

# **California State University Bakersfield Foundation**

## **Employee Handbook**

**Issued: 2007**

## TABLE OF CONTENTS

I. EMPLOYMENT RELATIONSHIP .....	8
<i>EQUAL EMPLOYMENT OPPORTUNITY</i> .....	8
<i>UNLAWFUL HARASSMENT</i> .....	8
<u>Definition Of Harassment</u> .....	8
<u>Examples of Harassment</u> .....	9
<u>Reporting and Complaint Procedure</u> .....	9
<u>No Retaliation</u> .....	10
<u>Corrective Action</u> .....	10
<u>Additional Information</u> .....	10
<i>NATURE OF EMPLOYMENT</i> .....	11
<i>CONFLICTS OF INTEREST</i> .....	11
<i>CONFIDENTIALITY</i> .....	12
<i>MEDIA CONTACTS</i> .....	12
<i>OPEN-DOOR POLICY</i> .....	13
<i>COMPLAINT RESOLUTION</i> .....	13
II. GENERAL PERSONNEL POLICIES .....	14
<i>EMPLOYMENT OF RELATIVES</i> .....	14
<u>Nepotism Policy</u> .....	14
<i>PROHIBITED CONDUCT</i> .....	15
<i>DRUG &amp; ALCOHOL ABUSE</i> .....	17
<u>Consequences for Violating this Policy</u> .....	18
<u>Employees Who Seek Assistance</u> .....	18
<u>Questions &amp; Confidentiality</u> .....	18
<i>EMPLOYEE DRESS &amp; PERSONAL APPEARANCE</i> .....	18
<i>OPERATION OF VEHICLES</i> .....	18
<i>USE AND INSPECTION OF FOUNDATION PROPERTY</i> .....	19
<i>EMPLOYEE PROPERTY</i> .....	19
<i>VOICE-MAIL, E-MAIL AND COMPUTER SYSTEMS ACCESS</i> .....	20
<u>Guidelines for Use</u> .....	20
<u>External Access &amp; Confidentiality</u> .....	22
<u>Privacy and Disclosure</u> .....	22
<i>VISITORS</i> .....	22
<i>TELEPHONES</i> .....	23
<i>SMOKING POLICY</i> .....	23
<i>SECURITY</i> .....	23
<i>WORKPLACE VIOLENCE</i> .....	23

<i>INQUIRIES ABOUT YOUR EMPLOYMENT</i> .....	23
III. WORKING AT THE FOUNDATION .....	25
<i>EMPLOYMENT CATEGORIES</i> .....	25
<u>Purpose</u> .....	25
<u>Policy</u> .....	25
<u>Procedure</u> .....	25
<u>Exempt Employees</u> .....	25
<u>Non-Exempt Employees</u> .....	25
<u>Management Employees</u> .....	26
<u>Introductory Period</u> .....	26
<u>Regular Status</u> .....	26
<u>Long Term, Temporary Employees</u> .....	26
<u>Hourly Employees</u> .....	26
<u>Commission Based Employees</u> .....	27
<u>Students</u> .....	27
<i>COMPENSATION PROGRAM POLICY</i> .....	27
<u>Purpose</u> .....	27
<u>Background</u> .....	27
<u>Goals</u> .....	27
<u>Management Roles and Responsibilities</u> .....	28
<u>General</u> .....	29
<i>CLASSIFICATION PROGRAM OVERVIEW</i> .....	30
<u>Classification of Foundation Positions</u> .....	30
<u>CSU Classification and Qualification Standards</u> .....	30
<u>The Salary Schedule</u> .....	30
<u>The Fair Labor Standards Act (Exempt vs. Non-exempt positions)</u> .....	31
<i>COMPENSATION PROGRAM OVERVIEW</i> .....	31
<u>Initial Appointment/New Hire</u> .....	31
<u>Appointment Salary</u> .....	31
<u>Salary Increases</u> .....	32
<u>Merit Increases (Performance-Based)</u> .....	32
<u>Guidelines for merit increases</u> .....	32
<u>Classification &amp; Skill Level/Assignment Related Salary Adjustments</u> .....	33
<u>Promotion</u> .....	33
<u>Reclassification or Skill Level Change</u> .....	33
<i>MISCELLANEOUS SALARY INCREASES</i> .....	35
<u>Equity Increases</u> .....	35
<u>Commission-based positions</u> .....	35

<u>Further Assistance</u> .....	35
<i>WORKING HOURS &amp; SCHEDULE</i> .....	35
<u>Working Hours/Schedule</u> .....	35
<i>OVERTIME</i> .....	36
<i>TIMEKEEPING PROCEDURES</i> .....	37
<i>PUNCTUALITY &amp; ATTENDANCE</i> .....	37
<i>PERFORMANCE EVALUATIONS</i> .....	37
<u>Purpose</u> .....	37
<u>Policy</u> .....	37
<u>Procedure</u> .....	38
<u>When Performance Evaluations Are Required</u> .....	38
<u>Performance Factors to be Considered in Evaluations</u> .....	38
<u>Definition of Performance Rating Standards</u> .....	38
<u>Performance Evaluation Process</u> .....	39
<u>Review of Evaluation Form</u> .....	39
<u>Evaluation Review with Employee</u> .....	39
<u>Employee Disagreement with Evaluation</u> .....	40
<u>Effects of Performance Evaluations</u> .....	40
<i>PAYMENT OF WAGES</i> .....	40
<i>AUTOMATIC DEPOSIT</i> .....	40
<i>PERSONNEL RECORDS</i> .....	41
<i>BUSINESS EXPENSE REIMBURSEMENT</i> .....	41
<i>WAGE GARNISHMENTS</i> .....	41
IV. <i>BENEFITS</i> .....	42
<i>SUMMARY OF MEDICAL AND RELATED BENEFITS</i> .....	42
<u>Eligible Employees</u> .....	42
<u>Non-Eligible Employees</u> .....	42
<u>Eligible Dependents</u> .....	42
<u>Enrollment</u> .....	42
<u>Medical Benefits</u> .....	42
<u>Dental and Vision Benefits</u> .....	43
<u>Vision Benefits</u> .....	43
<u>Employee Assistance Program</u> .....	43
<i>INCOME AND SURVIVOR PROTECTION PROGRAM POLICIES</i> .....	43
<u>Life Insurance &amp; Accidental Death &amp; Dismemberment (AD&amp;D) Insurance</u> .....	44
<u>Optional Life Insurance &amp; Accidental Death &amp; Dismemberment (AD&amp;D) Insurance</u> .....	44
<u>CalPERS Pre-Retirement Death Benefit</u> .....	44

