Leaves of Absence for Appointive Office

On February 12, 1993, the Board of Governors provided extensive substantive and procedural guidance (see Administrative Memorandum Number 332) concerning implementation of its 1976 policy governing political candidacy and officeholding. The policy requires University employees who intend to seek unpaid leaves of absence or rebuttals of presumed conflicts of time, in order to occupy political offices without having to resign their University employment, to file required petitions before specified dates (typically, before November 1 in anticipation of assuming office the following January, and in other cases at least 60 days before assuming the office). Experience demonstrates that use of such a schedule frequently is not practicable with respect to appointive offices, because the advance notice provided to the prospective appointee is not sufficient to permit compliance with the petition schedule mandated by the board; the result in such a case could be a potentially protracted governing board delay in resolving such questions and resulting loss of the opportunity for public service.

To solve this problem, the Committee on University Governance, which oversees administration of the policy on behalf of the board, suggests that access to alternative procedures for resolving such questions affecting appointive offices is appropriate. The proposed solution is based on the fact that other existing board policy identifies officers and agencies of the University which have general residual authority to grant leaves of absence and resolve related questions: for senior academic and administrative officers, a leave of 90 days or less may be approved by the President and a leave exceeding 90 days must be approved by the Board of Governors; for non-faculty employees otherwise exempt from the State Personnel Act, leaves of absence may be approved by the chancellor; and for faculty employees, leaves of absence may be approved by the chancellor. Accordingly, the committee recommends the following arrangements with respect to appointive officeholding:

> Subject to all other board requirements controlling political officeholding, if circumstances do not permit a prospective appointee to file a required petition on the schedule otherwise prescribed for prospective officeholders, the petition may be submitted to and resolved by the officer or agency responsible for the class of employment of which the petitioner is a member, viz., the President and Board of Governors for senior academic and administrative officers, and the chancellor for faculty and non-faculty personnel exempt from the State Personnel Act. In such cases, however, it remains University policy that the prospective appointee will lose University employment if he or she assumes the appointive office before receiving an affirmative response from the alternative decision-maker. Thus, even under this expedited procedure, in some cases the prospective appointee may have to defer acceptance of the appointment beyond the normal starting date for the public office. When this alternative procedure is used, the chancellor in each instance shall report the action taken to the Committee on University Governance through the President.