

## **AGENDA**

### **COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL**

**Meeting: 11:30 a.m., Tuesday, July 21, 2009**  
**Glenn S. Dumke Auditorium**

Debra S. Farar, Chair  
Roberta Achtenberg, Vice Chair  
Herbert L. Carter  
Kenneth Fong  
Margaret Fortune  
Raymond W. Holdsworth  
Peter G. Mehas  
Glen O. Toney

#### **Consent Items**

Approval of Minutes of Meeting of May 12, 2009

#### **Discussion Items**

1. Proposed Title 5 Revisions: Addition of Article 6.8 Regarding Furloughs of Non-Represented Employees; Addition of Article 6.9 Regarding Reductions in Pay for Non-Represented Employees; and Amendment to Holidays Provision, *Action*

**MINUTES OF THE MEETING OF  
COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL**

**Trustees of The California State University  
Office of the Chancellor  
Glenn S. Dumke Conference Center  
401 Golden Shore  
Long Beach, California**

**May 12, 2009**

**Members Present**

Debra S. Farar, Chair  
Craig R. Smith, Vice Chair  
Roberta Achtenberg  
Herbert L. Carter  
Kenneth Fong  
Margaret Fortune  
Raymond W. Holdsworth  
Charles B. Reed, Chancellor  
Glen O. Toney

**Approval of Minutes**

The minutes of November 18, 2008 were approved as submitted.

**Compensation**

Chancellor Reed recommended approval of compensation and benefits as stated in Agenda Item 1 for Dr. Jeronima (Jeri) Echeverria, effective July 1, 2009, the beginning date of her appointment as executive vice chancellor and chief academic officer. The appointment was made by the trustees in closed session on May 12, 2009.

Chair Farar called for a motion to approve the recommendation. Motion carried and approved.  
(RUF 05-09-01)

## **COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL**

### **Proposed Title 5 Revisions: Addition of Article 6.8 Regarding Furloughs of Non-Represented Employees; Addition of Article 6.9 Regarding Reductions in Pay for Non-Represented Employees; and Amendment to Holidays Provision**

#### **Presentation By**

Gail Brooks  
Vice Chancellor  
Human Resources

#### **Summary**

This action item proposes:

- Addition of Article 6.8 to Title 5, entitled “Furloughs of Non-Represented Employees”
- Addition of Article 6.9 to Title 5, entitled “Reductions in Pay for Non-Represented Employees”
- Amendment of Title 5 Section 42920, entitled “Holidays”

Upon a finding by the Chancellor of a natural disaster, epidemic or other major debilitating event that significantly impacts the operations of the CSU, or a financial crisis, as defined, proposed Articles 6.8 and 6.9 provide authority to the Chancellor to implement furloughs and/or reductions in pay for non-represented, Management Personnel Plan, and Executive employees.

The proposed revision of Section 42920 provides authority to the Chancellor to determine whether the holidays identified in this section shall be paid or unpaid for non-represented, Management Personnel Plan and Executive employees.

The catalyst for each of these proposed Title 5 changes is to provide the Chancellor with the flexibility to respond to the immediate financial crisis facing the State. The proposed addition of Articles 6.8 and 6.9 also anticipate the possibility of furloughs and reductions in pay, respectively, in other situations, as described in the proposed articles.

#### **Background**

During this past year, the CSU has experienced an unprecedented budget reduction as a result of a state budget gap of over \$24 billion. The current budget reductions to the CSU are estimated between \$400 million and \$700 million. Consequently, the CSU is exploring a range of options,

including furloughs, reductions in pay, and unpaid holidays, in order to meet this enormous shortfall in funding. Depending upon the savings resulting from these options, it may be possible to save jobs that may otherwise be lost from layoffs. The CSU's guiding principles in managing through this budget crisis are to serve as many students as possible without sacrificing quality, and to preserve as many jobs as possible for our employees.

### **Proposed Revisions**

The following resolutions are presented for approval:

**RESOLVED** by the Board of Trustees of the California State University that Article 6.8, Section 43200 of Title 5 of the California Code of Regulations be added as follows:

Title 5, California Code of Regulations  
Division 5 – Board of Trustees of the California State Universities  
Chapter 1 – California State University  
Subchapter 7 – Employees  
Article 6.8 – Furloughs of Non-Represented Employees

§ 43200. Furloughs

a. The following terms are defined for this Article:

(1) “Furlough” means mandatory, temporary unpaid time off work. No earned accrued leave or any other compensated time may be used for any portion of a furlough.