<u>State Disability Insurance (SDI)</u> .....	44
<i>RETIREMENT AND SAVINGS PLANS PROGRAM POLICIES</i> .....	45
<u>California Public Employees' Retirement System (CalPERS)</u> .....	45
<u>Social Security/Medicare</u> .....	45
<u>Tax-Deferred Annuities (403b)</u> .....	45
<i>SICK LEAVE, VACATION AND HOLIDAYS PROGRAM POLICIES</i> .....	46
<u>Sick Leave</u> .....	46
<u>Accrual</u> .....	46
<u>Sick Leave Usage</u> .....	46
<u>Notification and Health Certification</u> .....	46
<u>Continued Employment</u> .....	47
<u>Reinstatement</u> .....	47
<i>VACATION</i> .....	47
<u>Rate of Vacation Accrual</u> .....	47
<u>Vacation Benefit Accrual</u> .....	48
<i>SCHEDULING AND APPROVAL OF VACATION LEAVE</i> .....	48
<i>HOLIDAYS</i> .....	48
<u>Eligibility</u> .....	49
<u>Pay Practices for Holidays</u> .....	49
<u>Special or Religious Holidays</u> .....	49
<u>Personal Holiday</u> .....	50
<i>EDUCATIONAL ASSISTANCE</i> .....	50
<i>CREDIT UNION</i> .....	50
<i>EMPLOYEE PARKING</i> .....	50
<b>V. LEAVES OF ABSENCE POLICIES</b> .....	52
<u>Overview</u> .....	52
<i>FAMILY AND MEDICAL LEAVE</i> .....	52
<u>Definitions of Leave Reasons</u> .....	52
<u>Reinstatement</u> .....	53
<u>Notification and Certification</u> .....	53
<u>Outside Employment</u> .....	54
<u>Coordination of Benefits</u> .....	54
<i>PREGNANCY DISABILITY LEAVE</i> .....	55
<u>Notice and Certification Requirements</u> .....	55
<u>Reduced Work Schedules</u> .....	55
<u>Compensation During Leave</u> .....	55
<i>BENEFITS DURING LEAVE</i> .....	55
<u>Paid Family Leave</u> .....	56

<u>Reinstatement</u> .....	56
<i>OCCUPATIONAL DISABILITY</i> .....	56
<i>MILITARY LEAVE</i> .....	56
<u>Types of Military Leave</u> .....	56
<u>Pay for Leave</u> .....	57
<i>REINSTATEMENT</i> .....	57
<u>Effect on Benefits</u> .....	57
<u>Indefinite Leave</u> .....	58
<i>JURY DUTY</i> .....	58
<i>PARENTAL LEAVE</i> .....	58
<i>PERSONAL LEAVE</i> .....	59
<i>ADMINISTRATIVE LEAVE</i> .....	59
<i>CATASTROPHIC LEAVE DONATION</i> .....	60
<u>Definitions</u> .....	60
<u>Notice</u> .....	60
<u>Transfer of Leave</u> .....	60
<i>PARENTAL LEAVE FOR CHILDREN IN SCHOOL</i> .....	60
<i>EMPLOYEES' TIME OFF TO VOTE</i> .....	61
<i>VICTIMS OF DOMESTIC VIOLENCE</i> .....	61
<u>Notice</u> .....	61
<b>VI. <u>WORKERS' COMPENSATION</u></b> .....	62
<u>Policy</u> .....	62
<u>Purpose</u> .....	62
<i>PROCEDURES FOR CARE OF WORK RELATED INJURIES</i> .....	62
<u>Responsibility of Injured Employee</u> .....	62
<u>Responsibility of Supervisor of Injured</u> .....	62
<i>WORKERS' COMPENSATION BENEFIT CATEGORIES</i> .....	63
<i>HEALTH &amp; SAFETY</i> .....	64
<i>IF YOU MUST LEAVE US</i> .....	64
<i>EXIT INTERVIEW</i> .....	64
<i>EMPLOYEE ACKNOWLEDGMENT FORM</i> .....	65

## **WELCOME!**

Welcome to the California State University, Bakersfield Foundation (the "Foundation"). We hope your employment with the Foundation will prove to be rewarding, enjoyable, and professionally challenging.

The California State University Bakersfield Foundation was established in 1969 as a non-profit, financially self-sufficient auxiliary organization that supports the mission of California State University, Bakersfield through a variety of operations and services, such as federal and non-federal research and sponsored projects, a child care center, intercollegiate athletics, student scholarships and loans, and other services and activities. As a private non-profit corporation, the Foundation is governed by a Board of Directors, whose principle function is to establish policies and guide the Foundation in achieving its objectives. To that end, the Foundation coordinates its operations with the operations of the campus to help enhance the educational and cultural environment of the University and the community it serves.

For the Foundation to be successful, teamwork is essential among its employees. That is why you play a valuable role in helping the Foundation to meet its objectives. As a Foundation employee, you should emphasize cooperation with other employees, diversity of ideas, and you should treat your co-workers and supervisors with dignity and respect. Once again, welcome to the Foundation. We are glad to have you with us.

Kellie Garcia  
Director, Human Resources

## **ABOUT THIS HANDBOOK**

This Personnel Handbook will assist you in finding the answers to questions that you may have, and to familiarize you with the Foundation's philosophy, guidelines, and employee benefits. Please read it carefully and keep it for future reference. Remember, this Handbook is only intended to provide a summary of the policies and benefits of the Foundation. It is not intended to create a contract of employment, express or implied, or to modify the rights of the Foundation and you to terminate employment at will at any time for any reason.

This Handbook replaces all prior Handbooks, manuals, and policies, and we believe that employees will find this Handbook to be a helpful resource. Although this Handbook is intended to be comprehensive, it cannot answer every question, anticipate every situation, or set forth every Foundation policy. Recognizing ongoing changes in applicable governmental regulations and the needs of our organization to retain necessary operational flexibility in the administration of policies and procedures, the Foundation reserves the right to modify, rescind, delete, or add to any of the provisions of this Handbook, except for the policy of at-will employment. You will be notified of any modifications to this Handbook.

