



Policy Number 3.3.8.2

Chapter: Administration

**Title: Exempt (Non-Classified) Employees,
Hiring and Termination**

**Division/Department: Administration/Human
Resources**

**Policy Administrator: Human Resources
Director**

Adoption Date: April 3, 2023

Revision Dates: 2/24/2025

1. PURPOSE

The Auraria Higher Education Center (AHEC) must uphold Colorado laws and regulations, and must assure fairness and transparency, when hiring employees. AHEC is committed to the principle that employees should be hired based on their qualifications and experience. This policy sets forth the minimum procedures to be followed when hiring, promoting, and terminating non-classified employees at AHEC.

2. DEFINITIONS

- 2.1. **Director:** The Director of the Human Resources Department (HR) in the Division of Administration at AHEC.
- 2.2. **Appointing Authority:** The individual having responsibility for hiring and other employment decisions. 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.
- 2.3. **Exempt or Non-Classified Employee:** An employee at AHEC that is determined to be outside of the state personnel classified employment system based on the nature of their position and the duties they perform.
- 2.4. **Search Committee:** A committee selected by the Appointing Authority and approved by the Director to conduct a search to fill an Exempt Employee position.

3. POLICY

- 3.1. No Exempt Employee shall be hired, promoted, or terminated at AHEC except as prescribed in this policy.
- 3.2. All Exempt Employees at AHEC are at-will unless otherwise specified in an employment contract entered pursuant to C.R.S. § 24-19-104 and approved by the Auraria Board. At-will means that employment may be terminated at any time, with or without cause, by either the employee or AHEC, in accordance with this policy, except that termination cannot be for any reason that is contrary to law or other AHEC policies.
- 3.3. All Exempt Employees are presumed to be exempt from overtime pay, except as otherwise required by law.
- 3.4. No person shall exert or attempt to exert any undue influence on, or interfere in, the selection or hiring process. Recommendations for or against the hiring of an individual may be submitted to the Appointing Authority or Search Committee only through approved processes (such as submission of a letter of reference or candidate evaluation when requested) and shall be documented as part of the search and selection process. AHEC Policy 3.3.18, “Nepotism,” shall be observed at all times.
- 3.5. Steps in the Hiring Process
 - 3.5.1. Establishing a Position: Before an Exempt Employee appointment can be made, a position must be established through HR. The Appointing Authority determines the need to either fill a vacancy or add a new position.
 - 3.5.2. Position Description: If it is a new position, the Appointing Authority must complete an Exempt Position Description form, describing the duties and responsibilities of the position. If it is a vacant position, the Appointing Authority must review and update the existing Exempt Position Description form.
 - 3.5.3. Approval to Fill Position: The Appointing Authority sends the Exempt Position Description, Exemption Request, and Requisition forms to Finance for budget review. Finance reviews the request and, if approved, forwards the forms to HR.
 - 3.5.4. Posting: HR reviews the forms and, if approved, drafts a posting in [Neogov](#). HR sends the draft posting to the Appointing Authority for review prior to posting. Positions are typically posted for a minimum of two weeks, promotions will be posted for a minimum of three days.

- 3.5.5. Searches: All Exempt Employee positions shall be hired after a search is conducted by the Appointing Authority or a Search Committee. Promotion and transfer hires do not require a search, but must be posted and the employee being considered must apply.

Searches shall be conducted in a manner that promotes the recruitment of diverse candidates, and applicants may be recruited on a national scale or a limited scale, as approved by the Director. An example of a limited scale search would be to recruit only within the state of Colorado, or within the unit in which the position resides.

- 3.5.6. Applications for Exempt Employee Positions:

- All Exempt Employee positions must be posted by Human Resources to the state website careers.colorado.gov and prospective employees must complete an online application containing relevant knowledge and experience.
- The deadline for submitting the application and supporting materials must be identified in the position announcement. Applications failing to meet such deadline shall not be considered unless the hiring process fails to identify any qualified candidates, in which case the position may be reopened or reposted.
- All applications shall include disclosure of any conflicts of interest that the applicant may have with respect to the position, including those related to other AHEC employees and Auraria Board members. See AHEC Policy 3.3.3, “AHEC Employee Conflicts of Interest and Commitment.”

- 3.5.7. Initial Screening: Qualified applicants shall have an equal opportunity for consideration through fair and open competition. Minimum qualifications stated in the posting must be met by an applicant at the time of application to be eligible for hire or promotion, and may include the type and level of education, experience, licensure, or certification for the position. HR will screen for minimum qualifications. Applications that meet minimum qualifications are sent to the Appointing Authority for review. The Appointing Authority is required to complete the applicant tracker to outline their assessment of each candidate for HR record keeping.

- 3.5.8. Interviews: The Appointing Authority or Search Committee will conduct interviews with the top candidates. Appointing Authorities should establish a list of interview questions prior to the interview, and ask the same questions of all candidates interviewed. The Appointing Authority

should collect all notes after the interview and submit them to HR for record keeping.

- 3.5.9. Offer Letter: Once the interviews are completed, an offer of employment can be made conditioned on successfully passing a background check. The conditional offer and background disclosure form are sent to the selected candidate. The candidate completes and returns the background disclosure form to HR. When the background review is completed and approved, the conditional offer becomes the final offer and the [Personnel/Payroll Action Form](#) can be processed by the Department.
- 3.6 Suspension of Exempt Employees: An Exempt Employee may be suspended by the CEO at any time, with or without pay, if the continued presence of the employee would endanger the safety or well-being of the employee or other members of the Auraria Campus, or if the continued functioning of the employee would impair or disrupt the normal functions of the Campus.
- 3.7. Resignation of Exempt Employees: Resignations shall be submitted in writing to the employee's supervisor, the supervisor shall forward the resignation to the department head and Director. Exempt Employees who do not provide a minimum of two (2) weeks' notice of resignation may be deemed ineligible for rehire.
- 3.8. Termination of Exempt Employees:
 - 3.8.1. Advance notice of termination may be given as a courtesy. However, failure to give such notice shall not create any legal rights whatsoever.
 - 3.8.2. The senior leader in charge of a department or administrative unit and HR must review and approve any recommendations for the termination of Exempt Employees on any grounds, including for disciplinary or budgetary reasons, or any disciplinary action resulting in a salary reduction.
 - 3.8.3. Pursuant to the authority over personnel power described in C.R.S. § 23-5-117 and delegated by the Auraria Board in AHEC Policy 1.2, "Organization of AHEC Administration," final approval of the CEO must be obtained prior to implementation of any termination or disciplinary action resulting in a salary reduction.
 - 3.8.4. Except as provided in this policy, no compensation whatsoever shall be owed or paid to such employee upon termination, except compensation earned prior to the date of termination prorated to such date and any accrued leave. When it is in the best interest of AHEC, the CEO may

approve up to three months of salary and benefits to terminated Exempt Employees as severance pay.

3.8.5. This policy does not apply to terminations at the end of pre-determined maximum employment periods or terminations due to loss of external grant funding for the position.

4. **APPROVAL AND ADOPTION**

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

Date: April 3, 2024

Approved by: Tracy Huggins
Chairperson of the Auraria Board