(2) “Financial crisis” means an event(s), occurrence(s) or state of affairs creating an imminent and substantial deficiency in California State University financial resources that severely impacts the California State University’s ability to sustain ongoing operations or to fulfill its mission.

b. Upon a finding by the Chancellor of a natural disaster, epidemic or other major debilitating event that significantly impacts the operations of the California State University, or a financial crisis as defined in this Article, either systemwide or on one or more campuses, the Chancellor may implement furloughs for non-represented, Management Personnel Plan and Executive employees. The Chancellor may suspend any Title 5 regulation(s) and/or any California State University policy(ies) encompassing work hours and/or wages which he or she deems necessary to effectuate this provision. The Chancellor will determine the period of time furloughs will remain in effect.

And be it further

**RESOLVED** by the Board of Trustees of the California State University that Article 6.9, Section 43220 of Title 5 of the California Code of Regulations be added as follows:

Title 5, California Code of Regulations  
Division 5 – Board of Trustees of the California State Universities  
Chapter 1 – California State University  
Subchapter 7 – Employees  
Article 6.9 – Reductions in Pay for Non-Represented Employees

§ 43220. Reductions in Pay

a. The following terms are defined for this Article:

(1) “Reduction in pay” means a reduction in base pay.

(2) “Financial crisis” means an event(s), occurrence(s) or state of affairs creating an imminent and substantial deficiency in California State University financial resources that severely impacts the California State University’s ability to sustain ongoing operations or to fulfill its mission.

b. Upon a finding by the Chancellor of a natural disaster, epidemic or other major debilitating event that significantly impacts the operations of the California State University, or a financial crisis as defined in this Article, either systemwide or on one or more campuses, the Chancellor may implement reductions in pay for non-represented, Management Personnel Plan and Executive employees. The Chancellor may suspend any Title 5 regulation(s) and/or any California State University policy(ies) encompassing work hours and/or wages which he or she deems necessary to effectuate this provision. The Chancellor will determine the period of time reductions in pay will remain in effect.

c. Nothing in this section limits or restricts the Chancellor’s, or any President’s, ability to reduce pay as authorized or permitted elsewhere in this Subchapter 7, or in any California State University policy.

And be it further

**RESOLVED** by the Board of Trustees of the California State University that Section 42920 of Title 5 of the California Code of Regulations be amended as follows:

Title 5, California Code of Regulations  
Division 5 – Board of Trustees of the California State Universities  
Chapter 1 – California State University  
Subchapter 7 – Employees  
Article 4.1 – Holidays

§ 42920. Holidays.

The Chancellor for the systemwide staff and the President for each campus shall be responsible for the administration of paid holidays for the employees under their supervision.

(a) The following holidays, when not occurring on a Saturday or Sunday, shall be observed on the days specified:

- (1) January 1
- (2) Third Monday in January (Martin Luther King, Jr. Day)
- (3) March 31 (Cesar Chavez Day)
- (4) July 4
- (5) First Monday in September (Labor Day)
- (6) November 11 (Veterans Day)
- (7) Thanksgiving Day
- (8) December 25

(9) Any other day designated by the Governor of this state for a public fast or holiday.

(b) The following days are designated holidays which the Chancellor or President may reschedule to another day consistent with the needs of the campus or systemwide offices:

- (1) Third Monday in February (President's Day)
- (2) February 12 (Lincoln's Birthday)
- (3) Last Monday in May (Memorial Day)
- (4) September 9 (Admission Day)
- (5) Second Monday in October (Columbus Day)

(6) Personal holiday, to be designated by each employee. The employee may be required to supply reasonable advance notice of intent to take the personal holiday.

(c) Any holiday which falls on a Saturday shall be observed on the preceding Friday and any holiday which falls on a Sunday shall be observed on the following Monday.

(d) On days when the campuses or systemwide office are observing holidays, particular employees may be required to work to perform necessary services.

(e) Notwithstanding the above provisions, the Chancellor shall have discretion to determine whether the holidays identified in this Article shall be paid or unpaid for non-represented, Management Personnel Plan and Executive employees.