



Frequently Asked Questions

Legislative Changes Concerning Exempting Positions from the State Classified System

House Bill 11-1301, commonly referred to as the 'Higher Education Flexibility Bill,' was enacted during the last legislative session. This bill significantly broadened the criteria used to determine which positions are exempted from the State Personnel System under Colorado Revised Statute §24-50-135 in educational institutions. Any professional staff of an institution of higher education or those positions fully funded by grants, gifts, or auxiliary activities may now be exempted from the State Classified system. The President has delegated the authority to Human Resources to determine what positions meet the new exemption criteria for professional staff and grant- or gift- funded positions.

Exemption determination for auxiliary funded positions will be retained by the President. At this time, the President has determined that it is not in the best interest of the University to exempt these auxiliary-funded positions.

The information below is being provided to address questions employees may have in determining if they will opt to remain in the State Classified system or move into an Administrative Professional position.

Process

1. How was eligibility for exemption from the State Classified system determined?

Human Resources determined which professional staff positions would be exempted from the State Classified System by examining class concepts and minimum qualifications, as set forth in the State of Colorado Class Descriptions. The Colorado Revised Statute explicitly designates a professional position as:

[a] position that involves the exercise of discretion, analytical skill, judgment, personal accountability, and responsibility for creating, developing, integrating, applying, or sharing an organized body of knowledge that characteristically is:

- (a) acquired through education or training that meets the requirements for a bachelor's or graduate degree or equivalent specialized experience; and
- (b) continuously studied to explore, extend, and use additional discoveries, interpretations, and applications and to improve data, materials, equipment, applications, and methods.

A list of CSU State Classified titles that have been determined to meet the statutory definition of professional is posted at <http://www.hrs.colostate.edu/compensation/state-class-exemption-changes.html>. The professional titles listed are eligible for exemption from the State Classified system regardless of their funding source.

Positions fully funded by gifts or grants will be identified by their fund source to determine eligibility for exemption from the State Classified system.

2. When will the changes be effective?

Current State Classified employees in positions that are now designated eligible for exemption may elect to move into an Administrative Professional position at any time, but not earlier than January 1, 2013. Any future vacancies in these positions or new positions that qualify for these class titles will be exempt from the State Classified system effective January 1, 2013.

3. Will I be forced to switch to an AP position

No, making the transition will be your choice. Any current State Classified employee may retain their status as a State Classified employee. If a State Classified position that is designated eligible for exemption becomes vacant, however, that position will be filled as an Administrative Professional position.

4. What about my co-workers and supervisor? Will they change too?

Like you, your co-workers and supervisor will be able to choose whether or not to transition to Administrative Professional, provided they are in a position that meets the exemption criteria (professional class titles posted here: <http://www.hrs.colostate.edu/compensation/state-class-exemption-changes.html>). Regardless of the choices made by others, your choice remains. For instance, you may choose to change to an Administrative Professional position and your supervisor may opt to remain in the State Classified system, or vice versa.

Performance

1. What are my grievance rights as an AP?

Under certain circumstances, Administrative Professional employees may file grievances with the University Grievance Officer (UGO). Similar to the State Classified grievance process, the University Grievance Officer is responsible for resolution of specific grievable actions or decisions that Administrative Professionals believe are unfair, unreasonable, arbitrary, capricious or discriminatory. For more information on the UGO or the grievance process, visit <http://www.facultyandstaff.colostate.edu/university-grievance-officer.aspx> and section K of the Academic Faculty/Administrative Professional Manual (<http://www.facultycouncil.colostate.edu/files/manual/table.html>).

2. As an AP, will I continue to receive annual performance evaluations?

While the Administrative Professional performance management process is not governed by a universal set of rules like the State Classified system, each administrative unit is required to establish formal procedures for the annual evaluation of their Administrative Professional staff.

For more information on the evaluation of APs, visit section D.5.5. of the Administrative Professional Manual: <http://www.facultycouncil.colostate.edu/files/manual/table.html>.

3. Aren't APs 'at will' employees? What does this mean?

Employment 'at will' literally means that an employee or employer may terminate the employment relationship at any time with or without cause. That being said, depending on the circumstances, CSU generally provides employees with an opportunity to provide relevant information regarding their situation prior to being disciplined or terminated. Whether State Classified or Administrative Professional, all employees at CSU are subject to formal corrective measures to address performance.

For Administrative Professional employees, the authority to terminate lies with the President of the University. Terminations shall not occur for any reason that is contrary to applicable federal, state, or local law.

For more information on the dismissal of Administrative Professionals, consult section D.5.6 and section K.9 of the Administrative Professional Manual (<http://www.facultycouncil.colostate.edu/files/manual/table.html>).

4. If my AP position is eliminated, will I have retention rights to a position?

Certified State Classified employees who are subject to a layoff due to lack of funds, lack of work, or reorganization have retention rights to positions that are vacant or can displace employees in more junior time bands. This has commonly been referred to as "bumping." Administrative Professional employees are 'at will' and do not have retention rights. Those who choose to remain as State Classified employees may encounter fewer eligible positions for which they can exercise retention rights based upon this change to the exemption statute as described above. Recent legislative changes have further impacted State Classified employees' retention rights.

