


<p><b>CAMPUS POLICY</b></p>  <p><b>UNIVERSITY OF COLORADO at COLORADO SPRINGS</b></p>	<p><b>POLICY NUMBER:</b> 300-011</p>	<p><b>PAGE NUMBER:</b> 1 of 3</p>
	<p><b>CHAPTER:</b> 300 Human Resources</p>	
	<p><b>SUBJECT:</b> Review of Positions for Exemption from the State Personnel System</p>	
	<p><b>EFFECTIVE DATE:</b> February 1, 2005</p>	
<p>OPR: OHR</p> <p>VC: Administration &amp; Finance</p>	<p>Approved by Pamela Shockley-Zalabak, Chancellor, on February 1, 2005</p>	

**I. POLICY:**

- A. This policy addresses the issue of those positions within the University, as described within this Policy, that are eligible to be designated as exempt from the state personnel system. Pursuant to state law, the President of the University of Colorado has authority to determine which positions at the University are exempt from the state personnel system, and has designated the campus Chancellors to determine such exemptions within each campus.
- B. Positions Exempt from the State Personnel System: Positions shall be evaluated based upon their actual duties and responsibilities, 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 and their executive assistants;
  - 2. Employees in professional positions, including:
    - a) Deans, directors, chairpersons, and professionals in academic and academic support positions;
    - b) Heads of administrative or academic departments or divisions and their principal professional subordinates; and
    - c) Professional employees of the Board of Regents.
  - 3. Heads of functions supported primarily by student fees and charges, including heads of residence halls and their professional staff;
  - 4. Heads and professional staff of departments of intercollegiate athletics;
  - 5. Heads of and professional staff involved in research and grant projects; and for the duration of their initial appointment, individuals in grant-funded positions where funding is limited by a known expiration date of the research project or grant.

**II. AUTHORITY:**

Colorado Revised Statute 24-50-135

University of Colorado Administrative Policy Statement [Exemptions from the State Personnel System](#)

**III. PURPOSE:**

This policy is developed to enable the campus to comply with the provisions set forth by the Act.

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#### IV. DEFINITIONS:

- A. The terms “Employees in Professional Positions”, “Professionals”, “Professional Subordinates”, “Professional Employees”, and “Professional Staff” all refer to University employees who occupy positions that are, or are capable of being exempted from the state personnel system primarily because of their status as “professional positions”.
- B. A “Professional Position” is a position that meets the following requirements, (may be in addition to other duties and responsibilities of the position):
  - 1. Requires knowledge in a field of learning customarily and characteristically acquired through education or training that meets the requirements of a bachelor’s or higher degree, or equivalent specialized experience;
  - 2. Requires the creative and conceptual application of theories, methods, principles, and practices of the field of learning, as well as management program objectives, law and regulations, general systems and guidelines to generate original, creative and/or novel work-product or solutions as circumstances warrant;
  - 3. Performs duties and responsibilities that are predominately intellectual and varied in nature, requiring creative, analytical, evaluative, interpretive, or critical thinking in the context of the identifiable professional field (or field of learning);
  - 4. Requires exercise of discretion and independent judgment, requiring only general supervision in performing normal day-to-day work (the full range of professional tasks).

#### V. PROCEDURES:

- A. At a minimum, the supervisor/department head must prepare a comprehensive job description, an organizational chart, and a Faculty/Professional Exempt Position Authorization form to either create or update an exemption request. For grant funded positions, additional documentation must be submitted showing the funding source and the expiration date of the grant.
- B. In order to designate a position that is currently within the state personnel system as exempt from that system, the position must be newly created, vacant, or the incumbent must agree to accept at-will employment exempt from the state personnel system, and must agree to waive the right to appeal the exemption of the position. Signed written documentation from the incumbent employee must be submitted with the request to exempt the position.
- C. In cases where the incumbent does not accept such at-will employment exempt from the state personnel system, the position will remain in the state personnel system until such time as the employee later chooses to accept exempt employment or the position becomes vacant.
- D. Upon receipt of a request to exempt a position, with appropriate supporting documentation, the UCCS Personnel Director will review the job description and the assigned duties and responsibilities for proper classification level and will determine whether the position meets one or more of the legal criteria required for exemption from the state personnel system.

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- E. If the UCCS Personnel Director determines the position is capable of being exempted from the state personnel system, a written recommendation will be submitted to the appropriate Vice Chancellor and Chancellor for approval and final determination. The signed approval document will be returned to the Personnel Department.
    - 1. When the position exemption is approved by the Chancellor, the Personnel Department will notify the supervisor/hiring authority, and explain the processes needed to fill the position.
  - F. If the UCCS Personnel Director determines the position does not qualify to be exempted from the state personnel system, a written notice will be sent to the supervisor/hiring authority, with a copy to the Chancellor.
  - G. Pursuant to state law, the UCCS Personnel Director shall prepare an annual report listing all positions that have been exempted in accordance with this policy. This report will be submitted to the State Personnel Director not later than December 31 of each year. Copies of this report will be available upon request to the UCCS Personnel Director.
- VI. RESPONSIBILITY: The Personnel Department is responsible for implementing the provisions of this document.
- VII. HISTORY:
- VIII. ATTACHMENTS: