

# California Code of Regulations

## Title 5. Education

### Division 5. Board of Trustees of the California State Universities

#### Article 2.2 Management Personnel Plan<sup>1</sup>

##### *42720. Structure*

(a) The California State University Management Personnel Plan is an integrated personnel system addressing the employment rights, benefits, and conditions of those California State University employees designated as “management” or “supervisory” under the Higher Education Employer-Employee Relations Act. The Management Personnel Plan includes four grade levels each with a salary delimited by minimum and maximum rates of salary determined by the Chancellor and approved by the Board of Trustees on the basis of comparative salary data from competitive public and private organizations. The salary ranges may be reviewed and adjusted as the Chancellor and the Trustees deem appropriate.

(b) The Chancellor or designee shall assign each Management Personnel Plan position to one of the four grade levels within the Management Personnel Plan. The assignment of a position to a particular grade level shall be based on an assessment of the skills, knowledge, and other qualifications needed to satisfactorily perform the positions assigned duties as well as the nature and complexity of the program or organizational unit managed or supervised by the position, the scope of management or supervisory responsibility, job demands, extent of independent decision making authority, accountability, and impact of policies administered and/or decisions made. Working and organizational titles devised by the appointing power may be used to describe a Management Personnel Plan position and the assignment of a position to a grade level may vary from campus to campus depending on an assessment of the circumstances and factors on each campus.

(c) The Chancellor or designee may review and change the grade level to which a position in the Management Personnel Plan has been assigned using the criteria of subdivision (b). A Management Personnel Plan position shall remain in the grade level to which the position is assigned until a different grade level is assigned by the Chancellor or designee.

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

#### History

1. New Article 2.2 (Sections 42720-42728) filed 10/10/84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 41).

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<sup>1</sup> Verbatim copy of actual text from Title 5.

*'42721. Salary Administration*

(a) Upon assignment of a position to one of the four Management Personnel Plan grade levels, the appointing power shall determine the salary to be paid and perquisites to be accorded to the employee in the position based upon the appointing powers need. Although no salary steps are prescribed, salary increments of approximately 1.0 percent shall be established for each salary range to facilitate salary administration and payroll processes.

(b) The appointing power may review and adjust a Management Personnel Plan employee's salary and perquisites. Such adjustment shall be based on the appointing power's evaluation of the employee's merit and the appointing powers need and shall be within funds allocated to the appointing power for such purpose. Adjustments of salary or perquisites or both salary and perquisites of a Management Personnel Plan employee shall be in accordance with a merit evaluation plan developed and administered by the appointing power. Unless otherwise prescribed by law, there shall be no general salary adjustments nor automatic adjustments for such employee. Adjustment of the salary range of an employee's grade level shall not automatically affect the employee's salary.

(c) The Chancellor shall budget a lump sum of money to each campus and to the headquarters office to support salary increases within funds available for this purpose. The Chancellor or President, as appropriate, shall determine the frequency and amount of salary and perquisite adjustments for Management Personnel Plan employees. An annual report of all employee compensation action taken shall be submitted by the campus President to the Chancellor or designee.

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

*' 42722. Evaluation Plan*

The appointing power shall develop and evaluation plan outlining criteria and procedures for consideration of individual salary adjustments. Evaluation plans require standards of expectation for each grade level against which superior, average, or unsatisfactory performance can be gauged, and against which the amount of a pay increase, if any, can be determined. The evaluation plan requires criteria that will assure equity in pay based on merit factors, including quality, productivity, and the like.

Management Personnel Plan employees shall be evaluated after six months and one year of service, and subsequently at one year intervals. The criteria and process for evaluation shall be determined by the appointing power. Evaluations shall also form the basis for recommendations for management development, professional leaves or other activities related to career development and upward mobility.

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

' 42723. *Employment Status.*

(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) Athletic personnel who are appointed to positions in the Management Personnel Plan may be given appointments for a definite term. Any such appointment must be in writing and contain the initial date of appointment, the date on which the appointment expires, and a statement that the appointment may be terminated by the appointing authority at any time on terms set forth in the appointment document.

(c) As Management Personnel Plan employees who had permanent status in a class prior to January 1, 1984 shall retain permanent status in the class despite inclusion as 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.

(d) A Management Personnel Plan employee who retains permanent status under subdivision (c) and who is placed in or promoted to a position under the Management Personnel Plan shall retain retreat rights as described in this subdivision (d) 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 was held at the salary last received in the permanent class.

(e) Except in the case of layoff, the President or Chancellor, as appropriate, shall give a Management Personnel Plan employee, with the exception of athletic personnel appointed to definite terms under (b) above, notice of termination at least three months prior to the employee's separation date or shall give a Management Personnel Plan employee, with the exception of athletic personnel appointed to definite terms under (b) above, corresponding salary in lieu of notice.

Note: Authority cited: Sections 89030 and 89500, Education Code. Reference cited: Section 89030 et seq., and 89500, Education Code.

' 42724. *Promotion.*

The appointing power may promote a Management Personnel Plan employee to a position with greater compensation either within the grade level to which the employee's position is assigned or to a different grade level. A promotion may be made after the appointing power has determined that the promotion is appropriate in light of its evaluation of the employee and the needs of the California State University. A

promotion shall be made to a position which has been duly established by the Chancellor or designee, assigned by the Chancellor or designee to the appropriate grade level, and made available by the Chancellor or designee for use by the appointing power. Promotion actions will be in accordance with affirmative action guidelines and objectives.

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

*' 42725. Reassignment.*

The appointing power may assign a Management Personnel Plan employee to different duties in the same position or may reassign a Management Personnel Plan employee to a different position either within or outside of the grade level or the Plan when the appointing power determines that such assignment or reassignment is in the best interests of The California State University.

