CATS. The modernization of the systems is being implemented in phases; the updates to the system that will address internal security issues and anomalous activity by staff will be designed and delivered in phases 2 and 3, both of which will be complete by March 31, 2020.

- 3 If the Department receives federal funds of any type, please respond to the following:
  - a. **Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?**  
The Unemployment Insurance Division received a 3% cut for FFY 2018-19.
  - b. **Does the Department have a contingency plan if federal funds are eliminated?**  
Each Division that receives federal funds has a plan a contingency plan to handle the cuts to their budget.
  - c. **Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.** The department is not aware of any sanctions.

- 4 **Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?**

The Department of Labor and Employment did not spend money on public awareness campaigns during the prior state fiscal year.

- 5 **Based on the Department’s most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?**

<b>Appropriated FTE Vacancy</b>	<b>FY 2017-18</b>
Executive Director's Office	5%
Division of Unemployment Insurance	0%*
Employment and Training Division	1%
Division of Labor Standards and Statistics	23%
Division of Oil and Public Safety	0%
Division of Workers' Compensation	10%
Division of Vocational Rehabilitation	2%

\*Federally funded positions created the lack of FTE vacancies.

- 6 **Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department’s rules as a whole? If so, please provide an overview of each analysis.**

For fiscal years 2016-17 and 2017-18, CDLE made formal changes to 27 existing rules within the divisions of Unemployment Insurance, Worker's Compensation, Oil and Public Safety, Labor Standards and Statistics and Vocational Rehabilitation.

Only two of these rule changes (UI division) required cost-benefit analysis. In each case, this analysis, which included broad stakeholder input from both employers and employees, concluded that the changes would not result in added costs to businesses in compliance with existing unemployment insurance statutes, nor would they add costs to the UI Division.

It's also worth noting that, although there is no formal requirement for cost-benefit analysis for the other rulemaking changes listed here, nonetheless, each rulemaking division at

CDLE adheres to a policy of broad based stakeholder outreach and consultation prior to formal rulemaking--during this stakeholder process, all aspects of potential rule impacts, including costs and benefits to the economy generally, and to specific sectors as well, are taken into consideration. As a result, by the time the vast majority of CDLE rule making hearings take place, consensus has already been achieved.

**7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.**

The Department’s costs have remained relatively flat over the past three years; however, the largest increases have been seen in the areas of the School to Work Alliance Program, Payments to OIT, and in postage. For the School to Work Alliance Program, increases are due to the targeting of expenditures to students with a disability as a result of federal legislative changes that occurred with the Workforce Innovation and Opportunity Act (WIOA). WIOA mandated a new requirement that 15 percent of the Vocational Rehabilitation State Grant (“termed Basic Support” in Colorado) be spent on students with a disability.

For the Payments to OIT appropriation, the growth of appropriations is shown below.

Fiscal Year	FY 2020	FY 2019	FY 2017 HB 16-1405
Appropriation	\$16,634,901	\$12,287,049	\$11,981,089
Growth from SFY 2017	39%	3%	

Using the Bureau of Labor Statistics “Consumer Price Index: Information Technology, Hardware and Services” for the United States, the rate of technology, from June 2016-June 2018, the growth over the CPI growth formula was approximately \$800,000 higher than the rate of inflation from the same time period (-4.1%). The growth from FY 2020 was \$5.1 million over inflation.

The Postal Act of 2006 caps postage price increases at CPI-U and postage increases are in direct proportion to rate increases.

**8 How is the Department’s caseload changing and how does it impact the Department’s budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?**

The open caseload grew from 7,943 at the close of SFY15 to 8,210 in SFY18. A growing proportion of this caseload was from youth services (as a result of WIOA) and a shift in the disability prevalence from physical to mental impairments.

- 9 **Please provide an overview of the Department’s current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department’s interactions with the public.**

The Department of Labor and Employment’s strategy is to review, manage and optimize our technology investments so that they yield the highest benefit to the CDLE Users, and citizens of the State of Colorado. Our approach is to optimize service through technology solutions that are affordable, sustainable, adaptable, accessible, secure and productive. We believe in promoting deeper insights and better conclusions through the value of shared data. Through technology, we enable exceptional customer service via self-service where appropriate, accountability of systems and people, engagement of staff and stakeholders, and continuous process improvement.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

**Response:** The Department of Law is not aware of any compliance issues with legislation or other statutory requirements.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the

Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](#)

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

**Response:** The Department of Law does not have any outstanding audit recommendations.

- 3 If the Department receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?
  - b. Does the Department have a contingency plan if federal funds are eliminated?
  - c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

**Response:** The DOL receives one federal grant to support 75% of the Medicaid Fraud Control Unit. The DOL is not aware of any current sanctions or future sanctions that would impact this award.

- 4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

**Response:** The DOL Consumer Protection is regularly identifying and prosecuting unscrupulous business practices and educating communities on topics such as common scams and identity theft.

To bolster these efforts, the DOL launched the second annual Colorado Consumer Protection Month. This initiative focuses on raising awareness and providing education about consumer fraud issues including common scams, financial abuses, and fraud affecting Coloradans across the state with a fiscal impact of \$211.90. The Colorado Attorney General's Office partnered with law enforcement, regulatory entities, and non-profit programs statewide to help Coloradans learn how to identify, prevent, and report fraudulent activity.

Additionally, the DOL is conducting a statewide campaign to further enhance fraud protection awareness throughout Colorado. The campaign includes the development of creative content along with leveraging various statewide outreach activities that include out-of-home announcements (billboards, bus station placards, etc.) along with robust digital activities (digital banners, video shorts, etc.) with total FY19 allocations of \$562.729.27. While the campaign is

scheduled to conclude with FY19, the first quarterly results from July 31, 2018 – October 31, 2018 successfully reflect a wide range of reach, having received 13,060,821 impressions and 979,177 completed video views from the campaign thus far.

Through the Office of Community Engagement, DOL is a co-funder of the [Stand Up Colorado Campaign](#) that raises awareness about ending relationship violence. Rather than focusing messaging on what victims can do, the campaign is targeted at the perpetrators with the message that “Relationship violence is not OK. It is OK to ask for help. Stand up Colorado is a statewide, collaborative, multi-year project that goes beyond raising awareness to alter behaviors and affect long-term social change. The contractor is the Colorado Coalition against Domestic Violence, now known as Violence Free Colorado.

In addition paid and earned media on television, the campaign has a heavy focus on social media messaging and posting of content on busses and billboards. A series of PSA were co-produced with the mascots of the local Colorado sports teams and that PSA and others were run on the Altitude Sports’ Channel/Program. The campaign also has 19 local community organization partners in thirteen communities across the state that assist in promoting the campaign. There is a hotline for a person who wants help to seek help and some of the organizational partners offer services for individuals seeking.

The FY19 allocation from DOL was \$101,128 for a six-month period of July 1, 2018 through December 31, 2018. Other funders of the campaign include: The Denver Foundation, Verizon, Quick Foundation, TJX Companies, and Denver VALE. No other state departments are contributing funds to this campaign.

- 5 Based on the Department’s most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

**Response:** The Department of Law’s total vacancy rate was 3.4% for FY 18. The vacancy rate is a calculation of total hours paid by position divided by the total annual hours for each position. The FTE count is then subtracted against the total appropriated FTE in each line item. The vacancy rate is also reflective of the time it takes to fill positions. In some instances, the DOL did not staff up to appropriated FTE in a particular line item.

Line Item	FY 18 FTE Vacancy Rate	Total Vacant FTE
Administration	14.7%	(6.8)
Office of Community Engagement	5.7%	(0.4)
Legal Services to State Agencies	-3.2%	7.9
Special Prosecution	10.8%	(4.4)
Appellate Unit	3.9%	(1.5)
Medicaid Fraud Control Unit	8.8%	(1.5)
POST	16.7%	(2.0)
Auto Theft Prevention Grant	15.0%	(0.3)
Federal and Interstate Water Unit	14.5%	(0.8)
CERCLA	37.1%	(1.3)
Consumer Protection and Antitrust	7.8%	(2.6)
Consumer Credit Unit	11.5%	(2.3)
CORA and OML Attorney	30.0%	(0.3)
Department of Law Total	3.4%	(16.3)

Additionally, the DOL's turnover rate averaged 19% for FY18. This is up from 15% for both FY 17 and FY 16. The turnover remains highest in critical positions such as AAG's (line attorneys), Criminal Investigators, and administrative support. While the turnover rate reflects some of the typical reasons such as retirements and opportunities at private law firms (for attorneys and paralegals), the DOL has experienced turnover attributed to higher salaries being offered for both public and private sector jobs opportunities. Further, the DOL is experiencing its most difficulty in recent history with recruiting and hiring new employees in these critical areas. Generally, the number of interested candidates applying for positions is down over past years and often when a recruitment is completed, candidates report that the salary offered would require them to take a cut in pay for similar work.

- 6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

**Response:** C.R.S. §24-4-103(2.5)(a), specifies the process whereby any person may request that DORA require any agency proposing a rule to conduct a cost-benefit analysis. Additionally, C.R.S. §24-4-103(4.5)(a), allows any person to request that a state agency conduct a regulatory analysis of proposed rule changes. Each of these analyses have specified statutory requirements.

The DOL has neither been requested to conduct a cost benefit or a regulatory analysis by the Department of Regulatory Agencies (DORA) nor by any member of the public.

During CY 18, the Peace Officers Standards and Training Board modified various aspects of nine rules. During CY 17, this board modified 10 rules.

- 7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

**Response:** The DOL is not a major goods buyer; as such, changes due to inflation and the CPI are not major factors contributing to costs increases for the department.

The primary cost drivers for the DOL are salaries and associated state paid benefits and the costs associated with expert witnesses hired to support specific litigation efforts. The DOL is in constant competition with the private sector and other public sector attorney organizations. The DOL is making a Salary Survey and Merit Pay budget request, to help maintain the salary competitiveness. Based on our most recent Attorney Compensation Survey, the DOL is requesting the below salary changes by attorney classification.

	Recommended Total Pay Adjustment	Suggested Salary Survey	Suggested Merit
Deputies	14.70%	12.5%	2.00%
Firsts	16.30%	14.0%	2.00%
Seniors	15.40%	13.1%	2.00%
AAGS	8.00%	5.9%	2.00%

The DOL pays for all litigation costs on behalf of the client agencies. These costs are one of the factors associated with the Legal Allocations to each state agency. In some instances, the DOL must hire expert witnesses such as medical professionals, scientists or other specialized disciplines to help best support the state’s interests. The hourly rates charged by these disciplines are factored into the monthly spending projections to help ensure the DOL is most effectively meeting its obligations within spending authorities provided by the General Assembly.

- 8 How is the Department’s caseload changing and how does it impact the Department’s budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

**Response:** Based on the 3-year average allocation for the client agencies, the DOL estimated the FY 2017-18 hours at 376,987. The actual FY 18 hours worked on behalf of the client agencies

was 392,152. The FY 19 calculated hours is 380,243. The DOL opened 4,443 new legal matters in FY 17 and 4,830 new legal matters in FY 18.

Some specific areas of growth include:

The Motor Vehicle Unit anticipates that it will continue see more appeals from administrative license revocations resulting from DUIs as a result of population growth and continued enforcement priorities for DUIs. Our office also assists the DAs with the DUI appeals and they are experiencing the same trend.

The Tax Unit's caseload has evolved from primarily litigation matters (administrative and district court matters) to growing general counsel work involving regulations, taxpayer guidance, and overall legal guidance to the department.

The Marijuana, Liquor and Bankruptcy Unit has also experienced an increased need for general counsel work involving regulations, assistance with the Department of Revenue's legislative agenda, process improvements, and legal guidance. The marijuana cases have become more complex as permitted ownership structures, particularly those allowing out-of-state owners and investors, have expanded. This trend is likely to escalate with anticipated 2019 legislation permitting publicly traded companies to enter the market. Since recreational marijuana was legalized in 2014, the Department of Revenue has been committed to auditing every single marijuana business. Given the relative immaturity of the marijuana industry, we also anticipate an uptick in marijuana tax cases from the Department of Revenue over the coming years.

The Public Utilities Commission Litigation Unit cases will continue to grow in complexity due to consistent attempts by utilities to use a future test year (using forecasted numbers) on which it bases its requests for rate increases (as opposed to using an historical year based on actual numbers) and also its requests for the rates to be approved over a longer period of time. In addition, its rate case filings include the written testimony of a growing number of expert witnesses whose positions must be analyzed. Further, we anticipate a growing number of cases involving the increasing consideration of renewable energy resources and vigorous representation by groups advocating for the use of those resources.

The Medical Boarded board went from 61 to 57 to 46 cases over the FY 16, 17 and 18 time Periods. However, the decrease in cases has not resulted in a decrease in legal support. There are several reasons for this: (1) more complex and novel cases are being litigated (for example, there are a number of marijuana certification cases that are requiring novel analysis by the appellate courts), and (2) the consequences for physicians accepting any discipline (even a "letter of admonition") can be catastrophic to a physician's practice (impact on preferred provider status by insurance providers, malpractice rates, etc.) – so many of these cases prove harder to settle.

The Natural Resources and Environment Section has witnessed an increase in enforcement proceedings, rulemakings, administrative appeals, and judicial review litigation. Stakeholders are engaging more often through these judicial and administrative forums. In addition, the increase in Colorado's population and the continued drought have caused some of our client agencies to engage in additional rulemaking, permitting and enforcement activities. This results in increased attorney workloads.

- 9 Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

**Response:** The DOL website strategy is to provide the public department communications; constituent outreach; consumer fraud reporting; and provide an anonymous way to report school safety concerns. The DOL manages four websites and sponsors one web application to meet these ends. Three of the four current sites are presented on the Drupal 7 platform and hosted in the DOL data center. All four sites were evaluated in FY 2018 for the opportunity to migrate to the SIPA Pacific Platform (Drupal 7). One site was recently migrated to Pacific and hosted by Colorado Interactive; the other three sites were not selected for migration due to Pacific Platform constraints. Future strategy includes identifying additional web application outreach, communication and reporting opportunities and strengthening current community engagement activities by developing an Office of Community Engagement website focused on fostering partnerships across the state to inform the public; engage communities to address social issues; and inspire action to avoid fraud, crime and abuse.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED**

- 1 Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

At this time, there is no legislation that the Department has not implemented or only partially implemented. However, the Department has faced challenges in launching the Gray and Black Market Marijuana Enforcement Grant Program ('Gray & Black') using the reimbursement model ('backward-facing') stipulated in H.B. 17-1221. The first two application cycles in FY 2017-18 only resulted in total disbursements of \$708,397 out of the first-year appropriation for Gray and Black grants of \$5,836,222. Law enforcement agencies and district attorneys indicated that it was too burdensome to collect expense detail for relevant investigations from funds already expended. Beginning in FY 2018-19, the Department has elected to restructure this program by utilizing an advance payments model ('forward-facing') and is further discussed in question 16 on page 15 of the Department's formal hearing responses. At the current time, this proposal is still pending final approval by the Office of the State Controller since a fiscal rule waiver is required.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

Based on the SAO's follow-up audit process and information reported by the Department as of June 30, 2018, there are no outstanding audit recommendations. In the SAO's 2017 Annual Report: Status of Outstanding Audit Recommendations, the Department also had no outstanding audit recommendations. From July 1, 2012, through June 30, 2017, the Department agreed or partially agreed to implement 20 audit recommendations. Two of these were from financial audits and 18 were from performance audits.

- 3 If the Department receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?

The Department has not been informed of any significant changes to funding for federal programs from which it receives money.

- b. Does the Department have a contingency plan if federal funds are eliminated?

Since the Department is not aware of any funding reductions to federal programs from which it receives money, no contingency plans have been developed. We continue to closely monitor discussions and proposals at the Federal level, along with partner

communities and agencies, for further developments.

- c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

The Department is not aware of any current or pending sanctions for state activities related to its federal funding.

- 4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

The Department did not spend any of its funding on public awareness campaigns in FY 2017-18 and does not plan to do so in FY 2018-19.

- 5 Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

Information on FTE vacancies in FY 2017-18 for both the Department and each division is provided in the Schedules 3 and 14 included as part of the Department's FY 2019-20 budget submission. A summary of the division vacancies is provided below. This data was compiled as of June 30 at the close of FY 2017-18.

Division	FY 2017-18 Approp.	FY 2017-18 Actual	Vacancy Rate
Executive Director's Office	14.2 FTE	11.7 FTE	17.6%
Division of Property Taxation	37.2 FTE	34.3 FTE	7.8%
Board of Assessment Appeals	13.2 FTE	7.4 FTE	43.9%
Division of Housing	55.8 FTE	54.0 FTE	3.2%
Division of Local Government	58.8 FTE	56.3 FTE	4.3%

The vacancy rate for the Board of Assessment Appeals is misleading since appropriated FTE includes eight board members. These critical staff typically work 30-40 hours per month and pursuant to Section 24-50-603 (7), C.R.S., are provided full benefits for their service. To ensure that full salary benefits ('POTS') are provided to the Department, each of these staff must be appropriated at the level of 1.0 FTE. If the board members are excluded from both appropriated and actual FTE, then the vacancy rate for the Board of Assessment Appeals in FY 2016-17 drops nearly to zero.

The Department's FY 2017-18 employee turnover rate will be provided by the Department of Personnel and Administration in one of their hearing responses at a later date. Reasons for leaving the Department's employment are self-reported by separating employees and are often not provided. Reasons that have been provided include early retirement, accepting a job outside the State system, and personal reasons.

- 6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department’s rules as a whole? If so, please provide an overview of each analysis.

The Department has not promulgated any new rules within the past two fiscal years. In the past year, the Division of Housing has revised certain rules related to the Manufactured Buildings Program. The Department reviews all of its rules on an ongoing basis and has a place on its website for the public to submit comments on current rules. The Department has not conducted a cost-benefit analysis of the rules that apply to its various programs.

- 7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general Consumer Price Index (CPI)? Please describe any specific cost escalations.

The Department only has a couple of state-funded programs that are driven by caseload. The largest of these are rental assistance programs. Between FY 2014-15 and FY 2017-18, the ‘per person’ cost of rental vouchers provided by state housing programs administered by the Division of Housing has exceeded the Denver-Boulder-Greeley CPI. This has been driven primarily by increasing rents in the Denver metro area. The following table summarizes this disparity over that time.

Fiscal Year	Cost of Voucher	Annual Increase	CPI-U	Annual Increase
2014-15	\$7,205	n/a	238.6	n/a
2015-16	\$7,452	3.4%	243.3	2.2%
2016-17	\$8,184	8.9%	250.8	2.9%
2017-18	\$9,024	9.3%	255.0	3.4%

The Department is also seeing impacts related to the rising cost of construction. The Federal Reserve Bank of St. Louis collects and publishes data on a variety of economic indicators including the price index for both construction materials and labor. The measures provided are calculated at a national level because they are not available at the state, regional, or local level. The national CPI-U increased by 1.0% in FY 2015-16, 1.7% in FY 2016-17, and 2.9% in FY 2017-18, while the Construction Cost Index increased by 0.7%, 3.4%, and 7.4%, respectively.

The Construction Cost Index combines the Producer Price Index for Construction Materials and the Employment Cost Index for Construction at a 4:1 ratio. This combination method is derived from the Division of Housing’s administrative data on development costs, which shows that costs for materials constitute 76% of construction costs while labor constitutes 24%. The Department is currently reviewing its historic development data and collecting other local data to better understand how construction materials and labor costs are increasing locally. Increasing construction costs decreases the number of affordable housing units that the Department can fund with State funds.

- 8 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

The Colorado Choice Transitions (CCT) voucher program continues to see increasing demand from its service population. The Department of Health Care Policy and Financing (HCPF) received approval during the FY 2018-19 budget request cycle to fund additional referral coordination resources beginning on July 1, 2018, for the purpose of transitioning qualified clients from state institutions into affordable housing. In just a few months, this initiative has quickly proven very successful and means the Division of Housing doesn't have enough funding to meet the demand for this transition population. These increased referral levels are the primary basis for the Department's highest priority change request for FY 2019-20. Additionally, the Department anticipates submitting a January supplemental to address a projected overexpenditure in the CCT program by the end of FY 2018-19 that is also the result of a higher number of referrals.

- 9 Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

The Department has utilized new and advanced technology to increase our ability to serve our customers more efficiently. In order to process our Colorado Open Records Act (CORA) documents more effectively and track all submissions and responses, the Communications team created an online submission web-form on the department's public-facing website that allows these requests to be directed to the Chief Administrative Officer without having to release a direct email address and also prevents errors in typing and selecting the appropriate source for submission. The Department is also serving as the State's pilot agency using electronic signatures on all grants and contracts issued from the Department to grantee or contract recipients. This process will save three weeks in processing time on all grants and contracts, as well as many loans, issued by the Department and has been recognized as a 3E (Effective, Efficient, Elegant) project by the Governor's Office on Lean initiatives for cutting waste and saving time.

The Division of Housing (DOH) has launched a new online portal that allows for the acceptance of online payments and has reduced the time for processing payments. DOH has also created an online interactive tool which features housing affordability data that looks at the following categories: rental gaps, affordability by household, cost burden mapping, housing burden by county, ownership supply and demand, rent distribution, and AMI income by rent levels. The interactive tool is managed by both the Communications team and DOH to ensure data is timely and is updated through a system called Tableau.

Over the summer, the Division of Property Taxation (DPT) launched a new Assessor's online reference library on DOLA's website. The video library allows for county assessors to access a basic overview of assessment statistics and State Board of Equalization requirements, time trending techniques and exposure to the performance evaluation process, all of which enhance their knowledge base in their field. DPT will work in conjunction with the Communications team to add more courses each year.

The Division of Local Government (DLG) has launched a new portal for grant applications on the Department's external website, which has simplified their grant-making process and is also recognized as a 3E project by the Governor's Office. The portal is intuitive and leads filing entities through the grant application, as well as notifies them of successful applications that result in awards. The portal also leads applicants through various contracting and reporting requirements. Several of DLG's programs are now utilizing the online portal for grant applications including: Energy/Mineral Impact Assistance Funds (EIAF), Community Development Block Grants, Limited Gaming Impact, Gray and Black Market Marijuana Enforcement, Peace Officers Mental Health Support, and the Defense Counsel First Appearance Program (H.B. 18-1353).

The Department has implemented a social media strategy that includes methodologies to increase public engagement and awareness. The Department has also added social media applications to its Communications Plan and incorporated HootSuite as a tool so messaging is consistent across all social media applications including LinkedIn, Facebook, and Twitter. Our Twitter application feeds directly to our external website calendar on the homepage and allows for customers to see what is going on within the department. Information is also shared daily with the public regarding external events such as housing groundbreakings; upcoming legislative changes that impact the public; grant awards; press releases; program launches; and other public meetings.

- 10 What is the Department's process for engaging in (or disputing) federal land, environmental, jurisdictional, and/or water policy issues? How do you coordinate with other departments, the Governor's Office, local governments, and/or citizens?

**Federal Lands:** The Department's Division of Local Government (DLG) offers grants for planning analysis, public engagement, coordination and collaboration with federal agencies and stakeholders. Technical assistance is offered for entering into cooperating agency relationships or memorandums of understanding with federal agencies, sharing information and expertise with federal land managers, developing local land use or related plans with the meaning, hiring consultants to perform analyses of local government interest, implementing similar methods to improve coordination, cooperation and collaboration.

**Environmental/Water Policy Issues:** DLG is a partner in many programs that affect the environment and plays an active role in several key environmental programs. As a result of disaster recovery from the 2013 floods, the Department is the lead on several planning and infrastructure projects through watershed coalitions and serves as a partner with the Department of Natural Resources. As community planning experts, the Department assists local governments in rural Colorado in their efforts to address natural hazards in planning. The Department provides grants to major statewide infrastructure projects in rural Colorado including water and wastewater service systems and serves as the credit evaluator for communities seeking funds through the State's Revolving Loan Fund for water and wastewater service systems.

**Coordination with Local Governments:** DLG provides strategic expertise, advocacy and funding to all forms of local government in Colorado including special districts, municipalities, counties and councils of governments. Sections within the Division include

the Local Government Services including the largest clearing house on local government budgeting and finance; the Community Development Office experts in community and land use planning often the first consulted by rural Colorado on community land use; the State's Demography Office who is the primary state agency for all of Colorado's population and demographic information; the Field Team which includes eight Regional Managers whose backgrounds as leaders in local government management offer capacity and strategic planning primarily to rural Colorado; and finally Financial Assistance through 13 different state and federal funding programs offering grants, loans and formulaic distributions to Colorado's communities. This Division is one of the first stops on any new legislation drafted to provide input on impacts to Colorado's local governments.

#### **Coordination with Other Departments and the Governor's Office**

- **Rural, Response, Recovery, and Resilience (4R):** This program primarily focuses on economically stabilizing rural Colorado coal country. Staff has been hired to ensure, across all state departments, resources are brought to communities. Coordinated efforts are intended to reduce the draw on often small community operating capacity to gain access to resources the state offers.

- **Colorado Resiliency Office (CRO):** Once under the Governor's Office, the CRO has been integrated into DLG to oversee Colorado's portfolio of resiliency efforts and thread together the network of agencies and resources to streamline actions and investments, advocate for resources, solve complex policy challenges, and support local, state and federal efforts to address communities vulnerable to shocks and stresses. This function was codified in statute with the adoption of H.B. 18-1394. The Department's FY 2019-20 budget submission includes a change request (R-02) to provide permanent state funds for the CRO.

