

Chapter 7 Separation

Authority for rules promulgated in this chapter is found in Colo. Const. art. XII, Sections 13, 14 and 15; §§ 24-50-109.5, 124, 126 and 136, C.R.S. Board rules are identified by cites beginning with "Board Rule".

Resignation

Board Rule 7-4. An employee must give notice of resignation directly to the appointing authority at least 10 working days before its effective date, unless the employee and appointing authority mutually agree to less time. Failure to provide written notice, as required by § 24-50-126(1), C.R.S., may result in a delay in payout of leave and forfeiture of reinstatement privileges. If the notice is oral, the appointing authority shall provide written confirmation as soon as possible. If the employee believes the resignation was coerced or forced, the employee has 10 days from the date of the resignation to appeal to the Board, except that an employee cannot appeal a resignation that is tendered in lieu of disciplinary action. Upon receipt of any written notice of resignation or upon an appointing authority providing a written confirmation of an oral resignation, an employee must be notified, in writing, of the right to appeal a coerced or forced resignation, including the time for such an appeal, and the Board address and telephone and facsimile numbers for filing the appeal. The 10 days for an employee to appeal to the Board an alleged coerced or forced resignation shall be from the date of receipt by the employee of the notification of appeal rights. If an employee tenders a resignation in lieu of disciplinary action, the employee shall be notified in writing that he or she has waived his or her right to appeal the resignation to the Board.-(10/1/07)

Retention Areas

Board Rule 7-15.

- A. A certified employee may exercise retention rights within the principal department in which the certified employee is employed.
- B. Institutions of higher education have the following separate retention areas: each state college, each community college, each university, each campus of the University of Colorado, University of Colorado system administration, each junior college, Auraria Higher Education Center, and central staff of Community Colleges of Colorado.
- C. ~~T~~Certified employees of the Department of Higher Education shall be a separate have retention area in which certified employees rights in central staff, Colorado Historical Society, and Colorado College Access Network shall have retention rights. (10/1/07)
- D. The Colorado Historical Society shall be a separate retention area in which certified employees employed therein shall have retention rights.
- E. For purposes of these layoff rules, the Governor's Office, and any units or offices created within the Governor's office, shall be considered a retention area.

Retention Rights

Board Rule 7-18. An employee must meet the minimum qualifications and any bonafide special qualifications in order to have retention rights to a position. Departments may not modify special qualifications of any position in a class series impacted by a layoff after the publication of the Layoff Plan. Certified employees can displace certified employees in more junior time bands. If there are no junior time bands, certified employees can displace lower-ranked certified employees in the same time band.-(10/1/07)

A. The department shall offer retention rights in the following priority.

1. First, to any funded vacant position in the current certified class. If there are no funded vacant positions, then ~~occupied positions~~ occupied by the following types of employees are offered in the following order: provisional, probationary, conditional, certified. If there are multiple occupied positions in the current certified class and the occupants of those positions are certified, then the lowest ranked employee within the most junior time band shall be displaced first.
2. If there are no available funded vacant or occupied positions in the current certified class, then a funded vacant position in a previously certified class at the same maximum pay rate. If there are no funded vacant positions, then ~~occupied positions~~ occupied by the following types of employees shall be offered in the following order: provisional, probationary, conditional, certified. If there are multiple occupied positions in a previously certified class at the same maximum pay rate and the occupants of those positions are certified, then the lowest ranked employee within the most junior time band shall be displaced first.
3. If there are no available funded vacant or occupied positions in the current or a previously certified class at the same maximum pay rate, then the highest level demotion in a vacant position in the current or a previously certified class series. If there are no vacant positions, ~~occupied positions~~ occupied by the following types of employees shall be offered in the current or a previously certified class series in the following order: provisional, probationary, conditional, certified. If there are multiple occupied positions in the highest level demotion in the current or a previously certified class series and the occupants of those positions are certified, then the lowest ranked employee within the most junior time band shall be displaced first. An employee can displace another certified employee only if the displacing employee has been certified in the class.

B. For those departments with multiple work locations throughout the state, the department shall offer retention rights in the following order:

1. Within a 75-mile radius of the employee's current work location, funded vacant positions in the current certified class.
2. If there are no funded vacant positions in the current certified class, ~~occupied positions~~ occupied by the following types of employees in the current certified class within a 75-mile radius are offered in the following order: provisional, probationary, conditional, certified. If there are multiple occupied positions in the current certified class within the 75-mile radius, and the occupants of those positions are certified, then the lowest ranked employee within the most junior time band shall be displaced first.
3. If there are no available funded vacant or occupied positions in the current certified class within a 75-mile radius, then a funded vacant position in a previously certified class at the same maximum pay rate. If there are no funded vacant positions, then ~~occupied positions~~ occupied by the following types of employees shall be offered in the following order: provisional, probationary, conditional, certified. If there are multiple occupied positions in a previously certified class at the same maximum pay rate and the occupants of those positions are certified, then the lowest ranked employee within the most junior time band shall be displaced first.
4. If there are no available funded vacant or occupied positions in the current or a previously certified class at the same maximum pay rate within a 75-mile radius, then the highest level demotion within a 75-mile radius in a vacant position in the current or a previously certified class series. If there are no vacant positions, ~~occupied positions~~ occupied by the following types of employees shall be offered in the current or a previously certified class series in the following order:

provisional, probationary, conditional, certified. If there are multiple occupied positions in the current or a previously certified class series within the 75-mile radius, and the occupants of those positions are certified, then the lowest ranked employee within the most junior time band shall be displaced first. An employee can displace another certified employee only if the displacing employee has been certified in the class.

5. If the only retention opportunity within a 75-mile radius is a demotion, then in addition to the offer of that demotion, the employee shall be given retention rights outside of the 75-mile radius to a position in the current certified class.

~~G. Employees in the Teacher I class have retention rights to their academic achievement levels.~~

Appeals

Board Rule 7-21. All employees whose positions have been eliminated or who have been upwardly or downwardly allocated to a different position-class in the course of a layoff shall have a mandatory right to a hearing before the State Personnel Board. Acceptance of retention rights to another position does not eliminate the employee's appeal rights. (10/1/07)