Your immediate supervisor will be a major source of information, although we also encourage you to seek clarification of any policy or procedure by discussing it with your supervisor, or with the Human Resources Department. We welcome your interest and we will do our best to give you a prompt response.

## **I. EMPLOYMENT RELATIONSHIP**

### ***EQUAL EMPLOYMENT OPPORTUNITY***

California State University, Bakersfield Foundation is an Affirmative Action Employer subject to the requirements of Executive Order 11246 and Title IX of the Education Amendments Act and the Rehabilitation Act of 1973. As an equal opportunity employer, the policy of the Foundation is to treat all employees and applicants equally regardless of sex (pregnancy and gender), sexual orientation, race, color, ancestry, religion, national origin (including language use restrictions), disability (mental and physical including HIV and AIDS), medical condition (cancer/genetic characteristics), age (40 and above), marital status, denial of family and medical care leave, denial of pregnancy disability leave or reasonable accommodation. To further the commitment to equal employment, the Foundation has established an Affirmative Action program to assure equal opportunity in the selection, transfer, promotion and training of members of under-represented groups and to provide equal compensation and benefits. Reasonable accommodations are made for employees with disabilities.

If you have a question or a concern about discrimination in the workplace, you should bring your concerns to the attention of your supervisor, the Human Resources Department, or to the Foundation Manager. You may raise such concerns without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

### ***UNLAWFUL HARASSMENT***

The Foundation is committed to providing a work and educational environment that is free of sexual harassment, as well as other unlawful harassment based on such factors as race, color, religion, ancestry, sex, sexual orientation, age, medical condition, marital status, national origin, and physical or mental disability. In keeping with this commitment, the Foundation maintains a strict policy that prohibits unlawful harassment of employees by managers, supervisors, or co-workers, and unlawful harassment of students by any Foundation employee. Visitors to the campus, and workers employed by the University, by other auxiliaries, or by other public or private organizations engaged in business with the Foundation, are expected to comply with this policy.

The purpose of this policy is to: (1) familiarize the Foundation's employees with the definition of unlawful harassment and the forms it can take; (2) confirm that unlawful harassment will not be tolerated and is contrary to the standards of conduct expected and required of the Foundation's employees; and (3) make clear that employees who engage in unlawful harassment are subject to possible disciplinary action which may include termination.

#### **Definition Of Harassment**

For the purposes of this policy, unlawful harassment means harassment on the job that is in fact prohibited by provisions of state or federal law applicable to the Foundation at the time the harassment occurs. Subject to this general definition, unlawful harassment may include unwelcome verbal, physical or visual conduct that unreasonably interferes with an employee's or student's performance, or that creates an intimidating, offensive or hostile working or educational environment. This may occur where:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment or education.
2. Submission to or rejection of the conduct by the individual is used as the basis of employment or educational decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile or offensive work or educational environment.

Under most circumstances, harassment refers to the type of conduct that is pervasive, repetitive, and that is sufficiently severe to alter the conditions of an employee's employment or a student's education or employment. It also may refer to a single incident that is sufficiently outrageous or harmful, in and of itself, that it substantially alters the conditions of an employee's employment or interferes with that individual's ability to perform job related responsibilities.

Employees also should not confuse harassment with supervision. Supervisors have the right and responsibility to define the job that they want an employee to perform, as well as the manner in which an employee must perform that job. Thus, close supervision of an employee (which includes, but is not limited to, counseling and warnings about job performance, inappropriate conduct, or other performance issues) is not considered to be an example of unlawful harassment.

### **Examples of Harassment**

Harassment may take many forms and will vary with the particular circumstances. Examples of unlawful sexual harassment prohibited by this policy may include, but are not limited to, the following: unwanted flirtations, advances and/or propositions of a sexual nature; deprecating remarks, insults, humor, jokes and/or anecdotes that belittle or demean an individual's body or clothing; unwelcome and/or offensive displays of sexually suggestive objects or pictures; unwelcome and offensive touching, such as patting, pinching, hugging or repeated brushing against an individual's body; sexual assault; and/or suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's work assignments, status, salary, benefits or other terms or conditions of employment.

Conduct that is part of a consensual relationship is not considered harassment. Nevertheless, a prior consensual relationship does not permit subsequent unwelcome or unwanted harassment.

### **Reporting and Complaint Procedure**

Employees and students are encouraged to report incidents of inappropriate or unwelcome conduct whenever it occurs. Employees and students are not required to wait for the conduct to be repeated or to worsen. Any incident of unlawful harassment, by any Foundation employee or any other person conducting business with the Foundation, should be reported promptly to the employee's supervisor or manager and/or to the Human Resources Director, who will arrange for an investigation of the matter. Managers who receive complaints or who observe harassing conduct are required to immediately inform the Human Resources Director. An employee or student may contact Human Resources directly and is not required to complain first to his or her supervisor.

All complaints of unlawful harassment are taken seriously, and are promptly and objectively investigated. For example, an investigation may include interviews of individuals who might

have information pertaining to the alleged harassment. If the Foundation begins an investigation, we will endeavor to keep the investigation confidential to the extent possible, including the names of complaining employees and witnesses. In the same way, anyone involved in an investigation of harassment has an obligation to keep all information about the investigation confidential. That is why the Foundation will only share information about a complaint of harassment with those who need to know about it. Failure to keep information about an investigation confidential may result in disciplinary action.

When the investigation has been completed, the Foundation will normally communicate the results of the investigation to the complaining employee or student, to the alleged harasser and, if appropriate, to others who are directly involved. If the Foundation's policy against harassment is found to have been violated, appropriate corrective action, up to and including termination, will be taken against the harasser so that further harassment will be prevented. Both the rights of the alleged harasser and the complainant will be considered in any investigation and subsequent action.

### **No Retaliation**

It is the obligation of all employees to cooperate fully in the investigation process. In addition, disciplinary action may be taken against any employee who is uncooperative or who attempts to discourage or prevent an employee from using the Foundation's complaint procedure to report unlawful harassment. Retaliation by a Foundation employee against any individual who makes a complaint of unlawful harassment is strictly prohibited. Similarly, any person who participates or cooperates in any manner in an investigation or any other aspect of the process described herein shall not be retaliated against. Retaliation is itself a violation of this policy and is a serious offense. Complaints regarding allegations of reprisal should be immediately brought to the attention of the Human Resources Director.

