

AB 1887 CSUS EXCEPTIONS & FAQs

EXCEPTIONS:

1. Enforcement of California law, including auditing and revenue collection.
2. Litigation.
3. To meet contractual obligations incurred before January 1, 2017.
4. To comply with requests by the federal government to appear before committees.
5. To participate in meetings or training required by a grant or required to maintain grant funding.
6. To complete job-required training necessary to maintain licensure or similar standards required for holding a position, in the event that comparable training cannot be obtained in California or a different state not affected.
7. For the protection of public health, welfare, or safety, as determined by the CSU or other state agencies.

CLARIFICATION OF EXCEPTIONS & FAQs:

Items 3, 5 and 6 above are the most common exceptions requested by CSUS travelers. Following are clarifications of the requirements which must be met in order for an exception to be granted:

Exception 3: *To meet contractual obligations incurred before January 1, 2007.*

The original law included the following states:

- Kansas
- Mississippi
- North Carolina
- Tennessee

On June 23, 2017 the Attorney General added the following four additional states to the list:

- Alabama
- Kentucky
- South Dakota
- Texas

Effective June 22, 2018, the following state will be added to the list:

- Oklahoma

Q: If a contractual obligation requiring travel to one of the states added on June 23, 2017 was entered into After January 1, 2017—but before June 23, 2017—does the travel meet this exception?

A: No. The contractual obligation must have been entered into prior to January 1, 2017 regardless of when the state was added to the list. If additional states are added in the future, exceptions for pre-existing contractual obligations will also require the obligation to have

been in place prior to January 1, 2017. This interpretation has been confirmed by both the CSU Office of General Counsel and the State Attorney General.

Exception 5: *To participate in meetings or training required by a grant or required to maintain grant funding.*

The key word in this exception is “required.” In order for travel to be approved under this section, it must be specifically required as a condition of the grant, or legitimately required in order to maintain the grant funding.

Q: I received a grant to study geological formations within the Black Hills of South Dakota. Does this meet the exception?

A: Most likely, as long as the grant specifically stipulates the research is to occur in South Dakota.

Q: I have agreed to present a paper at a major national higher education conference, which is scheduled in a banned state. Is this travel allowable under the grant exception?

A: No. Unfortunately, there are a number of examples of important travel related to CSU academic and administrative business that do not meet this exception, including board meetings, conferences where faculty or staff are scheduled to present, etc.

Exception 6: *To complete job-required training necessary to maintain licensure or similar standards required for holding a position, in the event that comparable training cannot be obtained in California or a different state not affected.*

This exception is specific to training required to hold a particular position. Generally, a requirement that training be completed outside of California as a condition of maintaining a particular position within the CSU happens only in rare circumstances.

Q: The campus recently installed major laboratory equipment in one of the science buildings. As a lab technician, I am required to complete safety training and certification specific to this equipment. The equipment is manufactured in North Carolina. Am I able to travel to North Carolina for this training?

A: Most likely, as long as the traveler has verified that there are no other locations within California or another state where this training is offered.

Q: I work as a contract specialist within the University purchasing dept. As part of my continuing education and to benefit the University, my supervisor approved training through a national board to achieve designation as a certified contract specialist. The training is only available at the certifying board’s Texas headquarters. Am I able to travel to Texas?

A: No. Although this may be important training/certification benefiting both the University and the employee, it is not required as a condition of the employee’s position.

FUNDING EXCEPTIONS

Campus Non-State Funds:

In cases where travel does not meet the exceptions above, but a divisional VP deems it vital to the University, the use of certain “non-state” auxiliary or private monies to fund the travel may be considered. Auxiliary funds generated through student fees (e.g. University Student Union, ASI) may not be used for travel to banned states. Requests for use of specific auxiliary or private monies will be referred to the VP for Business & Finance for approval.

Other Circumstances:

There are cases where an outside (i.e. “private”) party may offer to pay the travel expenses of a CSU employee. For example, a conference organizer might offer to pay for the travel of a CSU employee participating on a panel. Depending upon the specifics of the case, these types of arrangements may or may not comply with CSU and federal conflict of interest and gift reporting policies. Employees are advised to request guidance through the CSUS travel office in advance of agreeing to such an arrangement.