

# AURARIA CAMPUS POLICY

Policy Title:	Exempting Positions from the State Personnel System		
Approval Authority:	Chief Executive Officer		
Last Revised:	August 8, 2018	Category:	Internal Administrative Policy
Last Reviewed:	August 8, 2018	Effective:	February 17, 2005

## 1. Purpose

The purpose of this policy is to provide internal AHEC employees with guidelines for exempting positions from the state personnel system.

## 2. Audience

This internal administrative policy applies to all AHEC staff.

## 3. Policy

### Exempting Positions from the State Personnel System

It is the intention of the Auraria Higher Education Center (AHEC) to comply with C.R.S. 24-50-135(1), which provides for certain types of positions in educational institutions and departments to be exempted from the state personnel system. This statute also permits college and university presidents and the executive director of the Commission on Higher Education to approve their respective institution's positions as exempt from the personnel system. This authority may be delegated to another position in the institution.

In accordance with C.R.S. 24-50-135, the Director of Human Resources has been delegated the authority to exempt positions at AHEC from the state personnel system. It is the policy at AHEC that all newly created, vacant, or requests for reallocation of an encumbered position will be reviewed for possible exemption from the personnel system. Appointing 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.

### Procedure for Requesting Exemptions

All requests to exempt positions must be submitted to Human Resources in writing on the appropriate form and accompanied by a complete job description, organizational chart, and a Classification/Personnel Requisition Request Form signed by the Supervisor, Manager/Director, and the Division Chief. The request will be reviewed for compliance with C.R.S. 24-50-135.

Positions meeting the following criteria shall be exempt at the Auraria Higher Education Center:

- Administrators employed in educational institutions and departments not charitable or reformatory in character shall be exempt from the state personnel system. For purposes of this section, "administrators employed in educational institutions and departments" means:
  - Officers of an educational institution and their executive assistants; employees in professional positions, including the professional employees of a governing board; and any other employees involved in the direct delivery of academic curriculum.

## *Exempting Positions From The State Personnel System*

- and (c) (Deleted by amendment, L. 2004, p.419, 1, effective August 4, 2004.)
- and (e) (Deleted by amendment, L. 2011, (HB 11 - 1301), ch. 297, p. 1425, 19, effective August 10, 2011.)
- Professional officers and professional staff of the department of higher education
- (Deleted by amendment, L. 2004, p.419, 1, effective August 4, 2004.)
- Employees in positions funded by grants, gifts, or revenues generated through auxiliary activities. For purposes of this paragraph, “auxiliary activities” means institutional activities managed and accounted for as self-supporting activities.
- The president of each educational institution or a person designated by the president shall determine which administrative positions in that institution are exempt from the state personnel system under subsection (1) of this section, subject to an appeal to the board; except that a position shall not be determined to be exempt while it is held by an existing employee in the state personnel system. The president of an educational institution may decide not to exempt a position funded through auxiliary activities if the president determines that exempting the position is not in the best interests of the institution.

For purposes of this policy, a person is in a professional position or is a professional employee or professional staff if the person is in a position that involves 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:

- Acquired through education or training that meets the requirements for a bachelor's or graduate degree or equivalent specialized experience; and
- Continuously studied to explore, extend, and use additional discoveries, interpretations, and applications and to improve data, materials, equipment, applications, and methods

Human Resources will review the request for exemption, make a determination on the exemption status, and respond in writing to the appointing authority.

If the appointing authority disagrees with the exemption designation, they may request in writing that the Chief Executive Officer review the exemption request and make a final determination.

#### 4. History and Updates

- August 8, 2018
  - Edited for basic language and updates to titles, departments, etc.
  - Updated policy by placing in new format.