- **Broadband:** As a member of the Broadband Deployment board and a funder of broadband efforts in Colorado's rural communities, the Division promotes inter-jurisdictional communication, supports better access to service, and provides planning and middle-mile infrastructure grants. The Division also supported the Governor's Office in its efforts to educate local governments on cybersecurity concerns.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

*Not applicable.*

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018)  
<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

*The Department(DMVA) does not have any outstanding recommendations.*

- 3 If the Department receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?  
*No we are not expecting any changes.*
  - b. Does the Department have a contingency plan if federal funds are eliminated?  
*The Department's funding is related to the National Guard and as a key component of National Security, funding elimination is highly unlikely/politically untenable.*
  - c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

*Not applicable.*

- 4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

*Not applicable.*

- 5 Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

*Last year our turnover rate was 15.4%*

- 6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

*The Department does not promulgate rules.*

- 7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

*A majority of cost increases impacting the Department are related to personnel related costs (both in terms of competitive salaries and HLD). Additionally there is a felt impact due to the cost of construction in Colorado.*

- 8 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

*Not applicable.*

- 9 Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

*The Department has purchased services to streamline grant outreach (i.e. WebX video conferencing for online grant application classes) and support our tuition assistance program (i.e. web-based application and student management solution). Since a majority of our daily customer interactions involve personally identifiable information (such as archived military records) there is no specific initiative to digitize/automate these interactions due to the inherent vulnerabilities of those systems and the high cost of digitizing legacy paper files.*

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 *Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.*

**Response:** The Department is aware of one piece of legislation from the 2018 session—the Future Generations Act (S.B. 18-143)—which is still in the process of being fully implemented. The Future Generations Act is very important to the future of Colorado Parks and Wildlife. The Colorado Parks and Wildlife Commission (Commission) and Colorado Parks and Wildlife (CPW) staff have made significant progress toward full implementation of the Act. The majority of the provisions in these bills have been addressed in agency regulations and approved by the Commission, with the most substantial changes taking effect on January 1, 2019.

The Future Generations Act gives the Commission some new authorities, including developing new license combinations, low-income licenses, and young adult hunting licenses, although these provisions are technically discretionary, not mandatory, per the legislation. The Commission has not acted on these as of January 14, 2019, but intends to consider them in the near future. CPW staff are also currently working on the reporting requirements outlined in the Future Generations Act. The first report on the bill's implementation is due to the General Assembly November 1, 2019.

CPW is not experiencing any problems implementing the remaining provisions of the Future Generations Act, and has no suggestions to modify legislation.

- 2 *Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.*

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

**Response:** There are no high priority outstanding audit recommendations for the Department of Natural Resources.

- 3 *If the Department receives federal funds of any type, please respond to the following:*
  - a. *Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20*

- federal budget? If yes, in which programs, and what is the match requirement for each program?*
- b. Does the Department have a contingency plan if federal funds are eliminated?*
  - c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.*

**Response: (a)** While a number of divisions in the Department of Natural Resources receive federal grant funds from various sources, only one—the Division of Reclamation, Mining, and Safety (DRMS)—anticipates any changes to operations if/when a new federal budget is adopted. DRMS anticipates a significant reduction to funds allocated to the Bureau of Land Management (BLM) used for partner projects related to abandoned mine land (AML) issues. This funding cut will indirectly affect the Inactive Mines Reclamation Program (IMRP) as it often partners and cost shares with the BLM on AML projects in order to accomplish more work. The IMRP may be required to contribute more for AML partnership projects with BLM, or may no longer be able work on AML projects when funding is insufficient on the BLM side.

Additionally, funding for the Clean Water Act 319 Program in the U.S. Environmental Protection Agency may also be significantly reduced. This program provides funding to address non-point source AML water quality-related issues. The IMRP, in partnership with the Colorado Department of Public Health and Environment or local non-profits, designs and manages non-point source AML projects utilizing Clean Water Act Section 319 funds. A reduction in this funding may reduce the number/scope of AML non-point source projects on which IMRP partners.

**(b)** As mentioned above, DRMS would limit its activity in the IMRP Program in accordance with available partner funding. For other divisions that receive federal funding, no imminent changes or reductions are expected, but contingency plans vary.

- The *Oil and Gas Conservation Commission* receives a federal grant for the Underground Injection Control Program, but it represents such a small proportion of the agency's total budget that OGCC would attempt to use vacancy savings to make up any shortfall.
- *Colorado Parks and Wildlife* receives federal funds from a variety of sources, but the two most important are the Pittman-Robertson Act (an excise tax on the sale of firearms and ammunition) and the Dingell-Johnson Act (sales tax on the sale of sport fishing equipment and other aquatic recreation equipment). These funding sources support a variety of CPW programs and activities. If these funds were eliminated or significantly reduced, CPW would have to make strategic reductions to wildlife-related activities throughout the division. However, these funds are allocated to the states based on a statutory formula and are not discretionary, which makes any reductions unlikely. Additionally, elimination would involve require federal legislation repealing the acts and current federal activity is seeking to bolster them instead.

- The *Colorado Water Conservation Board* receives funding from the Federal Emergency Management Agency (FEMA) to support 2.0 FTE in the division along with pass-through grant funds from the federal government for Map Modernization and the Community Assistance Programs. The CWCB does not expect any changes in federal funding but, in the event the funds are reduced or eliminated, it would prioritize projects and complete those that may have remaining funds available.

(c) DNR is not subject to any current or pending federal sanctions.

- 4 *Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?*

**Response:** The Department conducts public awareness work to advance certain priorities. This is detailed by division below.

***Division of Reclamation, Mining, and Safety***

DRMS’s website provides valuable information to the mining industry, as well as the general public, and also for mine employees regarding safety/health and mine training. Additionally, the website “Reclamation Colorado” demonstrates successes in mine site reclamation and includes historic and current information on mining in the state. The effectiveness of both websites is measured by the thousands of hits received annually and the number or types of questions that are submitted through the “contact us” link. The cost to maintain DRMS’s website is wrapped up in staff salaries and OIT Common Policy charges. The “Reclamation Colorado” website expense is \$1,540 per year.

The Inactive Mines Reclamation Program supports the “Stay Out, Stay Alive” campaign to warn the public to avoid abandoned mines through hand-outs for career fairs and school events and works with the Bureau of Land Management on their “Fix a Shaft Today” program. Relatively low rates of accidents that occur in abandoned mines are a measure of campaign effectiveness. The program spends less than \$1,000 per year to update and produce hand-outs.

The Colorado Reader is periodically distributed to 4th graders across the state and features mining related topics, as well as other natural resources areas. This publication is well received by teachers for that grade level. The content for the Colorado Reader rotates between different natural resources topic areas and the associated state agency. Responsibility for content and production expenses rotates between agencies every couple of years. In FY 2016-17, DRMS spent \$12,000 to produce the mining related edition; a FY 2017-18 issue was not produced.

Outreach related to mine safety and rescue trainings conducted by the division is provided through participation in trade association committees, booth exhibits at conferences, and by

referrals to new participants from previously trained miners. No materials are produced nor are there any other specific expenses associated with these points of contact.

### ***State Land Board***

The State Land Board has worked with Rocky Mountain PBS (RMPBS) to air 15 and 30 second branding commercials during children/family programs and science programs. The goal of this campaign is to increase awareness among lessees and potential lessees, trust beneficiaries, and the public at large about the impact the State Land Board's work has on Colorado's schoolchildren. The State Land Board will spend \$7,775 in FY 2018-19 with RMPBS for paid media. The State Land Board does not receive tax funds and pays for media from operating revenue. The Land Board has created and maintains a media relations plan for earned media. Staff facilitates earned media in-house at no expense.

The State Land Board measures the effectiveness of the campaign using RMPBS viewership analytics and other digital communication analytics.

The State Land Board is not working with federal or other state departments but does work with other sister agencies within the Department of Natural Resources, such as Colorado Parks & Wildlife and the Executive Director's Office, for marketing campaign opportunities.

### ***Colorado Parks and Wildlife***

Colorado Parks and Wildlife's Creative Services and Marketing Section conducts the agency's general public awareness activities. CPW's marketing strategies are currently focused on two primary areas: 1) Reminding hunters and anglers to apply and buy their licenses, and 2) encouraging people to visit and recreate at Colorado state parks. For FY 2018-19, the operating budget for wildlife (hunting and fishing) direct promotion is about \$93,000. The FY 2018-19 operating budget for state park-related direct promotion is approximately \$197,000. Please note that these amounts do not include permanent personal services (i.e. FTE) costs. CPW utilizes print ads, broadcast, radio sponsorship, email and social media to reach outdoor recreationists.

CPW also participates in a public awareness campaign via the Colorado Wildlife Council. The Council was designed by a coalition of hunters, anglers and conservationists and created in state law in 1998. The Council's enabling statute (Section 33-4-120, C.R.S.) requires a "comprehensive media-based public information program to educate the general public about the benefits of wildlife, wildlife management, and wildlife-related recreational opportunities in Colorado, specifically hunting and fishing."

Since 2012, the Council has focused its efforts on the Hug a Hunter campaign. This campaign focuses on the benefits of hunting and fishing for our state, with a target audience of the general population of Colorado. The campaign raises awareness around the role hunters and anglers play in Colorado's conservation efforts, including the scientific management of wildlife

and wildlife habitats. The Council employs a contractor to implement a media campaign that uses television, radio, online and print strategies and that may use other media such as social networks or phone applications. The contractor also provides industry-tested, scientifically valid measured results illustrating the effects of the education program's message penetration.

The program is funded by a surcharge on each hunting and fishing license sold. The surcharge currently generates about \$900,000 annually. However, the cost of advertising, especially broadcast media, has increased by more than 140 percent in the last eight years, which has begun to impact the Council's ability to promote its message. In light of this, in Fall 2018 Parks and Wildlife Commission approved an increase to the surcharge from \$0.75 to \$1.50, and CPW submitted a corresponding decision item (R6 – Increased Spending Authority for the Wildlife Council) for the authority to spend the additional revenue starting in FY 2019-20. This increase will allow the Hug a Hunter campaign and messages to reach a larger audience, complete more in-depth research into the campaign's target audience, and ensure the messages we create resonate with them.

### ***Colorado Water Conservation Board***

The CWCB continues to be actively involved in education and outreach projects to educate people about Colorado's Water Plan and water in Colorado. Funds are being utilized for Public Education, Participation, and Outreach workgroups, grants for projects to further the goals in Colorado's Water Plan, and for additional education and outreach projects.

*Public Education, Participation, and Outreach Workgroups:* Created through the Colorado Water for the 21st Century Act, Interbasin Compact Committee (IBCC) Public Education, Participation and Outreach (PEPO) workgroup has created a process to inform, involve, and educate the public on IBCC activities and important water issues. Each basin roundtable has an education and outreach committee, which set up Education Action Plans. The action plans detail the educational goals and tasks in which each basin roundtable engages the public. Each of the nine PEPO workgroups receives \$6,500 annually for education and outreach activities within their basin. They work with their Basin Roundtable to set the priorities and budgets, and then submit those to the CWCB. Basin roundtables may apply for funds from the CWCB for implementation of their Education Action Plans.

*Colorado's Water Plan Grants:* For FY 2018-19, the General Assembly approved \$7.0 million for the CWCB to grant funds for projects related to the implementation of Colorado's Water Plan (CWP). The purpose of the funding is to make progress on the critical actions identified in the CWP and its Measurable Objectives. The CWCB will fund projects, programs, and activities that have the best opportunity to make progress on the CWP's objectives. All applications are assessed based on funds available for a particular Water Plan Implementation category. Currently, there are five categories based on types of projects and funds have been distributed to each category. One of the categories is Engagement & Innovation (E&I). For FY 2018-19,

the E&I category was allocated \$500,000 to fund education, outreach, public engagement, and innovation projects statewide. The purpose is to engage the public on water issues and achieve the goals set forth in Colorado's Water Plan. The overall goal of the E&I Grant Fund is to enhance Colorado's water communication, outreach, education, and public engagement efforts; advance Colorado's water supply planning process; and support a statewide water innovation ecosystem.

*Additional Education and Outreach:* CWCB will request additional funds via the 2019 Projects Bill for education, outreach, and continued survey work for Colorado's Water Plan. Previous funding for this outreach effort resulted in a draft survey after coordinating with other state agencies and statewide education organizations. If new funding is approved, the draft survey will be finalized and distributed to gather key data to help achieve the goals and actions in Colorado's Water Plan.

- 5 *Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?*

**Response:** According to the FY 2017-18 State Workforce Report published by the Department of Personnel, the Department had a 7.6% turnover rate, which is the second lowest across all state departments for last fiscal year and 7.1 percentage points lower than the statewide average turnover rate. DPA is currently unable to calculate turnover rates by division or program. However, the annual burned FTE report for the Department of Natural Resources summarizes actual FY 2017-18 staffing levels and vacancy rates by division. Data for this report was provided by the Department of Personnel on August 14, 2018, and is included as an attachment to these responses.

For most divisions, vacancies can generally be attributed to the cumulative effect of normal staff turnover and personnel processes, e.g. short periods of time (1-3 months on average) when positions are unoccupied while the hiring process is taking place. However, the Division of Reclamation, Mining, and Safety appears to have a much higher vacancy rate than other divisions in FY 2017-18 at 31.4% with 21.3 vacant FTE. This initial calculated vacancy rate is artificially inflated as 8.0 of the vacant FTE were actually occupied but supported by non-appropriated federal funds. These FTE are shown in the Long Bill for transparency but appear to be vacant every year because of the way Inactive Mines federal grant funds are structured.

After accounting for the federally-funded IMRP FTE, the FY 2017-18 vacancy rate for DRMS falls to 19.6%. The remaining vacancies can be attributed to: (a) a relatively high number of retirements that occurred last year; (b) a low long-term turnover rate; and (c) a larger proportion of staff in scientific and professional job classes. DRMS had six retirements in FY 2017-18, two of which were program managers: one for the Coal Program and the other for the Minerals

Program. These higher-level positions are often filled from within DRMS, resulting in a ripple of turnover and vacancies that contributed to the division's vacancy rate. Current technical staff tend to be the most qualified individuals to fill program manager and senior supervisory positions. As a senior supervisor moves up to fill the manager position, this leaves the senior supervisor position vacant to be filled by one of the more senior environmental protection specialists, and so on. Additionally, when these vacancies occur in the Coal Program, positions are no longer backfilled due to the industry downturn and the associated decline in workload.

Aside from recent retirements, the long-term turnover rate for the division is low on average. Once hired at DRMS, employees tend to stay, which means agency staff often have higher levels of experience and salaries that correspond to their expertise and time with the division. While this is a testament to DRMS as an employer, it also means that more of its personal services budget ends up being used for fewer FTE than if less-experienced employees were being cycled in to fill vacant positions at lower salaries as they often are in other divisions and departments.

Finally, approximately 75% of DRMS staff are in job classes that require professional scientific work (i.e. Physical Science Researchers/Scientists and Environmental Protection Specialists). Like other agencies that compete with the energy sector, the DRMS sometimes hires new employees for these positions with salaries above range minimum to attract and keep qualified candidates with the required expertise. As evidenced by the division's low turnover rate and excellent program performance, this hiring strategy has been successful but can result in the division not being able to fully fill the appropriated number of FTE.

- 6 *Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.*

**Response:** Three divisions promulgated rules in the past two years.

#### ***Oil and Gas Conservation Commission***

- FY 2016-17: 0 rules
- FY 2017-18: 4 rules, no CBA or regulatory analysis was required
  - February 12, 2018 – Concerning an Increase to the Mill Levy (one rule)
  - February 13, 2018 – Concerning Flowlines (three rules)

#### ***Colorado Parks and Wildlife***

Colorado Parks and Wildlife makes a large number of quota changes, season date changes, and

other hunting-specific changes to the agency regulations each year. In this regard, CPW has over 4,000 individual hunt codes used for issuing licenses by specific species, sex, geographic area, season, and method of take. CPW does not track statistics related to these changes. In terms of more substantial regulatory changes, CPW has identified the following totals:

- FY 2016-17: 84 regulatory changes, no CBA or regulatory analysis was required
- FY 2017-18: 113 regulatory changes, no CBA or regulatory analysis was required.

### *Division of Water Resources*

- Water Well Construction rules were amended with an effective date of 7/10/18. Per Section 24-4-103 (4.5), C.R.S., a cost benefit analysis (CBA) was requested and completed by the Division. The focus of the CBA was on proposed Well Construction Rules (2 CCR 402-2) specifically addressing the following rules:
  - Rule 10.4.4, Annular Space Requirements for All Grouted Intervals
  - Rule 10.4.5.1, Type I Well Penetrating Only One (1) Confining Layer (Excluding Those Penetrating the Laramie-Fox Hills Aquifer, see Rule 10.4.8)
  - Rule 10.4.5.2, Type I Well Penetrating More than One (1) Confining Layer
- Designated Basin Rules (2-CCR 410-1) were amended in April 2017 and May 2018. No cost-benefit analysis was requested from the Division.
- Artificial Recharge Extraction Rules (2-CCR 402-11) were amended in June 2018. No cost-benefit analysis was requested from the Division.
- Updated and revised rules for Adjudicatory Hearings before the Colorado Ground Water Commission. Per Section 24-4-103 (4.5), C.R.S., a CBA was requested and completed by the Division.
  - The focus of the CBA was on direct and/or indirect costs to either the government, business or other entities. Under the proposed amendments, use of alternative dispute resolutions (ADR) is voluntary and no parties will be required to comply. Therefore, the parties would be deciding to spend their money on ADR as opposed to formal adjudicatory procedures.
- Updated and revised rules and regulations for drillers and pump installers licensing process and the continuing education process and remedial actions. No cost-benefit analysis was requested from the Division.

7 *What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.*

**Response:** Major cost drivers for the Department of Natural Resources include: growth in personal services expenses for 1,465 FTE and hundreds of temps; inflation in the cost of utilities and goods required to operate DNR facilities; information technology costs that have increased substantially year-over-year; and general growth in workload for each division. As an example, the number of active oil and gas wells in the state is a key workload indicator/driver

for the Oil and Gas Conservation Commission. The number of active wells has increased steadily over the last ten years and will reach an estimated total of 55,000 wells by the end of FY 2018-19. New wells require permits and all active wells require inspections for their lifetime, as well as plugging and final reclamation as they are retired, all of which increases workload requirements and ultimately costs for the OGCC. For additional information on workload and performance measures, please see the Department's [FY 2018-19 Performance Plan](#) online.

Many of these factors increase in tandem with the general CPI. However, there are a few specific areas where costs increases have grown more quickly:

***Department-wide Information Technology Costs***

A major driver of Department costs are payments made to the Office of Information Technology (OIT). The following table shows cost increases related to OIT since FY 2014-15:

<b>Fiscal Year</b>	<b>Payments to OIT Appropriation</b>	<b>Change from Previous Year</b>
FY 2014-15	\$8.35 Million	N/A
FY 2015-16	\$8.10 Million	(3.0%)
FY 2016-17	\$8.47 Million	4.6%
FY 2017-18	\$11.47 Million	35.3%
FY 2018-19	\$14.96 Million	30.5%

As shown above, the total cost of DNR’s OIT Payments has grown by \$6.6 million over the last four years (a 79% increase in four years). Approximately 77% of these costs are paid directly from cash sources, some of which are facing revenue challenges (e.g., severance tax revenues). Although the Department’s FY 2019-20 request would decrease Payments to OIT by 4.3% to \$14.32 million, this remains a major cost driver and financial concern for the Department.

***Colorado Parks and Wildlife***

Colorado Parks and Wildlife in particular has experienced costs exceeding the general CPI in a few key program areas:

- a) The CPW Capital Development Program manages construction, renovation, rehabilitation, and other development projects around the state, ranging in size from small landscaping projects to the development of new state parks. The program manages construction that supports operations at facilities division-wide, including over 350 state wildlife areas, 41 state parks, and more than 1,400 total facilities, including 19 hatcheries.

For the last several years, CPW has experienced significantly higher costs for multiple aspects of capital construction, including overall contractor costs, materials costs, and fuel

costs. The net impact is an increase of 4.5 to 5.5 percent a year in overall construction costs. (This is a national trend and is not unique to Colorado.)

CPW's annual large capital development plans vary from year to year but have averaged around \$20.7 million a year over the last four years. Annual increases in cost of 4.5 to 5.5 percent result in a higher cost for work and thus fewer projects accomplished per capital dollar. Many projects come to bid at costs that are significantly higher than had been estimated by CPW's project management professionals. As an example, in 2017 CPW solicited bids for a combined park office and service center at Staunton State Park. Based on previous projects that were similar in nature, CPW anticipated bids at approximately \$300 per square foot. The low bid that CPW received for the project was \$380 per square foot. Similarly, in 2018 CPW estimated costs for a new 2,100 square foot camper registration building at \$790,000. The low bid was \$990,000. These are high-visibility structures that would seem to be attractive to contractors, yet bids continue to come in significantly higher than anticipated.

- b) Colorado Parks and Wildlife employs a large number of temporary staff during the busy summer months, and a slightly lower number in the late spring and early fall "shoulder" seasons. (CPW also employs a much smaller number of temporary staff throughout the rest of the year.) Total temporary staffing varies annually depending on need and available budget, but it is common for total temporary staff hours in a typical year to equate to 400-450 FTE. Staff are hired at different hourly rates depending on a number of factors, including experience and the specific labor market (i.e., location) of the hire.

With the passage of Amendment 70, effective January 1, 2017, Colorado's minimum wage increased to \$9.30 per hour and increases annually by \$0.90 each January 1, until reaching \$12 per hour effective January 2020. Thereafter the minimum wage will be adjusted annually for cost of living increases, as measured by the Consumer Price Index used for Colorado.

Based on a 2017 analysis, maintaining the same sized temporary workforce and raising all temporary staff salaries to \$12 an hour by 2020 will require additional expenditures of approximately \$740,000 for state parks and \$640,000 for wildlife-related activities. Temporary staff are vital to agency operations in the summer and shoulder months, and a reduction of temp staff hours directly impacts the experience of CPW's visitors. To date, CPW has not reduced staff hours, and has adjusted temporary staff wages as mandated by Amendment 70. This has required reallocation of budgets from other priorities.

### ***Other Divisions***

Other divisions have experienced similar increases in construction-related costs. For example, the *Colorado Water Conservation Board* has experienced and received construction bids that have

been higher in cost than expected over the last 18 months, which may be a result of a strong construction economy. This cost increase for construction bids has had an impact on approved loans and grants. The *Division of Reclamation, Mining, and Safety* has not directly experienced disproportionate increases in the cost of construction but has noted an increase in the procurement of professional engineering services over the last year.

- 8 *How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?*

**Response:** The Department of Natural Resources does not have "caseload" in the same way many other departments might, but population growth and related variables affect a number of divisions and their budgets.

#### ***Oil and Gas Conservation Commission***

Population increases in specific areas where oil and gas activity is occurring, such as the northern Front Range, drive additional workload and costs for the OGCC. For example, applications for new oil and gas locations near residential areas are far more complex and significantly more time consuming than those in less populated areas, as they require more interaction between OGCC staff, operators, local governments, and the Department of Public Health and Environment; receive more public comments that need to be addressed; require more conditions of approval; and so forth. Oil and gas facilities in populated areas require more on-the-ground attention by inspectors during all phases of the well – construction, drilling, completion, production, plugging and reclamation – as proximity to homes and other occupied structures elevates the status of a well to high priority. They also generate more public complaints, primarily for nuisance issues such as dust, noise, and odors.

#### ***Colorado Parks and Wildlife***

For CPW, park visitation is a close analog to caseload: a population-based variable that has a direct correlation to operating costs. Since FY 2009-10, visitation at Colorado's state parks has increased by approximately 18.7 percent, from about 12.3 million visitor days to more than 14.6 million visitor days. (During this period CPW opened one new park – Staunton State Park, in Park and Jefferson Counties.)

In this same period, non-personal services operating costs for the state park system increased by almost 44 percent. Certainly inflation has contributed to these cost increases, but park visitation is a good "common sense" indicator of how park operating expenditures will trend: as more people visit a given park, park operations will need to accommodate the costs associated with increased visitation.

Despite these cost increases, spending authority for the State Park Operations line item (the primary line item supporting day-to-day park operations) is only 6.7 percent higher in FY 2018-

19 than in FY 2009-10. CPW seeks to better align spending authority and costs in the State Park Operations line item with DNR decision item R-1, Increased Spending Authority for State Park Operations.

### ***Colorado Water Conservation Board***

Colorado's population is estimated at 5.6 million and this amount could nearly double by 2060. Supporting this growth requires water. Through the work of the Statewide Water Supply Initiative (SWSI), Interbasin Compact Committee, and Basin Roundtables (BRT), the CWCB has learned that the statewide water trajectory is not sustainable for the anticipated population growth. In May of 2013, Governor Hickenlooper issued an executive order directing the creation of Colorado's Water Plan to ensure there is enough water now and in the future. Since the release of the water plan in December of 2014, and in the face of continued projections for population growth, the CWCB continues to see a high funding demand for various types of water projects including infrastructure, environment and recreation, and agriculture. The Water Plan identified a \$20 billion gap in funding for municipal and industrial water needs by 2050. The CWCB has committed to explore and investigate options for \$100 million per year towards closing this gap.

For FY 2019-20, Governor Hickenlooper has proposed legislation to provide \$30 million GF to the Colorado Water Conservation Board. \$10 million of this funding will help to further implement Colorado's Water Plan through the Water Plan Grant Program. The program's 50% match requirement will, in turn, leverage other sources of funding. Funding categories in the Water Plan Grant program include: agriculture, conservation and land use, environment and recreation, innovation and outreach, and storage and supply.

In addition to augmenting the Water Plan Implementation Grant Program, \$20 million of this funding will be used to establish a new demand management program to help secure the future of the Colorado River system given its importance across Colorado. This program will take a proactive approach to address the continued drought in the Colorado River Basin, which would have state-wide implications. Since 2000, the certainty and security of the Colorado River water supply have been called into question. The entire Colorado River Basin is currently in the worst hydrologic cycle in the historic record and is entering its nineteenth year of drought. With continued population growth estimated at up to 70% by 2050 on the West Slope, additional pressure is being placed on the system. To prepare for the realities of continued drought, the CWCB would use transferred funds to establish a demand management program that would compensate water users for intentionally and voluntarily reducing their use of Colorado River water. For example, in the Colorado River Basin, funding may be used to compensate water rights owners, both agricultural and municipal, for voluntarily foregoing use of their water rights in times of severe drought in a manner that makes sense for their businesses. The conserved water could then be stored to avoid, delay, or mitigate a Colorado River compact curtailment. These funds will act as an important first investment to demonstrate statewide

leadership, will encourage water users to participate, and may leverage additional funding from other partners.

