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APS 5022 - Exemptions from the State Personnel System

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Policy Profile

Policy Title:	Exemptions from the State Personnel System
APS Number:	5022
Effective:	January 1, 2012
Approved by:	President Bruce D. Benson
Responsible University Officer:	Vice President, Employee and Information Services
Responsible Office:	Vice President, Employee and Information Services
Policy Contact:	Office of the Vice President, Employee and Information Services 303-860-5617
Supersedes:	Exemptions from the State Personnel System, October 22, 2004
Last Reviewed/Updated:	January 1, 2012
Applies to:	All campuses

Policy Snapshot

Brief Description: This policy provides guidance for determining which positions shall be exempted from the state personnel system and designates the campus chancellors or their designees to determine such exemptions within their respective organizations.

Reason for Policy: Comply with state law C.R.S. 24-50-135.

I. Introduction

Pursuant to state law (C.R.S. 24-50-135), the president of the University of Colorado

(University) has authority to determine which employment positions (positions) at the University are exempt from the state personnel system. Through this policy, the president provides guidance for determining which positions shall be exempt and designates the campus chancellors to determine such exemptions within their respective organizations. The president retains authority for determining which positions shall be exempt within system administration.

II. Policy Statement

A. Positions that meet the criteria for designation as exempt from the state personnel system shall be designated as such by the campus chancellors, and the president for system administration, in accordance with the guidance set out in this policy and procedures established by the respective campuses and system administration.

   In order to designate a position as exempt from the state personnel system, it must either be newly created or vacant. Positions shall not be determined to be exempt while held by an existing employee in the state personnel system. Classified employees may apply and be appointed to new or vacant exempt positions.

   Employees in the state personnel system retain all rights and privileges accorded to them under existing state law. Retaliation in the form of any tangible adverse employment action against any such employee who declines to apply for an exempt position is prohibited.

   Appointing and/or hiring authorities retain authority to establish the duties, location, and work hours of the positions they supervise whether such positions are within or exempted from the state personnel system.

   Employees in the state personnel system who accept at-will employment in exempt positions shall have their existing annual and sick leave accruals transferred in full based upon departmental records.

B. Positions Exempt from the State Personnel System - Positions shall be evaluated based upon their actual duties and responsibilities or source of funding, and not solely upon position title. The following positions, with appropriately commensurate duties and responsibilities, shall be exempt from the state personnel system:
   1. Officers.
   2. Executive Assistants to Officers ? These positions report to and provide administrative support directly to individuals designated as Officers of the University as outlined in the Laws and Policies of the Board of Regents.
   3. Employees in professional positions ? These positions involve the exercise of discretion, analytical skill, judgment, personal accountability, and responsibility for creating, developing, integrating, applying, or sharing an organized body of knowledge that characteristically is:
      a. Acquired through education or training that meets the requirements for a bachelor?s or graduate degree or equivalent specialized experience; and
      b. Continuously studied to explore, extend, and use additional discoveries, interpretations, and applications and to improve data, materials, equipment, applications, and methods.

    4. Individuals in grant or gift funded positions.

C. Positions funded through auxiliary activities?defined as activities managed and accounted for as self-supporting activities?shall also be exempted, unless the President determines it is not in the best interest of the institution to do so.

III. Interpretation

The Office of the Vice President, Employee and Information Services, or Office of University Counsel shall interpret this policy.

IV. History

- Original policy effective October 22, 2004
- Revised January 1, 2012

Groups audience:
Office of Policy and Efficiency (OPE)

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