### **Corrective Action**

If unlawful harassment of, or by, a Foundation's employee is established, the Foundation will take action that is reasonably **calculated** to stop the harassment. In cases in which the alleged harasser is not an employee or student, the Foundation will take action to minimize the recurrence of any unlawful behavior.

Discipline that the Foundation or the University may impose on employees for behavior that violates this policy (or for other unprofessional conduct by a Foundation employee) may include, but is not limited to, reprimand, mandatory attendance at an unlawful harassment training program, suspension, demotion, or dismissal. Unlawful harassment by non-employees may result in restricting the harasser's access to campus.

### **Additional Information**

In addition to the Foundation's internal complaint procedure, employees may also contact either the Equal Employment Opportunity Commission ("EEOC") or the California Department of Fair Employment and Housing ("DFEH") to report unlawful harassment. The EEOC and the DFEH serve as neutral fact-finders and will attempt to assist the parties to voluntarily resolve their disputes. For more information, contact the Human Resources Director, or you may contact the nearest EEOC or DFEH office.

## ***NATURE OF EMPLOYMENT***

Employment with the Foundation is at-will. This means that the employment relationship may be terminated at any time with or without cause and with or without prior notice by either you or the Foundation. Moreover, every aspect of the employment relationship with the Foundation is subject to the Foundation's policy of at-will employment, and the Foundation reserves its inherent authority to manage and control its business enterprise and to exercise its discretion to determine all issues pertaining to your employment, including (but not limited to) all matters pertaining to promotion, salary, job assignment, the size of the workforce, demotion, transfer, discipline, or any other term or condition that the Foundation may determine to be necessary for the safe, efficient, and economic operation of its business. Nothing in this Handbook or in any other policy statements shall limit the right of the Foundation to terminate employment at-will. No department manager, supervisor or employee of the Foundation has any authority to make any promise or representation, or otherwise to enter into any binding agreement that is contrary to this policy, which alters in any way an employee's at-will status. Only the Foundation Manager or Human Resources Director has the authority to alter the employment at-will status of any employee, and then only in writing signed by the employee, the Foundation Manager and the Human Resources Director.

## ***CONFLICTS OF INTEREST***

The Foundation is concerned about conflicts of interest between the Foundation and its clients and vendors, and between the Foundation and its employees. While you are employed with us, the Foundation is entitled to your undivided loyalty. That means that you have an obligation to avoid actual and potential conflicts of interest with the Foundation and its clients and vendors. An obvious conflict of interest would include engaging in, or preparing to engage in, a business that competes with the Foundation's business. Other obvious conflicts would occur if you or a close relative accepted a gratuity, gift or premium from a vendor who is seeking to do business with the Foundation, or where a Foundation project, department, or agency enters into a business relationship with an entity that is substantially owned or operated by an employee or relative of the Foundation. Overall, you are expected to represent the Foundation in a positive, ethical, and loyal manner.

For these reasons, you should not engage in, directly or indirectly, either on or off the job, any conduct that is disloyal, disruptive, competitive, or damaging to the Foundation. For example, employees should not accept employment outside the Foundation if that employment is to be conducted during the hours that the employee is working for the Foundation, or if such employment conflicts with the effectiveness of the employee's work for the Foundation. Further, employees should not utilize Foundation information or services for their personal use, nor should they perform activities that are unrelated to Foundation work during working hours.

Additionally, materials, products, designs, plans, ideas, files, techniques, procedures, research, computer programs, formulas, patterns, methods, models, films, audio tapes, specifications, processes, strategies, bids, proposals, financial information, lists of customers, inventions, discoveries, films, tapes, programs, drawings and other data of this organization are the property of the Foundation and should not be used for personal gain or given to an outside firm or individual except through regular channels and with appropriate authorization by Foundation management. Any transfer of material or disclosure of information, even though it is not

apparent that an employee has personally gained by such action, constitutes unacceptable conduct.

Any employee found to be in violation of the Foundation's conflict of interest policy will be subject to discipline, up to and including immediate termination. If you have any questions as to whether any action you take may constitute a conflict of interest or violation of this policy, you should speak to your supervisor or to the Human Resources Director immediately.

### **CONFIDENTIALITY**

It is the policy of the Foundation to ensure that the operations, activities and business affairs of the Foundation, its employees, customers, suppliers and vendors are kept confidential and divulged only to individuals within the Foundation with both a need to know and authorization to receive such information. Confidential information obtained through employment with the Foundation may not be used for the purpose of furthering either current or future outside employment or for obtaining personal gain or profit. If, during the course of your employment, you acquire confidential or proprietary information about the Foundation, its employees, independent agents, or clients, such information is to be handled in strict confidence and may not to be discussed with anyone not employed with the Foundation. Employees are also responsible for the internal security of such information. If you are in doubt as to whether certain information may be divulged, you should not disclose the information. Of course, if you have any questions, you should discuss them with your manager.

All records and files maintained by the Foundation are confidential and remain the property of the Foundation. Records and files are not to be disclosed to any outside party without the express permission of the Human Resources Director. Confidential information includes, but is in no way limited to: financial records; business, marketing, and strategic plans; personnel and payroll records regarding current and former employees; the identity of, contact information for, and any other account information on customers, vendors, and suppliers; inventions, programs, trade secrets, formulas, techniques, and processes; and any other documents or information regarding the Foundation's operations, procedures, or practices. Confidential information may not be removed from Foundation premises without express authorization.

Employees who violate this policy of confidentiality are subject to disciplinary action, up to and including, termination of employment. Moreover, the Foundation reserves the right to avail itself of all legal or equitable remedies to prevent impermissible use of confidential information or to recover damages incurred as a result of the impermissible use of confidential information.

### **MEDIA CONTACTS**

All media inquiries regarding the Foundation and its operations must be referred to the Office of the University Advancement. Only the Foundation Manager is authorized to make or approve public statements pertaining to the Foundation or its operations. No employees, unless specifically designated by the Foundation Manager, are authorized to make statements to the media on behalf of the Foundation. Any employee who would like to write and/or publish an article, paper, or other publication on behalf of the Foundation must first obtain approval from the Foundation Manager before publication.

