

**SHAWNEE STATE UNIVERSITY
BOARD OF TRUSTEES**

**Executive Committee Meeting Minutes
January 11, 2000**

Chairman George Clayton called the meeting to order at 4:00 p.m.

1.0 Certification of Compliance with RC 121.22(F) - Board Secretary

The Secretary confirmed compliance with RC 121.22(F).

Voting Members

Present: Ms. Argeros, Dr. Payne, Mr. Clayton, Mr. Davis

Other Members

Present: Mr. McKinley, Ms. Reynolds, Mr. Waller

Others in Attendance: Dr. Chapman, Mr. Murphy, Mr. Donohue, Mr. Owen, Dr. Field., Mr. Young, Ms. Walker

Mr. Clayton presented Mr. Waller with a personal gift of gold cufflinks and thanked him for his service as Chairman of the Board.

2.0 Approve minutes of Executive Committee Meeting (11/16/99)

Mr. Davis moved and Dr. Payne seconded a motion to approve the minutes of the November 16, 1999 meeting. The committee unanimously approved the minutes.

3.0 Approval of Additional Senior Programmer Position in UIS

Mr. Clayton asked Dr. Chapman for comments relating to this position. Dr. Chapman stated that the UIS position was based upon the implementation of the new computer system and that such position had been funded through FY 2002 from funds already allocated for this implementation. Reallocation of resources in order to continue the position beyond FY2002 will be addressed during the regular budgetary process. Mr. Davis moved and Dr. Payne seconded a motion to approve Resolution E1-00, approval of Senior Programmer/Analyst Position for University Information Services Department. Resolution E1-00 was unanimously approved.

Dr. Chapman noted that Mr. Wayne White, Executive Director of OACHE, has never been established as a regular employee of Shawnee State University and that some issues needed to be resolved as to the status of OACHE -- whether it is a state agency or whether it should follow SSU's policies and procedures. Dr. Chapman said Mr. White's salary needs to be adjusted. Mr. Waller, as a visiting trustee, asked Dr. Chapman to elaborate

on the problems concerning OACHE. Dr. Chapman said OACHE was set up by the state legislature and it needed to be determined if their board is either governing or advisory. Dr. Chapman said OACHE has asked for an advisory opinion from the Attorney General. Mr. Davis said since OACHE is awaiting an advisory opinion, was this not premature to pass a resolution with regard to this position. Mr. Donohue said it has never been regularized and is not controversial so it was not necessary to wait on the Attorney General opinion. Mr. Davis said he was uncomfortable about making any decisions regarding OACHE until he received more information. Mr. Donohue said he did not think it was controversial and we needed to establish Mr. White as an employee of SSU. Mr. Davis again said he was still uncomfortable until he received more information. Mr. Clayton asked if we would be sending a message that we did not want them and he said that is not the case. Dr. Chapman said that by delaying it might send a message to OACHE that they have to jump through our hoops and asked if we presented it as an informational item as far as Mr. White's salary would that be satisfactory. Mr. Davis agreed the salary issue was not in controversy but other issues were. Dr. Chapman said the University will increase Mr. White's salary and benefits and hold any Board resolution until an Attorney General opinion was issued.

4.0 Revision to Bidding Thresholds

Mr. Murphy said he wanted to advise the Board regarding the bidding threshold and wanted the Board's advice before implementing. He said that currently bids are required for purchases of goods and services for less than \$1,000. The intended change would be to require formal bids for goods valued at more than \$5,000; services for more than \$10,000; and construction contracts for more than \$25,000. Mr. Davis asked if this is in compliance with state law. Mr. Donohue replied that it was in compliance.

5.0 Children's Learning Center

Mr. Young provided a summation of financials for the Children's Learning Center. He said the project came in under the last projected budget. The state architect agreed to complete the project at no cost to SSU. We have made application for state funds and will be receiving \$50,000. Mr. Young said the soils replacement problem was significant. Mr. Davis asked if the state architect did not identify the soils problem. Mr. Young said the state architect had subcontracted this responsibility to a private architect firm. The state architect recognized the shortfall in management of this phase of the project and agreed to hold their fees at the original project's scope. Ms. Reynolds asked about any other problems. Mr. Young said the availability of steel was a problem and the building cost was almost double what the state architect had originally quoted.