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

*' 42726. Holidays, Vacation, and Sick Leave.*

(a) Holidays. A Management Personnel Plan employee shall be entitled to holidays as provided in Section 42920 of this Subchapter 7.

(b) Vacation. A Management Personnel Plan employee shall accumulate vacation at a rate of 2 days per qualifying pay period and may accumulate vacation in an amount not to exceed 384 working hours for 10 or less years of qualifying service and 440 working hours for more than 10 years of qualifying service as provided in Sections 42902 and 42909, respectively, of this Subchapter 7. Any vacation which the appointing power allows to accumulate beyond the maximum shall be taken in the first quarter of the next calendar year. Vacation shall be taken as directed or authorized by the appointing power and shall be scheduled by mutual agreement whenever possible.

(c) Sick Leave. A Management Personnel Plan employee shall accumulate 8 hours of credit for sick leave with pay following completion of one month of continuous service. Thereafter for each additional calendar month of service, one day of credit for sick leave with pay shall be allowed. Sick leave may be accumulated without limit. Each Management Personnel Plan employee may be required by the appointing power to provide proof satisfactory to the appointing power of the necessity of taking sick leave.

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

*' 42727. Professional Development.*

(a) Professional development, maintenance of currency in the field, and professional improvement are normal requirements for retention and advancement in a position in the Management Personnel Plan. Each Management Personnel Plan employee is responsible to maintain currency in the field and to develop and improve management or supervisory skills whether at California State University or personal expense.

(b) A Management Personnel Plan employee may participate in programs and activities determined by the appointing power to develop, update or improve the employee's management or supervisory skills. The programs and activities may include professional leaves, administrative exchanges, academic coursework and seminars. A Management Personnel Plan employee may participate in a program or activity only after the employee's participation has been approved by the appointing power and only to the extent that funds are available for this purpose.

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

*' 42728. Reconsideration.*

The Chancellor or the President, as appropriate, may prescribe an informal means of hearing complaints from Management Personnel Plan employees who serve in the Headquarters Office or at a campus of The California State University. The informal procedures so prescribed shall be the exclusive administrative remedy available to a Management Personnel Plan employee to address the employee complaints or to seek reconsideration of any personnel decision allegedly adverse to the interests of the employee. The procedures so prescribed shall not apply to hearings on employee discipline under Section 89539 of the Education Code.

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

*' 42729. Paid Administrative Leave*

A Management Personnel Plan employee may be granted or placed on paid administrative leave by the President at a campus, or the Chancellor at the Chancellor's Office, under either of the following circumstances:

(a) Up to sixty (60) calendar days of paid administrative leave for reasons related to (1) the safety or health of employees, (2) the prevention of the disruption of programs and/or operations, (3) an investigation of alleged misconduct by the employee or the employee's significant job performance issues or, (4) the best interest of the University. Such leave may be extended by the President or the Chancellor for up to an additional

sixty (60) calendar days in extraordinary circumstances deemed by the President or the Chancellor to warrant such an extension; or

(b) Up to six (6) months of paid administrative leave to develop, update or improve the employee's management or supervisory skills as part of a program or activity described in §42727 (Professional Development), or to prepare an administrator with retreat rights to a faculty position to assume faculty responsibilities.

**Statement of Reasons  
for Addition of  
Title 5, California Code of Regulations,  
Section 42729**

Under Education Code Section 89500, the Trustees have authority to provide by rule for the government of their appointees and employees, including but not limited to leaves of absence.

Proposed Title 5 Section 42729 responds to a key recommendation of the California Bureau of State Audits (BSA), stated in its report issued November 6, 2007. In this report, the BSA recommended that the California State University develop stronger regulations to govern paid leaves of absence for management employees.

Accordingly, this proposed addition expressly provides for the granting of paid administrative leaves to Management Personnel Plan (MPP) employees under specified circumstances for either up to 60 calendar days, with a provision for up to an additional 60 calendar days in extraordinary circumstances, *or* up to 6 months.

CALIFORNIA STATE UNIVERSITY, LONG BEACH  
PROCEDURE GOVERNING REQUESTS FOR RECONSIDERATION  
FROM EMPLOYEES NOT REPRESENTED BY AN EXCLUSIVE REPRESENTATIVE

The following procedure shall be utilized by an employee of California State University, Long Beach who is a member of the Public Employees Retirement System or the State Teachers Retirement System and who is not represented by an exclusive representative under the Higher Education Employer-Employee Relations Act who requests reconsideration of personnel actions concerning promotion, retention, evaluation, assignment, reassignment, and hours of work. It is the policy of California State University, Long Beach to encourage and seek resolution of such requests.

This procedure provides for two stages of review, except for individuals reporting directly to the President.

The first stage of review shall be initiated within 30 calendar days of the decision giving rise to the request by a written request from the employee to his/her immediate supervisor seeking to arrange an appointment. The supervisor and employee shall meet to discuss the matter within 21 calendar days. Any written responses shall be copied to the appropriate division executive.

Should the matter remain unresolved, the employee may, within 15 calendar days after the first meeting, request reconsideration at a second stage of review by the President's designee, the Vice President for Administration and Finance. Such a request shall be made in writing and describe the nature of the reconsideration request and the results of the first-stage meeting. The Vice President for Administration and Finance and the employee shall meet to discuss the request within 21 calendar days. The Vice President for Administration and Finance shall consult with the appropriate division executive prior to reaching a final decision. The decision of the Vice President for Administration and Finance shall be final and binding and shall be provided to the employee in writing with a copy to the supervisor and division executive.

In the event the request for reconsideration involves the interpretation of systemwide policy or involves matters of systemwide concern, the President or designee may seek advice and consult with appropriate Chancellor's Office staff.