## ***OPEN-DOOR POLICY***

The Foundation promotes ongoing open communications between its employees and management. We believe that good communication is essential to the well-being of the Foundation as an organization, and that problems, questions, concerns, or complaints that are left unresolved negatively impact our work and our environment. If you have a question, concern, or complaint of any kind, you are urged to bring it immediately to the attention of your supervisor. Alternatively, if you believe that your immediate supervisor is not the appropriate person with whom to raise the concern, you may raise it with a manager, the Human Resources Director, or with the Foundation's Manager without fear of reprisal.

## ***COMPLAINT RESOLUTION***

If there is anything bothering you about your job, get it out in the open and talk about it. Discuss it frankly with us and we will do everything we can to help you remedy the situation. Your complaint will be handled in an open and fair manner.

First, if you feel you have a problem, you should present the situation to your immediate supervisor. Your immediate supervisor knows you and your job best. Past situations have shown that most problems can be settled by simple examination and discussion of the facts at this level.

However, if your complaint involves your supervisor, or if you are not satisfied with your supervisor's response, or if for any reason you do not wish to bring the problem to your supervisor's attention, you may present your concern to your manager or to someone in Human Resources.

Finally, if your problem is still not solved to your satisfaction, you may contact the Foundation Manager. All complaints will be discussed, reviewed, and investigated in a confidential manner. In addition, we wish to assure you that you will not be retaliated against in any manner for the use of this complaint resolution procedure.

## **II. GENERAL PERSONNEL POLICIES**

### ***EMPLOYMENT OF RELATIVES***

#### **Nepotism Policy**

Employees' relatives may not be eligible for employment with the Foundation where potential problems of supervision, safety, security, morale or potential conflicts of interest exist. There are no prohibitions to the appointment of immediate family members in Foundation employment, in the same or different units or departments as long as there is an approved Nepotism Compliance Agreement completed to insure there will be no conflict of interest regarding any personnel action and the following standard is met:

No Foundation employee shall vote, make recommendations or in any way participate in decisions about any personnel matter which may directly affect the selection, appointment, evaluation, retention, tenure, compensation, promotion, termination, other employment status or interest of an immediate family member as defined below.

If an employee is scheduled to participate on a selection committee or Qualifications Appraisal Board (QAB) and becomes aware they are related to an applicant, they must notify a representative of Human Resources immediately and prior to participation on committee or QAB.

In each of the following circumstances, special written provisions must be prepared for review and approval by the head of the organizational unit (e.g. Dean or Director)\* before an individual may be appointed: (1) If the individual is to be assigned to a position under the supervision or control of an immediate family member who has or may have a direct effect on the individual's progress or performance; or (2) If the individual is to be assigned to work for the same immediate supervisor as another immediate family member.

The special written provisions shall include a plan to ensure that personnel matters including evaluation, retention, tenure, promotion, wages, hours and other terms and conditions of employment, will not be decided based on the relationship as an immediate family member. The plan should provide that the head of the organizational unit is to review all decisions on personnel matters. In those cases where related employees will be working for the same immediate supervisor, the plan should include steps to be taken to alleviate any pressures toward favoritism that could occur as a result of supervising members of the same immediate family. The head of the organizational unit shall be responsible for investigating concerns about conflicts of interest or favoritism involving members of the same immediate family.

\* In those situations where this policy applies to the head of the organizational unit, the appropriate Administrator is to review and approve all decisions on personnel matters.

For the purposes of this policy, "immediate family member" is defined as a close relative including: parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew, niece, first cousin, spouse, registered domestic partner, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, and by guardianship and/or adoption or a person residing in the immediate household except live-in household employees or roomers.

Relatives of domestic partners shall be treated as relatives of spouses. Exceptions to this policy are at the discretion of the President.

The Office of Human Resources is responsible for implementation of this policy for the CSUB Foundation. One portion of this policy notes the need for special written provisions from program center administrators before an individual may be appointed or given an assignment if the nepotism policy applies to that situation. (refer to Foundation Nepotism Compliance Agreement).

The Foundation reserves the right to determine that other relationships not specifically covered by this policy represent actual or potential conflicts of interest as well. Where the Foundation determines that the relationship between two employees presents actual or potential conflict of interest, the Foundation may take appropriate action which includes, but is not necessarily limited to, transfers, reassignments, changing shifts or if necessary, possible termination.

### ***PROHIBITED CONDUCT***

Our employees are expected to treat each other with dignity and respect and to abide by certain rules of conduct, based on honesty, integrity, fairness and safety. Conduct that is immoral, unethical, or illegal will not be tolerated by the Foundation. Although it is not possible to provide an exhaustive list of all types of impermissible conduct, the following are examples of some, but not all, conduct that will lead to disciplinary action, up to and including termination:

1. Falsification of employment records, employment information or other Foundation records.
2. Recording the work time of another employee or allowing any other employee to record your work time, or allowing falsification of any timecard, either your own or another employee's.
3. Theft, deliberate or careless damage or destruction of any of the Foundation's or the University's property or the property of any employee or customer.
4. Unauthorized use or removal of the Foundation's or the University's property, equipment, time, materials, or facilities.
5. Provoking a fight or fighting during working hours or while on the Foundation's or the University's premises.
6. Participating in horseplay or practical jokes on the Foundation's time or while on the Foundation's or the University's premises.
7. Carrying firearms or any other dangerous weapons while on the Foundation's or the University's premises at any time.
8. Causing, creating or participating in a disruption of any kind during working hours on the Foundation's or the University's property.

9. Insubordination including, but not limited to, failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a co-worker, supervisor, member of management, or customer.
10. Failure to comply with the call in procedures set forth in the Foundation's Punctuality and Attendance policy.
11. Unreported absence of three consecutive scheduled workdays.
12. Failure to obtain permission to leave work for any reason during normal working hours.
13. Failure to observe working schedules, including rest and meal periods.
14. Failure to provide a physician's certificate when requested or required to do so.
15. Sleeping or malingering on the job.
16. Making or accepting excessive personal telephone calls during working hours, except in cases of emergency.
17. Unsatisfactory work performance or being incompetent.
18. Working overtime without authorization or refusing to work assigned overtime.
19. Wearing unprofessional or inappropriate attire while working.
20. Committing a fraudulent act or a breach of trust under any circumstances.
21. Harassing other employees or customers.
22. Soliciting or accepting gratuities from customers or clients.
23. Excessive absenteeism or tardiness.
24. Abuse of leaves of absence or other time off.
25. Reporting to work intoxicated or under the influence of non-prescribed drugs.
26. Manufacturing, possessing, using, selling, distributing or transporting non-prescribed drugs.
27. Bringing or using alcoholic beverages on the Foundation's premises.
28. Gambling on the Foundation's premises.
29. Failing to maintain the confidentiality of the Foundation, its employees, agents or customers.

