



**ADMINISTRATIVE POLICY STATEMENT**

**Policy Title:** Exemptions from the State Personnel System

**APS Number:** 5022

**APS Functional Area:** **HUMAN RESOURCES**

<b>Brief Description:</b>	This policy provides guidance for determining which positions shall be exempted from the state personnel system and designates the heads of the HR offices to determine such exemptions within their respective organizations.
<b>Effective:</b>	January 1, 2018
<b>Approved by:</b>	President Bruce D. Benson
<b>Responsible University Officer:</b>	Vice President, Employee and Information Services
<b>Responsible Office:</b>	Vice President, Employee and Information Services
<b>Policy Contact:</b>	Office of the Vice President, Employee and Information Services, 303-860-5617
<b>Supersedes:</b>	Exemptions from the State Personnel System, January 1, 2012
<b>Last Reviewed/Updated:</b>	January 1, 2018
<b>Applies to:</b>	All campuses

**Reason for Policy:** To 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), or a person designated by the president, 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 heads of the campus and system HR offices to make the determination as to such exemptions within their respective organizations.

**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 heads of the campus and system HR offices, 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 university staff 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 a university staff 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 university staff 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
- Revised January 1, 2018