

AGENDA

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Meeting: 3:00 p.m., Tuesday, September 17, 2002
Glenn S. Dumke Conference Center

Martha Fallgatter, Chair
William D. Campbell, Vice Chair
Robert G. Foster
Murray L. Galinson
William Hauck
Ricardo F. Icaza
Shailesh J. Mehta
Kyriakos Tsakopoulos
Anthony M. Vitti

Consent Items

Approval of Minutes of Meeting of July 16, 2002

Discussion Items

1. Proposed Revision of Title 5, California Code of Regulations, Section 42933, Catastrophic Leave Donation Program, *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**

July 16, 2002

Members Present

Martha Fallgatter, Chair
Robert G. Foster
Murray L. Galinson
William Hauck
Shailesh J. Mehta
Kyriakos Tsakopoulos
Debra S. Farar, Board Chair
Charles B. Reed, Chancellor

Members Absent

William Campbell
Ricardo F. Icaza
Anthony M. Vitti

Other Trustees Present

Cruz Bustamante, Lt. Governor
Harold Goldwhite
Frederick W. Pierce, IV
Erene S. Thomas

Chancellor's Office Staff

David Spence, Executive Vice Chancellor and Chief Academic Officer
Jackie R. McClain, Vice Chancellor, Human Resources
Christine Helwick, General Counsel

Call to Order

Ms. Martha Fallgatter opened the meeting at 3:46 p.m.

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UFP

Approval of Minutes

The minutes of May 15, 2002, were approved as submitted.

Proposed Revision of Title 5 Regulation – Amendment of California State University Conflict of Interest Code - Action

Vice Chancellor McClain stated the CSU Conflict of Interest Code must be periodically updated to reflect changes in the designated positions and disclosure categories of those individuals who make or participate in the making of decisions that foreseeably will have a material effect on personal financial interests. These changes amend Exhibit A, “Designated Positions,” of Article 20 of Subchapter 7, Chapter 1, Division 5 of Title 5, California Code of Regulations. The committee adopted the resolution (RUF 07-02-03).

Adjournment

The meeting adjourned at 3:50 p.m.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Revision of Title 5, California Code of Regulations, Section 42933, Catastrophic Leave Donation Program

Presentation By

Jackie R. McClain
Vice Chancellor
Human Resources

Summary

This item recommends amending Section 42933 of Article 4.2, Subchapter 7, Chapter 1, Division 5 of Title 5 of the California Code of Regulations, which addresses the 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, clarify program eligibility and delete reference to CSU's former workers' compensation administrator.

Background

Section 42930 et seq. permits the contribution of vacation and sick leave credits to an employee who has exhausted all accrued leave and who is incapacitated due to catastrophic illness or injury. Section 42933 is being amended to allow employees to donate a maximum of forty (40) hours of leave credits per fiscal year in increments of one hour or more instead of the current thirty-two (32) hours of leave credits maximum. Section 42933 addresses the catastrophic leave donation program for employees of the California State University not represented by a collective bargaining agent, which includes confidential, Management Personnel Plan and executive employees. CSU's collective bargaining agreements separately include language on the catastrophic leave donation program. This improvement is recommended to provide parity with the current catastrophic leave donation program provided to employees represented by the California State Employees' Association (CSEA). The catastrophic leave donation program is an important benefit and it is in the best interests of the university that, when possible, the program remains consistent between nonrepresented and represented employees for ease of campus administration and communication. Additionally, language is amended to clarify the intent of this program that donated leave credits are not limited to employees eligible to supplement disability payments. Also, reference to the State Compensation Insurance Fund is deleted as the Fund no longer serves as CSU's workers' compensation administrator.

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 42933, Article 4.2, Subchapter 7, Chapter 1, Division 5 of Title 5 of the California Code of Regulations as follows:

§42933. Donation.

(a) Only vacation and sick leave credits may be donated. Employees may donate a maximum of ~~thirty two (32)~~ forty (40) hours of leave credits per fiscal year in increments of one hour or more. Donations are irrevocable. Donated leave credits may be used ~~only~~ to supplement Industrial Disability leave, Nonindustrial Disability Insurance or Temporary Disability payments ~~from the State Compensation Insurance Fund~~ upon the application for these benefit(s) by an eligible employee. The total amount of leave credits donated and used may not exceed an amount sufficient to ensure the continuance of the employee's regular monthly rate of compensation.

(b) The total donated leave credits shall normally not exceed an amount necessary to continue the employee for three calendar months calculated from the first day of catastrophic leave. The appointing authority may approve an additional three-month period in exceptional cases. The leave shall not be deemed donated until actually transferred by the appointing authority's recordkeeper to the record of the employee receiving leave credits. Such transfer shall be accomplished at the end of a pay period, and credits shall be transferred in the order of the dates actually pledged.

(c) For employees whose appointments have not been renewed, donated time may not be used beyond the employee's appointment expiration date in effect at the beginning of the disability.

(d) Unused donated leave credits may not be used to receive service credit following a service or disability retirement.

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