Current efforts, along with an update to SWSI will help provide a consistent framework to examine future water supply and demand. This includes creating several new tools to help develop solutions to identify gaps. On-going funding and planning efforts to meet future water needs for the growing population will be a concerted effort. It requires implementation, leadership, and funding. Throughout the process, the CWCB is committed to continue working with the Colorado Legislature, stakeholders, and water users to complete projects that are beneficial.

9 *Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.*

**Response:** The Department and its divisions utilize a wide array of technologies for interacting with customers and with the public. Below, each DNR division will discuss how it uses outward facing technologies.

#### ***Division of Reclamation, Mining, & Safety***

DRMS currently uses the following outward facing technology:

- Web site – interactions with the public include conveying general information about the division, its mission, and contact information; forms downloads, board hearing minutes, summaries and schedules; public meeting announcements, press releases, and rulemaking information. Our web site also includes a tool to query the DRMS database for permit statistics.
- Laserfiche WebLink – the public uses this application to access imaged document data for sites regulated by the division, to include permit documents and supporting information, inspection reports, enforcement action documentation, board hearing minutes, and historic mine data.
- Map Viewer – the public uses our Map Viewer to view and download GIS data related to active and reclaimed mine sites and historic mines.
- Laserfiche Forms – DRMS has made a complaint form available for the public to use to alert us to any non-compliance issues that may arise. Laserfiche Forms are also used to allow the regulated community to upload annual reports and fees required by our Minerals program.
- Google Forms – the regulated community uses Google Forms to enroll in our ePermitting program.

Future strategies for the use of outward facing technology include expansion of Laserfiche Forms to allow for public and other agency comments on applications currently under review,

and to increase the number of permitting actions and required submittals that can be conducted electronically.

### ***Oil and Gas Conservation Commission***

The Oil and Gas Conservation Commission uses outward facing technology to better interact with the public, the oil and gas industry, local governments, and other interested parties. By providing users with information and other capabilities, the OGCC is able to maximize the transparency of all agency actions. The OGCC's website allows users to access: (1) all reported well and facility data, including inspections and violations; (2) hearings and rule-making applications and schedules; (3) a map of oil and gas wells and facilities, including pending and approved applications, current status, and orphan well projects; (4) bulk downloads and uploads of data, and; (5) electronic submittal of forms, comments, and complaints. Specific examples of the current technology used by OGCC are as follows:

- Industry can electronically submit permit applications and subsequent reports for oil and gas locations, wells, and facilities.
- Pending applications for new oil and gas locations and wells are posted online and are available for review.
- Public comments on applications for new oil and gas locations and wells can be submitted online. Similarly, local government designees can review these applications and submit comments online.
- Approved permit applications for new oil and gas locations and wells are posted and available for review online.
- Sign up for public comments at COGCC hearings is available online.
- Approved Commission orders are posted online.
- Citizen complains may be submitted online.
- Online interactive maps are available on the COGCC website which display all wells and facilities with extensive related information.
- The COGCC has a searchable database, allowing users access to all reported oil and gas well and facility data, including inspections and violations.
- Operators can upload sample analysis reports directly to the COGCC database.

In addition to these current technologies, the OGCC is in the process of planning and/or developing additional outward-facing technologies. These future projects will: (1) allow operators to submit hearing applications online; (2) allow operators to perform bulk uploads for electronic form submissions; (3) provide access to an orphan well program dashboard that will display program data; (4) provide the capability to access data for all neighborhood oil and gas facilities within a given distance of a specific street address, and; (5) allow local government designees additional online capabilities, including form submissions and downloadable GIS for flowlines in their jurisdiction.

### ***State Land Board***

On its website [www.colorado.gov/statelandboard](http://www.colorado.gov/statelandboard) the State Land Board currently provides a large amount of information about the work of its Board of Commissioners, the work of agency staff, how to engage with the agency, how to learn more about the agency's work, and some lease application and lease payment functions. The agency also supplements its requirements for public notice of Board activity using the website. Agency staff is working to provide greater depth and breadth of information to the public on its website. The agency will continue to develop the types of lease transactions it can support via its website including an individualized user profile with secure access to relationship history and pending items due like lease payments and lease contingencies.

The State Land Board is developing additional public access to public records such as leases and maps by developing integration between its leasing system ATLAS, its records archive Laserfiche and its mapping systems. The agency would like to provide a better self-service experience in Colorado Open Records Act requests and building these integrations will allow requestors to find 80% of the things typically requested on their own very quickly.

The State Land Board monitors the activity on its website using web analytics tools to better understand how website users move through and make use of the information provided there. The results of these analytics are used to further develop the agency's web presence so that it effectively promotes the work of the agency and the impact made on the beneficiaries.

### ***Colorado Parks and Wildlife***

Colorado Parks and Wildlife (CPW) is an enterprise that has historically been instructed to operate "self-sufficiently" (that is, with minimal state funding). As such, using technology to interact with customers is integral to generating the revenue needed to operate wildlife programs, the state park system, and other outdoor recreational programs. In this regard, much of the technology is focused on providing information on various recreational activities supported by CPW, as well as selling licenses and passes, and allowing customers to make camping reservations. Moving forward, CPW will continue to develop and expand the use of various technologies to interact with its customers by providing information, education and making it easier to "Live Life Outside". A few examples of the current technology in use by CPW are:

- CPW's Public Website;
- Social Media, including Twitter, Facebook, Instagram, Snapchat, YouTube and Vimeo;
- CPW's Fishing Mobile App;
- Riverwatch, a citizen science application for measuring and maintaining Colorado's river quality;
- Hunting Reservations, for customers reserving hunting blinds;
- Camping Reservation Mobile App;
- Hunter Education information and logistics;

- Volunteer opportunities;
- Chronic Wasting Disease Test Results; and
- [www.cpwshop.com](http://www.cpwshop.com)
  - Camping Reservations
  - Vehicle registration
  - Pass purchases
  - Retail goods
  - License applications
  - Hunting licenses

The technologies listed above allow CPW to interface with customers and will continue to be enhanced and expanded in the future. Additionally there are current plans to add the following customer conveniences using technology:

- Licensing and permit mobile app allowing customers to have their license on their mobile devices
- Pass mobile app - allowing customers to purchase passes and to have that pass on their mobile devices.
- Online citation payment system
- Hunter Education Classes

#### *Colorado Trails System*

Since the inception of the Colorado the Beautiful Initiative, CPW has been working on an application to comprehensively map every trail in Colorado. In June of 2017, CPW premiered COTREX app, which allows users to browse and discover trails in Colorado. Additional improvements were made in 2018 to further develop the state's trail data and build Android, iOS, and web browser versions of the app. These improvements will also give local governments more control to manage and promote trails in their area. The COTREX mobile application is available for free in the Apple and Google Play Stores, as well as online at <https://trails.colorado.gov>. In building COTREX, CPW has made data from 236 land managers across local, state and federal government agencies easily accessible for 39,829 miles of trail and 3,606 trailheads.

#### *Colorado Water Conservation Board*

CWCB uses outward facing technology to better interact with partners and provide information to the general public. Examples of the current technology used by CWCB include:

- Continue to improve the CWCB's website to provide current and concise information to the public about water and Colorado's Water Plan.
- Continue to evolve the Colorado Decision Support System (CDSS) website in partnership with DWR to provide relevant water data, tools and models to the public and the water community.

In addition to these current technologies, the CWCB is in the process of developing a public grant portal to make it easier for the water and environmental communities to apply for and track grants available through the Colorado Water Conservation Board.

### ***Division of Water Resources***

DWR makes a wide range of tabular data, spatial data, and documents available to the public. Examples of available information includes:

- Dam Safety Information
- Hydrogeological Data (including aquifer parameters and groundwater levels)
- Spatial Data (for example, irrigated area, dry up, service area)
- Water Rights Administration Data (including water rights tabulation, stream flow data, diversion and use records, administrative call records)
- Water Well Information (including permits, construction, pump installation, geophysical logs, meter accuracy, licensed contractors)

Documents generated since Governor Ritter's Greening of Government initiative are available digitally through DWR's Imaged Document system. Significant progress has been made to digitize documents generated prior to that initiative and continues as resources are available so that there are readily available to both DWR staff and the public. DWR has long been committed to making all collected data that is not subject to privacy concerns available to the public.

All DWR data and imaged documents are stored in databases maintained by the Governor's Office of Information Technology in data vaults using the latest digital technology. A key strategy to successful data management is data centrality; there must be a single repository for each data set in order to avoid a loss of data integrity. A second key strategy is a consistent model for making all of our tabular, spatial, and imaged documents available to both our staff and the public.

In terms of specific strategies related to public access, data is cast to the Colorado Information Marketplace, which provides the public with a robust interface to access the data in near real time. In collaboration with the Colorado Water Conservation Board, DWR also maintains Colorado's Decision Support System website, a public facing website where both the data and tools to analyze the data are maintained. For sophisticated public users, DWR maintains REST (Representational State Transfer) services that allow users to programmatically consume data. This allows users to build their own tools that simply use DWR data. The existing Colorado Information Marketplace datasets, Map Viewer platform, and Imaged Document systems can be used by the public to access essentially all DWR digital information.

The public can also register with DWR and provide certain digital data (diversion data, groundwater levels, etc.) to DWR using the DWR Online Data Submittal website. Such data is then maintained along with data collected by DWR.

DWR is in the process of moving our various public facing interfaces to a single portal that will allow users to submit data and forms electronically. Adopting a single portal to submit data and forms will simplify the user experience, increase the ability to share data, and improve communications.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED.  
PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR  
COMMON QUESTIONS ACROSS DEPARTMENTS.**

1. Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the

legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

Response:

The Department does not currently have any legislation that is not implemented, however HB17-1296 Assignment of State-owned Vehicles, is partially implemented with full implementation anticipated by the end of January 2019. The bill requires the Department to review assignment of a vehicle to an officer or employee of the state agency, verify that the state agency's assignment of a vehicle complies with state and federal law, and calculate and report as income the value of the vehicle's fringe benefit in accordance with IRS regulations. The Department is finalizing required documents, consistent with the newly promulgated rules based on the criteria within HB17-1296.

2. Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

[https://leg.colorado.gov/sites/default/files/documents/audits/1811s\\_status\\_of\\_outstanding\\_recommendations\\_report\\_0.pdf](https://leg.colorado.gov/sites/default/files/documents/audits/1811s_status_of_outstanding_recommendations_report_0.pdf)

Response:

Please see the attached Appendix B that addresses outstanding audit recommendations for the Department of Personnel & Administration.

3. If the Department receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?
  - b. Does the Department have a contingency plan if federal funds are eliminated?
  - c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

Response:

The Department receives federal grants intended to augment existing programs within the Department. Federal funds represent only 0.2% of the Department's operation budget in FY 2018-19, and come from an average of three grants, received across only three programs (Colorado State Archives, Address Confidentiality Program, and State Fleet Management) within the Department.

a. The Department anticipates applying for similar grants, at the same or slightly greater amounts than in recent years. However, Federal Fiscal Year 2018-19 and 2019-20 budgets will fund grants that the Department has not yet applied for, so exact amounts are unknown at this time.

Most of the Department's grants are not awarded on a state fiscal year cycle, however, overlapping state FY 2019-20, the Department has been awarded the following grants with funding originating from the federal government:

Address Confidentiality Program: “Crime and Victim Services” / VOCA Grant (Colorado Department of Public Safety, through the U.S. Department of Justice), Calendar Years 2019/ 2020. Similar awards will likely be requested every two years, ongoing.

- \$493,880 Federal Funds. Match Requirement - \$123,470 (20%)
- The Division of Criminal Justice anticipate a potential decrease in VOCA grant funds expected to be appropriated in FFY 2018-19 and 2019-20. This potential decrease would have no effect on the current CY 2019/2020 award, but could affect a CY 2021/2022 award.

State Archives (on behalf of the Colorado Historical Records Advisory Board - CHRAB): “State Board Programming Grant” (National Historical Records Publication and Records Commission), State Fiscal Year 2019-20. Similar awards will likely be requested annually, ongoing.

- \$40,000 Federal Funds. Match Requirement - \$13,333 (25%)

State Fleet Management: “Charge Ahead Colorado” (Clean Air Fleet, Regional Air Quality Control Commission - RAQC, through federal funding from the Congestion Mitigation/Air Quality program), Calendar Years 2018 / 2019. Similar awards will likely be requested annually, ongoing.

- \$165,200 (classified as Cash Funds because the grant is awarded by a non-state entity, however, the funds originate as Federal Funds.) Match Requirement - \$41,300 (20%)

b. The Department has the following contingency plans if federal funds are eliminated:

Address Confidentiality Program: “Crime and Victim Services” / VOCA Grant

A loss of federal grant funding would require the Department to seek a backfill of state funds to remain operational - most notably, for core operating necessities such as sorting, scanning fees, authorization cards, some printing, and personnel. Without a backfill of grant funding, participants would experience reduced and delayed services and materials.

State Archives (on behalf of the CHRAB): “State Board Programming Grant”

A loss of federal grant funding would result in discontinuation of this re-grant program. The federal funding is used to provide small re-grants (up to \$5,000) for institutions throughout the state and to fund outreach training workshops. There is no contingency plan if these federal funds were eliminated.

State Fleet Management: “Charge Ahead Colorado”

A loss of federal grant funding would necessitate that the program incorporate the number of vehicles originally slated for grant purchase into the state annual vehicle replacement request. The program would have to look to the next qualifying alternative fuel vehicle (AFV) for procurement, as the program is limited by Statute and not able to purchase electric vehicles. If there was not a qualified AFV, then the program would purchase a conventional vehicle.

c. At this time, the Department does not receive or anticipate any block grants that warrant federal sanctions, as all of its grants are discretionary. However, within the Department, program grant directors and financial staff coordinate closely to ensure that all terms and conditions of grant awards are met, and that only allowable costs are submitted for reimbursement. No withholding of payments or negative findings have been communicated by grantors that the Department is aware.

4. Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

Response:

The Department does not spend money on public awareness campaigns as its primary business is to support, or provide services to, other state agencies. The Department does have “earned media” to the extent that responding to media requests qualifies as such. The Department does not have any metrics to track the effectiveness of this media.

5. Based on the Department’s most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

Response:

The Department has included information on turnover data, by department, in Appendix C of this document.

Within DPA, the vacancy rate used by the Department is equal to the number of vacant positions on October 31, 2018 divided by the total appropriated FTE. The Department has provided a chart below with that information by Program, Division, and Department:

<b>DPA Vacancy Rate as of October 31, 2018</b>			
<b>Program/Division</b>	<b>FY 2018-19 Appropriated FTE</b>	<b>Count of Vacant Positions on 10/31/18</b>	<b>Division Vacancy Rate</b>
Executive Director's Office	18.3	2.0	
CSEAP	11.0	0.5	
Office of the State Architect	8.0	0.0	
<b>Executive Director's Office</b>	<b>37.3</b>	<b>2.5</b>	<b>6.57%</b>
State Agency Services	19.2	6.3	
Statewide Training and Development	4.0	1.2	
Employee Benefits	12.0	2.4	
Risk Management Services	11.5	1.2	
<b>Division of Human Resources</b>	<b>46.7</b>	<b>11.0</b>	<b>23.55%</b>
<b>State Personnel Board</b>	<b>4.8</b>	<b>0.0</b>	<b>0.00%</b>
DCS Administration	5.2	0.0	
Integrated Document Solutions	96.6	11.5	
Address Confidentiality Program	5.9	2.0	
Colorado State Archives	13.0	3.0	
<b>Division of Central Services</b>	<b>120.7</b>	<b>16.5</b>	<b>13.67%</b>
Financial Ops and Reporting	30.3	2.0	
Collections	28.0	11.0	
Procurement and Contracts	17.7	2.0	
CORE Operations	21.3	2.0	
<b>Division of Accounts &amp; Control</b>	<b>97.3</b>	<b>17.0</b>	<b>17.47%</b>
<b>Administrative Courts</b>	<b>44.5</b>	<b>2.5</b>	<b>5.62%</b>
DCA Administration	3.9	0.0	
Facilities Maintenance	54.2	1.0	
Fleet Management	16.0	3.0	
<b>Division of Capital Assets</b>	<b>74.1</b>	<b>4.0</b>	<b>5.40%</b>
<b>Department Total</b>	<b>425.4</b>	<b>53.5</b>	<b>12.56%</b>

- Division of Human Resources: turnover of 23.55%
  - The implementation of HRWorks is a continued priority of the Department, and in an effort to support the continued implementation, the review of certain positions is critical to ensure that those positions are filled with the appropriate skill levels for once the system goes live. The skill set of individual positions that is required during the implementation of the HR Works project is not necessarily aligned with the skill set needed post-implementation. The Department is taking a measured approach to filling these positions. As a result, several positions have been temporarily held open until the correct fit is determined.
- Division of Central Services: turnover of 13.67%
  - A majority of the 16.5 FTE vacancies noted within the Division of Central Services are within Integrated Document Solutions (IDS) with 11.5 FTEs vacant positions. These positions are entry level positions such as Data Entry Operators and Equipment Operators that offer salaries that are on the lower end of the spectrum. Due to the current economic conditions, there has been a relatively high turnover rate for these positions for the last few years. This trend can be seen in the FY 2017-18 vacancy rate at the same time where there were 8.0 vacant positions within IDS.
- Division of Accounts and Control: turnover of 17.47%

- The Central Collections Unit has implemented a new collections system in December 2018. In the timeframe leading up to implementation, the Department has waited to fill positions once the critical skillsets needed for the new system were known. The vacancy rate for this program is a one-time issue directly related to implementation of the new system.

6. Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost- benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost- benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

Response:

The Department has conducted rule setting four times over the past two years. Those rule settings included:

1. Two rule hearings related to the Division of Human Resources (Dec. 2016 & Oct. 2017)
2. Two rule hearings related to the Office of the State Controller to repeal authority governing electronic transactions from DPA to OIT (Mar. 2017) and one hearing to clarify repeal and adoption of the State Fiscal Rules (May 2018).

The Department has not been required to perform a cost-benefit analysis on any of the rules above, pursuant to the allowances of 24-4-103 (2.5) and 24-4-103 (4.5). The Department has not conducted a cost benefit for its rules as a whole.

7. What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

Response:

The Department of Personnel & Administration includes services and programs that cover a vast range of policy and program areas. Cost drivers that impact the Office of State Controller and their financial systems are vastly different than the cost drivers for our Fleet Management program, for example.

Despite the large diversity in programs, the Department's main cost drivers can be attributed to two major categories. Those categories include economic factors and statewide departmental allocations.

Economic factors align with market conditions outside of the Department's control. The Department is impacted by these market trends in a number of areas, including market trends for fuel, vehicles, paper, and postage costs.

Statewide departmental allocations are attributed to the costs associated with statewide common policies, OIT common policies, and things like risk management claims, which are adjusted to reflect the actual costs specific to those programs.

8. How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

Response:

The Department of Personnel & Administration (DPA) primarily provides internal agency services and has limited external exposure or programs that are caseload driven. The Address Confidentiality Program (ACP) is one of the few DPA programs that provide external services to Colorado residents.

The ACP provides survivors of domestic violence, sexual offenses, and/or stalking with a legal substitute address and confidential mail forwarding. All state and local government agencies must accept the substitute address as the participant’s legal address of record. ACP services allow agencies to conduct business and comply with open record laws without jeopardizing survivor safety.

Operating costs, including mail and printing costs are generally increasing and effectively squeezing out appropriations for personal services, and reduce this program’s ability to provide services. As a result, for FY 2018-19 the program requested and the General Assembly approved funding to support program operations and provide the outreach and training required to ensure the availability of ACP-trained advocates (Application Assistants), and therefore, statewide access to ACP services.

An outreach coordinator was hired and application assistant training and program outreach efforts have begun. As program access and awareness grows, so will the number of program participants. Counties with active application assistants has increased from fifteen at the time of the Department’s funding request to a current count of twenty-six (of 64 counties). Increased caseload drives increases in program resources needed for both personal services (case management and daily operations staff) and operating expenses (including postage, mail processing, and printing costs). Increases in active participants have historically resulted in much greater increases in mail volumes. Program staff is required to separate and discard marketing mail from the mail that must be forwarded and when possible consolidate for mail forwarding to program participants. Even with more rigorous screening of all incoming mail, when coupled with increased rates for mail handling and processing and general program overhead through statewide allocations, operating costs are expected to climb rapidly driving potential future funding requests.

<b>Address Confidentiality Program Caseload and State Population Comparison</b>					
	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
<b>Total Active Participants</b>	1,944	2,424	2,694	2,998	3,278
<i>percentage increase from previous year</i>	6.8%	24.7%	11.1%	11.3%	9.3%
<b>Total Active Households</b>	823	1,011	1,135	1,290	1,445
<i>percentage increase from previous year</i>	10.2%	22.8%	12.3%	13.7%	12.0%
<b>Incoming Pieces of Mail</b>	98,634	127,072	193,821	217,763	272,047
<i>percentage increase from previous year</i>	9.2%	28.8%	52.5%	12.4%	24.9%
<b>Outgoing Consolidated Pieces of Mail</b>	49,317	55,796	60,646	66,645	68,765
<i>percentage increase from previous year</i>	9.2%	13.1%	8.7%	9.9%	3.2%
	<b>CY14</b>	<b>CY15</b>	<b>FY16</b>	<b>CY17</b>	<b>CY18</b>
<b>State Population Estimates</b>	5,342,311	5,440,445	5,530,105	5,607,154	5,684,203
<i>percentage increase from previous year</i>	1.5%	1.8%	1.6%	140.0%	1.4%

9. Please provide an overview of the Department’s current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department’s interactions with the public.

Response:

The Department oversees 13 mini-site domains for 8 agencies, the capitol building, the Disability Funding Committee, and the HRWorks project. In the past, the Department's strategy for maintaining sites was to provide various content managers access to a quality assurance reporting tool. Currently, the Department has assigned a lead to manage and audit website content while working with content managers and user experience for all our sites, utilizing a strategy for maintaining websites with a workflow strategy to assist in uniformity in communication standards and content management. This workflow has been used for the recent upgrade to the Department of Central Service's Address Confidentiality Program web section, and the new Grants page on Office of State Controller's website.

Additionally, recent improvements to the State Archives web site have allowed for more efficiencies when interacting with the public. In December of 2018 the Department implemented an online payment portal with a user interface that allows the public to pay for state archival services on the internet, in addition to the already offered methods of walk-in or phone payment to retrieve records.

This spring the Department will be overhauling the Department of Human Resources' benefits section in order to make the content more straightforward, understandable, and user-friendly, emphasizing the Department's mission statement to provide quality services that enhance State government success.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED**

- 1 Provide a list of any legislation that the Department has: (a) not implements, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

The Department does not have any partially or unimplemented legislation.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2017 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2017>

The Department has no outstanding audit recommendations per both the June 30, 2017 and June 30, 2018 reports.

- 3 If the Department receives federal funds of any type, please respond to the following:
  - Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?

The Department has been closely monitoring the ongoing budget discussions between the White House and the U.S. Congress. Because more than 50 percent of CDPHE's budget is from federal sources, possible reductions in federal funding could have a significant impact on the agency.

Two key agencies the department continues to monitor include the U.S. Department of Health and Human Services (HHS) and the Environmental Protection Agency (EPA). The initial budget proposal submitted by the President for FFY 2018-19 included a 21 percent reduction in HHS funding from FFY 2016-17 enacted levels and a 34 percent reduction in EPA funding from FFY 2016-17 enacted levels. Although Congress has proposed to restore a substantial portion of the cuts, the department has identified how these cuts could impact agency programs.

Examples include:

EPA Program Grants – Elimination of funding for the lead program (\$277,000), non-point source program (\$1.36 million), pollution prevention program (\$119,000), and radon grants (\$337,000). The House and Senate Appropriations Committee markups proposed funding levels equal to the

amounts that were enacted for the FFY 2016-17 budget as well as restoring funding to the programs that were proposed for elimination by the President's budget. Each of these programs require a state match that are derived from local in-kind sources and/or state expenditures.

EPA Water Infrastructure Grants - The State Revolving Funds (SRFs) continue to face uncertainty with the level of federal funding since there has been continued variability in the award and rescission amounts over the past several years. However, for FFY 2018-19, Colorado's Drinking Water and Clean Water SRFs did increase approximately 53% and 21% respectively. . The division monitors these grants closely since they are integral to supporting the Safe Drinking Water and Clean Water programs.

Hospital Preparedness Program - Federal funding for the Hospital Preparedness Program (HPP) grant from the Office of the Assistant Secretary for Preparedness and Response (ASPR) will remain at current levels in FY 2019-20. However, HPP fund distribution will likely be adjusted if ASPR implements proposed changes to enhance emphasis on state-level threats and hazards to the federal funding formula. This change may result in reduced grant funds for Colorado which would directly impact the support the Department can provide to the state's nine-regional Healthcare Coalitions that work with healthcare organizations to plan, prepare, train, and exercise to respond to disasters and diseases impacting healthcare facilities.

- Does the Department have a contingency plan if federal funds are eliminated?

The Department will continue to work with the Governor's Office and the General Assembly to identify possible alternative funding sources should federal funds be eliminated. Depending on the severity of the cuts and the overall impact on the services provided to Colorado's citizens, the Department would consider requests for additional General Fund support, cash fund increases, or pursue awards from private foundations and other grant sources.

- Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

The only federal sanction that the Department received occurred during FFY 2017-18 as the Health Facilities and Emergency Medical Services division did not complete one home care agency survey. The department's award from the Center's For Medicare and Medicaid Services was reduced by \$6,000.

The Health Facilities and Emergency Medical Services Division did not complete several nursing facility surveys in FY 2017-18. No sanctions have been issued yet, and the division is working with the Centers for Medicare and Medicaid services to address the areas of deficiency and develop a plan of correction without financial penalty.

