

CHAPTER 136

EDUCATION - UNIVERSITIES AND COLLEGES

SENATE BILL 04-007

BY SENATOR(S) Anderson, Taylor, Andrews, Evans, and Teck;
also REPRESENTATIVE(S) Williams T., Rhodes, and Marshall.

AN ACT

**CONCERNING THE DETERMINATION OF WHICH HIGHER EDUCATION EMPLOYEES ARE EXEMPT FROM
THE STATE PERSONNEL SYSTEM.**

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

SECTION 1. 24-50-135, Colorado Revised Statutes, is amended to read:

24-50-135. Exemptions from personnel system. (1) Administrators employed in educational institutions and departments not charitable or reformatory in character ~~shall include the following, who~~ shall be exempt from the state personnel system. FOR PURPOSES OF THIS SECTION, "ADMINISTRATORS EMPLOYED IN EDUCATIONAL INSTITUTIONS AND DEPARTMENTS" MEANS:

(a) Officers of an educational institution ~~and their professional staff assistants~~ AND THEIR EXECUTIVE ASSISTANTS; EMPLOYEES IN PROFESSIONAL POSITIONS, INCLUDING DEANS, DIRECTORS, CHAIRPERSONS, AND PROFESSIONALS IN ACADEMIC AND ACADEMIC SUPPORT POSITIONS; HEADS OF ADMINISTRATIVE OR ACADEMIC DEPARTMENTS OR DIVISIONS AND THEIR PRINCIPAL PROFESSIONAL SUBORDINATES; AND PROFESSIONAL EMPLOYEES OF A GOVERNING BOARD OR EDUCATIONAL INSTITUTION HAVING RESPONSIBILITY FOR OR CONTROL OF PROGRAM OPERATIONS OR FOR THE FORMULATION, PLANNING, AND DIRECTION OF THE POLICIES OF THE GOVERNING BOARD OR EDUCATIONAL INSTITUTION;

(b) ~~Heads of administrative units directly responsible to officers of an educational institution;~~

(c) ~~Heads of administrative units and their professional staff assistants who relate directly to the educational function of an educational institution and whose qualifications include training and experience comparable to that required for a~~

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

~~faculty member;~~

(d) Heads of those functions of an educational institution ~~which~~ THAT are supported primarily by student fees and charges, including heads of residence halls, AND THEIR PROFESSIONAL STAFF;

(e) Heads ~~of~~ and professional staff ~~members~~ of departments of intercollegiate athletics;

(f) Professional officers and professional staff of the department of higher education, including the professional staff ~~members~~ of any governing board of an institution of higher education; and

(g) ~~Professional officers and professional staff of the department of education.~~

(h) 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.

(2) (a) ~~The state personnel director, in consultation with the officers~~ PRESIDENT of ~~such~~ EACH educational ~~institutions or departments,~~ INSTITUTION OR A PERSON DESIGNATED BY THE PRESIDENT shall determine which administrative positions ~~under the definitions enumerated above,~~ IN THAT INSTITUTION are exempt from the state personnel system UNDER SUBSECTION (1) OF THIS SECTION, subject to an appeal to the board AND SUBJECT TO POSTAUDIT REVIEW BY THE STATE PERSONNEL DIRECTOR.

(b) THE EXECUTIVE DIRECTOR OF THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL DETERMINE WHICH ADMINISTRATIVE POSITIONS IN THE DEPARTMENT OF HIGHER EDUCATION OTHER THAN ADMINISTRATIVE POSITIONS IN EDUCATIONAL INSTITUTIONS ARE EXEMPT FROM THE STATE PERSONNEL SYSTEM UNDER SUBSECTION (1) OF THIS SECTION, SUBJECT TO AN APPEAL TO THE BOARD AND SUBJECT TO POSTAUDIT REVIEW BY THE STATE PERSONNEL DIRECTOR.

(c) NO LATER THAN DECEMBER 31 OF EACH YEAR, THE PRESIDENT OF EACH EDUCATIONAL INSTITUTION SHALL SUBMIT A REPORT TO THE STATE PERSONNEL DIRECTOR, IN THE FORM PRESCRIBED BY THE DIRECTOR, LISTING ALL POSITIONS AT THE EDUCATIONAL INSTITUTION THAT ARE EXEMPT FROM THE STATE PERSONNEL SYSTEM IN ACCORDANCE WITH THIS SECTION.

(d) NO LATER THAN DECEMBER 31 OF EACH YEAR, THE EXECUTIVE DIRECTOR OF THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL SUBMIT A REPORT TO THE STATE PERSONNEL DIRECTOR, IN THE FORM PRESCRIBED BY THE DIRECTOR, LISTING ALL POSITIONS IN THE DEPARTMENT OF HIGHER EDUCATION, OTHER THAN POSITIONS AT EDUCATIONAL INSTITUTIONS, THAT ARE EXEMPT FROM THE STATE PERSONNEL SYSTEM IN ACCORDANCE WITH THIS SECTION.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine

die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 13, 2004