



Policy Number 3.3.17

Chapter: Administration

Title: Creating Exempt (Non-Classified) Positions

Division/Department: Administration/Human Resources

Policy Administrator: Director of Human Resources

Adoption Date: February 17, 2005

Revision Dates: 8/8/2018, 2/27/2025

1. PURPOSE

This policy provides for the creation of positions at the Auraria Higher Education Center (AHEC) that are exempt from the state personnel system, appointing employees to those positions, and terminating those positions.

2. DEFINITIONS

- 2.1. **Appointing Authority:** The individual having responsibility for hiring and other employment decisions relating to employees. The Chief Executive Officer (CEO) is the Appointing Authority for AHEC pursuant to Colorado Constitution Art. XII, § 13(7) and State Personnel Board Rule 1-8 and has subdelegated such responsibilities to Division Chiefs with authority to further subdelegate. Typically, the Appointing Authority is a department head.
- 2.2. **Exempt or Non-Classified Position:** A position at AHEC that is determined to be outside of the state personnel classified employment system in accordance with this policy.

3. POLICY

- 3.1. Colorado Revised Statute (C.R.S.) § 24-50-135 provides for certain types of positions to be exempted from the state personnel system. The AHEC Director of Human Resources is delegated the authority to authorize Exempt Positions at AHEC.
- 3.2. All newly created, vacant, or requests for reallocation of an encumbered position will be reviewed for possible exemption. 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.

- 3.3. An encumbered position shall not be designated as exempt while it is held by an employee in the state personnel system unless that employee consents to such designation and the position meets the criteria set forth in this policy.
- 3.4. Positions meeting any of the following criteria shall be exempt, non-classified positions at AHEC:
 - 3.4.1. Officers of AHEC and their executive assistants.
 - 3.4.2. Positions held by professionals exercising 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.
 - 3.4.3. 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.
- 3.5. Procedure for Requesting Exemptions
 - 3.5.1. All requests to exempt positions must be submitted to the Human Resources Director in writing on the Exemption Request Form and accompanied by a complete job description, organizational chart, and a completed/signed [Classification/Personnel Requisition Request Form](#).
 - 3.5.2. The Human Resources Director will review the request, make a determination in accordance with C.R.S. § 24-50-135, and respond in writing to the Appointing Authority.
 - 3.5.3. If the Appointing Authority disagrees with the exemption designation, they may submit a written request for the AHEC General Counsel to review the determination of Human Resources. If the employee challenges the General Counsel's decision, the matter must be presented to the Auraria Board. Requests for Board review must be made through the Legal Department.

4. APPROVAL AND ADOPTION

This Policy has been reviewed and approved by the Board of Directors for the Auraria Higher Education Center.

Date: February 26, 2025

Approved by: Kate Barton
Chairperson of the Auraria Board