

AGENDA

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Meeting: 2:00 p.m., Tuesday, January 29, 2002
Glenn S. Dumke Conference Center

Murray L. Galinson, Chair
Anthony M. Vitti, Vice Chair
William D. Campbell
Bob Foster
Shailesh J. Mehta
Stanley T. Wang

Consent Items

Approval of Minutes of Meeting of November 14, 2001

Discussion Items

1. Revision of Title 5, California Code of Regulation, Repeal Section 43101 of Article 6 and Adopt Section 43095 "Military Leave" to Article 5.9, *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**

November 14, 2001

Members Present

Murray L. Galinson, Chair
Anthony M. Vitti, Vice Chair
Laurence K. Gould, Jr., Chair of Board
Bob Foster
Shailesh J. Mehta
Stanley T. Wang
Charles B. Reed, Chancellor

Members Absent

William D. Campbell

Other Trustees Present

Martha J. Fallgatter
Debra S. Farar
Harold Goldwhite
William Hauck
Ricardo F. Icaza
Frederick W. Pierce, IV
Kyriakos Tsakopoulos

Chancellor's Office Staff

David S. Spence, Executive Vice Chancellor and Chief Academic Officer
Richard P. West, Executive Vice Chancellor and Chief Financial Officer
Jackie R. McClain, Vice Chancellor, Human Resources
Louis Caldera, Vice Chancellor, University Advancement
Christine Helwick, General Counsel

Call to Order

Chairman Gould opened the meeting at 8:40 a.m. and then turned the meeting over to Trustee Galinson.

The minutes of March 20, 2001 and June 4, 2001, were approved as submitted.

Trustee Galinson said the Trustees recognize compensation for system executives as a key element in the university's success and the Trustees have a responsibility to maintain a competitive compensation program to recruit and retain the best executives.

It was moved and seconded to recommended adoption of a 2% salary adjustment for the Chancellor effective July 1, 2001. Motion passed.

Chancellor Reed recommended a 2% salary adjustment for eligible presidents and vice chancellors. It was moved and seconded. Motion passed. Vice Chancellor Jackie McClain explained the Executive Benefit Enhancements and recommended that the life insurance and accidental death and dismemberment program be increased from \$150,000 to \$250,000 effective January 1, 2002.

Vice Chancellor McClain also recommended that executives receive the same dependent fee waiver benefit provided to the California Faculty Association and other eligible employee groups.

Additionally, Ms. McClain said the CSU has developed a pre-tax parking deduction plan which enables eligible employees who pay for university parking through payroll deduction to pay with pretax dollars. It is recommended that executives be able to participate.

Ms. McClain also recommended that the non-industrial disability benefit be increased from \$125 to \$250 per week for executives to be comparable to that provided to eligible members of the CSEA and eligible confidential and management personnel plan employees.

The total cost of these benefit increases are funded within a 2% compensation increase pool.

Trustee Galinson moved the resolution to adopt the executive salaries and benefits presented. The motion was seconded. Motion passed. The combination of these three actions was recommended to the Board. (RUF 11-01-05)

Vice Chancellor McClain stated that Agenda Item 2 is a revision to Title 5, Section 42713, Work Assignments. This item will add nonexempt to the employees who normally work 40 hours a week and nonexempt to part-time employees who work a proportionate hourly amount. These changes conform Section 42713, a pre-FLSA provision, to the requirements of the federal Fair Labor Standards Act (FLSA). Language is deleted which references "workweek class," payroll categories eliminated in 1993.

Trustee Galinson moved the resolution to amend Section 42713 of Title 5 to conform to FLSA and eliminate references to outdated payroll categories. The motion was seconded. Motion passed. (RUF 11-01-06)

Vice Chancellor McClain stated Agenda Item 3 is a revision to Title 5, Section 42933, Catastrophic Leave Donation Program for university employees not represented by a collective bargaining agent. The amendment would expand the number of hours that could be donated from 16 to 32 hours per fiscal year.

Trustee Galinson moved the resolution to amend Section 42933 of Title 5 to increase catastrophic leave donation to 32 hours per fiscal year. The motion was seconded. Motion passed. (RUF 11-01-07)

Vice Chancellor McClain stated Agenda Item 4 is an action item that recommends that the 3% at 50 PERS State Peace Officer/Firefighter plan be provided to eligible Management Personnel Plan (MPP) public safety employees effective January 1, 2002, to maintain parity with the retirement plan provided to represented public safety employees. The current retirement formula is 3% at 55. For information, MPP public safety employees will forgo 1% of their 2% merit pool for fiscal year 2001/2002 to offset the cost of this enhancement.

Trustee Galinson moved the resolution to provide the enhanced retirement plan to public safety management employees. The motion was seconded. Motion passed. (RUF 11-01-08)

The meeting adjourned at 8:57 a.m.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Revision of Title 5, California Code of Regulations, Repeal Section 43101 of Article 6 and Adopt Section 43095 "Military Leave" to Article 5.9

Presentation By

Jackie R. McClain
Vice Chancellor
Human Resources

Summary

This item proposes to repeal Section 43101 of Article 6 and to add in its place Article 5.9 - Military Leave, Section 43095, of Subchapter 7, Chapter 1, Division 5 of Title 5 of the California Code of Regulations. Section 43101 and its replacement Section 43095 address military leave for California State University (CSU) employees whose military leave rights have not been addressed in a memorandum of understanding with a collective bargaining agent.