- 4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

[See the following chart for a list of campaigns.](#)

Common Question 4 - Public Awareness Campaigns						
Division	Campaign Name	Brief Description of Campaign Objectives and Reach	Total FY 2018-19 Budget for Campaign	Funding Source - Include Cash Fund Number or Source of Reappropriated Funds	What other state agencies are we collaborating with?	Statutory Authority (please include statute information)
Air Pollution Control	Lead Awareness Campaign	Public education materials for lead awareness. The goal is to educate the public about the dangers of childhood lead paint poisoning and how to prevent it.	\$4,999	Federal Funds	The Department collaborates with local health agencies on this campaign.	25-7-11 (1101 - 1107)
Division of Environmental Health and Sustainability	Household Medication Take-Back Campaign	The state-wide campaign pays for television and radio public service announcements for two months to promote the safe disposal of household medications	TBD - Based on remaining program budget in 3rd and 4th quarter	General Fund	None	25-15-328
Disease Control and Environmental Epidemiology Division	HIV Pre-Exposure Prophylaxis (PrEP) Awareness Campaign	The goal of the campaign is to raise awareness about PrEP, a medication that can reduce HIV risk by approximately 92%, if taken as prescribed. The campaign is marketed toward transgender persons and men who have sex with men residing in the Denver Metropolitan Statistical Area.	\$135,000	Federal Funds	The Department is working with an advisory committee with representation from the following organizations: Denver Health, Children's Hospital, University Hospital, Colorado AIDS Project (and its outlying regional offices), Mile High Behavioral Health, It Takes A Village, Empowerment Program, and consumers.	25-4-408
Disease Control and Environmental Epidemiology Division	Immunization Awareness Campaign	This statewide campaign pays for radio and television ads in English and Spanish to promote immunizations for influenza and childhood diseases, and encourages people to get vaccinated. As of September 2018, 2,659 television spots and 7,794 radio spots have aired. To-date, our paid media is \$30,000 and earned is \$424,155.25.	\$135,000	Federal/Gifts, Grants, Donations/State General Funds	The program does not collaborate with any other state agencies on this campaign.	25-1.5-101(1)(j)(I), 25-4-1708, 25-4-2301, 25-4-2403
Disease Control and Environmental Epidemiology Division	Childhood blood lead testing awareness campaign	The goal of the campaign was to use surveillance data to target outreach activities and increase lead testing rates among those most vulnerable to lead exposure. The major objective was to develop lead testing messaging targeted at new mothers and physicians seeing children in areas identified as high priority.	\$10,000	Federal (ATSDR) Funds through Denver Health and Hospital Authority (DHHA) - Pediatric Environmental Health Specialty Unit (PEHSU)	No other state agencies collaborated on this campaign, but we did collaborate with DCEED's Prevention Services Division's Women, Infant, and Children (WIC) program and provider Kaiser Permanente Colorado to design and build the multimedia outreach plan.	25-1.5-101(1)(j)(I), 25-5-1104 (1)(a)
Prevention Services Division (PSD)	Responsibility Grows Here	Empowers marijuana users (both Colorado residents and visitors) to use marijuana safely, legally and responsibly, if they choose to use. The statewide campaign uses a wide range of paid media tactics, including TV, radio, out-of-home (billboards) and digital ads. The campaign also includes earned media efforts.	\$1,259,398	Marijuana Cash Funds	PSD's Retail Marijuana Education Program (RMEP) collaborates closely with other CDPHE programs and the Department of Transportation (CDOT) and the Department of Human Services (CDHS) on coordinated media buys to assure that the state is not outbidding itself on similar media buys. Additionally, RMEP's campaigns are guided by the work of an advisory committee set up by the Governor's Office that includes CDHS, Colorado Department of Public Safety (CDPS), CDOT, Department of Revenue's Marijuana Enforcement Division (DOR MED), and the Governor's Office of Marijuana Coordination.	25-3.5-1004
Prevention Services Division (PSD)	Responsibility Grows Here: Find Your Moment Youth Campaign	Reinforces the reasons youth have not to engage in underage retail marijuana use and deter youth from trying it. This statewide campaign uses a variety of media tactics, including digital radio and video, online and social ads.	\$844,980	Marijuana Cash Funds	PSD's Retail Marijuana Education Program (RMEP) collaborates closely with other CDPHE programs and the Department of Transportation (CDOT) and the Department of Human Services (CDHS) on coordinated media buys to assure that the state is not outbidding itself on similar media buys. Additionally, RMEP's campaigns are guided by the work of an advisory committee set up by the Governor's Office that includes CDHS, Colorado Department of Public Safety (CDPS), CDOT, Department of Revenue's Marijuana Enforcement Division (DOR MED), and the Governor's Office of Marijuana Coordination.	25-3.5-1004

Division	Campaign Name	Brief Description of Campaign Objectives and Reach	Total FY 2018-19 Budget for Campaign	Funding Source - Include Cash Fund Number or Source of Reappropriated Funds	What other state agencies are we collaborating with?	Statutory Authority (please include statute information)
Prevention Services Division (PSD)	Responsibility Grows Here: Trusted Adults	Establishes a successful youth prevention campaign that leverages the adults that youth trust (parents, coaches and teachers) and reinforces the reasons not to engage in underage marijuana use and deter youth from trying it. Campaign is in English and Spanish. This statewide campaign uses a variety of media tactics including TV, streaming radio and digital. The campaign also includes earned media efforts.	\$663,375.00 (English) \$493,925.00(Spanish)	Marijuana Cash Funds	PSD's Retail Marijuana Education Program (RMEP) collaborates closely with other CDPHE programs and the Department of Transportation (CDOT) and the Department of Human Services (CDHS) on coordinated media buys to assure that the state is not outbidding itself on similar media buys. Additionally, RMEP's campaigns are guided by the work of an advisory committee set up by the Governor's Office that includes CDHS, Colorado Department of Public Safety (CDPS), CDOT, Department of Revenue's Marijuana Enforcement Division (DOR MED), and the Governor's Office of Marijuana Coordination.	25-3.5-1004
Prevention Services Division (PSD)	Responsibility Grows Here: Pregnant/ Breastfeeding Women	Provides educational information about the health effects and risks associated with using retail marijuana during pregnancy and breastfeeding to empower women to make informed decisions. Helps encourage conversations between women and their health care providers and provides resources to support a positive, open, and honest conversation. This statewide media campaign uses online tactics primarily, as that has proven to be the best strategy with this audience. The campaign also includes earned media efforts.	\$171,561	Marijuana Cash Funds	PSD's Retail Marijuana Education Program (RMEP) collaborates closely with other CDPHE programs and the Department of Transportation (CDOT) and the Department of Human Services (CDHS) on coordinated media buys to assure that the state is not outbidding itself on similar media buys. Additionally, RMEP's campaigns are guided by the work of an advisory committee set up by the Governor's Office that includes CDHS, Colorado Department of Public Safety (CDPS), CDOT, Department of Revenue's Marijuana Enforcement Division (DOR MED), and the Governor's Office of Marijuana Coordination.	25-3.5-1004
Prevention Services Division (PSD)	Vaping Campaigns	Comprehensive campaigns to address the vaping issue. Campaigns target youth and young adults (including LGBTQ young adults) to prevent vape use, and parents and askable adults to encourage them to talk with their kids about vaping. Statewide campaign uses a variety of media tactics including online and social. The campaign also includes earned media efforts.	\$1,622,305	Amendment 35 Cash Funds, State Rebate Money	Although we are not collaborating with other state agencies formally, we do make a suite of customizable materials available through <a href="http://cohealthresources.org">cohealthresources.org</a> that can be used by any other agency at the state or local level to increase the reach of campaign activities.	25-3.5-805
Prevention Services Division (PSD)	Colorado QuitLine	Cessation campaign raises awareness about the Colorado QuitLine and to get people to use this proven cessation service. It targets a variety of priority populations who smoke at disproportionate levels.	\$2,340,293	Amendment 35 Cash Funds	We partner with HCPF to promote the QuitLine and other health care and local agencies to increase understanding and use of the QuitLine statewide. We also have collaborated with statewide pharmacy partners to decrease barriers to pharmacists promoting the QuitLine to their clients.	25-3.5-805

Division	Campaign Name	Brief Description of Campaign Objectives and Reach	Total FY 2018-19 Budget for Campaign	Funding Source - Include Cash Fund Number or Source of Reappropriated Funds	What other state agencies are we collaborating with?	Statutory Authority (please include statute information)
Prevention Services Division (PSD)	Man Therapy	Mental health campaign and website to change social norms related to men's mental health, increase male help seeking behavior and reduce suicide rates among working age men. Campaign assets are not owned by CDPHE, but CDPHE is a founding member of the public/private partnership that developed Man Therapy. CDPHE disseminates project materials statewide and supports local communities in promoting and disseminating campaign materials and providing training to local individuals and organizations on men's mental health and suicide prevention.	\$120,000	Preventive Block Grant	Although there is no formal collaboration with other state agencies, OBH and HCPF help promote Man Therapy, and all project materials are available free of charge to any individual or organization in Colorado.	
Prevention Services Division (PSD)	Pregnancy-Related Depression	Improves the awareness and knowledge of pregnancy-related depression and anxiety among pregnant and postpartum women and their partners, friends and family. The overarching goal is to reduce stigma associated with maternal mental health and increase the number of women identified with pregnancy-related depression and anxiety who seek treatment. Campaign is running in select zip codes based on where there are existing partners working on PRD. Campaign is in English and Spanish. Tactics include streaming radio, social and online ads in English and Spanish and TV ads in Spanish. The campaign also includes earned media efforts.	July 2018-Oct 2018: \$67,764	Federal Funds	Department of Health Care Policy and Financing and Department of Human Services were notified of campaigns.	N/A

- 5 Based on the Department’s most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

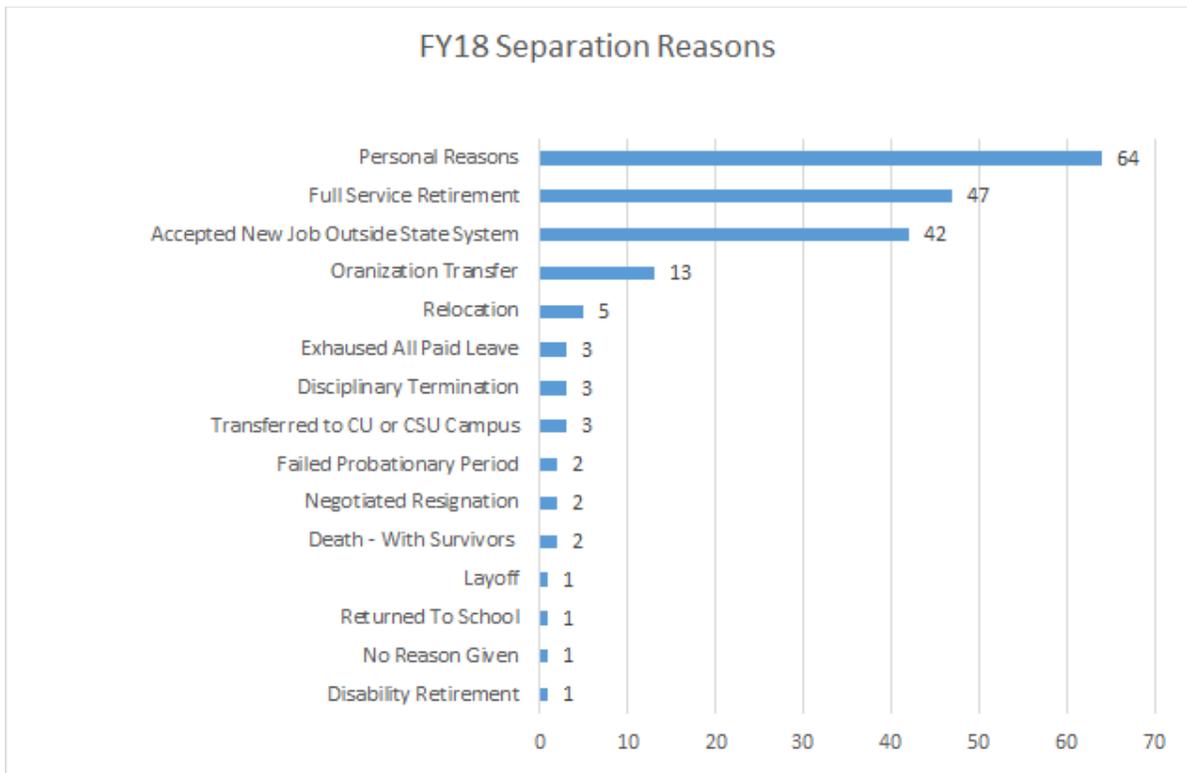
See below chart for Common Question #5 - Turnover Vacancy Rate FY 2017-18 for information by division.

### Turnover/Vacancy Rate FY2018 (July 1, 2017 to June 30, 2018)

	Turnover Rate	Total Voluntary Separations	Total Involuntary Separations	Vacancy Rate*
Administration and Support	16.22%	16.22%	0.00%	8.57%
Air Pollution Control Division	9.42%	9.42%	0.00%	10.17%
Center for Health and Environmental Data	13.77%	12.32%	1.45%	30.58%
Community Relations Division	8.62%	8.62%	0.00%	18.75%
Disease Control and Environmental Epidemiology Division	12.39%	10.55%	1.83%	17.20%
Division of Environmental Health and Sustainability	10.64%	10.64%	0.00%	6.98%
Executive Director's Office	0.00%	0.00%	0.00%	27.27%
Health Facilities and Emergency Medical Services	14.00%	13.00%	1.00%	11.96%
Hazardous Materials and Waste Management Division	13.39%	13.39%	0.00%	6.09%
Laboratory Services Division	13.79%	13.79%	0.00%	12.50%
Prevention Services Division	15.18%	14.73%	0.45%	13.40%
Water Quality Control Division	7.26%	7.26%	0.00%	6.82%
Totals	12.21%			13.17%

\*Human Resource Data Warehouse (HRDW) does not keep historical data for vacant positions, thus data has to be real-time.

The department began doing targeted exit surveys for departing employees in July of 2018. Currently the trending top 3 reasons employees leave the department are eligible for retirement, career change, and limited or no promotional opportunities. The department has increased the number of training opportunities to provide skill building for career growth and increased education for supervisors and employees on developing career development plans.



State personnel system and policies are unique to state employment and impact recruitment and retention. The total compensation package lags the private sector by 9.2% according to the FY 2019-20 Annual Compensation Report from DPA. This makes it challenging to compete with the private sector. The Department has been piloting State Personnel Rule 3-18 (e) a base building competency pay differential, for the past year. Some employees have been awarded competency based pay; however, it is too soon in the process to gauge if this will help with retention of these employees. This compensation tool is useful in some areas but not in all. This is not a funded mechanism and is base building, meaning any differential awarded has to be sustainable over time. This poses a challenge as not all divisions have the funding and are limited in what they can offer to employees. Additionally, not every individual job is structured to be eligible for competency-based pay. The department has taken the pilot approach as the Office of Human Resources does not have the capacity to implement department-wide.

- 6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

In FY 2016-17 and FY 2017-18, the five rulemaking boards and commissions at the Department held 82 rulemaking hearings to repeal, revise or promulgate new rules (only 4 of these promulgated new rules) to implement new federal or state directives. For FY 2016-17 and FY 2017-18, the Department completed five cost-benefit analyses. No regulatory analyses were completed pursuant to the Administrative Procedure Act; however, some boards and commissions incorporate a comparable assessment as part of the rulemaking process and include an economic impact statement or a regulatory analysis for rules being reviewed by the board or commission.

There is no single cost-benefit assessment of the Department's rules as a whole; however, pursuant to E.O. 12-002 and Section 24-4-103.3, C.R.S., the Department reviews its rules. The review includes an assessment of the overall costs and benefits of the rule. Staff work across the Department with other state agencies, and with stakeholders to increase efficiency and achieve or maintain alignment. For more information, please see the 2016, 2017, and 2018 Regulatory Agenda reports published by the department, or review the department's Regulatory Efficiency Review policy included as Appendix A.

- 7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

See the following chart for detail on inflationary increases impacting the Department's programs.

Division	Cost Factor	Description of Cost Factor	Expenses in FY 2014-15	Expenses in FY 2017-18	Percentage Increase	Alternative Index of Specific Factors that Demonstrate Excessive Growth
Admin	Maintenance	Building maintenance and Repair	\$ 271,857	\$ 303,764	12%	Higher contractor rates
LAB	Medical laboratory supplies and equipment	Laboratory instruments and equipment, instrument maintenance, software, supplies, reagents, and proficiency tests to perform laboratory testing.	\$ 2,545,256	\$ 3,255,151	28%	Nondurable Medical Supplies and Equipment (MSE) Inflation Index by CMS (Centers for Medicare & Medicaid Services)
AIR	Equipment repair and supply	Air Pollution Control equipment repair and maintenance services and supplies	\$ 49,661	\$ 105,605	113%	Cost of equipment repair and supplies as compared to CPI
HFEMSD	In State Travel	Costs for staff to survey (inspect) health facilities. This includes hotel and per diem	\$ 404,787	\$ 527,915.00	30%	Increase in number of facilities as well as a noted increase in hotel rates in the last year or so.
DCEED	Direct Observed Therapy (DOT) for Tuberculosis cases	Increased costs for reimbursements to local public health agencies that perform DOT for TB patients	\$30,000.00	\$73,000.00	143%	Increase in complexity of TB cases due to comorbidities and age as well as a 31% increase in TB cases from 2016 (64) to 2017 (84). This increase outpaced Colorado population growth. On average, Colorado sees between 65 - 70 cases annually.
DCEED	Colorado Immunization Information System (CIIS) and iSIIS Vision maintenance and support	CIIS has seen an increase in the number and complexity of CIIS enhancements needed to ensure the system remain functional, user-friendly and complies with federal requirements. This has also impacted our iSIIS Vision system.	\$160,581.00	\$251,728.00	57%	New federal requirements have increased the number and complexity of system enhancements needed for vaccine ordering, inventory management and dose-level accountability. This has also impacted our iSIIS Vision system that serves as CIIS's contact management system, manages federal Meaningful Use attestations, vaccine ordering, inventory management and dose-level accountability, HL7 electronic file testing, electronic interface project management and online CIIS enrollment. Notably, the current FY18-19 M&S costs for both systems is \$304,038.

- 8 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

See the following chart for detail on inflationary changes in demand impacting the Department's programs. .

*Common Question 8: Factors Impacting service demand*

<b>Division</b>	<b>Program</b>	<b>Customer/Demand Impact on the Department</b>	<b>Quantify the approximate impact - When possible compare growth to some other factor such as CPI.</b>	<b>Describe factors driving the impact</b>
Laboratory Services Division	Public Health Microbiology	Continuous increase in rabies sample submissions to the state lab, i.e. 915 samples in FY 2009-10 vs 1,482 in FY 2017-18. There is also more testing demand for tuberculosis and food-bourne testing such as E. coli, salmonella, etc.	The public health laboratory testing demand is moving in sync with the CO population and urban area growth.	The public health laboratory testing and bacteria/virus/toxin identification demand is driven by 1) population growth in CO; 2) urbanization leading to i) reduction of wildlife habitat areas and ii) higher population density with TB, hepatitis and other contagious or infectious disease outbreaks on the rise; 3) climate, for example, shorter and/or milder winters lead to a major spike in the animal activity and rabies identification demand.
Air Pollution Control Division	Stationary Sources	The number of complaints is increasing, primarily due to growth in industry.	The Division Responded to 222 complaints in FY 15-16 and 369 in FY 17-18. The increase appears to outpace population growth in CO. The increase represents a 66% growth.	The increase in industrial activity in proximity to citizens, increased awareness of the issues and the ability to contact the agency due to social media and awareness of our programs.
Division of Environmental Health and Sustainability	Manufactured Food Inspection Program	Addition of industrial hemp (IH) extractors and IH food commodity manufacturers	IH extractors and manufactures increased facility count and inspection caseload by 215 or 10%	IH operations pay the same fee as other food manufactures. However, the extraction operations present different and more complex issues than traditional food manufacturing. That, along with the increased need for food safety training and compliance assistance to this new emerging industry, is requiring a significant investment of staff time. This time investment is well beyond what the fees pay for, thus resulting in the other fee-payers subsidizing this work.
Disease Control and Environmental Epidemiology Division	Communicable Disease Branch	Increased outbreaks of Group A Streptococcus among people experiencing homelessness and people who inject drugs	Colorado has seen a dramatic increase in invasive Group A Streptococcus infections in the last few years, from 108 cases in 2013 to 429 cases in 2017. Among people experiencing homelessness, cases increased from 6 in 2013 to 49 in 2017. Among people who inject drugs, cases increased from 3 in 2013 to 25 in 2017. Among people experiencing homelessness and also inject drugs, cases increased from 1 in 2013 to 16 in 2017.	This is an overlooked consequence of the opioid crisis. Unsafe injection practices, lack of access to clean water and other hygiene are major contributors.

**Common Question 8: Factors Impacting service demand**

<b>Division</b>	<b>Program</b>	<b>Customer/Demand Impact on the Department</b>	<b>Quantify the approximate impact - When possible compare growth to some other factor such as CPI.</b>	<b>Describe factors driving the impact</b>
Disease Control and Environmental Epidemiology Division	Communicable Disease Branch	Increased outbreaks of Hepatitis A in general, among people experiencing homelessness and people who inject drugs	<p>2013 - 0.95/100,000 (foodborne outbreak associated with frozen pomegranate kernels accounts for most cases; 24% report international travel)</p> <p>2014 - 0.43/100,000 (sporadic cases; 27% report international travel)</p> <p>2015 - 0.44/100,000 (sporadic cases; 42% report international travel)</p> <p>2016 - 0.42/100,000 (sporadic cases; 43% report international travel)</p> <p>2017 - 1.17/100,000 (outbreak primarily driven by transmission among men who have sex with other men accounts for most cases; 13% report international travel)</p> <p>From 2013 - 2016, Colorado did not have any cases reported in people experiencing homelessness. In 2017, 2 cases occurred and in 2018 (through Nov 30), 6 cases have occurred.</p> <p>From 2013 - 2016, Colorado had 5 cases who reported using street drugs (2 report injection, 3 report non-injection). In 2017, 7 cases occurred (3 report injection, 4 report non-injection) and in 2018 (through Nov 30), 5 cases occurred (method still being determined; at least 3 appear to be injection).</p>	<p>For the general population, the national Healthy People 2020 goal for Hepatitis A incidence is 0.3/100,000.</p> <p>For people experiencing homelessness and people who inject drugs, this is an overlooked consequence of the opioid crisis. Unsafe injection practices, lack of access to clean water and other hygiene are major contributors.</p>
Disease Control and Environmental Epidemiology Division	Immunization	Colorado Immunization Information System (CIIS) and iSIIS Vision maintenance and support	CIIS underwent a major transition to a new platform in 2011 and since then the number and complexity of federal requirements for system functionality has increased. This has increased staff workload to maintain the system as well as support healthcare providers using the system.	CIIS has seen a marked increase in the number and complexity of CIIS enhancements needed to comply with new federal requirements related to This has also impacted our iSIIS Vision system that serves as CIIS's contact management system, manages federal Meaningful Use attestations, HL7 electronic vaccine ordering, inventory management and dose-level accountability. file testing, electronic interface project management and online CIIS enrollment.
Disease Control and Environmental Epidemiology Division	Communicable Disease Branch	Increase in tuberculosis (TB) cases	Overall, 31% increase in TB cases from 2016 (64) to 2017 (84) and there is an increase in the complexity of TB cases due to comorbidities and age. This has increased workload for the Division and local public health agencies associated with TB patients.	This increase outpaced Colorado population growth. On average, Colorado sees between 65 - 70 cases annually.
Health Facilities Emergency Medical Services Division	Health Facilities	Increased number of facilities (all facility types) means the Department has to conduct more inspections. Increased complaints means the Department has to conduct more inspections	Increase of 256 facilities across all sectors between July 2016 and October 2018. This is a 9.16% increase in total facilities.	Home care agencies have increased by 11% (74 facilities) Hospices have increased by 21.5% (17 facilities) Community clinics have increased 13.7% (10 facilities) and HCBS Service agencies (PASA's) have increased by 42.34% or 152 facilities.

*Common Question 8: Factors Impacting service demand*

<b>Division</b>	<b>Program</b>	<b>Customer/Demand Impact on the Department</b>	<b>Quantify the approximate impact - When possible compare growth to some other factor such as CPI.</b>	<b>Describe factors driving the impact</b>
Health Facilities Emergency Medical Services Division	Assisted Living Program	increased assisted living facilities means the Department has to conduct more inspections. Increased complaints means the Department has to conduct more inspections	The growth rate in assisted living facilities since 2014-15 is approximately 30 per year or 5%	The population is aging, driving an increase in the growth of assisted living facilities. More engaged family members means more complaints.

- 9 Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

The Department has numerous efforts around the use of outward facing technologies for its interactions with the public. These include using the Department's website and social media outlets to provide information on public health and environmental issues. Staff are continually revisiting the content and developing better ways to communicate messages. The Department is working with Colorado Interactive to prepare for the migration of its website content to a new platform based on Drupal 8. Content editors are using analytics and stakeholder feedback to improve content in advance of the migration. The new platform will improve the Department's ability to link related content and present content in a more engaging way. CDPHE will work with the Colorado Interactive's User Experience designer to optimize the user experience.

The Department is investing in tools to allow for better communication of the complex datasets it houses. These data visualization tools are being integrated into existing and new public interfaces. The Department has standardized Tableau as the primary tool for data visualization and also uses ArcGIS where appropriate. The following highlight examples of the improvements made regarding sharing data:

The [Suicide Data for Colorado dashboard](#) took data from multiple, disconnected sources (previously not viewed together) in order to allow citizens, programs, and organizations working in mental health and suicide prevention to visualize suicide data and related information for the state of Colorado. Another example includes the [Environmental Public Health Tracking](#) that has succeeded tremendously in aiding the Local Public Health Agencies that utilize the health and environmental data it displays. Previously, managing and updating the health and environmental measures (such as air quality, harmful algae blooms, drinking water, and radon) required significant effort and costs. Now, the Department shares the same data with easy-to-understand visuals, maps, and charts created in Tableau. This provides greater access to information and efficiencies for the Department and those using the data.