30. Failing to report accidents, breakage or damage to equipment that occurs when an employee is assigned to use such equipment.
31. Violation of any safety, health, security or policies, rules or procedures of the Foundation or the University.
32. Failure to follow the Foundation's policies as outlined in this Handbook or any newly instituted policies.

Discipline may be initiated for various reasons. The severity of the action generally depends on the nature of the offense and the employee's past record, and may range from written warnings to immediate dismissal. The Foundation reserves the absolute right to initiate the form of discipline it deems to be appropriate.

Nothing in this policy alters the Foundation's policy of at will employment. Either the Foundation or an employee may terminate the employment relationship at any time and with or without cause.

### ***DRUG & ALCOHOL ABUSE***

The Foundation is committed to establishing and maintaining a drug-free workplace. To that end, the Foundation prohibits the unauthorized use of drugs or alcohol, including but not limited to, the unlawful manufacture, distribution, dispensation, possession or use of alcohol or controlled substances in the workplace. An employee who violates this policy shall be subject to discipline including immediate termination. Except as provided below, the following is strictly prohibited for all employees while on the Foundation's or the University's premises, while operating the Foundation's or the University's vehicles or equipment, or while performing Foundation business regardless of the location:

1. Use of alcohol, drugs, intoxicants, or controlled substances.
2. Reporting to work, or remaining on duty, while impaired by or under the influence of alcohol, drugs, intoxicants or controlled substances.
3. Driving a vehicle on Foundation business while impaired by or under the influence of alcohol, drugs, intoxicants or controlled substances.
4. Possession, sale, purchase, manufacture, transportation, dispensation or distribution of alcohol, drugs, intoxicants or controlled substances, or drug paraphernalia or an attempt to do any of the same.

The use of prescribed or over-the-counter drugs, or possession incident to such use, is not prohibited by this policy if: (a) the drug has been legally obtained and is being used for the purpose for which it was prescribed or manufactured; (b) the drug is being used at the dosage prescribed or authorized; and (c) the use of the drug does not prevent the employee from safely performing the essential functions of his or her position with or without reasonable accommodation. The Foundation reserves the right to require certification that the use of the drug will not impair the ability of the employee to perform his/her job properly and safely.

### **Consequences for Violating this Policy**

In the event that the Foundation discovers that an employee has violated this policy, the employee will be subject to discipline up to and including termination and the Foundation may report the violation to appropriate law enforcement authorities. It is the responsibility of any Foundation employee convicted of a criminal drug offense occurring in the workplace to notify the Human Resources Director within five calendar days of the conviction. Additionally, an employee's conviction for the sale, possession or use of any illegal controlled substance while off the job may also subject the employee to discipline up to and including termination.

### **Employees Who Seek Assistance**

Employees who suspect that they may have a substance abuse problem may contact Human Resources about the possibility of a leave to enroll in a professionally recognized alcohol and/or drug rehabilitation program. However, such a request does not give an employee the right to state that he or she has a substance abuse problem and expect accommodation once the Foundation discovers that an employee has violated this policy. Nor does it shield an employee from disciplinary action for violation of this policy.

The Foundation is not responsible for the cost of the employee's participation in the rehabilitation program, and any leave necessary to attend a rehabilitation program is unpaid, unless the employee is otherwise eligible to use paid time off under the Foundation's policies. If the employee fails to return to work upon the expiration of his or her rehabilitation program leave or fails to satisfactorily complete the program, the employee will be terminated.

Nothing contained in this policy is intended to create a contract of any kind or to alter the at-will nature of the employee's employment.

### **Questions & Confidentiality**

Employees with questions about this policy or about issues related to drug or alcohol use in the workplace may raise their concerns with their supervisor, Human Resources Director or the Benefits Officer. All records or communications relevant to an employee's participation in a drug or alcohol rehabilitation program or use of prescription drugs or over the counter drugs will be confidentially maintained and limited to personnel on a need-to-know basis.

### ***EMPLOYEE DRESS & PERSONAL APPEARANCE***

You are expected to report to work well groomed, clean, and dressed according to the requirements of your position as specified by your supervisor. Some employees may be required to wear uniforms or safety equipment/clothing. Please contact your supervisor or manager for specific information regarding acceptable attire for your position. Those employees reporting to work dressed or groomed inappropriately, may be asked to leave until they return to work well groomed and wearing the proper attire.

### ***OPERATION OF VEHICLES***

Employees who drive a vehicle while on Foundation business, must possess a current, valid California driver's license with an acceptable driving record. In addition, employees must have obtained a current Campus Defensive Driving Course Certificate. Employees also must have in

their possession a valid California driver's license and must drive safely and obey all traffic safety, vehicle safety, and parking laws or regulations while driving on Foundation business.

Any change in license status, driving record, or certificate status must be reported to the Foundation Human Resources Office immediately, and prior to driving a vehicle while on Foundation business. In the event that an employee's license status, driving record, or certificate status becomes unacceptable either to Foundation management or to the Foundation's insurance carrier, the employee may be restricted from driving, reassigned, suspended, or terminated, at management's discretion.

From time to time, employees also may be required to rent a vehicle in order to conduct Foundation business. In those instances, employees may only use such vehicles for work-related activities and may not use them for personal activities without the express prior approval of Foundation management.

### ***USE AND INSPECTION OF FOUNDATION PROPERTY***

The Foundation provides desks and other equipment for the use of its employees at the Foundation's expense. Although desks are made available for the use of employees while at work, employees should remember that all desks, work areas, and similar equipment remain the sole property of the Foundation. Additionally, employees should only access files or documents if the employee is authorized to do so. Unauthorized review, duplication, dissemination, removal, damage, or alteration of files, or other property of the Foundation, or improper use of information obtained by unauthorized means, may be grounds for disciplinary action, up to and including termination.