It is proposed that provisions of 43101 be relocated from Article 6, "Leaves of Absence Other Than Leaves of Absence with Pay," to a new Article 5.9, Military Leave. The former section 43101 would be placed in subdivision (a) of Section 43095 of Article 5.9 and a difference in pay supplement would be added to subdivision (b) of Section 43095. (These proposed changes would place Military Leave in its own Article and Section.) Subdivision (b) of proposed Section 43095 would provide the following difference in pay salary supplement:

When approved by the Chancellor, an employee on active duty military leave extending beyond the paid entitlement of statute shall receive the "difference in pay" between military pay and CSU pay for up to an amount of time specified by the Chancellor. The CSU difference in pay acts as a salary supplement to military pay. The limit specified by the Chancellor is in addition to any paid active duty military leave under existing statutes. If an employee does not return to CSU service within the required time of being released from active duty, the CSU salary supplement shall be treated as a loan to be repaid with interest. Employees on a difference in pay salary supplement continue to receive CSU provided health, dental, and vision benefits at the current level for the period of time specified by the Chancellor.

Background

Currently, under California's Military and Veterans Code, eligible CSU employees receive up to thirty (30) calendar days of CSU pay for active duty military leave. Additionally, the Military and Veterans Code grants CSU authority to negotiate supplemental CSU salary and benefits as they pertain to military leave for represented employees. CSU's collective bargaining agreements separately include language on military leave, and all unions have agreed to provide a "difference in pay" salary supplement to eligible CSU employees who are on active military duty on or after September 11, 2001, who exhaust the thirty (30) calendar days of CSU pay entitlement under statute. The "difference in pay" between their military pay and their CSU pay will be paid for up to 180 days retroactive to September 11, 2001.

In effect, Title 5 addresses military leave for CSU employees not represented by a collective bargaining agent, which includes confidential, excluded, Management Personnel Plan and executive employees. This Title 5 change is being recommended so that the Chancellor has authority to provide a "difference in pay" salary supplement to eligible nonrepresented employees similar to that being provided to employees represented by a collective bargaining agent, as needed. The Chancellor would use this authority only as circumstances warrant.

The university supports contributions of its employees called to active duty and strongly believes it is important to demonstrate support through a "difference in pay program." The university recognizes these employees and their families may face financial hardship and it wants the ability to help them meet their financial commitments. A program to aid salary continuation will help employees keep mortgages and rents paid, insurance premiums current, and other financial obligations satisfied. Likewise, a supplemental pay program will help these employees keep their employee benefits program active so health and welfare needs of the employee and family members are met. Employees on a difference in pay salary supplement continue to receive CSU provided health, dental, and vision benefits at the current level for the period of time the pay supplement is provided.

Proposed Revision

The following resolution is recommended for adoption:

RESOLVED, By the Board of Trustees of the California State University, acting under the authority prescribed herein and pursuant to Section 89030.1 of the Education Code, that the board hereby repeals Section 43101 of Article 6 and adopts Article 5.9, "Military Leave," with Section 43095 of Subchapter 7, Chapter 1,

Division 5 of Title 5 of the California Code of Regulations as follows:

Article 5.9 – Military Leave

§43095. Military Leave.

(a) Any campus or administrative office employee who takes a leave of absence to enter military service shall submit the documents and follow the procedures required by the law governing military leaves. All documents required to effect such a leave for a campus employee shall be submitted by the employee to the campus president or designee for approval. Administrative office employees shall submit the documents to the Chancellor or designee for approval.

(b) An employee is entitled to paid active duty military leave as prescribed by state and federal law. When approved by the Chancellor, an employee on active duty military leave extending beyond the paid entitlement shall receive the difference in pay between military pay and California State University pay for up to an amount of time specified by the Chancellor. The CSU difference in pay acts as a salary supplement to military pay. The limit specified by the Chancellor is in addition to any paid active duty military leave under existing law. If an employee does not return to CSU service within the required time of being released from active duty, the CSU difference in pay salary supplemental shall be treated as a loan that must be repaid to the CSU with interest.

Employees on a difference in pay salary supplement continue to receive CSU provided health, dental, and vision benefits at the level current with the leave for the period of time specified by the Chancellor.

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference: Section 89513, Education Code; Sections 395 et seq., Military and Veterans Code.

~~§ 43101. Military Leave.~~

~~Any campus or administrative office employee who takes a leave of absence to enter military service shall submit the documents and follow procedures required by the law governing military leaves. All documents required to effect such a leave for a campus employee shall be submitted by the employee to the campus president or designee for approval. Administrative office employees shall submit the documents to the Chancellor directly.~~

~~NOTE: Authority cited: Sections 66600, 89030, 89035, and 89500, Education Code. Reference: Section 89513, Education Code.~~

And, be it further

RESOLVED, That the Board of Trustees has determined that the adoption of the proposed revision to Title 5 will not impose a cost or savings on any state agency; will not impose a cost or savings on any local agency or school district that is required to be reimbursed under Section 17561 of the Government Code; will not result in any nondiscretionary cost or savings in federal funding to the state; and will not impose a mandate on local agencies or school districts;

And, be it further

RESOLVED, That the Board of Trustees delegates to the Chancellor of The California State University authority to further adopt, amend, or repeal this revision if further adoption, amendment or repeal is required and is nonsubstantial or solely grammatical in nature, or sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action.