

AGENDA

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Meeting: 12:30 p.m., Tuesday, July 15, 2008
Glenn S. Dumke Auditorium

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

Consent Items

Approval of Minutes of Meeting of March 12, 2008

Discussion Items

1. Proposed Title 5 Revision: Amendment to Management Personnel Plan for Athletic Personnel, *Information*
2. Proposed Title 5 Revision: Addition of Paid Administrative Leave for Management Personnel Plan Employees, *Information*
3. Executive Compensation: Acting President, *Action*
4. Executive Compensation: San José State University President, , *Action*

**MINUTES OF 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**

March 12, 2008

Members Present

Debra S. Farar, Chair
Kenneth Fong, Vice Chair
Roberta Achtenberg, Chair of the Board
George G. Gowgani
William Hauck
Raymond W. Holdsworth
Charles B. Reed, Chancellor
Craig R. Smith
Glen O. Toney

Chair Farar called the meeting to order.

Approval of Minutes

The minutes of the meeting of September 19, 2007 were approved as submitted.

Policy and Procedure for the Appointment of Vice Chancellors and the General Counsel

Trustee Debra Farar presented the item saying the proposed revision of the policy and procedure for appointment of vice chancellors and the general counsel was developed to be responsive to a recommendation by the State Bureau of Audits report on hiring practices. Trustee Farar said the revision essentially placed exiting practice into the policy statement.

The committee recommended to the board the adoption of the proposed resolution (RUFPP 03-08-01).

Trustee Farar adjourned the meeting.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Proposed Title 5 Revision: Amendment to Management Personnel Plan for Athletic Personnel

Presentation By

Gail Brooks
Interim Vice Chancellor
Human Resources

Summary

This item proposes an amendment to the employment status provisions relating to athletic personnel who are appointed to positions in the Management Personnel Plan (MPP).

Background

Campuses may appoint athletic personnel to MPP positions. This revision provides that athletic personnel appointed to positions within the MPP may be given appointments for a definite time, and that such appointments must be in writing, and contain specific provisions, including a statement that the appointment may be terminated at any time on terms set forth in the appointment document. These appointments are somewhat unique from other MPP appointments but are consistent with the standard of the industry. This proposed revision is recommended in order to reflect this distinction.

Public comments on proposed Title 5 changes are taken in the ordinary course during scheduled Board of Trustees meetings. The opportunity for these public comments is required by Education Code Section 89030.1. This item is being presented as an information item so that those public comments can be heard, documented, and considered for action. It is anticipated that an action item for these Title 5 revisions will be presented at the September 16-17, 2008 Trustees meeting.

The changes for consideration are 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 2.2 – Management Personnel Plan

§ 42723. Employment Status

(a) A Management Personnel Plan employee serves at the pleasure of the campus President or the Chancellor, as appropriate. A Management Personnel Plan employee shall not serve a probationary period and shall not receive permanent status.

(b) Athletic personnel who are appointed to positions in the Management Personnel Plan may be given appointments for a definite term. Any such appointment must be in writing and contain the initial date of appointment, the date on which the appointment expires, and a statement that the appointment may be terminated by the appointing authority at any time on terms set forth in the appointment document.

~~(b)~~ (c) A Management Personnel Plan employee who had permanent status in a class prior to January 1, 1984 shall retain permanent status in the class despite inclusion as a Management Personnel Plan employee. A Management Personnel Plan employee who prior to January 1, 1984 was serving a probationary period may be awarded permanent status by the appointing power upon the successful conclusion of the probationary period. Upon acquisition of permanent status such an employee shall retain permanent status in the same manner as an employee who has permanent status prior to January 1, 1984.

~~(c)~~ (d) A Management Personnel Plan employee who retains permanent status under subdivision (b) and who is placed in or promoted to a position under the Management Personnel Plan shall retain retreat rights as described in this subdivision (c) to the former class in which permanent status is held. Should the appointing power terminate the Management Personnel Plan employee's service in a Management Personnel Plan position, the employee shall have the right to return to the former class in which permanent status is held at the salary last received in the permanent class.

~~(d)~~ (e) Except in the case of layoff, the President or Chancellor, as appropriate, shall give a Management Personnel Plan employee, with the exception of athletic personnel appointed to definite terms under (b) above, notice of termination at least three months prior to the employee's separation date or shall give a Management Personnel Plan employee, with the exception of athletic personnel appointed to definite terms under (b) above, corresponding salary in lieu of notice.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Proposed Title 5 Revision: Addition of Paid Administrative Leave for Management Personnel Plan Employees

Presentation By

Gail Brooks
Interim Vice Chancellor
Human Resources

Summary

This item proposes the addition of a new section to Title 5 entitled "Paid Administrative Leave" relating to employees who are appointed to positions in the Management Personnel Plan (MPP).

Background

The California Bureau of State Audits (BSA) conducted an audit of CSU Compensation Practices in 2007. One key recommendation of the BSA's report, issued November 6, 2007, was to develop stronger regulations to govern paid leaves of absence for management employees. On January 22, 2008, The Board of Trustees (Board) adopted the Board's Ad Hoc Committee on the Bureau of State Audits' findings, and concluded that: 1) the provisions of Title 5 pertaining to the MPP employees are void of clear reference to paid leaves of absence for management employees; 2) the University will develop expanded definitions and criteria of paid leaves of absence; and 3) the definition and criteria will be incorporated into Title 5.