The Department is evaluating ways to make its data, within the limits of law and regulation, more accessible to the public and more useful in mobile applications. As such, staff are working with the Office of Information Technology to test the state standard Application Program Interface (API) platform. The plan is to incorporate API access into systems as they are built or modernized. This will allow the department and the public to access and utilize the data assets, such as air and water quality monitoring information, much more effectively.

Over the last few years, the environmental programs at the Department have been working on the Customer Interface Modernization Project for a Lean Environment (CIMPLE) Initiative to improve access to vital environmental information and streamline the permitting processes. As part of this, the Department has implemented the Colorado Environmental Online Services, also referred to as CEOS. CEOS is a web-based platform allowing regulated entities to interact with the Department's environmental programs via a single and secure web portal. Users can perform a number of activities such as applying and paying for required permits and licenses,

uploading documents required by regulation or statute, and updating and modifying information on file. In turn, the Department is able to process requests from the regulated community and provide appropriate licenses or permits through the same portal. The completed and final issuance of regulatory documents processed in CEOS are then available to the public through an online Colorado Environmental Records Management System.

Several years ago, the Department noticed a rapid increase in the number of record requests, requiring additional staff time to respond to these requests. To counter this, the Department implemented the Colorado Environmental Records Management System, which stores the environmental records and allows the public to search and retrieve them via the internet. Implementation of this system provides greater transparency into Department work and decreases the need for formal records requests. The Colorado Environmental Records Management System allows citizens to have better access to vital environmental information, fosters quicker and more predictable interactions with businesses, and allows Department personnel to make more informed decisions based on timely and accurate information.

Another technological solution recently implemented to improve interactions with the public was the online Medical Marijuana Registry System (MMRS). Prior to January 2017, the Medical Marijuana Registry was a completely paper based process. Paper medical marijuana applications took on average of 30-90 days to process. After the launch of the new web-based system, online applications are processed on average within 1 business day; oftentimes, applicants receive their card the same day they submit the application. In addition, prior to the online system and process improvement efforts, there were as many as 52 touchpoints between the applicant and MMR staff in order to process a single paper application. After implementation of the electronic system, there are on average, only two to five touchpoints for each application.

- 10 The federal Family First Prevention Services Act of 2018 makes significant changes to the child welfare system aimed at keeping children and youth safely with families and avoiding placement in foster care by strengthening the protective capacity of families long before child welfare services are needed. The Act also expands the eligible use of funds from Title IV-E of the Social Security Act to include approved prevention and intervention services meeting the evidence-based threshold of promising, supported, or well-supported practices as defined by the federally selected clearing house. Several programs currently exist in the State of Colorado through which services are provided and that are intended to strengthen the protective capacity of families. The coordination or delivery of many of these services are or could be integrated with other programs and services with the intent of providing wrap-around services to children and families. The FFPSA provides an opportunity for the State of Colorado to evaluate existing programs and funding in order to leverage resources across systems, departments, and divisions and to improve service delivery,

In what way will the federal Family First Prevention Services Act impact the Department's programs and budget? What statutory, policy, and rule changes does the Department anticipate will be required to ensure that the State of Colorado complies with all provisions of the federal

Act?

The Department does not anticipate any statutory, policy or rule changes to comply with the provisions of the federal act. There are no budgetary impacts to programs.

The Communities That Care (CTC) substance abuse and violence prevention program collaborates closely with programs intimately impacted by the FFPSA, including the Collaborative Management Programs (CMP) at the Colorado Department of Human Services (1451s) which provide wraparound services for system-involved youth. Some CTC Coalitions have merged with CMP coalitions to provide the most seamless prevention to intervention and treatment coordination in their communities. Since CTC efforts are focused on prevention far upstream of problems, impacting risk or protective factors that are indicators prior to any substance use or congregate care issue, the programs being implemented in the 47 CTC communities are often connected, albeit peripherally, to the priority outcomes of the FFPSA.

Other CDPHE programs such as School Based Health Centers and the Family Planning Program may serve youth involved in child welfare, but do not collect that information for services. CDPHE houses the Child Fatality Prevention System, which brings together staff from the Department of Human Services, as well as 43 multidisciplinary local child fatality review teams from across the state, to identify trends associated with child deaths and work together on prevention strategies. A major focus of this work is on increasing family stability and child safety. Joint efforts between CDPHE, CDHS and local child fatality review teams have led to a coordinated child fatality data collection and reporting system that uses surveillance data from outside the child welfare system. The CFPS is participating in the FFPSA planning process related to ensure coordination across state agencies related to upstream, population based prevention strategies.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

1. Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

***Response:** The Department is unaware of legislation not fully implemented.*

2. Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](#)

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

***Response:** The Annual Report included five recommendations cited for the Department. All five of the recommendations have been reported as fully implemented by June 30, 2018. No additional budget resources were required to address the recommendations cited in the report.*

3. If the Department receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?

***Response:** The DHSEM is expecting a reduction of funding in the 2019-20 federal budget due to the following expiring grants (these grants do not have match requirements):*

- *Chemical Stockpile Emergency Preparedness Program*
- *Hazard Mitigation Grant Program*
- *Urban Area Security Initiative*
- *Community Development Block Grant Disaster Recovery*
- *State and Local Implementation Grant Program*

*The Division of Criminal Justice (DCJ) anticipates a potential decrease in Victims Assistance (Office of Victims Programs (OVP)) Victims of Crime Act (VOCA) award. Subgrantees have a 20% match requirement.*

*Receipt of Crime Control and System Improvement (Office of Adult and Juvenile Justice Assistance (OAJJA)) Justice Assistance Grant (JAG) awards are still unknown. Numerous*

*federal special conditions regarding communication with ICE and DHS (8 USC 1373; sanctuary cities provisions) were recently added, and receipt of 2017 and 2018 funds are still pending.*

*As a result of the passage of the federal transportation FAST Act, several of the Motor Carrier Safety Assistance Program (MCSAP) grant programs were combined beginning with Federal Fiscal Year 2017. The FFY 18-19 and 19-20 MCSAP grants will again include funding for both the New Entrant and MCSAP Basic programs, match for this grant is 15%. There was an increase in funding beginning FFY 2017, and it is anticipated funding will again slightly increase during FFY 18-19 for MCSAP grant.*

*Passage of the FAST Act required that Federal Motor Carrier Safety Administration (FMCSA) establish a new funding formula to calculate award amounts for the MCSAP Basic grant beginning in FFY 19-20. It is unknown at this time how the new formula will impact the amount of funding Colorado receives from FMCSA for the MCSAP Basic grant.*

*The Office of National Drug Control Policy (ONDCP) Rocky Mountain High Intensity Drug Trafficking Area (HIDTA) grant paid for fringe benefits in the past years. However, HIDTA has eliminated paying for fringe benefits on trooper overtime. This has resulted in approximately \$20,000 in trooper benefits that the State must now pay.*

- b. Does the Department have a contingency plan if federal funds are eliminated?

**Response:** *In the event federal funding for some of the CBI programs are eliminated, the CBI would be required to either: a) directly eliminate the program that is funded with the federal dollars or; c) request funding through the state budget process..*

*The four grants managed by DFPC are directly passed through to local jurisdictions. If federal funding for these grants are reduced or eliminated, the impact will be felt directly by local jurisdictions. The grant funds provide equipment, training, or technical assistance to local fire agencies. If federal funds are eliminated, DFPC will reassess its approach to grant applications to prioritize those grants which will provide the most value to stakeholders.*

*The OVP has received VOCA funding that will sustain projected operations through 2020. Current subgrantee recipients would have time to prepare should a funding decrease become a reality. OAJJA has intentionally reduced administrative spending pending receipt of 2017 and 2018 JAG funds.*

*If MCSAP grant funding is eliminated, there are no contingency plans in place. The CSP relies on grant funds to further its mission in providing a safe motoring environment, especially during peak holiday and data-driven times throughout the calendar year based on higher rates of motor vehicle crashes.*

- c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

**Response:** Due to sanctuary city sanctions placed on the City of Denver by the federal government, the CBI has experienced a delay in the receipt of grant funds for Justice Assistance Grant (JAG) Programs while the federal government evaluated each nexus of grant funding and sanctuary city. This delayed funding directly impacted an important and quite successful statewide firearms analysis program, known as the National Integrated Ballistic Information Network (NIBIN), that provides essential crime scene investigative services to agencies throughout the State through the maintenance of a firearm/shell casing crime scene database. During this delay, the CBI opted to absorb the program costs for this discipline and reduce services in other areas of the Forensic Science Laboratory to ensure this essential database program continued with the understanding that the federal government's hold on funding the program was temporary. The federal government has recently released the hold for our agency to receive continued JAG funds, but first the department must meet a number of special conditions currently being navigated by the Colorado Department of Public Safety, Division of Criminal Justice. The expectation is that these funds will become available to the CBI during this federal fiscal year. This will allow us to resurrect the suppressed services and return the NIBIN program to full federal funding. No sanctions are known or expected to be placed upon CBI by any government agency now or in the future.

4. Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

**Response:** The Division of Homeland Security and Emergency Management (DHSEM) provides public awareness through sharing of national messaging campaigns such as the Federal Emergency Management Agency's (FEMA) Ready.gov and the Department of Homeland Security's, See Something, Say Something. The DHSEM uses these campaigns to provide social media templates for local, state and federal stakeholders to create a coordinated message across Colorado. The goal is to make Colorado a more prepared state at the individual level by giving them information to make informed and educated decisions to reduce individual risks.

The DHSEM does not have specific public awareness campaigns budgeted and does not pay for media other than its existing websites. In its normal course of business, members responsible for communication activities, use a variety of social media platforms to promote awareness of the following:

1. See Something, Say Something - Submit a confidential tip concerning a suspicious incident or unusual activity and behaviors concerning Homeland Security, which does not require an immediate response by law enforcement.
2. READYColorado
  - a. Web: [www.readycolorado.com](http://www.readycolorado.com)
  - b. Twitter: @READYColorado
  - c. Facebook: READYColorado

3. COEmergency
  - a. Web: [www.coemergency.com](http://www.coemergency.com)
  - b. Twitter: @COEmergency
  - c. Facebook: COEmergency
  - d. Preparedness messaging

*The DFPC communications team provides information and education to people of all ages, in public forums, through the media and the world-wide web, and the distribution and display of printed material. At every opportunity, the Division's best and brightest will represent DFPC in a manner that is professional and responsive.*

*DFPC strives to keep the public informed of important agency programs, projects, and other activities through the DFPC website, the issuance of press releases, printed reports and other publications, as well as updates on social media. The DFPC communications team works with local, state and federal partners on communication and public education campaigns year-round.*

*DFPC has spent approximately \$2,000.00 towards public awareness campaigns. This includes everything from the creation of the products to distribution, internally and externally. Communication outlets include traditional and digital channels: earned and paid media, print/TV news-media, social media, email, newsletter articles, and community meetings.*

*DFPC Partnerships:*

- *DFPC collaborates with other CDPS agencies (Colorado State Patrol, Colorado Bureau of Investigation, School Safety Resource Center, and Homeland Security and Emergency Management), on communication campaigns including wildfire risk and steps that can be taken to reduce risk, home fires, arson, evacuation strategies, and emergency responder safety. Recently, DFPC teamed up with several CDPS agencies, including the Colorado School Safety Resource Center, DHSEM, CSP, and the CIAC, as well as with the National Fire Protection Agency, to provide the following training at various locations throughout Colorado for law enforcement, fire, emergency medical services (EMS), emergency management, healthcare facilities, and schools: Coordinating Multi-Agency Responses, An Introduction to NFPA 3000™(PS), Standard for an Active Shooter/Hostile Event Response (ASHER) Program.*
- *DFPC collaborates with the US Forest Service, Oregon Department of Forestry, Bureau of Land Management, Rocky Mountain Area Coordination Center, and the Colorado State Forest Service partner together on Wildfire Awareness Month/Day, the Annual Wildfire Governors Briefing, prescribed burning, and incident communication activity.*
- *Partnering with local agencies has always been a top priority for DFPC's Communication section; the DFPC Public Information Officer regularly meets with county PIO groups across the state, collaborating on wildfire prevention campaigns. Most recently, DFPC worked with the Garfield County PIO group on organizing and hosting UAS awareness community meetings in Glenwood and Rifle over the course of the holiday season. The goal is to educate the public on proper usage of drones.*

- *In October 2018, DFPC hosted the first ever Fire Prevention Week event at the Capitol on October 12. The event included participants from partner fire agencies throughout Colorado and culminated with the National Fire Sprinkler Association's side-by-side live burn demonstration. The Fire Prevention Week Gubernatorial Proclamation was read aloud during the event.*

*DFPC Campaigns:*

- *"Don't Wait – Check the Date! Replace Smoke Alarms Every 10 Years" - The goal of this campaign is to educate the public about basic but essential elements of smoke alarm safety.*
- *"Put a Freeze on Winter Fires" - The focus of this year's campaign is electrical safety. This campaign provides simple steps for safely using electrical appliances this winter.*
- *"Vision 20/20" - The Division has been working with the Fire Marshal's Association of Colorado to disseminate nationally developed fire and life safety programs to fire marshal's, public educators, and non-governmental organizations.*
- *"One Less Spark, One Less Fire" - This campaign is presented by the Interagency Fire Prevention Action Team and supported by DFPC. This campaign is designed to provide constant reminders during the fire season to reduce the numbers of vehicle and equipment fires throughout the state.*
- *Fire Safety and Security in Schools - Working with the School Safety Resource Center, the Division has presented at several statewide events to school personnel on tools to improve fire safety while maximizing the ability to protect against security threats. The Division has also disseminated this information through printed media and at local and regional meetings.*
- *DFPC K-9 demonstrations were conducted at numerous public events to promote fire safety. The target audience were school children, public safety events, and fire fighter educational events/seminars.*

*DFPC Data:*

- *Website: In 2017 DFPC received (on average) 3,000-single online users per month to [colorado.gov/dfpc](http://colorado.gov/dfpc). In 2018, that number increased to average 3,900-single online users per month.*
- *Social media: On average, DFPC reaches over 40,000 people and has seen an increase in followership by 44% in the last 2 quarters of CY 2018.*
- *Public Relations: DFPC averages 3 press releases and 15 interviews a month. During peak fire season, that increases to 5 press releases and 40 interviews a month.*

*The CSP develops public awareness campaigns regarding public safety issues to include but not limited to the following: impaired driving, move over and responder safety, winter driving, chain law, aggressive driving, texting and driving and general safe driving behaviors. Each of these campaigns has an external focus that educates the public on safe driving and public safety; however, it also assists in the guidance and interaction with the public by members of the CSP.*

*The overall campaign is called “Our Family Protecting Yours, Since 1935.” The goal of the messaging is to influence citizens and drivers on Colorado’s roadways to make safe choices regarding their driving behavior. The messaging focuses on driving behavior and safe choices. A secondary goal is to encourage members of CSP to engage with the communities they serve through participation in safety messaging. The effort includes members striving for opportunities to interact with citizens in a positive and meaningful manner through purposeful conversations to impact driving behavior thereby saving lives. In addition, using top crash causal factors, a campaign strategy is developed and implemented based current trends, seasons and holidays and community needs. The cost of the campaign for fiscal year 2017-2018 was \$80,976.*

*The CSP has active accounts on a variety of social media platforms and uses each platform to communicate to a variety of demographics based on those social media platforms. Each business unit has sub accounts within Twitter and Facebook to help communicate, educate and inform their communities. In addition, each business unit is hosting local community meetings and engagement events. The CSP also partners regularly with CDOT, NHTSA, MADD, RMIIA and other law enforcement agencies on public safety campaigns that benefit all agencies’ safety messaging.*

*Media stations across Colorado regularly provide opportunities for members of CSP to provide safety messaging and partner to assist in the distribution of messages that enhance public safety. This year more news stations are utilizing posts and pictures from our social media to report crashes and traffic information as well as safe driving to the public.*

*Some examples of earned media campaigns have included:*

*#StopTheReaper, which is a campaign focused on seat belt education and enforcement. Northeastern Colorado has been especially impacted by the lack of seat belt use causing the majority of fatalities.*

*#SeeAndBeSeen is a campaign designed to bring awareness to pedestrian safety. Recently, there has been an increase in pedestrian fatalities across the state. To further bring attention to the campaign and pedestrians, fluorescent yellow beanie caps are being distributed by members of the CSP across the state. The campaign has been a great success not only generating earned media, but also with members of the community.*

*The CSP also partnered with School Space Media to reach local families whose student athletes are being recognized on the Altitude Prep Sports Spotlight. The series includes 4-8 airings per week of 30-second PSA messages that were developed in house and feature members of the CSP. This program cost is \$25,000.*

*The CSP is implementing a #CSPWatchMeClick seat belt campaign in 2019 that is branded with super heroes and offers an experience of bubble gum blowing contests between CSP members and kids/families. The objective of the program is to gain young children as brand ambassadors and influencers for seat belt use. This program cost is approximately \$7,000.*

*The CSP is also developing a campaign to impact impaired driving called #CSPBuzzKill. This campaign uses currently owned DUI Goggles, Marijuana Fatal Vision Goggles, and*

*Distracted/Drowsy Driving Vision Goggles to use as part of our K-12 Education Program and to use as engagement tools at local community events. The budget for this is \$10,000.*

*In addition, the CSP strategy spends funding on printing, promotional items for community events, event sponsorship, community safety challenges and education materials.*

*Just recently, the CSP conducted a public opinion survey that is available to the public every two years. Although results have not been published yet, initial indicators suggest that the public is satisfied with the overall professionalism, fairness and service of the Colorado State Patrol. However, results also indicate that respondents are concerned with the increase in traffic and declined perception of safety.*

*Additional tools we utilize to monitor are our TV Eyes earned media reporting system, Google Analytics on our website and analytics specific to each of our social media channels. Each month we produce a report on the previous month data trends and click rates.*

*CSP members coordinate regularly with members of CDOT and NHTSA on public safety and awareness campaigns. In particular, many of the enforcement and education strategies are guided by federal campaigns that include funding for media strategies and enforcement. Throughout FY 2017-2018, several driving education programs were very effective through these partnerships.*

5. Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

**Response:** *The turnover rate for the Department in total and by division are:*

*CBI-4%*

*CSP-9%*

*DCJ-13%*

*DFPC-4%*

*DHSEM-14%*

*EDO-13%*

*Department of Public Safety – 9.5%*

*The vacancy rate by division are:*

*CBI-2.5%*

*CSP-3.0%*

*DCJ-4.5%*

*DFPC-6.5%*

*DHSEM-10.6%*

*EDO-2.3%*

*Department of Public Safety – 4.9%*

*The Department experiences a low turnover rate due to stringent hiring and background standards and dedication to the mission of Public Safety through law enforcement and specialty positions.*

*Turnover/Vacancy rates are highly variable depending on the particular job classification. For example, turnover in the InstaCheck unit is quite high, due largely to fairly low compensation and the nature of the job. On the other hand, turnover within the ranks of Investigative Field Agents is not particularly high, but in recent years we've had great difficulty in attracting qualified candidates due to pay disparities and competition with law enforcement agencies.*

*The Wildland Fire Management Section within the DFPC has taken steps to identify retention issues, and is developing potential solutions to improve this in the future. A primary factor resulting in vacancies is the use of temporary and part-time employees. This is an outdated, historical model still used by many fire agencies in the Western U.S. This model leads to resources shortages to perform mitigation work in the fall, winter, and spring, as well as limiting the number of resources available to respond to wildfires that now occur on a year-round basis. DFPC has identified the need to convert to a year-round staffing model to address both of the above issues, and has started implementing this model with a few of DFPC temporary and part-time firefighters within existing funds. Additional benefits of an improved staffing model will be to have a high quality, well-trained, professional fire agency with improved recruitment and retention. Other identified factors resulting in vacancies are compensation and benefits offered by both federal agencies and local fire departments, to which DFPC has lost several employees over the last few years. Potential solutions being worked on to address this issue include development of an in-grade performance system (which would rely on existing funds if available) and completion of a Firefighter compensation and salary survey to compare DFPC Firefighters with other Colorado-based agencies to identify long-term needs to improve recruitment and retention.*

*Ideally, more solutions would be made available to program managers who struggle to compete with the compensation plans at local fire departments. Almost 60 percent of employees who completed an exit interview cited "better opportunity" (pay, benefits) as the reason for their voluntary termination.*

*In general, the statewide compensation policies administered by the Department of Personnel are helpful. However, the survey and annual compensation report is too broad to capture the compensation needs for several specific job classifications in the CSP. The CSP struggles hiring and retaining employees for Police Communications Officers, Port of Entry Officers, Security Guards, and Equipment Mechanics. High turnover in units primarily served by these classifications causes several problems, including: increased overtime, decreased morale, and missed deadlines. It would be more helpful to have an in-depth analysis of these classifications and adjust the compensation to market rates.*

6. Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar

analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

**Response:** *The DHSEM has promulgated four rules in FY 2016-17 and FY 2017-18:*

- *CCR 1507-42 Filing Tier II Reports Electronically (2016)*
- *CCR 1507-43 Reserve Peace Officer Academy Grant Program (2017)*
- *CCR 1507-44 School Access for Emergency Response (2018)*
- *CCR 1507-45 School Security Disbursement Program (2018)*

*These rules did not require cost-benefit analysis, therefore the DHSEM does not have any cost-benefit analysis for them.*

*In the last two years DFPC has promulgated the following four rules. The full language of the rules can be found on the Colorado Secretary of State's website at <https://www.sos.state.co.us/>*

- *8 CCR 1507-11 FIRE SUPPRESSION PROGRAM. (Effective 3/2/2018)*
- *8 CCR 1507-12 PERSONS DEALING WITH FIREWORKS. (Effective 6/18/2018)*
- *CCR 1507-30 FIRE CODE ENFORCEMENT AND CERTIFICATION OF INSPECTORS FOR PUBLIC SCHOOLS, CHARTER SCHOOLS, AND JUNIOR COLLEGES (Effective 3/2/2018)*
- *CCR 1507-31 BUILDING, FIRE, AND LIFE SAFETY CODE ENFORCEMENT AND CERTIFICATION OF INSPECTORS FOR HEALTH FACILITIES LICENSED BY THE STATE OF COLORADO. (Effective 3/2/2018)*

*DFPC did not receive requests from individuals to complete any cost benefit analysis during promulgation nor did DFPC receive requests to complete any regulatory analyses. However, DFPC regularly reviews its rules to ensure they are necessary, non-duplicative, easy to understand, successful, flexible, efficient and effective, and to ensure that they protect the safety, health, and welfare of the State.*

*a. CSP rules promulgated FY16-17 – 4 (1-MCSAP, 22-HazMat Reimbursement, 25-HazMat, 28-POE)*

*b. CSP rules promulgated FY17-18 – 5 (1-MCSAP, 22-HazMat Reimbursement, 25-HazMat, 28-POE, 55-VIN Pilot)*

*c. No cost-benefit analysis, no regulatory analysis*

*d. Administrative rule review analyses pursuant to Section 24-4-103.3, C.R.S. – 2*

*i. 8 CCR 1507-28, the Port of Entry Rules for Commercial Motor Carrier Size, Weight, and Clearance were reviewed January 5, 2018. The rules were checked for necessity, mandate by federal law, overlap with other rules, understandable language, achieving desired intent, possible amendments for flexibility or reducing regulatory burden, effective and efficient implementation, and adequacy. The rules were modified in response to the review on January 29, 2018.*

ii. 8 CCR 1507-50, the Colorado Automobile Theft Prevention Authority rules were reviewed March 21, 2018. The rules were checked for necessity, mandate by federal law, overlap with other rules, understandable language, achieving desired intent, possible amendments for flexibility or reducing regulatory burden, effective and efficient implementation, and adequacy. The rules were not modified in response to the review.

e. No cost-benefit analysis of the CDPS rules as a whole. We conducted an analysis of non-compliance with the rules, pursuant to HB18-1250 and found that in the vast majority of cases, offenders were given the opportunity to cure a minor violation and were provided training on how to better comply with the rules in the future.

7. What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

**Response:** *The main cost driver for the DHSEM is the increased severity and frequency of disasters impacting Colorado. These events create a burden on the Disaster Emergency Fund for response and recovery operations. Some of the response and recovery expenses are reflected in staffing and operating expense needs. Additionally, for FY 2019-20, the DHSEM is required to move a portion of its operations out of current lease space into new lease space, which will increase costs for the division.*

*The major cost drivers impacting wildland fire can be broken down into physical and environmental drivers (fire size, climate, and fire environment and characteristics) and management and decision-making drivers (suppression strategies and decision-making influences and incentives). As wildland fires continue to be more prevalent and more destructive, the cost of suppressing these fires will continue to increase for local jurisdictions, the state, and federal land management agencies.*

*When DFPC was formed in 2012, the consolidation of all state fire functions occurred without a clear plan for the future of facilities to house DFPC employees. In 2019, a \$0 lease with the Colorado State Forest Service will expire, forcing DFPC to find a new facility for 22 employees at a time when lease rates are very high in the north metro area. DFPC seeks out cost-saving opportunities in these situations, but increasing facilities costs remain a cost driver for the division.*

*Additionally, contract fees, fees for service, and licensing fees have increased considerably this year for technology on which DFPC relies to complete its work. For example, one Salesforce application increased from \$1,800 per license to \$4,300 per license this year alone. DFPC purchased 15 licenses at a total cost increase of \$37,500.*

*The major cost drivers for the CSP are salaries and vehicle related expenses. Salary increases and vehicle lease costs are adjusted through common policy. Vehicle variable (i.e. gasoline) costs have remained below the rate charged the last time the CSP submitted a budget change request, although the rates have been on an upward trend. However, the CSP has experienced price increases on a number of products that when looked at individually, but haven't had a material impact on operating*

costs. When combined, these items can have a large negative impact on the CSP budget absent any inflationary adjustments. For example, the price of vehicle floor mats is up 10 percent, spit hoods 11 percent, stop sticks 10 percent, Wypall towels 100 percent, web gear (duty belts, holsters, etc.) 6.5 percent, flairs 32 percent, Tahoe tires 7 percent, and Danner boots are up 6 percent. Food costs for the CSP Training Academy have also experienced sizable price adjustments.

For the majority of the department, the major cost drivers are increases in travel and phone expenses. On average, travel is up 54 percent and phone expenses are up 29 percent.

8. How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

**Response:** As population grows in Colorado, the demand for CBI services grows with it. This means more law enforcement officers and members of the public using CBI's information and criminal justice information systems. Law enforcement use is supported by General Fund, and therefore the CBI is seeking ways to efficiently serve these users within its continuation funding. Within CBI, the Crime Information Management Unit (CIMU) supports and provides training to law enforcement users; however, the number of personnel has remained unchanged at 14.0 FTE since FY 2007-08. Contrast this with the increase in the number of active law enforcement users in the state over the same time period from 15,080 to 23,222. Having no increase in personnel, the growing ratio of active users to staff is unsustainable. The CBI will require additional personnel in CIMU by FY 2019-20.

Additionally, the major cases handled by the CBI are becoming increasingly more complex. The nature of crime in the United States is changing rapidly, with criminals making use of highly advanced technology to commit crimes of fraud, identity theft, and so forth. Moreover, the investigation of any major crime now requires the use of advanced analysis of computer and smart-phone data on devices belonging to victims, suspects, and witnesses, all of which results in additional interviews and intensive follow-up.

The general population increase in Colorado has significantly increased the workload for DFPC. Metro area departments are growing significantly, agencies are opening new stations and hiring more firefighters to respond to this rapid growth. This is taxing to available training funding streams and staff time as DFPC receives more requests for firefighter training, testing, and certification.

Nearly 85 percent of all wildland fires are human-caused and 2.9 million Coloradoans live in the wildland urban interface. DFPC continues to see an increase in the number of wildland fires each year and suppression costs continue to rise to protect homes and critical infrastructure in urban interface areas. From 2010 to 2018, Colorado spent an average of \$19 million on fire suppression costs each year. DFPC firefighters spent 54,174 hours on incident response in 2018 (up from 36,000 hours in 2017), further reflecting the increasing caseload.

*The Fire Investigations Section currently covers the entire state with one full time investigator and one K-9 with no dedicated funding to place dedicated investigative resources in strategic areas of the state. As the population in Colorado increases, more structure and wildland fires are being set, requiring additional resources to determine origin and cause. Several times this year, one to two investigators responded to back-to-back wildland fire incidents while still attempting to cover the requests for assistance to structure fires.*

*The Fire and Life Safety Section is tasked with conducting inspections and plan reviews for schools and healthcare facilities in Colorado. This section has seen an increase in the number of senior living facilities being built due to the aging population. This section had a significant increase in caseload after \$3 billion in school bonds passed in recent elections. DFPC anticipates that the workload related to school bonds will continue to increase for at least the next two years because of the increased funding.*

*Trend data demonstrates an increase in overall utilization of Community Corrections beds. A variety of factors are affecting the increase in population including transition bed utilization efforts and increases in the diversion population in community corrections. The following table represents a point in time census for the community corrections population:*

Community Corrections Population	July 1	August 1	September 1	October 1	November 1
FY18	3,570	3,557	3,713	3,730	3,776
FY19	4,075	4,104	4,124	4,113	4,193

*At the end of the 1st quarter, the budget was at 25 percent of spending. Historically, the 1st quarter has proven to be an unreliable predictor for the remainder of the fiscal year. At the end of the 2nd Quarter, Office of Community Corrections will complete RFI DPS01 as required.*

*The increase in population, driver’s licenses, and vehicle miles traveled (VMT) correspond with an increased need for road troopers to provide a safe and secure environment for all persons. The population of Colorado has grown 16.8 percent since 2007. The growth reflects a total impact of approximately 533,004 additional drivers on Colorado highways. Further, the annual VMT has increased by 9.6 percent since 2007.*

*Traffic growth on the Colorado highways hinders the ability for the Colorado State Patrol (CSP) to provide a safe and secure environment for all persons. Although progress has been made to promote safety, protect human life, and preserve Colorado highways, CSP still falls short in reaching current performance measures.*

*In addition, the ongoing implementation of the eDiscovery system has resulted in increased administrative tasks for the Patrol. In order to ensure we comply with discovery in criminal cases,*

*this process takes a higher priority than other customer service responsibilities. The Department has submitted budget requests to address the shortage in troopers and corresponding support staff.*

9. Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

**Response:** *The DHSEM is in the process of implementing a new cloud-based, centralized and automated technology for community members, non-governmental organizations and businesses to input volunteer services, donations, goods and other essential items that could be utilized during a disaster. The system provides electronic visibility of the needs and a way to search for products for sale or donations that support the local community needs. This will create a much more user friendly system for those that want to volunteer, donate or provide goods or services and an expedited response to local communities needing management of donations and volunteers, and the contracting of vendors. Prior to the implementation of this new system, this was handled in a manual manner.*

*Additionally, the DHSEM continues to expand its use of its electronic grants management software that allows internal and external customers to electronically track the progress of grant functions - applications, time extensions, scope changes, grant agreements, reimbursements requests, and closeouts. Currently there are 10 grant programs and hundreds of customer (sub-recipient) accounts managed through the system.*

*WebEOC is the State's web-based tool for sharing emergency incident information across the emergency management community, as well as tracking and deploying requested support resources. The system is hosted by the DHSEM, and provides a web-based interface for use by local, tribal and state agencies. It is the primary communication and tracking system used in the State Emergency Operations Center, and is made available to local and tribal emergency management agencies across the state at no cost to encourage participation and use. The system contains the state's resource database, as required by statute. Resources can be entered by local agencies in addition to state agencies, and is searchable for specific types of equipment. Requests for resource assistance can be made through the system by local agencies, which can be routed to their neighboring jurisdictions or to the state. An additional database tracks personnel who have qualified as members of Incident Management Teams. Qualifications and contact information are tracked, and personnel can maintain their current "status" - their availability to respond to requests for assistance. General incident status information is entered in the system by agencies, who can choose to share it within their jurisdiction, with neighboring jurisdictions, or across the state.*

*Each of CBI major program areas utilize technology for different purposes. Lab/Invest is using drones; CCIC may begin using virtual network services, etc. The implementation of the CBI Secure Document Delivery System, provides secure and encrypted online interfaces for individuals receiving criminal background check results as well as law enforcement users access to criminal justice information. The FBI is performing upgrades to national criminal justice information systems such as the National Crime Information Center (NCIC), which are expected to significantly improve user access and usability. One such improvement is known as NCIC Third-Generation, or N3G, and will*

*require network system changes at the state level by FY 2021-22 with request for proposals beginning FY 2020-21. The CBI is participating in the N3G project in an advisory capacity and is monitoring the progress of N3G to plan for subsequent CCIC improvements.*

*The CBI is working with the Governor's Office of Information Technology (OIT) to find ways to actively scale network resources when there are high demands from law enforcement agencies accessing CBI criminal justice information systems. Rapid ID is a program that uses handheld fingerprint scanning to improve public safety and reduce identity theft. The CBI underwent a pilot program in collaboration with the Colorado State Patrol several Rapid ID units were successfully tested in real world scenarios across the state. In order to expand access of this technology for law enforcement users, network firewall changes will be required for each agency wanting to use the technology. To date, there are less than one-fourth of state law enforcement agencies who currently use the Rapid ID system. The goal is to increase access to more local and rural law enforcement agencies.*

*The DFPC is constantly seeking new opportunities to identify new technology that will benefit DFPC stakeholders and provide improved customer service. The following technologies have been implemented by DFPC or are planned for the future:*

- Multi Mission Aircraft (MMA) and the Colorado Wildfire Information Management System (CO-WIMS): Colorado is the only state that owns two multi mission aircraft that can be dispatched to find new wildland fires, map existing wildland fires, and support other public safety efforts like search and rescue. Other states are looking to this technology for its early detection capabilities after its proven success in Colorado since 2014. During the 2018 fire season, the MMA found 76 unstaffed, new wildland fires utilizing this technology. First responders can access maps or video footage from the MMA in near real time through the CO-WIMS website and app. DFPC works to upgrade the MMA's capabilities and ensure that CO-WIMS is user-friendly by providing training and working with the contractor on system upgrades.*
- The Colorado Center of Excellence for Advanced Technology Aerial Firefighting is focused on identifying, researching, and operationalizing new technologies that benefit the fire service. A few recent examples of the technology this group is beta testing include: unmanned aircraft systems, improving situational awareness and data connectivity in remote areas, and working with the National Center for Atmospheric Research to develop the Colorado Fire Prediction System that provides 18 hour predictions on wildland fires in CO-WIMS. Additionally, the Center of Excellence provides assistance to other DFPC sections in designing forms for data collection that can be accessed offline.*
- The Professional Qualifications Section's four Regional Trainers are utilizing a hybrid curriculum delivery system. This learning management system is provided as a benefit to instructors adopting state certification training manuals. The format is designed to be blended with a traditional face-to-face instructor led classroom or to replace classroom lessons so that students only attend class to practice and learn hands-on skills. Instructors have access at no cost to use this program. Additionally, DFPC recently upgraded to a computer-based testing system that allows for test takers to receive results in 18 hours instead of in several weeks and to issue certificates simultaneous with test results instead of several months later.*

- *In 2015, DFPC implemented a new, comprehensive records management system (RMS) through Salesforce. DFPC issues licenses, registrations, and certifications to inspectors, plan reviewers, and contractors and issues permits for schools and healthcare facilities throughout Colorado. These were all issued through a paper-based system prior to 2015, and employees were unable to quickly identify who held past certifications when customers needed to renew their certifications. The turnaround time on these was up to four weeks. With the new RMS, customers can apply for new certifications or renewals and expect to receive them within five business days. DFPC employees now have immediate access to these records and can provide them to customers. Since 2015, DFPC has hired an RMS Administrator who focuses on improving the customer experience in Salesforce. The next steps for RMS include integrating the state's payment system, an update from Salesforce Classic to the mobile-friendly Salesforce Lightning, and developing an inline, robust training system that Salesforce customers can access online.*
- *When building out the DFPC website, DFPC's goal was to keep the system as intuitive and simple as possible. DFPC achieved this result using a simple design to facilitate easy navigation. The site is maintained on a daily basis and DFPC prioritizes responding to customer inquiries. The site averages 3,900 single online users each month. Additionally, DFPC is developing a website dedicated to informing and educating the public on current active fire and fuels work (prescribed fire activity), statewide fire restrictions, prevention/preparation information, and how to report a wildland fire. This website, Colorado Fire Information, will be housed at coloradofireinfo.com and will go live in April 2019.*
- *The Colorado Wildfire Watch (CWW) App has used geofencing to send targeted, personalized messages to users who have enabled notifications when they enter a defined geographic area where an active wildland fire is burning. Geofencing allows DFPC to establish a virtual fence around a predefined geographic area to proactively notify users when they are near a wildland fire.*
- *Both the Fire Investigations and the Fire and Life Safety Sections are using unmanned aircraft systems (UAS) to assist with their work. The Investigations section is using UAS as an investigative tool to search and document areas of involved fire structures and to search surrounding areas for discarded evidence related to the cause of the fire. The Fire and Life Safety Section is using UAS to assist with inspections of hard to reach areas, such as hospital and school roofs, which allows inspectors to complete inspections faster and keeps them from having to navigate dangerous areas.*

*DCJ uses a variety of outward facing technologies to reach stakeholders and the community at large. Examples include: websites to provide information, resources and training; email blasts to communicate with stakeholders; survey's; Web X and SPARK Board technology to hold meetings; Facebook page and Twitter accounts to distribute information.*

*The CSP utilizes a website that is hosted by State OIT and SIPA. The CSP has recently added an app to the website that allows a chat feature for CSP recruiters to use to communicate with potential applicants. Due to the chat features success, the CSP is considering implementing a site-wide chat feature to allow anyone on the site to ask questions. The CSP uses a variety of social media platforms to include Flickr, YouTube, Instagram, Facebook, Twitter and Snapchat. In the near future, the CSP would like to explore the development of an agency app available for download by the public. The app would provide instructions for cold reporting a crash, requesting a crash report, etc.*

10. The federal Family First Prevention Services Act of 2018 makes significant changes to the child welfare system aimed at keeping children and youth safely with families and avoiding placement in foster care by strengthening the protective capacity of families long before child welfare services are needed. The Act also expands the eligible use of funds from Title IV-E of the Social Security Act to include approved prevention and intervention services meeting the evidence-based threshold of promising-, supported-, or well-supported practices as defined by the federally selected clearing house. Several programs currently exist in the State of Colorado through which services are provided and that are intended to strengthen the protective capacity of families. The coordination or delivery of many of these services are or could be integrated with other programs and services with the intent of providing wrap-around services to children and families. The FFPSA provides an opportunity for the State of Colorado to evaluate existing programs and funding in order to leverage resources across systems, departments, and divisions and to improve service delivery.

In what way will the federal Family First Prevention Services Act impact the Department's programs and budget? What statutory, policy, and rule changes does the Department anticipate will be required to ensure that the State of Colorado complies with all provisions of the federal Act?

**Response:** *The FFPSA follows an ongoing trend of expanding the use of criminal justice information to protect vulnerable youth and prevent harm to those at risk. Although Colorado passed Senate Bill 15-087, Foster Care and Kin Care Placement Background Checks, to allow increased access to criminal justice information for county human service agencies, the CBI did not request nor receive additional FTE to implement expanded access to human service agencies. The bill authorizes human service agencies to directly access the Colorado Crime Information Center (CCIC) and criminal history information for the purposes of adoption, emergency child placement, and child abuse investigations. Because the access required for each service differs, the implementation for each agency is non-standard. Moreover, the combination of needed services requires customized user training. Given these challenges, only two county human service agencies—Denver and Arapahoe—have been granted access to CCIC by CBI.*

*Additionally, the federal Child Care Development Block Grant Act (CCDBG) of 2014 required sex offender registry information to be provided to human service agencies. Pursuant to this law, any search of criminal history information is required to also search the available state and national sex offender registries. Because the Colorado Sex Offender Registry is directly linked with the Colorado criminal history database, the impact on CBI is minimal. However, because sex offender registry laws differ by state, the CBI is currently working through the FBI advisory process to have the national sex offender registry checked by the FBI upon receipt of fingerprints for background checks affected by CCDBG. The access to the national registries is currently underway and CBI does not have any further information regarding a final implementation date.*

*Because the FFPSA is designed to facilitate improved information sharing, the CBI anticipates working with Colorado Integrated Criminal Justice Information System (CICJIS) as well as the Colorado Department of Human Services (CDHS) to improve the data availability and security of information sent through the CICJIS link between the CBI CCIC system and CDPHE TRAILS system.*

*However, it will be necessary to have all enhancements mandated under S.B. 15-087 and CCDBGA fully implemented to ensure that Colorado qualifies for FFPSA grants, if eligible.*

*When completed at the federal level, the CBI will be required to work with CDHS and each county human service agency to implement network access to state and federal criminal justice information networks. In working with Denver and Arapahoe Counties, the CBI expects that each county human service agency will find it necessary to modify its internal policies and protocols, provide user training regarding criminal justice information, increase physical facility security measures, adopt information technology solutions, and collaborate with CBI in completing criminal justice information system audits as required by the FBI for non-criminal justice agencies. To prepare for the increase in workload, the Department expects that additional resources —personnel, capital equipment, operating expenses, and certain network maintenance contracts— will be needed in the near future.*

*The Office of Victims Programs is a partner on a Department of Human Services (DHS) grant within the anti-human trafficking field aimed at better serving child victims of human sex trafficking that are identified by DHS, which may have some tie in to the Families First Act.*

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED.  
PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR  
COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 **Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.**

Response: The Department is not aware of any unimplemented or partially implemented legislation, with the exception of recently passed legislation from the immediate prior legislative session which are routinely in progress at the Department. Below are priority items from last year's legislative session:

HB18-1128 Protections for Consumer Data Privacy

House Bill 18-1128 requires all government agencies to dispose of personally identifying information when that information is no longer needed and/or in accordance with records retention policies. The Division currently collects personally identifying information in the course of licensing applicants to comply with applicable requirements for confirming lawful presence and for the identification of licensees.

At the time of bill passage, the Division drafted a business requirements document for transmission to the current licensing software vendor (E-license) where affected information is stored to request a quote on cost for compliance with these new requirements. The vendor recently provided a quote and an approximate timeline for development (8 weeks for development and testing). There will be additional testing required on the part of Division staff prior to implementation. The Division is prepared to move forward on the provided quote once the funding has been confirmed.

HB 18-1291 Division of Conservation

The Division of Conservation has partially implemented HB 1291 as follows:

- Rules required by 12-61-1104(7)(a), (b) & (c) have been drafted and are being reviewed by counsel. Rule-making should be completed in December.
- Rule required by 12-61-1104(7)(d) has not been drafted as Division has identified no "other entities" that regularly review conservation easement transactions involving a "qualified appraisal." Rule making is not scheduled.
- Work on 12-61-1106(13)(c) (sharing information contained in confidential tax credit applications with a third-party vendor) is pending GA's clarification of this apparent internal inconsistency.
- 12-61-1106(13)(c) authorizes the director to share publicly-available information with a third party vendor for the purpose of developing and maintaining a registry of conservation easements.

- 12-61-1106(16) mandates that any information received, as part of a tax credit or preliminary advisory opinion application, by the division, director or commission be kept confidential.

It is not reasonable to expect staff to determine, without guidance, what information contained in otherwise-confidential applications submitted by taxpayers is publicly-available. HB 18-1291's lack of an appropriations clause, the scheduled July 1, 2019 repeal of 12-61-1103 and 12-61-1104, and the JBC's rejection of the June 20, 2018 1331 emergency supplemental have constrained the activities of the Division of Conservation.

HB18-1198, Best Practices for State Boards and Commissions by Reps. Saine and Kraft-Tharp and Senators Donovan and Smallwood.

Summary: The bill requires each statutorily created board or commission in state government, not including a special purpose authority, to implement written policies or bylaws and obtain annual training on specified issues in order to ensure that best practices are utilized and requires each state agency responsible for a statutorily created board or commission to ensure that the state board or commission obtains the annual training and implements the written policies.

Status: Partially Implemented. The Division of Professions and Occupations (Division), which oversees 26 Boards, Commissions and Advisory Committees, has adopted a Policy, The Board Member Code of Ethics, applicable to all of its Boards, Commissions, and Advisory Committees. The Division has revised its new Board, Commission and Advisory Committee member orientation and has revised its annual training to include the issues specified in the bill. Thus far, the Division has provided the Board Member Code of Ethics to each board, commission and advisory committee member, obtaining signature confirmation, rolled-out the revised new member orientation, and completed the revised annual training for 35% of its boards, commissions and advisory committees with the training for the remaining bodies scheduled through the first quarter of 2019. As noted herein, the Division has taken additional steps beyond the legislation to include its advisory committees in the Policy and training.

SB18-022 Clinical Practice for Opioid Prescribing by Senators Tate and Aguilar and Reps. Pettersen and Kennedy.

Summary: The bill restricts the number of opioid pills that a health care practitioner, including physicians, physician assistants, advanced practice nurses, dentists, optometrists, podiatrists, and veterinarians, may prescribe for an initial prescription to a seven-day supply and allows each health care practitioner to exercise discretion to include a second fill for a seven-day supply unless the person receiving the prescription meets certain requirements. In addition the bill requires health care practitioners to query the PDMP prior to prescribing the second fill for an opioid.

Status: Partially Implemented. The Guidelines for the Safe Prescribing and Dispensing of Opioids has been revised to include the bill's requirements and is in the process of being adopted by the Division's seven prescribing boards. Extensive outreach has been conducted through e-mail blasts, presentations, newsletters and board meetings.

SB 18-132 - Concerning a waiver of federal law to permit insurance carriers to offer catastrophic health plans to any individual residing in Colorado – Prime Sponsors Senator Smallwood and Representative Kennedy

Bill Description: The bill requires the Commissioner of Insurance to do an actuarial analysis to determine if the sale of catastrophic health plans to all Colorado residents (as opposed to only those under age 30 or whose premiums would exceed a set level) would result in a reduction in Coloradoan's advanced premium tax credits or increase individual health plan premiums. If the analysis finds that there will be no reduction in advanced premium tax credits or an increase in average premiums, the Division was directed to file what is known as a Section 1332 waiver application to allow for the greater availability of Catastrophic plans.

Status: Partially Implemented. A 1332 waiver must satisfy four statutory requirements for the federal government to approve the waiver request. One of those requirements is that the waiver cannot increase the federal deficit. In other words, the waiver must be "deficit neutral." The actuarial analysis required by SB 132 found that the catastrophic plan waiver proposed by the legislation was not likely to be deficit neutral. After a meeting with CCIIO on the actuarial report findings, the Division submitted a letter to CCIIO requesting guidance on whether a 1332 waiver application should be submitted, as CCIIO informally advised the Division that their application would be denied. The Division is awaiting a formal response from CCIIO. Both Senator Smallwood and Representative Kennedy are aware of the findings in the actuarial analysis and the correspondence with CCIIO.

SB 18-178 – Concerning the definition of similar coverage for workers' compensation for certain operators of commercial vehicles – Prime Sponsors Senator Smallwood and Representative Kraft-Tharp

Bill Description: The bill would permit 'occupational accident coverage insurance policies' to satisfy requirements in certain circumstances for workers compensation coverage. The bill specifies the requirements for when such a policy may be considered as providing similar coverage. The bill requires the Commissioner of Insurance to promulgate a regulation establishing the minimum coverages for benefits under an occupational accident coverage insurance policy. The bill does not specify a date by which the regulation must be promulgated.

Status: Partially Implemented. The Division circulated an initial draft rule and is currently engaged in discussions with stakeholders regarding the content of the draft regulation. The Division will complete those stakeholder discussions prior to promulgating the regulation. Both Representative Kraft-Tharp and Senator Smallwood are aware of the ongoing stakeholder discussions.

- 2 **Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.**

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

Response: The Department has no high priority outstanding audit recommendations as identified in this report.

- 3 **If the Department receives federal funds of any type, please respond to the following:**
- a. **Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?**
  - b. **Does the Department have a contingency plan if federal funds are eliminated?**
  - c. **Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.**

Response: There are no potential sanctions that might be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

There are no material changes in permanent, ongoing federal awards expected to occur during FFY 2018-19 or 2019-20 however the Department continues to monitor the passage of the federal budget and appropriations pending before Congress. While the Department is primarily cash-funded, there are a few programs that may be nominally impacted if there is a reduction of federal funds. For example, the State Health Insurance Assistance Program (SHIP) is funded through March 31, 2019 and funding may be reduced or eliminated starting April 1, 2019 depending the passage of the budget. Additionally, the Senior Medicare Patrol (SMP) Program is funded through May 31, 2019 and the Medicare Improvements for Patients and Providers Act (MIPAA) is funded through September 29, 2019 and the availability of funding is uncertain beyond that point. The Program Manager for these three programs is looking at available funding options if funding is reduced or eliminated.

- 4 **Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?**

Response: The Department is statutorily required to conduct outreach and public awareness campaigns via the Consumer Outreach and Education Program created in Section 24-34-108, C.R.S. The Department annually submits a report to the Joint Budget Committee on the activities of this program each November 1st.

**Goal and purpose of public awareness campaign "Take 5 to Get Wise":**

Building upon the substantial progress made by the launch of its long-term awareness campaign in FY14-15, "Take 5 to Get Wise - Ask DORA" ("Take 5"), the Department has since initiated new annual phases of the campaign with the primary purpose to continue boosting awareness about DORA's consumer protection resources and encouraging consumers to take "just five minutes" to access these resources before making critical consumer decisions.

The Department continues to see positive results from these efforts while each year refining its messaging and creating a consistently identifiable presence on high-priority consumer issues while serving as a reminder to professional licensees of their responsibilities to their customers.

**Cost:**

At year end of FY17-18, the program collected \$199,564 in surcharges and interest. Total expenditures amounted to \$206,730.

**Activities:**

Approximately 75% of the expenditures were for public service announcement development, distribution and other related purposes. At least 15% of the expenditures were associated with educational materials, collateral, and miscellaneous expenses related to the program, and another 10% of the expenditures were associated with building consumer protection awareness for community outreach and engagement efforts.

While not all costs associated with outreach that is conducted by the Department are funded by the Consumer Outreach Fund, it is integral to the overall initiative and performance objectives by the Department.

This year's initiatives covered a wide variety of topics, including insurance (home and medical); health/healthcare providers; services/licenses; HOAs and finance/fraud-related issues; and utilities/energy; and civil rights/anti-discrimination laws. These topics were integrated into the broader Take 5 campaign through the development and implementation of several new and established partnerships and collaborations, which included:

- Deploying a robust digital marketing program targeting Coloradans who are on social and other online networks. This involved creating new animated videos/Public Service Announcements (PSAs) developed in English and Spanish specifically for online networks. It also included a traditional Spanish-language television media campaign.
- An initiative to reach statewide rural audiences with PSAs using individual venue-based advertising at local small-town movie theaters.
- Continuing to improve and promote the award-winning consumer information website, [askDORA.colorado.gov](http://askDORA.colorado.gov), while adding more robust social media, including developing Facebook Live programming, partnering on social media campaigns; and developing

accompanying collateral to give to consumers and licensees.

