

Amendment 41 prohibits state employees from receiving "gifts" and "special discounts" that have a value of more than \$50. Since implementation on January 1, questions regarding its impact on the Work-Life Employee Discount Program (EDP) have arisen.

After consultation with the Office of the Attorney General, DPA has determined that Amendment 41 does not preclude the EDP. Amendment 41 exempts components of the total compensation package per Colorado Constitution Article XXIX, Section 3 (3)(h). The State Personnel Director has statutory authority (24-50-104, C.R.S.) to determine the total compensation package for state employees. The Work-Life Employee Discount Program is a component of the State of Colorado's total compensation package and, therefore, not subject to the prohibitions in Amendment 41. Amendment 41 has no impact on the EDP and all state employees can continue to take advantage of the EDP, regardless of the total amount saved by the employee.

An employee discount program is an important part of total compensation and DPA appreciates your continued cooperation in informing your employees of new and existing EDP offers. New offers are emailed to department HR Directors and all EDP discount offers are listed on the Department of Personnel & Administration's Web site at [www.colorado.gov/dpa/discounts](http://www.colorado.gov/dpa/discounts). If you have any questions regarding the EDP, please contact Travis Engelhardt.

Based on the same legal analysis, DPA has also determined that leave sharing does not violate Amendment 41. Leave and leave sharing are authorized under the same statutes as other components of total compensation; falling under the same Amendment 41 exemption. If you have any questions regarding leave, please contact Joi Simpson.

Finally, note that Amendment 41 authorizes the creation of an independent ethics commission to rule on alleged ethics violations. The commission may also issue advisory opinions to provide certainty as to whether or not any particular conduct violates the law. That commission does not yet exist because it requires legislation that is still moving through the process. Once the commission is established and operational, DPA will present these and other ethics questions affecting state employees to the commission for advisory opinions.

**Please be advised that this is only DPA's opinion on these issues and we cannot guarantee the independent ethics commission will agree. Although our interpretation is based on legal advice and may be helpful to the commission, employees must understand that our opinion does not protect them against a contrary determination by the commission.**