

CHAPTER 110

GOVERNMENT - STATE

HOUSE BILL 98-1050

BY REPRESENTATIVES Tool and Bacon;
also SENATORS Wells, Matsunaka, and Norton.

AN ACT

CONCERNING MULTIPLE-YEAR EMPLOYMENT CONTRACTS AT INSTITUTIONS OF HIGHER EDUCATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. The introductory portion to 24-19-104 (1), Colorado Revised Statutes, is amended, and the said 24-19-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-19-104. Terms of employment contracts - public inspection. (1) EXCEPT AS EXPRESSLY PERMITTED PURSUANT TO SUBSECTION (1.5) OF THIS SECTION, if any governmental unit or government-financed entity enters into an employment contract or employment contract extension with a government-supported official or employee, such employment contract or employment contract extension shall contain terms that clearly state that:

(1.5) (a) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, EACH SYSTEM OF HIGHER EDUCATION AND EACH CAMPUS OF EACH STATE INSTITUTION OF HIGHER EDUCATION MAY HAVE IN EFFECT EMPLOYMENT CONTRACTS OR EMPLOYMENT CONTRACT EXTENSIONS HAVING A DURATION NOT MORE THAN FIVE YEARS WITH NOT MORE THAN SIX GOVERNMENT-SUPPORTED OFFICIALS OR EMPLOYEES IF:

(I) THE GOVERNING BOARD OF THE INSTITUTION DETERMINES THAT THE CONTRACT OR EXTENSION IS NECESSARY FOR THE HIRING OR RETAINING OF THE EMPLOYEE IN LIGHT OF PREVAILING MARKET CONDITIONS AND COMPETITIVE EMPLOYMENT PRACTICES IN OTHER STATES;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) THE CONTRACT CONTAINS A CLAUSE THAT THE INSTITUTION REMAINS FREE TO TERMINATE THE CONTRACT OR EXTENSION WITHOUT PENALTY IF SUFFICIENT FUNDS ARE NOT APPROPRIATED.

(b) NOTHING IN THIS SUBSECTION (1.5) SHALL BE CONSTRUED TO EXEMPT ANY GOVERNMENTAL UNIT OR GOVERNMENT-FINANCED ENTITY FROM THE REQUIREMENTS OF SECTION 24-19-103.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 17, 1998