Dr. Chapman said he would be sending out a letter to all board members but wanted to alert them of a problem with the payroll for work performed by laborers through the local union, mostly students, on the CATS performance at the Vern Riffe Center for the Arts. He said the payroll agent hired by the CATS people received their money to pay the laborers but the checks the payroll agent issued were returned for insufficient funds. Mr. Murphy and Mr. Donohue are working on a solution to get these people paid. Mr. Waller asked how we can protect the University from something like this in the future. Mr. Donohue said we should run the payroll.

Mr. Murphy said we would be the payroll agent. Mr. Davis asked if that would make them our employees. Mr. Murphy said it would. Mr. Waller then asked who would be liable if a worker was injured while working. Mr. Murphy said the University is covered for that kind of liability. Ms. Reynolds asked if the University could go back on the CATS people for restitution. Mr. Murphy said ultimately we could. Mr. Donohue said the CATS people were surprised that the University, as the host, did not handle the payroll. Mr. Donohue said that both prosecutors had been notified about the situation. Mr. Waller said we do not want to make the same mistake in the future. Dr. Payne asked if the University could pay students until the money came through. Mr. Donohue said the University suggested a joint resolution with JAM Theatricals with the union waiving its fees. Dr. Chapman said he wanted to bring a quick resolution to this situation. Mr. Davis asked that if the board made a motion to pay for half of the cost, is that legal to use funds that are not authorized. Mr. Donohue said legally the University cannot pay. Ms. Reynolds asked where the funds would come from. Mr. Donohue said the funds would be from the \$8,000 we received for the rental fee and we would then pursue collection. Mr. Clayton said the morale aspect is most important. Ms. Reynolds said the University should pay the students and then try to recover the money. Mr. Donohue said an idea was to buy back 11 checks that bounced and then try to collect on those checks. Ms. Reynolds asked Mr. Murphy what he thought. Mr. Murphy said he thought about asking for Foundation support from the Reach for the Stars. He said that removes the source from institutional money but he is troubled about authority to use the money. Mr. Waller said the Foundation had ways of getting money to the University. Ms. Reynolds asked if we could replace the money we borrow from the Foundation once the money is recovered. Mr. Waller asked if the payroll agent hired by the union was going to issue a cashier's check. Mr. Davis said we would prefer cash. Mr. Waller said he hoped the University could get some good PR that we are stepping up to the plate to take care of this situation even though we are not legally responsible.

Dr. Chapman then introduced Mr. Robert (Bob) Owen as the new Executive Director for University Advance.

Mr. Clayton then asked if there was any other business.

Mr. Davis said he would like to have the full board vote on an amendment regarding the hiring policy of the University. He said that the board had delegated the hiring and firing authority to the President but prior to that, the board approved all new employees. He said as he read the statutes, he felt the law gave the board legal authority to make the final hiring and firing decisions and wanted to modify the current policy and bring the hiring and firing authority back to the board. Dr. Chapman said he would have Mr. Donohue look into the matter and provide the board with his findings. Mr. Davis moved and Dr. Payne seconded a motion to bring to a vote by the full board. The committee unanimously approved Mr. Davis' request.

6.0 Executive Session

Mr. Davis moved and Dr. Payne seconded a motion to go into executive session to discuss collective bargaining with an employee group and disciplining an employee under RC 121.22(G)(1) and G(4).

Ayes: Mr. Davis, Ms. Argeros, Dr. Payne, Mr. Clayton

Nays: None

The Executive Committee moved into executive session at 4:59 p.m.

The Executive Committee came out of executive session and returned to a public session at 5:55 p.m.

The Executive Committee adjourned by acclamation at 5:56 p.m.