

Date of Hearing: April 22, 2014

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Das Williams, Chair
AB 2721 (Pan) – As Introduced: April 8, 2014

SUBJECT: Trustees of the California State University: nonfaculty employees.

SUMMARY: Would add a nonfaculty employee to the California State University (CSU) Board of Trustees (BOT). Specifically, this bill:

- 1) Would add to the CSU BOT a nonfaculty employee of the CSU covered by the Higher Education Employer-Employee Relations Act (HEERA), appointed by the Governor to serve a two-year term.
- 2) Would require a nonfaculty employee committee consisting of one representative from each of the employee organizations to provide the Governor a list of at least two nominees for the appointment, with all nominees having received a majority vote of the representatives of the committee.
- 3) Requires the employee organizations of nonfaculty employees to fund the aforementioned selection committee.
- 4) Prohibits the nonfaculty employee BOT member from participating on any subcommittee of the board responsible for collective bargaining negotiations.
- 5) Provides that the term of office for the nonfaculty employee shall commence on July 1 and shall expire on June 30 two years thereafter.

EXISTING LAW establishes the CSU to be administered by the BOT, which consists of:

- 1) Five ex officio members: the Governor, Lieutenant Governor, Speaker of the Assembly, State Superintendent of Public Instruction, and the Chancellor;
- 2) An Alumni Trustee appointed by the CSU Statewide Alumni Council to serve for a two-year term, which expires at the end of the two years;
- 3) A Faculty Trustee appointed by the Governor from a list of nominees proposed by the Statewide Academic Senate to serve a two-year term which commences on July 1 and expires on June 30 two years thereafter;
- 4) Two student trustees appointed by the Governor from a list of nominees proposed by the California State Student Association. These student trustees serve staggered two-year terms. One has full voting powers; the second, non-voting student trustee succeeds to the voting position upon the expiration of the term of the first. The terms commence on July 1, every other year, and expire on June 30 two years thereafter;

- 5) Sixteen remaining trustees are appointed by the Governor, confirmed by 2/3 of the State Senate, and serve eight year terms. Trustees confirmed by the senate remain on the board until a replacement is named or 60 days after their term expires whichever comes first.

FISCAL EFFECT: Unknown

COMMENTS: Purpose of this bill. According to the author, "Every segment of the university has a voice on the BOT: faculty, administration, students – even alumni – but not classified employees. Classified employees help keep CSU campuses operating; ensuring campuses are clean and safe; provide classroom, financial aid and other support services; and provide a supportive learning environment." The author argues this bill will ensure a voice on the BOT to "represent over 20,000 employees at 23 CSU campuses and the Office of the Chancellor."

Union representation. Collective bargaining creates a process for employees to negotiate with management; in the CSU, the BOT approves contracts. By placing a nonfaculty member selected from a list furnished by classified employee unions this bill may create a possible conflict of interest. As the author notes, the CSU BOT currently includes a tenured faculty member. However, it should be noted that the Governor's appointment of the faculty BOT member is from a list furnished by the Academic Senate of the CSU, and not the union that represents faculty at the bargaining table.

Precedent for direct union representation. SB 644 (Burton, 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.

Related legislation. AB 2324 (Williams) was approved by this Committee on April 1, 2014, and provides that the two-year term of office of the faculty member of the CSU BOT may continue after the term expires for an additional term if the Governor has not appointed a successor. Should AB 2721 and AB 2324 both move forward to the Governor, amendments to ensure proper chaptering will be necessary.

Prior legislation. SB 1515 (Yee, 2012) would have provided for several changes to the composition of the BOT, including requiring representation from a nonfaculty employee. SB 1515 was held in the Senate Appropriations Committee. AB 2849 (Lowenthal, 2004) would have added one nonfaculty member of CSU. This bill was vetoed by Governor Schwarzenegger. AB 307 (Pavley, 2001) and SB 1604 (O'Connell, 2000) were identical to this bill. Both bills were heard and approved by the Assembly Higher Education Committee. AB 307 was subsequently amended to address a different subject matter. SB 1604 was approved by the Legislature but subsequently withdrawn from enrollment and held at the Senate Desk.

REGISTERED SUPPORT / OPPOSITION:

Support

CSU Employees Union (Sponsor)

Opposition

California State University, Office of the Chancellor

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