Work Conditions

1. Are there different rules and policies governing State Classified and Administrative Professional employees?

The University is responsible for ensuring compliance with all federal and state laws, regardless of the employee type. Additionally, the University utilizes a shared governance model (which includes input from all employee groups) for its own rules, policies, procedures and other decisions.

State Classified employees are subject to the Personnel Board Rules and Personnel Director's Administrative Procedures (State of Colorado Department of Personnel). These rules, and direction given from the Department of Personnel and Administration, guide hiring, compensation, benefits, and many other aspects of the employment relationship for State Classified employees. Additionally, the University has determined how these are implemented and the HRS Manual (<http://www.hrs.colostate.edu/policies/hrs-manual.html>) addresses many of these policies.

Administrative Professional employees are subject to the rules outlined in the Academic Faculty/Administrative Professional Manual (<http://www.facultycouncil.colostate.edu/files/manual/table.html>). Implementation of these rules falls to various offices across the University, including HR (HRS Manual <http://www.hrs.colostate.edu/policies/hrs-manual.html>).

2. My position is currently eligible for overtime. Will that change if I convert to an AP position?

If your State Classified position is currently eligible for overtime and the position transfers to Administrative Professional, your position should remain eligible for overtime. Given that HB1301 provides broader exemption criteria, beginning January 1, 2013, AP positions will be reviewed for overtime eligibility in accordance with the Fair Labor Standards Act (FLSA).

3. Will my job description carry over? Will my PDQ stay the same?

Prior to transfer, your PDQ will be replaced with a current job description. A job description differs somewhat from a PDQ, as PDQs are specific to the State Classified system. However, the AP job description that your department is required to submit will be similar to your current PDQ in that it is a written description of the position duties including the knowledge, skills, and abilities needed to perform your job.

4. What if my PDQ has not been updated recently and does not accurately reflect the duties I am performing?

Several options are available to employees. You may elect to update your current PDQ and submit it to our Employment unit for evaluation. This option would provide you an accurate position evaluation that may or may not result in a classification change. Another option would be to reflect the accurate duties in the AP job description you will be submitting for the transition.

Compensation and Benefits

1. Will my benefits change if I choose to transfer to Administrative Professional?

Your benefits would change should you elect to transition to Administrative Professional. A general overview of the different program plan designs are noted in the table below.

Faculty/Administrative Professional	State Classified
<u>Core Benefits (Provided at no cost to employee)</u> Medical: Ram-HDHP (EE only coverage) Green Plan (EE only coverage) Dental: Dental Basic (EE only coverage) Basic Life: \$70,000 Disability: Short Term and Long Term	<u>Core Benefits (Provided at no cost to employee)</u> Basic Life: One times your annual salary; minimum of \$50,000 to a maximum of \$150,000 Disability: Short Term
<u>Voluntary Benefits</u> Vision Voluntary Life Insurance Flexible Spending Accounts Health Savings Accounts	<u>Voluntary Benefits</u> Medical Dental Voluntary Life Insurance Flexible Spending Accounts Long-Term Disability

You can view the Benefits Comparison Guide posted at <http://www.hrs.colostate.edu/compensation/state-class-exemption-changes.html> to see a side-by-side summary comparing the benefits available to the different employee groups.

There is no difference between the benefit premium collection processes between employee groups, unless you are appointed to a 9-month Administrative Professional assignment paid over nine months.

- (a) Premiums deducted from your pay advice will be for the current month's coverage (i.e., January pay advice – reflects premium contribution for January coverage).
- (b) 9-month employees paid over nine months will incur double benefit deductions in the spring to ensure benefits coverage through the summer months (i.e. April pay advice – two premium deductions for coverage in April and May; May pay advice – two premium deductions for coverage in June and July; August pay advice – premium deduction returns to a normal current month's coverage cycle).

2. How will my salary be affected if I choose to transfer to Administrative Professional?

Initially, your salary will remain the same when you change employee groups. Going forward, any annual salary adjustments will occur through the Academic Faculty/Administrative Professional Salary Exercise. This differs from the State Classified salary adjustments each fiscal year.

As a State Classified employee, state-directed salary surveys and market adjustments (based upon your class title and/or occupational group) and achievement pay based upon your annual evaluation are combined to determine any salary adjustments.

As an Administrative Professional, the salary exercise will be based on your department's process incorporating an employee's performance, equity and the percentage increase the University has proposed.

3. I am currently a part-time employee or a full-time employee and may want to reduce my hours in the future. How might this affect my decision?

State Classified employees at any full-time equivalency (FTE) are currently eligible to elect benefit selections and earn leave at a pro-rated amount. Any AP who is less than full-time and not at least half-time (i.e. works less than 20 hours/week) is in an assignment category of Temporary and is not eligible for benefits or leave accrual.

