

Technical Assistance – Appointment to an Exempt Position

Prepared by the Division of Human Resources in the Department of Personnel & Administration. Revised July 2005.

GENERAL

The purpose of this technical assistance is to address questions that arise regarding the meaning of “initial period of appointment” in C.R.S. 24-50-137(4) for employees in the state personnel system who accept an appointment to an exempt position. It was the intent of the statute to grant leave from a position in the state personnel system only for the *first* appointment to an exempt position.

Appointments by the governor to exempt executive director positions are subject to senate approval. If a governor is reelected and wishes to continue the appointment of an executive director or a successor wishes to continue such an appointment made by the predecessor, the continuation is not subject to reconfirmation. Therefore, the “initial period of appointment” to such a position continues until terminated by the incumbent governor.

Some appointments to non-classified positions that are made by appointed officials are through contracts that have termination dates. For such appointments, the termination date is the end of the first (“initial appointment period”) contract. Appointments to non-classified positions are typically made in this method in the Department of Education, by the Commissioner of Higher Education, and by presidents of the two-year colleges.

Some appointments to non-classified administrative positions are made on appointment forms that show no termination dates. These continue until the position is abolished or the incumbent is dismissed or appointed to another non-classified position.

Appointments to faculty positions at four-year colleges are typically made without termination dates, and the incumbent becomes “tenured” after three to five years of employment. If a certified employee accepts appointment to an exempt faculty position at one level, such as assistant professor, and later accepts promotion to a higher level, such as associate professor, acceptance of the promotion is a second appointment, terminating the initial appointment.

An appointing authority may grant leave-without-pay for extended periods of time. Putting an employee on leave-without-pay for periods in excess of the initial term may solve any difficulties with the specifics of the statute.

Every attempt is made to keep this information updated. For more information, refer to the *State Personnel Board Rules and Director’s Administrative Procedures* or contact your department human resources office. Subsequent revisions to rule or law could cause conflicts in this information. In such a situation, the law and rule are the official source upon which to base a ruling or interpretation. This document is a guide, not a contract or legal advice.

**TECHNICAL ASSISTANCE
DHR APPROVAL FOR PUBLICATION**

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