Employees may – but only with permission from their direct manager -- use the Foundation's equipment for occasional, non-work purposes. At times, however, it may be necessary to inspect an employee's desk, work area, or other Foundation property for operational or other reasons. The Foundation reserves the right to conduct periodic inspections of desks or work areas, as well as any contents, effects, articles that are in desks or the work area, as well as packages or other articles that leave the Foundation premises in the possession of an employee. Such inspections may occur at any time, with or without advance notice or consent. Further, such inspections may be conducted during, before, or after working hours by any supervisor, manager, or security personnel designated by the Foundation. All bills and other documentation related to the use of Foundation equipment or property may be inspected as well. Employees who fail to cooperate in any inspection will be subject to disciplinary action, including possible suspension or termination.

All Foundation property must be used properly and maintained in good working order. Employees who misuse Foundation property may be required to replace or reimburse the Foundation for the cost of the item, and are subject to discipline up to and including termination.

### ***EMPLOYEE PROPERTY***

Generally, employees should refrain from bringing personal valuables to work. If it is necessary to do so, you should keep your valuables in a secure location. At the same time, an employee's personal property that is brought on to Foundation premises may be subject to inspection. If

employees want to avoid inspections of their personal belongings, they should refrain from bringing packages or other articles on to the Foundation's premises. Of course, prohibited materials, including weapons, explosives, alcohol and non-prescribed drugs or medications, may not be brought on to the Foundation's premises. The Foundation is not responsible for any articles that are lost, damaged, stolen, or destroyed while on any Foundation work site.

### ***VOICE-MAIL, E-MAIL AND COMPUTER SYSTEMS ACCESS***

The Foundation's computer systems, voice mail, electronic mail (e-mail), and its access to the internet enable employees to access and exchange information quickly and efficiently. When used properly, we believe these resources greatly enhance employee productivity and knowledge. In many respects, these new tools are similar to other tools, such as stationery, file cabinets, photocopiers, and telephones.

Voice-mail, e-mail and computer systems and files used by the Foundation are provided solely to further the Foundation's business operations. These systems and the information stored in them belong to the Foundation. Although employee passwords may be used for Foundation-oriented security reasons, the use of such passwords is not intended to assure employees that messages or other communications generated by or stored on these systems will be kept confidential. The Foundation maintains the right to access these systems and to retrieve information stored therein at any time, and all employee passwords must be made known to the Foundation upon demand. Further, the Foundation reserves the right to monitor, review or access, at any time, information revealing an employee's internet usage, including websites accessed or any information that may have been downloaded. Consequently, the Foundation's voice mail, e-mail, and computer systems, including the internet, **should be used primarily for business purposes.**

Once again, employees should bear in mind that messages and all other data stored on the Foundation's voice-mail, e-mail and computer systems are subject to access by the Foundation at any time. We therefore ask you to exercise good judgment in using these systems.

#### **Guidelines for Use**

This section sets forth guidelines concerning the appropriate use of the Foundation's voice-mail, e-mail and computer systems.

- Since voice-mail and e-mail messages, as well as other computer-stored data, are considered business records and may be electronically retrieved, even after you "delete" them, nothing should be included in a voice-mail or e-mail message that you would not consider putting in a memorandum.
- Employees should delete unwanted voice-mail and e-mail messages as soon as practical and should log off when not using the computer system.
- Employees should exercise good judgment in the use of e-mail distribution lists; these lists are developed for the convenience of the addressees and unnecessary or frivolous messages should not be sent, thereby cluttering up user screens.
- Employees should not use a password, access a file, or retrieve or download any stored communication without express authorization. You also should not send e-

mail or other communications that either mask your identity or indicate that someone else sent them, and you should never access another employee's voicemail, e-mail, or computer systems without express authorization.

- Employees may not install any software on Foundation computer systems without the prior authorization of the Foundation's Manager.

The Foundation's voice-mail, e-mail and computer systems, including the internet, must not be used for the following purposes.

- Any illegal, discriminatory, threatening, harassing, abusive or offensive comments. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes or anything that may be construed as harassment or showing disrespect for others.
- Anything in conjunction with an employee's outside business endeavors or sales of any product or outside service (home products, cosmetics, etc.) except as allowed on the classified page of the Bulletin Board.
- Messages or other communications violating a Foundation policy or contrary to supervisory instructions.
- To copy or distribute copyrighted material unless you have confirmation from an appropriate source that the Foundation has the right to copy or distribute the material.
- For the illegal duplication of software and its related documentation. Employees also may not use any software on local area networks or on multiple machines that is not in accordance with the software license agreement.
- Any illegal or inappropriate use of systems, or use in support of such activities, is prohibited. Illegal use shall be defined as use which violates state, or federal law. Inappropriate use shall be defined as a violation of the goals, purpose and intended use of the network. This includes, but is not limited to, the following: stalking others, supporting partisan political activities, transmitting or originating any unlawful, fraudulent, defamatory, or obscene communications, or any communications where the message or its transmission or distribution, would constitute or would encourage conduct that is a criminal offense or would give rise to civil liability.
- Activities that interfere with or disrupt network users, services, or equipment. Such interference or disruption includes, but is not limited to, distribution of unsolicited advertising or mass mailings; "spamming," propagation of computer worms or viruses; and using systems to make or attempt to make unauthorized entry to other computational, informational or communications devices or resources. For the purpose of this policy, "unsolicited advertising" includes any transmission that describes goods, products, or services that is initiated by a vendor, provider, retailer, or manufacturer of the described goods, products, or services, or by a third party retained by, affiliated with, or related to the vendor, providers, retailers, or manufacturer.

- Use in furtherance of profit-making activities (consulting for pay, sales or distribution of commercial products or services for profit, etc.) or use by for-profit companies, unless otherwise authorized by the CSUB Foundation.
- Use for private or personal activities when there is personal monetary gain.

Employees should notify their immediate supervisor, the network administrator or any member of management upon learning of a violation of this policy. Any violations of these “Guidelines for Use” or other provisions of this policy may result in disciplinary action, including possible termination.

### **External Access & Confidentiality**

Under certain conditions, employees will need to communicate with clients and other external users via voice-mail, e-mail and/or via the internet. Employees are cautioned to exercise an additional level of discretion, professionalism, and sound judgment when communicating with third parties via these systems.

For example, all employees should safeguard the Foundation’s confidential information, as well as that of guests and others, from disclosure. Messages containing confidential information should not be left visible while you are away from your work area

Also, you should be aware that internet sites maintain logs of visits from users. These logs identify the company and the individual who accessed the internet website. If your work requires a high level of security, please ask your supervisor or an appropriate manager for guidance on securely exchanging e-mail or gathering information from internet sources.

