

TECHNICAL ASSISTANCE – BRINGING EMPLOYEES OR POSITIONS INTO THE STATE PERSONNEL SYSTEM

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DEFINITIONS

“Enter” applies to a state employee who moves from a position outside the state personnel system to a position within the state personnel system. For example, employees who move from the judicial or legislative branch to a state personnel system position in the executive branch are entering the system. Employees in the executive branch who leave non-classified jobs for positions in the state personnel system are also entering the state personnel system.

“Brought into” applies to the movement of an existing position along with the incumbent of that position into the state personnel system. An example is when the State Fair Authority was brought into the state personnel system.

“Employee” means an individual working for the State of Colorado in a non-temporary capacity where the state controls the labor, schedules, and operations. Employees receive their paychecks directly from the state through a state payroll system and the payment for time worked is subject to payroll taxes and deductions. Employees are included in a department’s FTE allocation and budget.

GENERAL

Employees of state government who enter or are brought into the state personnel system are credited with their previous state service for purposes of accumulated leave, leave earning rates, longevity, and other benefits (excluding retirement credit) afforded employees within the state personnel system (C.R.S. 24-50-136). Employees entering or being brought in to the state personnel system are subject to the rules in effect at the time of entry.

Status is not included in the term “other benefits.” Employees must earn their status in the state personnel system. Employees who enter or are brought in must be appointed in probationary status following appointment from an eligible list; or, in the absence of an eligible list and with prior approval of the state personnel director, employees may enter or be brought in under provisional status.

Accumulated leave is the earned but unused sick and annual leave an employee may have at the time of entering or being brought in. State employees outside the state personnel system often have leave to their credit. Persons employed on a contract may or may not earn sick and annual leave, depending on the terms of the contract.

The state service date is the date that **continuous** permanent state employment began with state government regardless of the personnel system. The service date is the date used to determine seniority for layoff purposes. Any breaks in service between the state personnel system service and

another state government system will cause the service date to adjust for seniority purposes. If the break in state service is more than 90 days, a new service date is set. Breaks in service do not impact the calculation of leave earning rates.

The state does not currently have any formal arrangements with any political subdivisions that have merit systems similar to state personnel system. Absent a formal agreement, employees of political subdivisions (e.g., BOCES) are not eligible to receive service credit for purposes of accumulated leave, leave earning rates, longevity, and other benefits afforded employees in the state personnel system.

Official documentation is required to prove state service outside of the personnel system in cases where employment history is unavailable through EMPL or another such data system.

LEAVE

Leave earned as a State of Colorado employee in another system is transferred to the state personnel system as long as there was no payout from the other personnel system. If another personnel system is under a Paid Time Off (PTO) program, the earned PTO leave is transferred as annual leave and any leave in an extended or temporary sick leave bank is transferred as sick leave. Accrued leave that is in excess of the state personnel system maximum accrual rates is lost on the following July 1.

Annual leave earning rates are based on the total months of state government service both in and out of the state personnel system. The leave earning rates and maximums are those of the state personnel system regardless of the amount of leave earned while outside the state personnel system. The maximum accrual rate cannot exceed that of an employee in the state personnel system with the same number of years of service.

Example:

An employee who enters the personnel system with seven years of state service outside the state personnel system (84 months) would earn 10 hours of annual leave per month with a maximum accrual of 240 hours, even if the employee had been earning 14 hours of leave per month in the other state system.

The sick leave maximum is 360 hours (45 days). The only exception to this maximum is if an employee was in the state personnel system on July 1, 1988, and granted a grandfathered sick leave maximum. An employee with continuous service outside of the personnel system who enters the state personnel system after July 1, 1988, is not eligible for the grandfathered sick leave maximum.

Examples:

An employee with two years of state personnel system service who accepted a non-classified position before July 1, 1988, and returns to the personnel system after July 1, 1988, would have a sick leave maximum of 360 hours.

An employee who worked continuously in a non-classified position and enters the state personnel system after July 1, 1988, would have a sick leave maximum of 360 hours.

SENIORITY (LONGEVITY)

Employment must have been in a permanent capacity to receive service credit for state employment outside of the state personnel system. Total continuous state service counts as seniority for retention rights purposes, including uninterrupted state service outside the state personnel system.

Instructional staffs in higher education that enter the state personnel system are given service credit for the prior employment with the state if all of the following conditions exist.

- The person is a current permanent employee of the state (on the payroll [including on an approved leave of absence] and not a temporary employee or independent contractor status).
- During employment as higher education instructional staff, the employee has a contract for future employment or the expectation of continued employment and is eligible for benefits, leave, and any other benefits based on service time.
- There has been no termination of employment or expiration of the term of an employment contract. Higher education instructional staff working a period of less than 12 months are eligible to receive service credit for state employment only if they were permanent employees during their term of employment and they accept an appointment within the state personnel system prior to the expiration of their term of employment with no break in service.

SALARY CONVERSION

Employees' salaries may not exceed the maximum nor be below the minimum of the pay grade in the cases of both entering and being brought into the state personnel system. A guiding principle in setting base salary is to preserve total compensation to the extent possible. Consideration may be given to the cost of leave and benefits in determining an appropriate salary rate.

Every attempt is made to keep this information updated. For additional information, refer to the *State Personnel Board Rules and Director's Administrative Procedures* (rules) 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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