

Date of Hearing: April 19, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2386 (Williams) – As Amended March 15, 2016

**SUBJECT:** Postsecondary education: California State University: trustees.

**SUMMARY:** Revises the membership of the California State University (CSU) Trustees by requiring the Governor to appoint a permanent nonfaculty CSU employee for a 2-year term. Specifically, **this bill**:

- 1) Requires that a permanent nonfaculty employee, who is not in a management personnel plan, a confidential classification, or an excluded classification, also shall be appointed by the Governor to serve on the Board of Trustees for a two-year term.
- 2) Specifies that an independent systemwide staff council shall be formed in order to provide a list of two nominees for the Governor's consideration; and, the Governor shall appoint one of these nominees.
- 3) Requires the employee organizations of permanent nonfaculty employees of the CSU to fund the council, as specified.
- 4) Prohibits the permanent nonfaculty employee Trustee from participating on any subcommittee of the Board of Trustees responsible for collective bargaining negotiations.
- 5) Specifies that the term of office of the permanent nonfaculty employee Trustee shall commence on July 1 and shall expire on June 30, two year thereafter.
- 6) Specifies that the permanent nonfaculty employee Trustee shall receive compensation for Board service, as authorized.

**EXISTING LAW:**

- 1) Establishes the CSU to be administered by the BOT, which consists of:
  - a) Five ex-officio members: (i) the Governor, (ii) the Lieutenant Governor, (iii) Speaker of the Assembly, (iv) the Superintendent of Public Instruction, and (v) the Chancellor of the CSU;
  - b) Sixteen Governor Appointees confirmed by two-thirds of the Senate, each serving an eight-year term;
  - c) One alumni association representative, who cannot be an employee of the CSU, appointed by the Governor serving a two-year term;
  - d) One tenured CSU faculty representative appointed by the Governor, for a two-year term, from a list of names of at least two persons furnished by the CSU Academic Senate. The faculty member cannot participate on any subcommittees of the board responsible for collective bargaining negotiations; and,

- e) Two CSU students appointed by the Governor for staggered two-year terms from a list of nominees furnished by the governing board of any statewide student organization that represents CSU students and the student body organizations of the CSU campuses. Only one student is eligible to vote at any time (Education Code (EC) Section 66602).
- 2) Authorizes each appointive Trustee to receive actual and necessary travel expenses and \$100 for each day he or she is attending to official business (EC 66604.5).

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Role of the CSU Trustees.* The Board of Trustees is responsible for the oversight of the CSU. The Trustees adopt rules, regulations, and policies governing the CSU. The Trustees have authority over curricular development, use of property, development of facilities, and fiscal and human resources management.

The 25-member Board of Trustees meets six times per year. Board meetings allow for communication among the Trustees, Chancellor, campus presidents, executive committee members of the statewide Academic Senate, representatives of the California State Student Association, and officers of the statewide Alumni Council.

*Purpose of this measure.* According to the author, the CSU Board of Trustees governs all 23 campuses of the CSU and is represented by alumni, faculty, students, administration, ex officio members, and Governor appointees. The author contends that classified employees are the only unrepresented entity on the Board. The author states that, "This bill is necessary as there has never been an appointment of a classified employee in the Boards 34 year existence. An appointment would give voice to the 20,000 classified staff members employed by the CSU."

*Policy considerations.* This measure calls for the creation of an independent system wide staff council for the purposes of the council providing a list of eligible nominees for the Governor's consideration for an appointment as a Trustee. The measure is silent as to who makes up the council.

*Moving forward, the author may wish to specify who comprises the council. Perhaps the council may be comprised of the exclusive representation of classified staff of the CSU.*

Additionally, this measure calls for a permanent nonfaculty CSU employee to be appointed to the Board of Trustees. Committee staff understands that the author's intent is not to increase the current size of the Board, but rather revise the current makeup, in order to ensure at least one of the Governor's appointees is a nonfaculty CSU employee.

*Moving forward, the author may wish to clarify that the permanent nonfaculty CSU employee to be appointed by the Governor, is to come from one of the Governor's existing 16 appointees.*

Finally, this measure specifies that the term of office of the permanent nonfaculty employee member of the Board of Trustees appointed, shall commence on July 1 and expire on June 30, two years thereafter. However, the bill is silent as to what happens when the nonfaculty term expires and there is no new appointee slated to resume the role; this could lead to having a nonfaculty Trustee vacancy for an unforeseen period of time.

*Moving forward, the author may wish to consider whether or not it is appropriate to authorize the expiring nonfaculty Trustee's role to be extended in cases where his or her successor, has yet to be appointed.*

*Prior legislation.* AB 2721 (Pan) of 2014, which was vetoed by the Governor, was similar in nature to this measure.

SB 644 (Burton), Chapter 860, Statutes of 2003, designated one of the 13 gubernatorial appointments to the California Community Colleges Board of Trustees as a classified employee, with the appointment made from a list of at least three persons furnished by the exclusive representatives of classified employees of the CCC.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California State University Employees Union  
Service Employees International Union

**Opposition**

None on file.

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