

AGENDA

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Meeting: 2:30 p.m., Tuesday, May 9, 2000
Glenn S. Dumke Conference Center

Ralph R. Pesqueira, Chair
Bob Foster, Vice Chair
Roberta Achtenberg
William D. Campbell
Martha C. Fallgatter
Dee Dee Myers
Ali C. Razi
Stanley T. Wang

Consent Items

Approval of Minutes of Meeting of January 25, 2000

Discussion Items

1. Revision of Title 5, California Code of Regulations, Section 42723, Management Personnel Plan, *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**

January 25, 2000

Members Present

Ralph R. Pesqueira, Chair
Roberta Achtenberg
William D. Campbell
Martha C. Fallgatter
William Hauck, Chairman of the Board, ex officio
Ali C. Razi
Charles B. Reed, Chancellor, ex officio
Stanley T. Wang

Members Absent

Bob Foster, Vice Chair
Dee Dee Myers

Other Trustees Present

Joan Otomo-Corgel
Harold Goldwhite
Frederick W. Pierce IV
Michael Stennis
Anthony M. Vitti

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
Douglas X. Patiño, Vice Chancellor, University Advancement
Christine Helwick, General Counsel

Chair Pesqueira called the meeting to order at 4:20 p.m.

Approval of Minutes

The minutes of the November 16, 1999, meeting were approved as submitted.

2
U&FP

Executive Compensation

Chair Pesqueira presented Agenda Item 1 recommending that Dr. Jolene Koester receive an annual salary of \$200,004 effective July 1, 2000, the date of her appointment as president of the California State University, Northridge. As a condition of employment, Dr. Koester shall be required to occupy the official presidential residence of the Northridge campus located at 9740 Calvin Avenue, Northridge.

The committee recommended approval of the proposed resolution (RUFPP 01-01-00).

Adjournment

The meeting adjourned at 4:25 p.m.

BRIEF

Action Item

Agenda Item 1
May 9-10, 2000

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Revision of Title 5, California Code of Regulations, Section 42723, Management Personnel Plan

Presentation By

Jackie R. McClain, Vice Chancellor
Human Resources

Summary

It is proposed that Section 42723 of Title 5 which addresses the Management Personnel Plan be revised to delete the provision that states when possible, notice of termination shall be given one year prior to the employee's separation date.

Recommended Action

Adoption of the resolution.

ITEM

2

Agenda Item 1
May 9-10, 2000

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Revision of Title 5, California Code of Regulations, Section 42723, Management Personnel Plan

Background

This agenda item would revise Section 42723 of Article 2.2, Subchapter 7 which addresses Management Personnel Plan employees. Subsection (d) of Section 42723 of the Management Personnel Plan currently requires the university, when possible, to provide notice of termination to a Management Personnel Plan employee one year prior to the employee's separation date. This requirement would be eliminated. A Management Personnel Plan employee would continue to receive at least three months' notice prior to the employee's separation date or shall receive corresponding salary in lieu of notice.

It is critical that the CSU have the management tools necessary to best serve the university, maximizing its educational resources for students, alumni, and taxpayers. Flexibility is pivotal in the efficient management of resources, and providing one year's notice to a Management Personnel Plan employee of a pending termination is not an efficient use of state resources. The university continually faces challenges to reorganize to meet its constantly evolving objectives and, in today's competitive educational environment, a one-year notice of termination is not realistic. This need for flexibility has been evident in the years of experience under the current provision. There have seldom, if ever, been circumstances that provided any more than three months' notice of management changes. Typically, the notice is much shorter, requiring salary in lieu of notice. Balancing the legitimate needs of the institution with the needs of management level employees to seek and obtain new employment, three months' notice or paid leave in lieu of notice provides a transition that is fair, while providing the institution flexibility to alter its management approach. Thus, management employees will continue to have a minimum of three months' notice or salary in lieu of notice, and the president or chancellor shall retain the option to provide notice or salary in lieu of notice greater than three months.

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 amends its regulations in Section 42723, Article 2.2, Subchapter 7, Chapter 1, Division 5 of Title 5 of the California Code of Regulations as follows:

§42723. Management Personnel Plan

(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) 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) 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) Except in the case of layoff, the President or Chancellor, as appropriate, shall give a Management Personnel Plan employee notice of termination at least three months prior to the employee's separation date or shall give a Management Personnel Plan employee corresponding salary in lieu of notice. ~~When possible, notice of termination shall be given one year prior to the employee's separation date.~~

NOTE: Authority cited: Sections 89030 and 89500, Education Code. Reference cited: Section 89500, Education Code.

And, be it further

RESOLVED, That the Board of Trustees has determined that the adoption of the proposed revisions 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 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 pursuant to the Administrative Procedure Act 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.