- Developing a series of informational reports for industry stakeholders on the fiscal year initiatives and resulting impacts made by each division so those industries are more informed about the strides their specific regulatory oversight divisions made.
- Boosting consumer attention to additional consumer friendly web resources, including:
  - Developing a more robust Financial Literacy presence on [askDORA.colorado.gov](http://askDORA.colorado.gov)
  - Creating an all-new HOA Consumer Information Resource Center accessible through [askDORA.colorado.gov](http://askDORA.colorado.gov)
  - Continuing efforts to increase visibility for “CO Health Professional Check” ([Colorado.gov/cohpc](http://Colorado.gov/cohpc)), which launched in March 2017 to better provide information to the public about their licensed healthcare provider – which for the first time included development of a mobile friendly licensing search database; as well as the Military and Veterans Career Transition Programs ([Colorado.gov/dora-military](http://Colorado.gov/dora-military)), which launched in May 2017 to better provide information occupational licensing information to active and retired military members and their spouses. This program was the recipient of the year’s Clement’s Good Government Award and a Horizon Interactive Award.

#### **Collaborations:**

- **Colorado Business Roundtable (COBRT)**

DORA has provided a monthly speaker for its on-air, livestream and podcast program, *Connect and Collaborate*, with a goal of demystifying regulatory processes and initiatives that help to promote the state’s economic health.

- **Rocky Mountain PBS**

The relationship with Rocky Mountain PBS included airing Take 5 PSAs and, in addition, sending out information to its members regarding household goods movers.

- **Stop Fraud Colorado – Attorney General’s Office**

DORA frequently partners with Stop Fraud Colorado on several events around the metro area, and specifically on social media chats regarding financial fraud for the military and veteran community as well as during Colorado Consumer Protection Month in November. These chats often trend on social media reaching many thousands of social media users.

- **National Consumer Protection Week**

DORA partnered with the Federal Trade Commission to help highlight National Consumer Protection Week as well as held a Consumer Protection Open House in which every DORA division was featured in its the lobby of its downtown headquarters.

- **Financial Literacy Outreach**

Statewide outreach and educational sessions on financial literacy were held in southern Colorado and the Western Slope.

- **HOA Information and Resource Center**

The Division of Real Estate at DORA increased their visibility to their audiences to launch an all new HOA Information and Resource Center presence on askDORA.colorado.gov. This hub for HOA information features access to webinars, news, meetings and workshops. The Division of Real Estate works with the BBB and AARP on educating their members about housing and HOAs, including timeshares.

**Sample of Outreach Events:**

- **Salute to Seniors:** Largest expo in the state for seniors (over 2,000 attendees) at Colorado Convention Center.
- **Safety Fairs:** Large safety expo for residents of Jefferson County (over 5,000 attendees) at Jefferson County Fair Grounds is just one example of the Safety Fairs attended.
- **African American Health and Safety Fair:** The area's largest expo focused on the health and wellness needs of the African American community.
- **Government Social Media Conference:** The largest gathering of social media expertise of public service agencies in the country.
- **Colorado Municipal League Annual Conference:** DORA division leadership attended to connect with local leaders regarding consumer protection.
- **Law Days:** DORA divisions work with legal groups and bar associations to ensure their presence at a variety of Law Days held throughout different communities across the state.
- **Smart Energy Fairs:** The Office of Consumer Counsel works to reach household consumers regarding smart energy use, utilities, rates and utility scam awareness.

**Metrics:**

- DORA focused on gaining presence with its PSAs over social and digital platforms and in rural Colorado areas via broadcasting in main-street movie theaters. In summary, "Impressions" — which are the number estimated to have seen the information (possible for one person to see the information multiple times) — totaled 15,702,277. "Clicks" — which are the number of actions online taken by the audiences to access the information — totaled 32,263.
- DORA's outreach initiatives continue to gain recognition. The Department was honored to be awarded the highly-coveted Horizon Interactive Award for its Veterans and Military Occupational Licensing and Prescription Drug Monitoring Program websites.

- 5 **Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?**

Response: Although the Department does not have division-specific data available at this time, the most recent State of Colorado Workforce Report published by the Department of Personnel and Administration, indicates that DORA has an 9.4% turnover rate, with a total of 52 employees leaving the department in FY 2017-18 (19 employees left the department due to retirement, 32 voluntarily left the department, and 1 left the department on an involuntary

basis). Statewide compensation policies are a challenging and complex undertaking, and the Department looks forward to the opportunity to continue partnering with the Department of Personnel & Administration, alongside the other state agencies, on ways to continue to address vacancy and turnover issues statewide.

- 6 **Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department’s rules as a whole? If so, please provide an overview of each analysis.**

Response: In FY 2016-17, 183 rules were included in DORA’s regulatory agenda, of which 19 were newly promulgated rules and 131 were revisions. In FY 2017-18, 105 rules were included in DORA’s regulatory agenda, of which 12 were newly promulgated rules and 93 were revisions. Over the past two years, 31 new rules have been promulgated by DORA

DORA agencies prepared cost-benefit analyses on two rules in FY 2016-17 and on two rules in FY 2017-18. Section 24-4-103(2.5), C.R.S., mandates that CBAs must include:

- The reason for the rule or amendment;
- Any anticipated economic benefits of the rule or amendment;
- Any adverse effects on the economy, consumers, private markets, small businesses, job creation and economic competitiveness; and,
- At least two alternatives to the proposed rule or amendment, including the cost and benefits of pursuing each of the alternatives.

The following table shows the specific rules for which CBAs were requested:

<b>Fiscal Year</b>	<b>Program Name</b>	<b>Short Description</b>	<b>CCR Number</b>	<b>Date Reviewed</b>
16-17	Office of Barber and Cosmetology	Barber & Cosmetology Rules	4 CCR 731-1	12/16/2016
16-17	Medical Board	Licensure and Practice by Physician Assistants	3 CCR 713-7	2/3/2017
17-18	Office of Barber and Cosmetology	Barber & Cosmetology Rules	4 CCR 731-1	10/17/2017
17-18	Medical Board	Delegation of Medical Services	3 CCR 713-30	2/3/2017

All four CBAs contained the required elements stated above. A brief overview of each follows:

- Division of Professions and Occupations/Office of Barber and Cosmetology: Amending all existing rules for further clarification and to afford adequate infection

control requirements for public protection (FY 16-17) Three requests for a CBA were received and a CBA was prepared on a single rule pertaining to mandated waiting periods for certain cosmetology services. The CBA stated that economic benefits may accrue to non-physician healthcare providers as they would be able to authorize such procedures, but licensees may realize economic costs by complying with mandated waiting periods. Costs and negative economic impacts may accrue to licensed physicians by the creation of waiting periods and by allowing non-physicians to authorize such procedures.

- Division of Professions and Occupations/Colorado Medical Board: Rules regarding the delegation and supervision of medical services to unlicensed health care providers (FY 16-17). One request for a CBA was received and a CBA was prepared on six sections of the proposed rules. While minimal to no economic benefits were expected to be realized, the CBA stated that failure to adopt the rules could result in unnecessary physical and irreversible harm to patients utilizing the services of unlicensed persons. While no adverse effects on the economy were anticipated for most of the provisions reviewed, some adverse impacts on small business were possible as a result of obtaining in-state physician supervision, one-time creation of protocols and mandated physician review of patient records.
- Division of Professions and Occupations/Office of Barber and Cosmetology: Revision of all existing rules to reduce regulatory burden and simplify for clarification. A request for a Cost Benefit Analysis (CBA) was received in regards to Rule 2.1 and 2.2 as related to Training Requirements. Single rule pertaining to mandated waiting periods for certain cosmetology services. The prepared CBA stated that economic benefits may accrue due to the reduction of educational burden and alternative pathways to licensure leading to an increased number of persons seeking education or apprenticeships and thus an increase in educational programs, teaching positions or apprenticeships and an increased number of cosmetologists in the workforce. Costs are minimal and will be absorbed by the program. Negative economic impacts may accrue due to a decrease in tuition dollars due to decreased hour requirements, however it is likely that increased enrollment would offset any such impact
- Division of Professions and Occupations/Colorado Medical Board: Rules regarding the licensure and practice by physician assistants, delegation and supervision of medical services to unlicensed health care providers (FY 16-17). One request for a CBA was received and a CBA was prepared on six sections of the proposed rules. While minimal to no economic benefits were expected to be realized, the CBA stated that failure to adopt the rules could result in unnecessary physical and irreversible harm to patients utilizing the services of unlicensed persons. While no adverse effects on the economy were anticipated for most of the provisions reviewed, some adverse impacts on small

business were possible as a result of obtaining in-state physician supervision, one-time creation of protocols and mandated physician review of patient records.

- 7 **What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.**

Response: Major cost drivers impacting the Division primarily include the cost of purchasing legal services from the Office of the Attorney General's Legal Services to State Agencies Section. This \$10.1 million cost accounts for approximately 10% of the Department's budget, and changes in step with modifications to the Department of Law's blended hourly rate for legal services. Most recently, the Department's actual expenses increased by \$1 million between FY 2016-17 and FY 2017-18.

- 8 **How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?**

Response: Most Divisions in the Department are affected by small upward fluctuations in licensee volume, required examinations, investigations, and enforcement proceedings requiring the use of legal services. For instance, the Division of Professions and Occupations has seen a rise in the number of total active licensees from 396,319 during FY 15-16 to 413,553 during FY 17-18. Similar trends exist Department-wide, and are related to growth in state population and growth in the number of professions regulated. Typically, these fluctuations do not drive required increases in the Department's budget, and the Department leverages existing resources to implement programs.

However, one Division in particular is more affected by caseload-related growth. In October 2016, the Colorado Civil Rights Division launched an online case filing system. As a result, (and possibly as a result of the growing population in Colorado), the number of cases filed with the Division has increased exponentially. For example, during FY 2014-2015, 963 cases were filed with the Civil Rights Division. During FY 2016-2017, 1,138 cases were filed with the Division. At present, the Division's case filings are rising at an unprecedented rate.

In spite of the number of cases received for filing with the Civil Rights Division, its number of employees has remained static. As a result, case processing is taking more time than in prior years due to the increased volume and limited resources.

- 9 **Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public. For the Department of Regulatory Agencies, please include in the response specific references to outward facing technology applied to licensing functions.**

Response: The following is an overview of technology strategies:

Current and future strategies:

The department's business website, [colorado.gov/dora](http://colorado.gov/dora), was updated in 2015. The new website was considered a large improvement in terms of user friendly content, accessibility and transparency, and now that it is three years old, is due to be revisited and refreshed. The department is currently developing a preliminary plan to evaluate and redesign its primary business website so that consumers and licensees find even easier to use. The timeline to complete the initial project plan is this fiscal year, with development and deployment of the refreshed business website before the end of 2019.

Specialized Sites:

The department also continues to add and maintain consumer-facing "mini" websites regarding specialized programs that require reaching a targeted audience or a more dynamic visual presence, such as the site [askDORA.colorado.gov](http://askDORA.colorado.gov), which is the hub for the department's consumer outreach and education initiative, Take 5 to Get Wise. Also included in the suit of minisites are: [colorado.gov/dora-military](http://colorado.gov/dora-military) to reach Veterans and Active Duty Military with information regarding career transition certifications and licensures; [colorado.gov/dora-pdmp](http://colorado.gov/dora-pdmp) for the medical community to easily access the Prescription Drug Monitoring Program; and CO Health Professional Check - [colorado.gov/cohpc](http://colorado.gov/cohpc), a special initiative to extract data from the Healthcare Professions Profiling Program (HPPP) database and provide it in an easy-to-use, searchable and mobile friendly format.

Digital Communications Tools:

Integrated into our overall strategy, last year the department developed a strategy and onboarded more integrated digital communications tools to make communications more consistent and seamless to both professional licensees and consumers, including:

- All divisions use the GovDelivery platform to provide email communications using a consistent brand and identity
- Most divisions are now deploying more webinars to reach audiences around the state with updates and information regarding particular regulatory programs
- The Division of Professions and Occupations launched a licensee and stakeholder outreach initiative using Telephone Townhalls and SMS texting for its Barber/Cosmetology program and will continue exploring using this combination technology for more engagement of stakeholders in its different programs.
- The Division of Real Estate has deployed using Google sites and forms to receive stakeholder input for its efficiency rule reviews as mandated by HB14-063, its quarterly newsletter, as has deployed a video program for licensee advisories regarding compliance issues.

Streamlined licensing a result of online applications:

In May 2017, 100% of all individual license applications were online in the Division of Professions and Occupations - 6 weeks ahead of schedule - shifting the focus to the construction and deployment of Online Business Applications, which have also been completed this performance cycle. As a result, processing times for licensing were overall

reduced, but the Division was recognized for decreases in pharmacy and mental health applications (decrease in license processing time for Pharmacists applications from a baseline of 115 days down to 25 days (a decrease of 78%); decrease in license processing time for Mental Health applications from a baseline of 72 days down to 40 days (a decrease of 44%)) resulting in the Tom Clements Award for great results, particularly focused on pharmacist and mental health application timelines.

The Division continues to build upon these efforts by implementing a plan for all reinstatement applications to be launched online. In addition, the Division continues its work leading to the issuance of a request for proposal by February 1 and award by June 30, 2019 for a licensing system and regulatory business platform that will encompass the needs for the diverse and multi-functions found in the Division ranging from online licensing to permitting to inspections to board packets and other business functions. A new business analyst has joined the Division and is leading the charge with process mapping and business requirement analysis while partnering with the Executive Director's office and the Division Director.

PROVIDE SIMPLE AND FAST LICENSING TO COLORADO PROFESSIONALS										
MEASURE	BASELINE	JUL	AUG	SEP	Q1	OCT	NOV	DEC	JAN	TARGET
AVERAGE DAYS TO PROCESS AN OCCUPATIONAL LICENSE	37	32	31	31	31	32				30
PROCESSING TIME FOR ADDICTION COUNSELOR APPLICATIONS	52	48.5	42.75	41.25	44	47.5				30
PROCESSING TIME FOR ELECTRICAL & PLUMBING APPLICATIONS	43	47.25	51.5	58.8	53	49.75				14
PROCESSING TIME FOR NURSING HOME ADMINISTRATORS APPLICATIONS	82	62	59	53	58	78				30
PROCESSING TIME FOR BARBER/COSMETOLOGY APPLICATIONS	34.8	32.4	34	38.8	35	30.33				30
100% OF REINSTATEMENT APPLICATIONS ONLINE	110	7%	7%	11%	-	13%				100%

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

**Response:**

All bills with an implementation date of December 31, 2018, or earlier, have been implemented or are on track to be implemented by December 31, 2018.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

**Response:**

DOR has 2 high priority outstanding recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations." Both have been fully implemented subsequent to the issuance of that report.

1) 2011 Tax Performance Audit Rec. 2 - Implemented October 2018 - This is the recommendation to explore feasibility of moving print functions to DPA. DOR has decided to retain printing functions in-house until such time as DPA can demonstrate that their operations are FTI compliant. DOR has received a waiver DPA for the purchase of new printers, and is continuing to print in-house.

2) 2017 Statewide Financial Audit Rec. 2017-45A - Implemented July 2018 - This recommendation was to ensure the principle of least privilege is followed in assigning staff to GenTax security functions. The Department has updated its procedures and data access forms, and has completed a detailed review of security profiles by security group owners.

There are no budget requests related to these recommendations since both recommendations have been implemented since the publication of the Office of the State Auditor report

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

- 3 If the Department receives federal funds of any type, please respond to the following:
- a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?

**Response:**

The Department does not anticipate any changes in federal funding with the upcoming passage of the federal budget. DOR currently receives approximately \$824K in federal funds including a small amount for the Liquor Enforcement Division for tobacco enforcement, two commercial driver license grants (2015 and 2017) for the DMV, and several small appropriations for the Taxation Division.

- b. Does the Department have a contingency plan if federal funds are eliminated?

**Response:**

There is no change to current funding levels anticipated at this time so no contingency plans have been contemplated.

- c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

**Response:**

The Marijuana Enforcement Division enforces a federally sanctioned activity/product. The Department is not aware of any other potential sanctions that may be enacted during FFY 2018-19 or 2019-20.

- 4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

**Response:**

- **Division of Motor Vehicles** - The Colorado Department of Revenue's Division of Motor Vehicles (DMV) strategic plan to improve customer service and reduce office visit wait times is reliant upon increased adoption of online services.

For the last three years, and continuing into the current fiscal year, the DMV initiated a marketing strategy to increase the awareness and use of online

services for the purpose of decreasing the number of Colorado residents who need to visit DMV offices. The marketing campaign expanded from only driver services to both driver and vehicle services. A few of the online services highlighted included: online driver license and motor vehicle registration renewal, appointment scheduling, address changes and International Registration Program (IRP).

In August 2018, the DMV introduced 15 new online services with the implementation of the vehicle services portion of the Colorado DRIVES project. This brings total online service offerings to 34. This year's marketing efforts will have a significant focus on introducing these new services to the public, while continuing to highlight the existing services.

The primary tagline of this campaign is "Skip the Trip" with a social media hashtag of #SkipTheTripCO.

The campaign has utilized both unpaid and paid marketing techniques. Unpaid techniques include a redesign of the Colorado.gov/dmv homepage to make online services more prominent, posting on Department of Revenue and partner social media sites and updating all online services to make them mobile-responsive and cohesive with the campaign. Paid marketing techniques include a media buy, printing and search engine optimization and marketing. The budget for the FY 2018-19 campaign is \$150,000.

While the significantly-increased customer use of online renewal services should not be attributed only to this marketing initiative, we are confident this effort is contributing. Last year the DMV experienced an increase of 100,000 individuals who renewed their driver license or identification card online. As one example of the impact this has in our offices, online driver license and identification card renewals saved our offices approximately 6.2 million minutes in FY2017-18.

- The **Lottery Division** is a silver level supporter (\$10,000 in FY18) of the Problem Gambling Coalition of Colorado (PGCC). The Lottery also contributed \$15,000 in FY18 to the PGCC's annual Responsible Gambling Month public awareness campaign. Below is a description of the various initiatives the PGCC heads up throughout the year, the goal of which is to increase awareness, advocate treatment, and promote research and education on problem gambling statewide.
  - Supporter funding from the Lottery allows the PGCC to participate and support conferences and programs that further advance and advocate for problem gambling resources, funding, and treatment. (Paid, Earned Media)

- In March, the Lottery and the PGCC promote public awareness of problem gambling. This campaign ran the first two weeks of March and the cost of \$15,000 was paid for by the Lottery. This campaign had more than 3 million impressions. (Paid)
  - The PGCC hosts an annual fundraiser golf tournament and invites all stakeholders to participate (casinos, Lottery, etc.). (Paid)
  - The Lottery supported PGCC's successful attempt to host the national conference for the National Council on Problem Gambling. This conference will take place in Denver in June 2019. (Earned)
- 5 Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

<b>Vacancy Count as of 6/30/2018</b>	
Executive Director's Office	21
Taxation Division	39
Division of Motor Vehicles	55
Enforcement Business Group	
Limited Gaming	10
Liquor and Tobacco	5.5
Racing	1.5
Auto Industry	0.4
Marijuana Enforcement	18.6
Lottery	12
<b>Total DOR</b>	<b>163 (11%)</b>

<b>Turnover Rate FY 2017-18</b>	
Executive Director's Office	17%
Taxation Division	14%
Division of Motor Vehicles	24%
Enforcement Business Group	
Limited Gaming	13%
Liquor and Tobacco	18%
Racing	24%
Auto Industry	14%
Marijuana Enforcement	11%
Lottery	4%
<b>Total DOR</b>	<b>18%</b>

Current statewide compensation policies are hindering the Department's ability to attraction and retain employees.

- Starting salary is often too low to attract and pay competitive for the talent needed to move the business forward. Starting pay and lack of pay progression will cause loss of newly hired employees.
  - Limited base building opportunities hinder supervisor's ability to retain talent.
  - Non-funded merit pay creates difficulties in distinguishing between high performers and lower performers thus creating retention issues.
  - Many of the compensation levels create gaps in pay that are difficult to address.
  - The de-consolidation of the General Professional series has created issues with classification and compensation. A salary survey is needed to properly compensate the newly developed classifications.
- 6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

**Response:**

The Department works with several boards and commissions that promulgate rules; for ease of use for the consumer, those rules are included in the Department's reporting on rules related activity. Together, between the Department and boards/commissions, there are currently 37 rules. Per statute, the Department annually submits a *Regulatory Agenda* (preview of planned upcoming rules related activity) and a *Regulatory Agenda Report* (review of actual rules related activity from the current year). These items cover calendar years and can be found on the Department's website under "Statutorily Required Reports".<sup>1</sup>

- 2018 Regulatory Agenda Report:
  - 1 New Rules
  - 22 Amended Rules\*
  - 1 Repealed Rule
  - 19 Reviewed Rules\*\*

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<sup>1</sup> <https://www.colorado.gov/pacific/revenue/statutorily-required-reports>

- 2017 Regulatory Agenda Report:
  - 0 New Rules
  - 17 Amended Rules\*
  - 1 Repealed Rule
  - 15 Reviewed Rules\*\*

\*When sub-parts of rules are created or repealed, or rules are re-codified, they are included in the “amended” count.

\*\*Includes rules that were amended, added, and repealed.

The Department has not conducted a cost-benefit analysis of the Department’s rules as a whole however the Department is committed to the statutorily-required mandatory review of rules per the schedule set by the Colorado Department of Regulatory Agencies (DORA).<sup>2</sup> Currently, the Department reviews 100 percent of rules every five years. The results of the mandatory review of rules can be found in the *Regulatory Agenda Reports* and the current *Rule Review Schedule* can be found on the Department’s website under “Rulemaking Information”.<sup>3</sup>

In CY 2017, no cost-benefit analysis or regulatory analysis were requested or performed. In CY 2018, no regulatory analyses were requested or performed. However, in September 2018, the Marijuana Enforcement Division (MED) received and responded to nine cost-benefit analyses. All analyses provided the information requested in the cost-benefit analysis requests, were submitted to the Office of Policy, Research, and Regulatory Reform, DORA, at least ten days before the administrative hearing on the proposed rule, and posted on the Department’s website. Copies of the cost-benefit analyses can be found on the “MED 2018 Rulemaking” webpage.<sup>4</sup> Below is a brief description of the cost-benefit analyses.

- Schedule of Business License and Registration Fees: Medical Marijuana Businesses
- Transfers of Fibrous Waste Products (Retail & Medical)
- Medical Marijuana Optional Premises Cultivation Operation: License Privileges
- Optional Premises Cultivation Operation: Production Management
- Testing Facilities: Sampling and Testing Program (Retail & Medical)
- Medical Marijuana Testing Program: Contaminant Testing

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<sup>2</sup> Section 24-4-103.3, C.R.S.

<sup>3</sup> <https://www.colorado.gov/pacific/revenue/rulemaking-1>

<sup>4</sup> <https://www.colorado.gov/pacific/enforcement/med-2018-rulemaking>

- 7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

**Response:**

DMV experienced a significant (36%) increase in operating expenditures from FY 2016-17 to FY 2017-18. The cost escalations contributing to this increase fall into two main buckets: personal services and leased space.

Driver License office lease renewals are challenging to negotiate in Colorado's current real estate market. The cost of leased space per square foot is increasing, which is making it more difficult to renew existing leases. There are financial challenges when the DMV needs to expand driver license offices to meet increasing population growth and demands for services. The cost of construction to remodel or relocate driver license offices has also increased at a high rate. These increased costs are frequently built into the lease upon renewal or relocation, further hindering the DMV's ability to be competitive when attempting to secure appropriate office space to deliver its services.

Below is a table of the year over year increase in operational expenses by DOR division. The actual increases realized obviously far exceed the annual CPI increment which is typically between 2 percent and 3 percent.

Department of Revenue Year over Year Percent Change in Operating Expenditures	
Division	Percent Change from FY 2016-17 to FY 2017-18
Executive Director's Office	15%
Taxation	27%
DMV	36%
Enforcement	17%
Lottery	-2%

- 8 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

**Response:**

In general, DOR serves all of the citizens of Colorado; two common examples include Taxation and the DMV. Most of the caseload/volume growth DOR is

experiencing is attributable to the overall general population growth that the State as a whole is experiencing. This growth not only affects operating expenses (e.g. the cost to issue driver's licenses) for the Department but also impacts customer services because DOR is not receiving increased personal services appropriations for more staff to assist with the higher number of customers. Another staff related consequence is that DOR cannot keep pace with the increased volume flowing through our call centers.

- 9 Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

**Response:**

The Department looks for all possible opportunities to leverage technologies for the betterment of its operations and the customer experience for Colorado residents. Recently the Division of Motor Vehicles participated in a Usability Study for its website through a partnership with Home Advisor through its usability lab. This resulted in a substantial redesign of the DMV website with a core focus on making sure the public can easily navigate the website to find the services they need, as well as simplifying the language on the website to make sure it is accessible by the public. The Division of Taxation is exploring the possibility of engaging in a similar pilot program during the 2019/2020 fiscal year.

The DRIVES Phase 2 roll-out launched in early August 2018, resulting in additional on-line services related to title and registration services within the DMV. These upgrades result in a total of 34 service activities being available on-line so many of Colorado's residents can Skip The Trip to the DMV and conduct their services in the convenience of their own homes. Many of these services will be available once the MyColorado app launches in late 2018, and the Department looks forward to a day in the near future when Colorado residents will be able to utilize a digital driver's license (and identification card) through this app.

The Colorado Lottery is engaged in internal conversations about the possibility of allowing players to purchase its products in an on-line manner and has a robust application available for download that allows Colorado's residents to learn about its games, prize structures and odds of winning, as well as check for winning tickets and a "free game zone"

The Enforcement Business Group recently completed its pilot program to allow for on-line renewal of business and employment licensure and will roll-out that capability across all of its divisions in the near future (budget permitting).;

The Department has identified several additional opportunities to leverage technology to improve service to the residents of Colorado. These include the development of a GIS database for applicable sales tax jurisdictions (important to car dealerships and other retailers alike), automatic call-back technology for the DMV and Tax call centers, further automation of the tax data input process and kiosk technology in grocery stores and other retail locations for Lottery, DMV and Tax. Unfortunately, many of these projects require budgeted resources that have not been deemed supportable at this time.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

1. Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

The Department is currently working to implement two pieces of legislation: SB18-233 and SB18-150 as outlined below.

