



Office of the General Counsel

TO: CHAIR, OPERATIONS COMMITTEE

FROM: STACIE MILLS, ASSISTANT GENERAL COUNSEL

SUBJECT: NOTICE OF FINAL RULEMAKING- EXECUTIVE APPOINTMENTS

DATE: DECEMBER 1, 2015

On July 14, 2015, the Board of Trustees approved a Notice of Proposed Rulemaking (NPRM) to eliminate the one year limit on acting appointments. The Notice of Proposed Rulemaking was published in the D.C. Register on August 7, 2015 for a thirty (30) day comment period. The public comment period has lapsed, and no comments have been submitted during the period pursuant to the instructions printed in the Notice.

The Notice of Proposed Rulemaking was initially adopted and forwarded for consideration by the Operations Committee. Pursuant to 8 D.C.M.R. §128.4, if no public comments are received on a Notice of Proposed Rulemaking, “the chairperson of the Board committee may forward the rules to the Board for final adoption without a meeting of or action by the committee.” Accordingly, I am requesting that you, as chairperson of the Operations Committee, forward the referenced rulemaking action to the full Board of Trustees for its further consideration and final rulemaking action at the Board Meeting on December 8, 2015. Please contact me if I can be of further assistance.

**BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA
UDC RESOLUTION NO. 2015-_____**

**SUBJECT: NOTICE OF FINAL RULEMAKING, AMENDMENTS TO CHAPTER 2,
UPDATING EXECUTIVE APPOINTMENTS**

WHEREAS, Pursuant to 8B DCMR §210.1 the President is authorized to make executive appointments of highly qualified and experienced executive talent to designated senior administrative positions in the Educational Service; and

WHEREAS, Pursuant to 8B DCMR §210.4, The President may appoint a current employee to serve in an "acting" status in a position designated to be filled by executive appointment provided that such service in an "acting" status shall be limited to one (1) year and further provided that the President shall seek Board approval for an extension forty five (45) days prior to the year ending and provide the Board immediately with a plan and time line for making the permanent appointment; and

WHEREAS, Pursuant to 8B DCMR §210.4, the Board may approve an extension or renewal of an acting appointment for no more than one (1) additional year due to extenuating circumstances as determined by the Board; and

WHEREAS, the University shall strive to fill positions without considerable delay, but wants to allow for unforeseen circumstances which may require a person to be appointed to an Executive Position in an "acting" position for a time period which may exceed one year;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby adopts the Notice of Final Rulemaking attached and incorporated hereto; and

BE IT FURTHER RESOLVED, that the General Counsel is hereby directed to publish this Notice of Final Rulemaking in the D.C. Register.

Approved by the Board of Trustees:

Date

Dr. Elaine Crider
Chairperson of the Board

UNIVERSITY OF THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06)(3),(13) (2001 & 2011 Supp.) hereby gives notice of its intent to amend chapter 2 (Administration and Management) of subtitle B (University of the District of Columbia) of title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the rule is to eliminate the one year limit on acting appointments and to provide continuation of Academic services until such time that a permanent replacement is hired. The substance of the rules adopted herein was published in the D.C. Register on August 7, 2015 for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-505(a) (2011 Supp.). No public comment was received by the Board within the public comment period.

Chapter 2, ADMINISTRATION AND MANAGEMENT, of subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of title 8, HIGHER EDUCATION, is amended as follows:

Section 210, EXECUTIVE APPOINTMENTS: GENERAL PROVISIONS, Subsection 210.4 is amended as follows:

210.4 The President may appoint a current employee to serve in an "acting" status in a position designated to be filled by executive appointment without requiring that employee to resign from his or her current position. Compensation of appointees with "acting" status shall be determined in accordance with the provisions of § 210.6 and other applicable subsections of this chapter. Service in an "acting" status in a position designated to be filled by executive appointment shall be limited to one (1) year. The President shall seek Board approval for an extension forty five (45) days prior to the year ending if he/she determines and can demonstrate that additional time is needed. Should an extension be approved by the Board, the President shall provide the Board immediately with a plan and time line for making the permanent appointment within ninety days (90) of the end of the one (1) year period should the appointment be necessary. The Board may annually approve an extension of an acting appointment for no more than one year at a time, due to extenuating circumstances as determined by the Board.



Donald L. Rickford
Chief Financial Officer

Office of the Chief Financial Officer

FISCAL IMPACT STATEMENT

TO: The Board of Trustees
FROM: Office of the Chief Financial Officer (UDC) *Donald L. Rickford*
DATE: July 7, 2015
SUBJECT: Updating Executive Appointments - Removal of one-year Limit

Conclusion

It is concluded that there is no significant fiscal impact to changes in Chapter 2 of the University Rules (Title 8B DCMR) to remove the one year limit on the extension or renewal of an "acting" Executive Appointment.

Background

Pursuant to 8B DCMR §210.4, the President may appoint a current employee to serve in an "acting" status in a position designated to be filled by executive appointment provided that such service in an "acting" status shall be limited to one (1) year. To this end, the Board proposes to take rulemaking action to amend Chapter 2 of the University Rules (Title 8B DCMR) in order to effect the change in policy.

Financial Impact

The funding requirement associated with the proposed rulemaking change to remove the one year limit on the extension or renewal of an "acting" Executive Appointment appears to be negligible. As such, the Office of the Chief Financial Officer of UDC has approved this request based on the information provided. We do not anticipate any risks at this time.