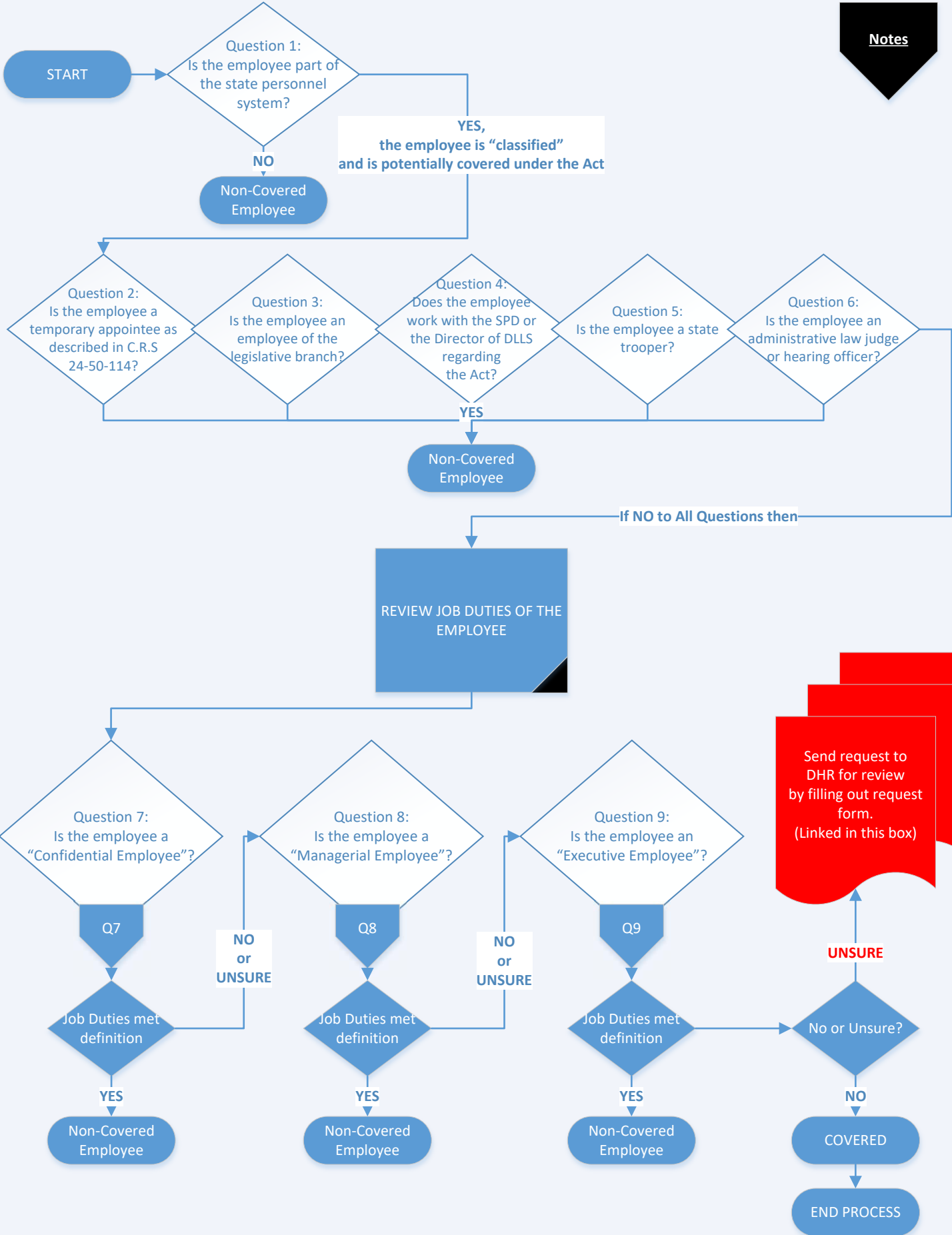


Decision Tree for Covered Employees Under the Colorado Partnership for Quality Jobs and Services Act

Notes



Q7

Confidential Employees:

Exclusion: “Person who is required to develop or present management positions with respect to employer-employee relations, whose duties normally require access to confidential information contributing significantly to the development of such management positions, or who is employed by the Department of Law and whose duties are to provide direct support to Assistant Attorneys General in [applying and enforcing the Act].” C.R.S. 24-50-1102(2)

Practically: Employees in this category include (1) the vast majority of HR professionals, and (2) employees who regularly have access to confidential information that is necessary and important to employer-employee relations. Consider both the type of confidential information and whether the employee’s access to such information contributes to or supports management in employee-employer matters.

Q8

Managerial Employees:

Exclusion: “Any employee having significant responsibilities for formulating agency or departmental policies and programs or administering an agency or department.” C.R.S. 24-50-1102(10)

Practically: Employees in this category include department heads, division leaders, and program leaders, without regard to whether they directly supervise anyone. Other employees who have significant responsibility in developing policies and programs, or administering an agency or department, also fall under this category.

Q9

Executive Employees:

Exclusion: An employee:

- Whose primary duty is management of the entity in which the employee is employed or of a customarily recognized department or subdivision;
- Who customarily and regularly directs the work of two or more other employees; and
- Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees are given particular weight.

All three of these elements must be met. C.R.S. 24-50-1102(8)

Practically:

- This category tracks with the FLSA executive exemption and includes the vast majority of appointing authorities and others who supervise 2+ employees and whose primary duty is management of their division or unit.
- Actual authority to hire or fire is not necessary, so long as recommendations are given particular weight.
- A “primary duty” means the principal, main, major, or most important duty the employee performs. “Customarily and regularly” directing the work of 2+ employees means doing so more than occasionally.

Notes

- This flow chart serves as a tool to assist HR and non-covered managers identify employees not covered by the Act.
- Job titles alone are not sufficient to determine coverage status. Coverage analysis should include a review of job descriptions and a discussion with managers about duties where questions exist.