SB18-233: Technical Modifications to Various Sections of the Uniform Election Code: Section 7 of the bill requires the Department of State to regularly provide the Department of Revenue with current voter registration information no later than July 31, 2019. The Department of State is still working on this requirement and anticipates that it will meet the implementation deadline.

SB18-150: Measures to Facilitate Voter Registration of Individuals in the Criminal Justice System: Sections 1 & 2 of the legislation, concerning pre-registration of parolees, have an effective date of July 1, 2019. The Department anticipates that that this legislation will be fully implemented by December 15, 2018.

2. Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations?

The Department does not have any High Priority Outstanding Audit Recommendations.

3. If the Department receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?

The Department's only federal funding is from three Help America Vote Act (HAVA) grants: Title I, Title II, and the Elections Security Grant that was awarded earlier this year. At this time, the Department does not expect to receive any additional federal funds.

- b. Does the Department have a contingency plan if federal funds are eliminated?

All HAVA grant funds have been advanced to the Department by the federal government and there is minimal risk that these funds would be clawed back.

- c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

None.

4. Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

The Department does not have any active public awareness campaigns.

5. Based on the Department’s most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

This data from FY 2017-18 is shown in Table 3 below. Based on exit interview data collected by the Department, the majority of employees left the Department to take another job opportunity.

<b>Division</b>	<b>Vacancy Rate</b>	<b>Turnover Rate</b>
Administration	14.2%	31.82%
Business & Licensing	23.0%	15.15%
Elections	20.5%	13.79%
IT Services	9.5%	18.18%
<b>Total</b>	<b>16.9%</b>	<b>18.75%</b>

*Table 3 The table shows FY 2017-18 vacancy rate and turnover rate data for the Department. Vacancy rate data is calculated using appropriated FTE from the Long Bill.*

The statewide compensation policies make it difficult to fill certain positions. For example, the Department frequently has to post IT, Business Analyst, and Elections positions multiple times in order to fill a single vacancy. The Department often loses candidates because the offered salary is well below the expectations of the candidate and the salary range available in the market. The compensation policies do allow for some flexibility, but only in certain circumstances. Overall, the compensation policies hinder the Department’s ability to hire candidates into specialized roles.

The statewide policies also make it difficult to retain candidates over time. Additional mechanisms are needed to adjust salary based on acquired skills and expertise.

6. Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

The Department has promulgated nine new rules in FY 2016-17 and FY 2017-18 as shown in Tables 4 and 5 below.

FY 2016-17

Tracking Number	CCR Number	CCR Title	Adopted Date	Effective Date
2016-00294	8 CCR 1505-6	Campaign & Political Finance	8/11/2016	9/30/2016
2016-00295	8 CCR 1505-1	Elections	8/11/2016	9/30/2016

*Table 4* The table shows new/amended permanent rules adopted from July 1, 2016 through June 30, 2017.

FY 2017-18

Tracking Number	CCR Number	CCR Title	Adopted Date	Effective Date
2017-00240	8 CCR 1505-2	Bingo & Raffles Games	8/7/2017	9/30/2017
2017-00221	8 CCR 1505-1	Elections	8/11/2017	9/30/2017
2017-00398	8 CCR 1505-6	Campaign & Political Finance	10/25/2017	12/15/2017
2017-00494	8 CCR 1505-1	Elections	12/7/2017	1/30/2018
2018-00034	8 CCR 1505-1	Elections	3/26/2018	5/15/2018
2018-00096	8 CCR 1505-8	Lobbyist Regulation	5/10/2018	6/30/2018
2018-00095	8 CCR 1505-11	Notary Program Rules	5/15/2018	7/1/2018

*Table 5* The table shows new/amended permanent rules adopted from July 1, 2017 through June 30, 2018.

With respect to these rules, the Department did not receive cost benefit analysis or regulatory analysis requests for any of the above rulemaking proceedings. We have not conducted a cost-benefit analysis for the Department's rules as a whole. The Department completed our 2016 and 2017 mandatory rule reviews and reported our rule review results in our 2017 and 2018 Department Regulatory Agendas in accordance with §24-4-103.3 C.R.S. These can be accessed using the links below.

- [https://www.sos.state.co.us/pubs/rule\\_making/agendas/2017CDOSRegAgenda.pdf](https://www.sos.state.co.us/pubs/rule_making/agendas/2017CDOSRegAgenda.pdf)
- [https://www.sos.state.co.us/pubs/rule\\_making/agendas/2018CDOSRegAgenda.pdf](https://www.sos.state.co.us/pubs/rule_making/agendas/2018CDOSRegAgenda.pdf)

7. What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

Major cost drivers for the Department include labor rates, population growth, and information technology (IT) license pricing. Collectively, these drivers impact roughly 90 percent<sup>1</sup> of the Department's annual expenses.

Data from the Bureau of Labor Statistics (BLS) of the US Department of Labor shows that the Consumer Price Index (CPI) for the West Region, which includes Denver, has increased by 3.5 percent in the past year (through the end of October 2018). This is 1.0 percent higher than the BLS' CPI for All Urban Consumers: US City Average for the same period.

The Department has begun to see some contractors requesting increases over and beyond the CPI. For example, in the past two weeks, two of the Department's IT contractors have notified us that they will be requesting rate increases over and above the annual CPI escalator that is built into their contracts. If this repeats itself amongst other contractors and/or employees, it will have a significant impact on the Department. In State Fiscal Year 2017-18, personal services-related expenses, including contractors, employees, and legal services, accounted for over 70 percent of the expenditures from the Department of State Cash Fund. Given the recent contractor rate increase requests, and more generally the tight labor market in the Denver metro area, the Department expects to see increased pressure on staff wages, particularly for in-demand fields, such as IT, business analysts, finance, and elections specialists (some of the same job classes referenced in the Department's answer to addendum question five). The Department of Personnel Administration (DPA) is responsible for an annual analysis of state employee wages vis-à-vis the market and this analysis contains greater depth of analysis on individual professional classifications.

One of the most egregious examples of rate increases above the CPI is the Department's experience with Integrated Document Solutions (IDS), a division of DPA. For year, the Department has had a successful partnership with IDS to review the signature on petitions. In the past two years, the hourly rates charges by IDS for petition processing have increased dramatically at rates far outpacing the general CPI. For example, IDS' rates increased from \$20.00 per hour in FY 2016-17 to \$47.00 per hour in FY 2017-18 (135%) and then again to \$62.47 per hour in FY 2018-19 (33%).

As discussed in Decision Item R-1, the Department has also seen cost increases in much of the software that it uses. These increases are attributable to the high demand for and rising salaries of IT workers as well as structural changes in the industry. For example, many vendors have transitioned from perpetual licenses to a software as a service model with ongoing monthly or annual payments. In addition, both the number of online services offered by the department and the number of the department's customers have increased, the cost of IT services linked to the volume of network traffic have increased.

In years in which there is a statewide ballot question, the Department makes a local election reimbursement payment from its cash fund to each county based upon a statutory formula per active registered elector (§1-5-505.5 C.R.S.). The cost of these reimbursement payments has increased significantly in recent years, however, the pace of the increases has slowed to a rate on par with the CPI.

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<sup>1</sup> 90 percent may be understated given the extent to which labor rates in the broader impact the pricing of a variety of goods and services.

8. How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

The Business and Licensing Division has seen a significant increase in good standing businesses over the last seven years. In the first quarter of calendar year 2012, there were 480,230 and in the third quarter of calendar year 2018, this number reached 711,818 representing a 48% increase over this period. The division provides many resources in support of business customers to include an online filing system, front desk walk-in service, online training, and service center call/email support. To overcome the increased workload, the division has implemented many process improvement initiatives such as extensive cross-training, voice messaging to text, virtual hold, targeted eLearning modules, and the expansion of online system capabilities. As the Department has migrated from paper to primarily online services, the division has adjusted resources from data processing to customer support functions. Related to this success is the need to rewrite the business online system due to its age and architecture. The business program is cash funded through business fees and has not substantially increased its budget during this period.

Also growing in customer base is the Charities Program of the Business and Licensing Division. This program has grown from 9,615 charities in January 2012 to 15,783 as of December 2018, a 64% increase. The program continues to provide services such as online registration, consulting, investigations, and outreach. To achieve this with a growing workload the program has implemented process improvement initiatives, system enhancements, and cross training. The Charities Program is cash funded through Charity Program-related fees and has not substantially increased its budget during this period.

For the Elections Division, as discussed in the previous response, the local election reimbursement payments are calculated as \$0.80 or \$0.90 per active registered elector in accordance with §1-5-505.5 C.R.S. Therefore, increases in population almost certainly result in increased costs (assuming the new Colorado residents are eligible to vote and register to do so). The policies pursued by Secretary Williams, including automatic voter registration, texting to register to vote, and the establishment of the Eliza Pickrell Routt Award for high schools that achieve an 85% registration rate of their graduating seniors, resulted in Colorado becoming the state with the highest percentage of registered voters. This increased registration rate enlarged the budget impact of the increased population.

9. Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

The Department's strategy for several years has been to maximize timeliness and ease-of-use for customers and constituents using technology. The Department delivers the vast majority of services provided by our office through our website and its online filing and search capabilities. Our website is the primary means through which our customers interact with us and maintain statutory compliance in the program areas managed by our agency. Many customers never visit our physical office because our services are available online, which is why we continually strive to improve the usability of our online systems by applying user-centered design principles.

Our future strategy maintains this emphasis on providing full-featured web applications so that customers may leverage our services at times convenient for them since our website is available virtually 24 by 7, with the exception of scheduled infrastructure maintenance. We also provide online filings at a low cost, with filing fees for business registrations amongst the lowest in the nation. We allow searches of official filings and certified documents in many program areas for free. The

Department also provides online training courses and tutorials via an online learning management system so that constituents can learn about filing requirements and obtain required training from the convenience of their own computer rather than attending in-person trainings.

Another key component of our current and future strategy is to provide highly functional online experiences regardless of the device by which a user is visiting our website. Rather than develop custom downloadable applications to meet this objective, we are applying responsive design principles to our website applications that provide a rich user interface whether a user is using a desktop or laptop, a tablet, or a smartphone. This is crucial because many people already use their smartphone as their primary means of accessing the Internet and using online services.



2829 W. Howard Pl.  
Denver, CO 80204

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

1. Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

Response:

SB 18-167 overhauled the process for underground utility location in the state. The bill created a Safety Oversight committee that the Governor is appointing people to this year. CDOT has a representative appointed to the committee. In addition, CDOT worked with stakeholders and our regions to implement the new statutory requirements; however, following the timeline from the legislation, the full implementation will not occur until 2020. The department is on track to have

2829 W. Howard Pl.  
Denver, CO 80204

the new procedures implemented statewide by 2020. CDOT does not have any suggestions on modifying SB18-167 at this time.

2. Does the Department have any high priority outstanding recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the high priority outstanding recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

Response:

The Colorado Department of Transportation does not have any outstanding recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018.

3. If the Department receives federal funds of any type, please respond to the following:
  - a. Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?
  - b. Does the Department have a contingency plan if federal funds are eliminated?
  - c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

Response:

- a. Federal allocations to CDOT have gradually increased over the last few years. Table 3 below shows the department's federal apportionments for FY 2016-17 through FY 2018-19. Any increase in federal apportionments is allocated at discretion of the Transportation Commission.

**Table 3**

Federal Apportionments to CDOT

<b>Fiscal Year</b>	<b>Federal Apportionments</b>
FY 2016-17 (Actual)	\$549,457,274
FY 2017-18 (Actual)	\$562,307,444
FY 2018-19 (Estimated)	\$572,689,388



2829 W. Howard Pl.  
Denver, CO 80204

- b. Because of passage of the FAST Act for FY 2015-16, CDOT anticipates no formulaic or structural changes to federal funding for FY 2018-19, except 2 percent annual increases in general-purpose funding previously specified in the legislation. Beginning in FY 2019-20, a large federal rescission (upwards of 19 percent of federal funding) is scheduled to be enacted, absent other federal decisions.
  - c. In 2015, the General Assembly passed House Bill (HB) 15-1043, which among other clauses gave discretion and latitude to judges during sentencing for repeat offenders who drive while intoxicated. This discretion conflicts with federal funding guidelines that specify punishments for repeat offenders. In 2015, FHWA notified CDOT that, because of HB 15-1043, the department must spend a greater portion of its federal revenue on safety projects. CDOT subsequently reallocated \$10.9 million in federal funding to the Highway Safety Improvement Program (HSIP). Recently, the National Highway Traffic Safety Administration (NHTSA) sent CDOT a Section 164 letter, with directions for CDOT to confirm that 2.5 percent of National Highway Performance Program (NHPP) and Surface Transportation Program (STP) funding (approximately \$10.0 million) is being allocated toward highway safety projects for FY 2018-19. This is approximately the same penalty as in FY 2016-17 and FY 2017-18. This letter has no impact on Colorado's federal apportionment (i.e. funding) and will have no impact on current CDOT programming, which contains a multitude of highway safety projects.
4. Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

Response:

**The Cannabis Conversation.** In 2018, CDOT and nearly 20 partners representing the marijuana industry, state government, community nonprofits, universities, and law enforcement launched *The Cannabis Conversation* to engage with Coloradans about their opinions, behaviors, and habits related to marijuana and driving. Rather than launching another conventional traffic safety marketing campaign, this public engagement project sparked a meaningful, two-way conversation with Coloradans about marijuana and driving. The effort was the first of its kind in the country and resulted in over 15,000 survey responses on the topic – the largest survey of its kind ever conducted by a state DOT. To gather additional feedback CDOT also:



2829 W. Howard Pl.  
Denver, CO 80204

1) hosted three town hall style meetings and participated in seven partner events to gather community input; 2) conducted dozens of on-the-street interviews of cannabis consumers and non-consumers; and 3) launched a social media campaign that resulted in thousands of Coloradoans sharing their own perspectives about driving high. The ultimate goal of the campaign is to design a future marketing campaign that will more effectively connect with marijuana users and reduce impaired driving.

The CDOT campaign received considerable media attention garnering over 183 million “earned media impressions” from 1,170 media stories. This meant that many more people were hearing about the campaign via the news (earned media) than the department can achieve solely with paid media (advertisements). The earned media publicity had a value of \$3.1 million. This free publicity greatly exceeded the amount spent on paid media (\$500,000), which produced 61 million impressions and helped extend the public reach of the campaign. Social media efforts produced over 3000 engagements and greatly exceeded the industry benchmark. Social media also drove over 100,000 to the CDOT landing page, an indication people were hungry for information on the topic. A final report summarized the feedback, which will be used to develop marketing concepts to test in 2019.

The total budget for the 2018 campaign was \$950,000 and the same amount is budgeted for the 2019 campaign. These funds come from the Marijuana Tax Cash Fund.

**Winter Wise.** Winter Wise is CDOT's annual campaign to raise awareness about winter driving education and information resources to keep everyone safe on the roads this winter. With a budget of \$100,000, the 2018-19 campaign is primarily focused on earned media and social media outreach, including I-70 tire checkpoints, snowplow ride-alongs, and tire stopping demonstrations. Targeted paid media such as ski lift advertising to promote winter driving resources such as [cotrip.org](http://cotrip.org) will supplement this effort. CDOT's website includes a Winter Wise homepage with detailed links for snow removal practices, seasonal closures, traction laws, vehicle safety and tire tread guidelines.

**“When you need it most”.** CDOT and the High Performance Transportation Enterprise created a new \$30,000 educational campaign, “When You Need it Most” for the back-to-school timeframe, mid-September through October 2018, to communicate the benefits of Express Lanes and encourage drivers to try them. The campaign used paid media as well as grassroots tactics and earned media. The messages were based on HPTE's research from corridors in the Denver metro area which showed people could see the value in Express Lanes when it benefits them directly and in situations where they really need to save time. The education campaign's goals were to inform and encourage people to try the US 36 and I-25 Express Lanes by highlighting the specific benefits and the idea that Express Lanes are always a choice and can be a reliable tool for drivers when really needed. Campaign scenarios about real life situations were chosen to make the story

2829 W. Howard Pl.  
Denver, CO 80204

relatable, showing approximate time savings and affordability of the lanes. The campaign used digital banner ads, traffic radio, bus posters and social media ads, as well as grassroots outreach through social media, partner agencies and local corridor Public Information Officers.

The campaign's results were favorable, with more than 6 million impressions on paid traffic radio, bus, and billboard ads. Online, geo-targeted ads had click through rates that were on the higher end of average for the industry. The campaign, meant to change behavior, will be measured over the long-term and for the initial phase HPTE tracked on the following:

- Number of transponders sold from September through October (Still gathering data);
  - Number of ExpressToll transactions and Express Lanes users (I-25 North -northbound-, Express Lane usage increased 16 percent in September and 0 percent in October (overall ridership on northbound I-25 in the general purpose lane decreased 20 percent on days monitored in October 2018 compared to October 2017, which affected ridership in the Express Lanes); and
  - Increased traffic to the Express Lanes website: Traffic increased 41 percent compared to last year.
5. Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

Response:

The department's FY2017-18 turnover rate and the percent of June 30, 2018, vacancies are presented by geographic Regions 1-5 (see Figure 4 below). All other Divisions and Offices (ex. Division of Aeronautics) are associated with headquarters in Denver. CDOT averaged 10.1 percent turnover from FY2013-14 to FY2016-17, so FY2017-18's turnover of 10.2 percent was on par with previous years. The Transportation Maintenance I (TM I) job classification, which makes up 26.3 percent of CDOT's workforce, has a higher rate of turnover due to the physical demands of the job; in FY2017-18 the TM I turnover rate was 19.3 percent. CDOT's percentage of employees eligible to retire in July 2018 was 19.0 percent, meaning the department is seeing less turnover than demographics may indicate. In FY2017-18 25.8 percent of CDOT's separations were due to retirements.

Statewide compensation policies both help and hinder retention. CDOT Human Resources started a new exit interview process in January of 2017. We asked respondents to identify their reason for leaving. To date with 108 respondents, over 20 percent indicated it was due to Compensation/Pay, second only to Retirement as a reason for leaving.



2829 W. Howard Pl.  
Denver, CO 80204

**Figure 4**  
Colorado Department of Transportation FY 2017-18 Turnover Rate and Percentage of June 30, 2018 Vacancies

<b>Division, Office, or Region</b>	<b>FY2017-18 Turnover</b>	<b>Percent Vacant on June 30, 2018</b>
Central I-70	0.0%	25.9%
Chief Engineer	13.0%	22.8%
Division of Accounting and Finance	17.1%	28.6%
Division of Aeronautics	12.5%	0.0%
Division of Audit	14.3%	0.0%
Division of Highway Maintenance	18.2%	11.4%
Division of Human Resources	11.3%	11.3%
Division of Transit & Rail	8.3%	16.7%
Division of Transportation Development	3.8%	13.8%
Division of Mobility Operations	4.0%	8.0%
Executive	50.0%	125.0%
High Performance Transportation Enterprise	25.0%	12.5%
Office of Communications	6.1%	10.2%
Office of Government Relations and Policy	20.0%	20.0%
Office of Transportation Safety	11.8%	5.9%
Project Management Office	0.0%	16.7%
Project Support	9.4%	10.7%
Region 1 Denver Metro	15.2%	19.5%
Region 2 Pueblo	7.1%	6.1%
Region 3 Grand Junction	13.4%	16.1%
Region 4 Greeley	11.1%	6.5%
Region 5 Durango	10.2%	8.9%

Turnover is the ratio of the sum of FY 2017-118 separations' Full-Time Equivalent (FTE) values to the total FTE on 6/30/2018. Full-time positions are assigned FTE = 1; Part-time positions are assigned FTE = 0.5. Temporary positions are excluded.

2829 W. Howard Pl.  
Denver, CO 80204

6. Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

Response:

- **In FY 2017 (July 2016-June 2017) we completed rulemaking for the following:**
  - CCR 601-4, Transport Permits for the Movement of Extra-Legal Vehicles or Loads, to make changes to conform to the FAST Act.
- **In FY 2018 (July 2017-June 2018) we completed rulemaking for the following:**
  - CCR 601-4, Transport Permits for the Movement of Extra-Legal Vehicles or Loads, to amend the incorporation by reference section of the rules;
  - CCR 601-19, Rules Concerning the Implementation of the Safe Routes to School Program, to update a state funding source that is no longer available and to update the federal authority;
  - CCR 601-22, Statewide Transportation Planning Process and Transportation Planning Regions, to conform to the requirements of the FAST Act;
  - 2 CCR 601-10, Rules Governing Construction Bidding for CDOT Public Projects, to conform to HB17-1051 and SB17-211; and
  - 2 CCR 601-23, Rules Governing the Motorcycle Operator Safety Training (MOST) Program, to repeal the rules since the rules were transferred to the Colorado State Patrol by SB17-243.

As part of its requirements under 24-4-103 (2), C.R.S., CDOT establishes a Representative Group which must include representatives of each of the various stakeholder interests that may be affected positively or negatively by proposed rules. This Representative Group acts in a watchdog capacity to ensure that no rules have a negative impact to business. This process, depending on the specific set of rules, can require over a year of information gathering and vetting. Section 24-4-103 (2.5), C.R.S., provides an opportunity for a citizen to request a cost-benefit analysis regarding the agency's rules. Given the thoroughness with which CDOT engages with stakeholders and the public as part of the Representative Group meetings and subsequent notifications, CDOT has not received a citizen request for a cost-benefit analysis in the last six years. Similarly, CDOT has not had a citizen request for a regulatory analysis pursuant to 24-4-103 (4.5), C.R.S., because classes of persons who may be affected by the proposed rule, including those bearing the costs and benefitting from the rule, are included in the Representative Group before rule-making is commenced, and subsequently included in all rule-making meetings and the public rule-making hearing.

2829 W. Howard Pl.  
Denver, CO 80204

CDOT's stakeholder outreach is very extensive and includes many opportunities for all impacted persons and businesses to ask questions and provide helpful feedback on any positive or negative effects resulting from the proposed changes. Each of the changes made to the rules is based on a mandatory change in state or federal law and upon recommendation and with consensus of stakeholders.

7. What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

Response:

Some of the primary cost drivers for the department include the limited availability of common and skilled laborers and equipment operators, the limited availability of road construction materials (such as aggregate and asphalt cement), and the availability of subcontractors. Specifically, costs have increased for the department for guardrails, concrete paving, and low-volume asphalt paving (typically in rural areas with fewer suppliers). In general, construction costs increase about 3 percent per year for the department. CDOT experienced a large amount of inflation between 2013 to 2016 in bid-prices as a consequence of the 2013 flood and subsequent flood-recovery projects.

8. How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

Response:

CDOT is not a "caseload" department, however the annual increase in the state's population results in greater wear and tear on the highways and greater mobility needs that the department is unable to address without additional funds.

9. Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

Response:

CDOT leverages a diverse set of digital tools to strategically engage and inform members of the public. To achieve its goal of saving lives and making lives better, CDOT provides travelers real-time travel conditions and alerts via one robust system that feeds various digital platforms: COtrip.org; the statewide 511 phone line; a text and email notification system; and Twitter. The



2829 W. Howard Pl.  
Denver, CO 80204

latter tool is among several social platforms—including Facebook, Instagram, Nextdoor, and LinkedIn—the department uses to provide critical traffic updates, important safety messaging, and engaging content about our projects and programs. For greater insight into our ceaseless statewide maintenance, construction, engineering and other technologically innovative work, we proactively reach the public through informative content on [codot.gov](http://codot.gov), targeted eNewsletters and a comprehensive digital customer service communications platform.

CDOT also is exploring ways to expand our communication tools to include direct communication with vehicles. Connected technology enables vehicles and the transportation system infrastructure to communicate with one another, providing real-time updates to any accidents or obstacles coming up in a route. CDOT has partnered with Panasonic to build an ecosystem for connected transportation where smart vehicles and infrastructure share instantaneous data and information about road and safety conditions, with the goal of reducing crashes, increasing capacity and improving travel time reliability. Over the next two years, CDOT and Panasonic will work together along portions of the I-70 mountain corridor to build and test this connected ecosystem.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.**

- 1 Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

Response:

The Department is not aware of any such situations.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2018 (link below)? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? [Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.](#)

Response:

The Department is not aware of any such situations.

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2018>

- 3 If the Department receives federal funds of any type, please respond to the following:
- Are you expecting any changes in federal funding with the passage of the FFY 2018-19 or 2019-20 federal budget? If yes, in which programs, and what is the match requirement for each program?
  - Does the Department have a contingency plan if federal funds are eliminated?
  - Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2018-19 or 2019-20.

Response:

The Department does not receive federal funds of any type. The Department only passes through federal funds to other state agencies and departments.

- 4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

Response:

The Department has a budget of \$200,000 to spend on an annual campaign to reunite the public with their unclaimed money or property. Every year the Unclaimed Property Division experiences significant spikes in inquiries and claim filings during the campaign. The campaign is within the state and the Department does not coordinate their efforts with other state or federal departments.

- 5 Based on the Department's most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

Response:

The Department had an overall turnover rate of 18% for FY18. One-third of the turnover for the period was due to the departure of senior leadership in the Unclaimed Property Division. Two-thirds of turnover for the period was due to the departure of entry level personnel in the Accounting, Investment, and Unclaimed Property Divisions. Turnover was due to retirements and advancement opportunities. Statewide policies have not had a significant effect on addressing vacancy or turnover issues.

- 6 Please identify how many rules you have promulgated in the past two years (FYs 2016-17 and 2017-18). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

Response:

The Department has not promulgated any rules in the past two years.

- 7 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

Response:

The Department's major cost driver is personnel. The Department is not experiencing a difference.

- 8 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

Response:

The Department is not experiencing a changing caseload as it primarily serves other state agencies and departments.

- 9 Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps) and the role of these technologies in the Department's interactions with the public.

Response:

The Department's strategies for the use of outward facing technology will be determined by the incoming administration.