

## STATE BOARD FOR COMMUNITY COLLEGE AND OCCUPATIONAL EDUCATION

### Administration of Personnel

BP 3-10

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REFERENCE(S): Colorado Constitution, Sec. 13, Art.XII; C.R.S. § 24-50-135, State Personnel System Act; C.R.S. § 23-60-104(4), Community College and Occupational Education Act of 1967; C.R.S. §§ 8-5-101, *et seq.*, Colorado's Equal Pay for Equal Work Act; Fair Labor Standards Act

APPROVED:

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Landon Mascareñaz, Chair

#### Policy Statement

The purpose of this policy is to define the various types of employees that are employed within the Colorado Community College System.

#### Scope

This policy applies to all employees in the Colorado Community College System, including its Colleges (CCCS or System).

#### Classified Employees

Classified employees are those who fill permanent (full-time or part-time) or temporary positions within the Colorado State Personnel System, as defined by the State of Colorado Department of Personnel Board Rules and Personnel Director's Administrative Procedures. The appointing authority for classified employees is the Chancellor or College President or their designee.

These employees are subject to the rules of the State Personnel System. The State Board for Community Colleges and Occupational Education (Board or SBCCOE) may establish policies and the Chancellor may establish procedures for classified

employees, which are not in conflict with Department of Personnel Board Rules and Personnel Director's Administrative Procedures.

### Non-Classified Employees

Non-classified employees are those who fill positions which are exempt from the State Personnel System, pursuant to C.R.S. § 24-50-135(1). Non-classified positions shall be assigned by the Chancellor or College President, or their designee, to one of the following categories:

#### *Chancellor and President:*

This category includes the Chancellor and College Presidents within the System. The employment of the Chancellor is subject to the terms and conditions of their contract and BP 3-16, Conditions of Employment for CCCS Chancellor. The employment of Presidents is subject to the terms and conditions of their contracts and BP 3-15, Employment of College Presidents.

#### *Faculty:*

Faculty employees are those whose assignments are comprised of at least one-half of duties as a teacher, which may include but not be limited to, program coordination/development and related activities. Faculty members shall be assigned status according to one of the following:

1. Regular Faculty

Regular faculty may be full-time or part-time and are contracted on a provisional or non-provisional basis for at least one-half of a full-time equivalent (FTE) workload. Regular faculty positions are funded entirely by funds appropriated to the Board by the General Assembly and allocated by the Board to a College, and/or funds received from a school district for purposes of providing secondary vocational education (state funds). Faculty members who were hired to fill provisional or non-provisional positions funded by state funds and who are assigned involuntarily or temporarily to a position funded in whole or in part by non-state funds shall retain their status as regular faculty members. Regular faculty members have rights as defined in BP 3-20, Due Process for Faculty. In accordance with Colorado's Equal Pay for Equal Work Act, appointment to these positions requires a job posting.

2. Limited Faculty

Limited faculty may be full-time or part-time and hold contracts that are expressly limited so as to carry no expectancy of continued employment beyond the term of the contract, as determined by the President. Limited faculty employment in state-funded positions shall not extend beyond three years. Limited faculty employment may be extended beyond three years only if the position is funded from other than State funds. State funds are defined in BP 3-20, Due Process for Faculty. Limited faculty are subject to the terms of their contract. In accordance with Colorado's Equal Pay for Equal Work Act, appointment to these positions requires a job posting, except where the appointment is for a period of nine (9) months or less in totality.

*Instructor:*

Those hired to teach on a temporary, as needed basis. Any such appointment shall be for less than one academic year. Successive appointments may be made on an unlimited basis. Instructors are at-will and subject to the terms of their appointment.

*Administrators, Professional, and Technical Staff:*

Administrators, professional, and technical staff (APT) are those employees whose duties are comprised of more than 50% administrative, supervisory, professional, and/or technical duties performed by positions that have been exempted from the State Personnel System in accordance with Colorado Revised Statutes. Administrators, professional, and technical staff are at-will and subject to the terms of their letters of appointment. These staff shall have status according to one of the following:

1. Regular Staff

Those employees hired into full-time or part-time positions with an FTE of 0.75 or greater, including those hired to fill interim appointments. Regular staff are paid on a salary basis but may be eligible or exempt from overtime because of their primary job duties and in accordance with the Fair Labor Standards Act. In accordance with Colorado's Equal Pay for Equal Work Act, appointment to these positions requires a job posting.

2. Seasonal Staff

Those employees hired to work during seasonal periods and whose positions are scheduled to end when the seasonal program ends. Seasonal status must be approved through established state regulations. In accordance with Colorado's Equal Pay for Equal Work Act, appointment to these positions requires a job posting, except where the appointment is for a period of nine (9) months or less in totality.

3. Hourly Staff

Those employees hired into a part-time position that is less than 0.75 FTE. Hourly staff are paid on an hourly basis and shall not work more than twenty-eight (28) hours in a work-week. In accordance with Colorado's Equal Pay for Equal Work Act, appointment to these positions requires a job posting.

4. Temporary Staff

Those employees hired to fill a temporary or occasional need. Temporary appointments shall not exceed nine (9) months in a 12-month period, inclusive of all temporary appointments across the system. Successive temporary appointments are not permissible.

Students<sup>1</sup>

Students are those whose primary status is as a student and work within the System while they are enrolled in at least six credit hours. Student employees are at-will and

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<sup>1</sup> FICA regulations provide that an employee whose services are incident to and for the purpose of pursuing a course of study has the status of a student. If an employee is a full-time employee, then the employee's services are not incident to and for the purpose of pursuing a course of study.

subject to the rules of the funding source for the position they hold, and employment records are subject to the Family Educational Rights and Privacy Act (FERPA). Student employees are limited to working no more than twenty (20) hours per week when classes are in session. Student employees may work up to twenty-eight (28) hours per week during academic breaks or breaks between terms, at the discretion of the College. Student employees may include:

1. Student Hourly  
Student hourly employees must be enrolled and regularly attending classes, taking no more than one term off from classes.
  
2. Work Study  
Work study employees are subject to the terms and conditions of Financial Aid.

### Volunteers

Volunteers are those individuals who volunteer their time without expectation of payment or employment. Volunteers are subject to the terms of their assignment. Per the Fair Labor Standards Act, current non-exempt employees may not waive their right to compensation by volunteering their time.

### Procedure

The Chancellor shall promulgate such procedures as may be needed to implement this policy.