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EXECUTIVE ORDER

Strengthening Colorado's Administrative Justice System

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order regarding the State Administrative Justice System.

1. Purpose.

A substantial number of Coloradans depend on administrative adjudication to resolve their disputes in matters including, but not limited to, occupational licensing, workers' compensation, the operation of the state personnel system, and human services benefits. Consistent management and accountability is required to ensure that Colorado's administrative justice system provides efficient and fair resolution of these matters. This order is designed to provide for the effective management of the State's administrative justice system, through preserving the decisional independence of administrative adjudicatory personnel while also effectively implementing the purposes of state agencies, regardless of whether administrative adjudicative personnel or functions are lodged in the Division of Administrative Hearings.

2. Standards of Professional Conduct.

To ensure the decisional independence of administrative adjudicative personnel and to protect the rights of Colorado citizens, all administrative law judges shall adhere to the Colorado Code of Judicial Conduct. The Executive Director of the Department of Personnel shall establish and implement appropriate standards of conduct for hearing officers and any other executive branch official who exercises independent legal judgment in the conduct of quasi-judicial hearings to adjudicate justiciable interests between adverse parties.

Officials of affected agencies shall cooperate with the Executive Director of the Department of Personnel to ensure that the standards of conduct are enforced with respect to both the administrative adjudicative personnel and personnel responsible for the development and implementation of substantive agency policies. The Executive Director of the Department of Personnel may require training for administrative adjudicatory personnel, so long as such training is provided at no cost to affected agencies.

The Executive Director of the Department of Personnel shall report to the Governor regarding the condition of the State's administrative justice system, along with recommendations for improvement or reform, on or before July 1, 2002.

3. Intra-Governmental Coordination.

By the authority vested in me by Article IV of the Colorado Constitution and that vested in the respective Executive Directors by § 24-1-107, C.R.S. and other applicable statutes, I hereby authorize and direct the following officials to coordinate their administrative law judges and associated support staff with the Executive Director of the Department of Personnel:

- The Executive Director of the Department of Labor and Employment and the Director of the Division of Workers' Compensation;
- The State Personnel Board;
- The Executive Director of the Department of Regulatory Agencies and the Public Utilities Commission; and
- The Executive Director of the Department of Corrections and the State Parole Board.

Such coordination may occur, within the scope of existing constitutional and statutory authority, through a written delegation, memorandum of understanding, or both, and may place budgetary, personnel, legal, and programmatic authority, as well as pertinent property, documents, and records, under the direction of the Executive Director of the Department of Personnel. All affected personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state, and their services shall be deemed to have been continuous.

The Executive Director of the Department of Personnel may also provide administrative law judges on a contractual basis to governmental entities other than those required to use services from the Division, or to obviate potential conflicts, on such terms and conditions as he or she may deem appropriate.

GIVEN under my hand and
the Executive Seal of the
State of Colorado _____
Day of May, 2001.

Bill Owens
Governor