In furtherance of Board's conclusions, this addition to Title 5 is proposed and provides for the granting of paid administrative leave to an MPP employee for either:

- 1) Up to 60 calendar days for specified reasons relating to: a) the safety or health of employees; b) the prevention or disruption of programs and/or operations; c) an investigation of alleged misconduct by the employee or the employee's significant job performance issues; or d) the best interest of the University, and may be extended by the President or Chancellor for up to an additional 60 calendar days in extraordinary circumstances; or
- 2) Up to 6 months to develop, update or improve the employee's management or supervisory skills as part of a program or activity described in Title 5 Section 42727 (Professional Development), or to prepare an administrator with retreat rights to a faculty position to assume faculty responsibilities.

U&FP
Agenda Item 2
July 15, 2008
Page 2 of 3

Public comments on proposed Title 5 changes are taken in the ordinary course during scheduled Board of Trustees meetings. The opportunity for these public comments is required by Education Code Section 89030.1. This item is being presented as an information item so that those public comments can be heard, documented, and considered for action. It is anticipated that an action item for these Title 5 revisions will be presented at the September 16-17, 2008 Trustees meeting.

The changes for consideration are 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 2.2 – Management Personnel Plan

It is proposed that § 42729 be added to Title 5 as follows:

§ 42729. Paid Administrative Leave.

A Management Personnel Plan employee may be granted or placed on paid administrative leave by the President at a campus, or the Chancellor at the Chancellor's Office, under either of the following circumstances:

- (a) Up to sixty (60) calendar days of paid administrative leave for reasons related to (1) the safety or health of employees, (2) the prevention of the disruption of programs and/or operations, (3) an investigation of alleged misconduct by the employee or the employee's significant job performance issues or, (4) the best interest of the University. Such leave may be extended by the President or the Chancellor for up to an additional sixty (60) calendar days in extraordinary circumstances deemed by the President or the Chancellor to warrant such an extension; or
- (b) Up to six (6) months of paid administrative leave to develop, update or improve the employee's management or supervisory skills as part of a program or activity described in §42727 (Professional Development), or to prepare an administrator with retreat rights to a faculty position to assume faculty responsibilities.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Executive Compensation: Acting President

Presentation By

Charles B. Reed
Chancellor

Summary

This item sets compensation for the recently appointed acting president of San José State University.

Background

This item recommends that Dr. Carmen Sigler shall receive an annual salary of \$240,000 effective July 1, 2008 to July 31, 2008. Dr. Sigler was named acting president for the period between the retirement of Mr. Don W. Kassing and the arrival of the newly selected president, Dr. Jon S. Whitmore.

During service as acting president, Dr. Sigler will remain in the Management Personnel Plan (MPP) with regular benefits of 16 hours of vacation accruals per month, 8 hours of sick leave accruals, standard health plan programs, and insurance programs provided to MPP employees. Due to the short duration of her appointment, Dr. Sigler will not be required to reside in the president's residence.

The following resolution is recommended for adoption:

RESOLVED, by the Board of Trustees of the California State University, that Dr. Carmen Sigler shall receive a salary set at the annual rate of \$240,000, effective July 1, 2008, the date of her appointment as acting president of San José State University, until July 31, 2008.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Executive Compensation: San José State University President

Presentation By

Charles B. Reed
Chancellor

Summary

This item sets compensation for the recently appointed president of San José State University.

Background

This item recommends that Dr. Jon S. Whitmore shall receive an annual salary of \$328,209, effective August 1, 2008, his starting date as president of San José State University. Additionally, Dr. Whitmore will receive an annual supplement of \$25,000 from foundation sources. Dr. Whitmore shall be required to occupy the official university presidential residence located in San José, California as a condition of his employment as president.

In accord with existing policy of the California State University, Dr. Whitmore will receive the following benefits:

- Relocation of household goods and property from Lubbock, Texas to California, an amount not to exceed \$18,775, unless authorized by the chancellor.
- Reimbursement for brokerage commissions, escrow fees, prepayment penalties, taxes and expenses incurred in the selling the family residence in Texas, an amount not to exceed \$66,577, unless authorized by the chancellor.
- Choice of a university-owned vehicle or an annual vehicle allowance of \$1,000 per month.
- Standard benefit provisions afforded CSU executive classification employees regarding retirement program coverage from CalPERS, an annual medical physical examination, health plan programs, insurance programs, and vacation and sick leave accruals.
- A transition program for university presidents, provided that Dr. Whitmore meets the eligibility requirements described in the Trustees' resolution of November 15, 2006.

U&FP
Agenda Item 4
July 15, 2008
Page 2 of 2

Dr. Whitmore will be eligible for appointment as professor of theatre arts with tenure at the discretion of appropriate faculty bodies of San José State University.

The following resolution is recommended for adoption:

RESOLVED, by the Board of Trustees of the California State University, that Dr. Jon S. Whitmore shall receive a salary set at the annual rate of \$328,209, effective August 1, 2008, the beginning date of his appointment as president of San José State University. Dr. Whitmore will also receive an annual supplement of \$25,000 from foundation sources.

RESOLVED, Dr. Whitmore shall occupy the official presidential residence located in San José, California as a condition of his employment as president.

RESOLVED, Dr. Whitmore will receive additional benefits as cited in Agenda Item 4 of the Committee on University and Faculty Personnel at the July 15, 2008 meeting.