4. If I switch to an AP position, will I be able to remain in PERA (Public Employees' Retirement Association)?

State Classified employees must participate in PERA. If you decide to transfer, you may have the option to keep PERA as your retirement plan selection if you have at least 12 months of PERA service credit. The Benefit Comparison Guide (<http://www.hrs.colostate.edu/compensation/state-class-exemption-changes.html>) details the eligibility requirements further.

You may also elect to enroll in the University's Defined Contribution Plan (DCP) through Fidelity Investments, TIAA-CREF, or Valic instead of PERA. This is a one-time, irrevocable¹ choice if you qualify to remain in PERA but choose to elect into the

University's DCP. If you do elect to enroll in the DCP when you are eligible to remain in PERA, you will have two options regarding your PERA account: a) terminate your membership, authorize PERA to transfer all contributions and interest earned to

your selected DCP vendor, and waive all future PERA benefits; or b) terminate future contributions and maintain your PERA account for future retirement benefits.

If you do not have the 12 months of service credit for PERA, you will enroll in the University's DCP. PERA accounts for members with less than 12 months of service will automatically be transferred to the selected DCP vendor. You are encouraged to contact PERA directly at (800) 759-7372 or at www.copera.org to review your individual circumstances.

5. What happens to my sick and annual leave should I choose to transfer to Administrative Professional?

Any leave you have accrued, both sick and annual leave, will transfer to your new position provided it is in a benefit-eligible assignment (i.e. at least 50%). Regular, full-time, 12-month AP employees accrue 2 days (16 hours) of annual leave and 1.25 days (10 hours) of sick leave each month. AP employees who are less than full-time, but at least half-time, accrue leave at a pro-rated amount based upon their FTE.

Sick Leave Advance: At the time of initial appointment, the employee shall receive an amount of sick leave equal to that which they are expected to earn during their first year of employment. This initial year of sick leave is an "advance" and must be earned before any additional sick leave shall accrue. It is possible that it will take the employee more or less than one (1) year to earn the amount of sick leave advanced and begin accruing additional sick leave (e.g. accruals at the time of a conversion, change in FTE, LWOP status, etc.)

There is not a sick leave cap for AP employees. Upon retirement after at least five years of service, employees are paid one-fourth (1/4) of unused sick leave up to a maximum of fifteen days. Upon termination, sick leave is forfeited and is not reinstated should you return to employment with the university. Currently, a State Classified employee would receive payment for one-fourth (1/4) of their accrued sick leave up to their individual sick leave cap.

The annual leave cap for AP employees is 48 days. Any accumulation over this amount is forfeited on July 1st each year. Upon termination or retirement after six months of employment, the employee is paid accrued annual leave up to a maximum of 24 days minus the number of days of annual leave taken during the 30 working days immediately prior to the date of employment separation. Currently, a State Classified employee's annual leave would be paid out up to the maximum accrual rate.

Conversion of State Classified excess sick leave accrued over the employee's cap at a ratio of 5 hours of sick leave to 1 hour of annual leave at fiscal year-end would not occur as an Administrative Professional employee. This conversion is unique to the State Classified system.

¹ To elect PERA as your retirement plan you must be an active PERA participant with at least 12 months of service credit, an in-active member with that amount of service credit or a current PERA retiree. However, unless you are a PERA retiree, you may not elect PERA as your retirement plan if you have previously been employed by a public college or university in Colorado offering an "ORP" if during that employment you made an election to participate in that institution's ORP. In addition, if your election at that time was to participate in PERA, you may not now elect the ORP. Such elections are by law irrevocable. Effective January 1, 2011, present PERA retirees may elect either PERA or the ORP as their retirement plan each time they are reappointed.

State Classified Provisions

1. Is there a transfer process for APs – similar to the SC process?

Transfer and promotion lists are not maintained for Administrative Professionals. Once you become an Administrative Professional, if you wish to transfer to another AP position, your experience and qualifications will be viewed objectively along with other applicants. In a sense, all Administrative Professional positions are open competitive. To view current Administrative Professional Opportunities, visit: www.jobs.colostate.edu.

2. Do I retain my reinstatement privileges in the State Classified system?

You will retain your certified status and be eligible for reinstatement into the State Classified system. As stated previously, many State Classified titles previously used at CSU will be filled going forward as an Administrative Professional. For example, you may not have the ability to reinstate to an Accountant I position at CSU because the University would no longer use that classification, but you would be able to exercise your reinstatement privileges to an Accountant I position with another State agency. If an employee elects to transfer to an AP position prior to successful completion of a probationary or trial service period, they will not be certified in the State Classified System.

3. Can I be promoted if I chose to remain State Classified or will I have to transition to AP to take on additional duties?

You will not be forced to change to AP to receive a promotion in your position. Your individual position may be reclassified or reallocated within the State Classified system if you take on additional duties. You will continue to have the option to transition to AP at any time after 1/1/13 if your position change remains eligible.