

Attachment 2.2

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

DRAFT
11.16.11

DRAFT

LLS NO. 12-0314.01 Julie Pelegrin x2700

HOUSE BILL

HOUSE SPONSORSHIP

Fischer,

SENATE SPONSORSHIP

(None),

SHORT TITLE: "Employment Contracts Non-tenure-track Professors"

A BILL FOR AN ACT

101 CONCERNING AUTHORIZING INSTITUTIONS OF HIGHER EDUCATION TO
102 ENTER INTO EMPLOYMENT CONTRACTS FOR
103 NON-TENURE-TRACK CLASSROOM TEACHERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill authorizes each system of higher education and each campus of each state institution of higher education to employ an unlimited number of non-tenure-track classroom teachers under renewable 5-year employment contracts. The employment contract must

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

include a provision that allows the employing system or campus to terminate the contract without penalty if the system or campus can demonstrate financial exigencies and a provision that renders the contract unenforceable if the employing system or campus ceases to be an enterprise and does not have sufficient financial reserves to satisfy the contract.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-19-104, **add** (1.5)

3 (d) as follows:

4 **24-19-104. Terms of employment contracts - public inspection.**

5 (1.5) (d) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
6 SUBSECTION (1) OF THIS SECTION OR PARAGRAPH (a) OF THIS SUBSECTION
7 (1.5), EACH SYSTEM OF HIGHER EDUCATION AND EACH CAMPUS OF EACH
8 STATE INSTITUTION OF HIGHER EDUCATION MAY HAVE IN EFFECT AN
9 UNLIMITED NUMBER OF TERM EMPLOYMENT CONTRACTS OR TERM
10 EMPLOYMENT CONTRACT EXTENSIONS HAVING A DURATION OF NOT MORE
11 THAN FIVE YEARS WITH AN UNLIMITED NUMBER OF
12 GOVERNMENT-SUPPORTED OFFICIALS OR EMPLOYEES IF THE TERM
13 EMPLOYMENT CONTRACTS OR TERM EMPLOYMENT CONTRACT EXTENSIONS
14 ARE FOR NON-TENURE-TRACK CLASSROOM TEACHING APPOINTMENTS. A
15 PERSON EMPLOYED PURSUANT TO A TERM EMPLOYMENT CONTRACT OR
16 TERM EMPLOYMENT CONTRACT EXTENSION DESCRIBED IN THIS
17 PARAGRAPH (d) MAY HAVE DUTIES IN ADDITION TO CLASSROOM
18 TEACHING, AS DESCRIBED IN THE CONTRACT OR CONTRACT EXTENSION. A
19 TERM EMPLOYMENT CONTRACT OR TERM EMPLOYMENT CONTRACT
20 EXTENSION EXECUTED PURSUANT TO THIS PARAGRAPH (d) AT A MINIMUM
21 SHALL INCLUDE:

22 (I) A PROVISION ALLOWING THE SYSTEM OF HIGHER EDUCATION OR

1 CAMPUS OF A STATE INSTITUTION OF HIGHER EDUCATION THAT IS A PARTY
2 TO THE CONTRACT TO TERMINATE THE CONTRACT OR CONTRACT
3 EXTENSION WITHOUT PENALTY IF THE SYSTEM OR CAMPUS DEMONSTRATES
4 FINANCIAL EXIGENCIES, AS DEFINED BY THE GOVERNING POLICIES AND
5 REGULATIONS OF THE SYSTEM OR CAMPUS; AND

6 (II) A PROVISION STATING THE CONTRACT OR CONTRACT
7 EXTENSION IS UNENFORCEABLE IF, DURING THE TERM OF THE CONTRACT
8 OR CONTRACT EXTENSION, THE SYSTEM OF HIGHER EDUCATION OR CAMPUS
9 OF A STATE INSTITUTION OF HIGHER EDUCATION THAT IS A PARTY TO THE
10 CONTRACT:

11 (A) CEASES TO BE AN ENTERPRISE, AS DEFINED IN SECTION 20 (2)
12 (d) OF ARTICLE X OF THE STATE CONSTITUTION; AND

13 (B) LACKS PRESENT CASH RESERVES SUFFICIENT TO PLEDGE
14 IRREVOCABLY TO SATISFY THE TERMS OF THE CONTRACT.

15 <*Rep. Fischer: would you prefer a safety clause or the 90-day*
16 *conditional effective date clause?*>