

Report of the Committee to Study the Joint Benefits Committee
For CUCEA and CUCRA Consideration at their Fall 2011 Meetings

Follow-up from Spring 2011 meetings:

Background:

The subject of the Joint Benefits Committee (JBC) was raised initially at the October 2010 CUCEA meeting in Berkeley. Founded more than 16 years ago, the JBC has focused on 1) individual instances which describe specific problems with University benefits programs; 2) major policy issues related to health-care delivery; and 3) insurance programs and benefit systems in general.

Programs, their application, and the means for solving problems have changed over the nearly 17 years of JBC's existence. Although the committee has maintained its institutional memory and focus, the frequent turnover of CUCEA and CUCRA members has led to questions about what the JBC is and how it operates. Also, there have been significant changes in the participation of the Chairs of CUCEA and CUCRA in UC benefits committees (UCFW, UCRS, and PEB), making the role of the JBC less clear. Therefore, a review of the JBC was recommended and a task force was subsequently established with CUCEA and CUCRA representation (Dick Jensen co-chair (CUCRA), Douglas Morgan co-chair (CUCEA), Marjorie Caserio (CUCEA), and Patricia Pelfrey (CUCRA)).

The Task Force submitted a preliminary report to the joint CUCEA/CUCRA group at their Spring meeting (April 28, 2011). A motion was made and approved unanimously to ask the Task Force to continue refining the document and report back to the CUCEA/CUCRA Joint Meeting in October 2011. The refined report follows:

Early and Current Status of the JBC:

The Joint Benefits Committee (JBC) began as a creation of CUCEA and CUCRA in 1994-95. Although the form it was given then is similar to the form it has in 2011-12, it was never memorialized in either the CUCEA or CUCRA By-Laws or Operating Rules. At least one consideration by CUCEA and CUCRA members – at the time – related to the idea of increased influence at UCOP as a result of jointly-proposed approaches to issues.

The Spring 1995 CUCRA meeting described the early history as recorded by Adrian Harris as follows:

“A Joint Benefits Committee has been appointed including Ad Brugger, Ralph Nair (CUCEA Representative from UCSB), Moses Greenfield (CUCEA Representative from UCLA), and me. The four of us have added the following three representatives, who bring expertise in several areas to the Committee: William Klein (Professor of Law, Emeritus from UCLA), Adrian Krage (Professor of Law, Emeritus from Boalt), and Eugene Lee (Professor of Political Science, Emeritus and former Director, Institute of Governmental Studies at UCB). We also expect to

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interact with Professor Daniel Mitchell, the current Chair of the Systemwide Faculty Welfare Committee”

Adrian Harris, its original and current Chair, is the only person who has had continuous membership in JBC. In practice, when the parent organizations (CUCEA and CUCRA) concurred in a JBC recommendation, the Chairs of CUCEA and CUCRA forwarded the recommendation (to UCOP) as appropriate. If they did not concur, the item was referred for further study, but not put forward to the UCOP.

What neither CUCEA nor CUCRA ever did was to formally describe the method for identifying membership or leadership of JBC. Yet, the practices used in its founding have remained in place. Those are:

1. CUCEA and CUCRA each identify two members who, in turn, identify three members with appropriate perspectives, to make a committee of seven members. Presumably, the group elects the Chair.
2. No term limit or timing of membership appointments was prescribed, and subsequent practice identified replacements only when current members were unable to serve.
3. Neither organization has developed a by-law provision describing the function of JBC or the processes for appointing its members.
4. Although reference was made to the Faculty Welfare Committee(s), no substantive action was taken to provide links beyond those that occurred by happenstance.
5. Operating procedures — selecting topics, scheduling meetings, and reporting to the parent Councils— have not been formally documented.

The Task Force recommends that:

1. Each organization adopt a by-law provision for JBC, detailing appointments and functioning.
2. The size of JBC, the timing of appointments, and a decision about whether to limit the number of terms a member can serve be determined.
3. Operating Guidelines be suggested. E.g. timing of recommendations, etc. (so that the constituent groups will have recommendations in time to adequately study the proposals before the CUCEA and CUCRA meetings.)

Structure of JBC – continuation of present practice:

No one has suggested that JBC's structure (two appointees each from CUCEA and CUCRA, and 3 at-large members selected by the other four) is unreasonable. It affords representation (the first four) as well as specialization (the at-large members). Uncertainty relates to the terms of the members. We note also that current practice is for the Chairs and Chairs-Elect of both CUCEA and CUCRA serve as *ex officio* members of JBC so that the effective membership of JBC is 11 (not 7). This practice is apparently not documented.

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Recommendation 1.

Appointments: Each organization would appoint one member each year for a two-year term using selection methods it determines. The four members would, in turn identify three other persons who bring perspectives and professional awareness to the JBC as needed. Those at-large terms could be one-year terms amenable to extension as determined by the four appointed JBC members. The CUCEA and CUCRA Chairs and Chairs-Elect serve as *ex officio* members with full voting and discussion privileges.

Recommendation 2

Operating Guidelines for JBC:

1. In order to ensure adequate lead time for consideration by CUCEA and CUCRA, the JBC would meet and send its recommendations/report no less than one month prior to the Fall or Spring meetings of the parent groups.
2. Recommendations – intended for UCOP – would be sent jointly by CUCEA and CUCRA only when those organizations agree on the recommendation. Lacking agreement, the JBC recommendation is tabled.
3. The JBC meets at the call of the Chair and identifies agenda issues as they are sent to it by its members, including the Chairs of CUCEA and CUCRA. (It is important to note that the Chair of CUCEA also serves as an *ex officio* member of the University Committee on Faculty Welfare (UCFW). This provides an important link for the JBC.)

Recommendation 3

Possible By-Laws:

For CUCRA, there is no description of its individual committees, but the representatives might be included among the duties of the Chair in Section IV on “Officers”. E.g.

IV. Officers

D. The Council shall elect...(a Chair)...etc.

1. The Chair shall:

Appoint each year one person to serve a two-year term on the Joint Benefits Committee, whose role is to consider and make recommendations on 1) individual instances which describe specific problems with University benefits programs; 2) major policy issues related to health-care delivery; and 3) insurance programs and benefit systems.

For CUCEA, the By-Laws make no provision for JBC, but the approach could be similar to that proposed for CUCRA, for the Chair in the section on Council Officers, section II.

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II. Officers...

A. Chair...

6. In consultation with the Chair-Elect appoint committees as needed, including each year one person to serve a two-year term on the Joint Benefits Committee. Etc.

The addition of language relative to the JBC in both the CUCEA and CUCRA By-Laws will memorialize what has been the practice since JBC was first established.

If the respective Councils approve the basic recommendations 1-3 outlined in this report, further questions to address include:

1. Effective date of the proposed changes?
2. The appointment status of current JBC members?
3. Whether there should be term limits?

With respect to CUCEA practices, a by-law revision could be drafted and approved at the April 2012 CUCEA meeting. At this same meeting, two CUCEA JBC representatives could be appointed or reappointed (according to By-law IIA6), one for a two-year term and one for a one-year term, starting in the 2012-2013 year. This would ensure the turnover of one representative each year in succeeding years. It effectively makes the start date 2012-2013.

The same schedule could apply for CUCRA: approval of a new by-law at the April 2012 CUCRA meeting, followed by appointment or reappointment of two representatives, one for a two-year term and one for a one-year term, starting in the 2012-2013 year.

The Task Force recommends that the Councils decide whether term limits are needed.