### **Privacy and Disclosure**

As previously noted, the Foundation’s and the University’s voice-mail, e-mail, and computer systems, including the use of the Internet, are provided to facilitate the conduct of its business. All messages and other communications generated through and/or stored on these systems are considered business records. Employees who use the voice-mail, e-mail and/or computer systems should understand that information stored on these systems cannot be considered confidential or private. Indeed, the Foundation reserves the right to access any voice-mail, e-mail, Internet usage or other computer-stored information at any time.

### ***VISITORS***

Employees may have occasional visits from a friend or relative, provided that advance approval is obtained from their manager or from the Human Resources Director. Such visits should be arranged in advance to minimize the disruption of work. For that reason, friends and relatives generally should not visit employees during working hours. For safety reasons, friends, relatives, and customers also are not permitted in restricted areas, unless authorized by management. No children are allowed in the workplace at any time.

## ***TELEPHONES***

While you are at work, you are expected to perform your job duties and responsibilities. Personal calls, both incoming and outgoing, must be kept to a minimum and must not interfere with your duties and responsibilities. Employees should limit their use of the Foundation's telephones for personal long-distance calls. In the event it is necessary to make a personal long-distance call, you will be asked to reimburse the Foundation for the cost. Abuse of the telephone policy may result in discipline, up to and including termination.

## ***SMOKING POLICY***

Employees, customers, vendors, and other guests are not allowed to smoke in Foundation or University facilities and vehicles at any time. In addition, employees are not permitted to smoke within 20 feet of any building entrance, exit or operable window.

## ***SECURITY***

Every employee should remain alert at all times and should immediately report the presence of any suspicious persons to a supervisor, a manager, or to the Campus Police Department. You also should maintain in your possession at all times your keys, security passes, and identification badge(s). You should not leave these items where they may be picked up by someone else, and you should never lend these items to anyone who is not authorized to possess them. Computer passwords, electronic door codes, and any other security access information should not be disclosed to anyone who is not authorized to have such information. All building keys are issued through the Campus Police Department. An application for the keys must be completed and signed by an appropriate supervisor or manager prior to requesting the keys.

## ***WORKPLACE VIOLENCE***

The Foundation has zero tolerance for violence and/or threats of violence against Foundation employees, Foundation business associates, or any member of the campus community. The Foundation prohibits any violent act, threat of violence or any behavior, which by intent, action or outcome harms or intimidates another person or property on any Foundation or University work site, or while conducting Foundation business. Such conduct will be subject to disciplinary action up to and including termination.

We strongly encourage you to report any observations, experiences of violence or threats of violence to the Human Resources Director, the Foundation Manager, or to any member of the Foundation's management team.

## ***INQUIRIES ABOUT YOUR EMPLOYMENT***

From time to time, the Foundation may receive inquiries from outside individuals regarding the status of your employment. For example, we may receive calls from banks, credit agencies, or prospective employers, asking us whether you are employed with the Foundation, your current

position with the Foundation, your salary, and why you may have left the Foundation. You should be aware that, when we receive such inquiries about your employment, the Foundation has a strict policy of providing only limited information. Consequently, no employee (other than certain authorized people in Human Resources) may provide any information regarding current or former employees (either on or off-the-record) to any non-employee without the specific written approval of the Foundation Manager. This includes letters of reference. The only information that we provide is your dates of employment and your position with the Foundation. We will not reveal your salary, although if we are asked to confirm your salary, we will only say "yes" or "no" to a particular amount. The Foundation's strict policy prohibits us from revealing any information about why you may have left us. However, in some instances, you may want us to reveal additional information. In those instances, we require written authorization from you, permitting us to divulge such additional information.

### **III. WORKING AT THE FOUNDATION**

#### ***EMPLOYMENT CATEGORIES***

##### **Purpose**

To establish a policy for governing classifications of employees and to establish standard terminology to provide common understanding in our references to employees.

##### **Policy**

It is the intent of the Foundation to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and CSUB Foundation.

##### **Procedure**

The classification, length of appointment and the number of hours hired to work each week determine eligibility for benefits. Each employee is designated as either NONEXEMPT or EXEMPT from Federal and State wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of Federal and State laws. EXEMPT employees are excluded from specific provisions of Federal and State wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the Director of Human Resources.

##### **Exempt Employees**

"Exempt employees" include all employees who are classified by the Foundation as exempt from the overtime provisions of the Federal Fair Labor Standards Act and/or any applicable State laws. Employees in this category are expected to work an average of 40 hours per week and may work more than 40 hours per week if necessary to accomplish their work tasks. These employees' salaries are based on a job to be accomplished and not on a 40-hour workweek. All exempt employees are required to turn in a report of any leave or other time taken off during each pay period in full day increments, such as sick, vacation, etc. Such employees include those employees who qualify as exempt executive, administrative or professional employees according to the Fair Labor Standards Act and/or any applicable State law.

##### **Non-Exempt Employees**

"Non-Exempt employees" include all employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act and/or any applicable State laws. Employees in this category are entitled to premium pay for all hours considered overtime in line with the Fair Labor Standards Act and applicable State law. There are different overtime provisions for non-exempt employees who work an alternative work week schedule. All employees are required to maintain a daily time/activity allocation report and turn in a report of any leave or other time taken off during each pay period, such as sick, vacation, etc.

In addition to the above categories, each employee will belong to one other employment category:

### **Management Employees**

This employment category is reserved for employees designated as "management" or "supervisory".

A Management employee serves at the pleasure of the campus President, or designee as appropriate and shall not serve an introductory period or receive permanent status.

### **Introductory Period**

All new, transferred or promoted employees in new classifications serve an introductory period of six months commencing with their first day of employment or first day in the new classification. This shall include re-hired employees who have been gone for more than six months. During this introductory period, the Foundation and the employee have an opportunity to determine whether further employment with the Foundation is appropriate. Employees shall note the Foundation reserves the right to extend the duration of the introductory period one or more times if, in its sole and absolute discretion, it determines that such an extension is appropriate.

### **Regular Status**

Appointments may be contingent on program funding and in either a full-time or part-time status. Regular full-time employees are regularly scheduled to work a minimum of 40 hours per week, with part-time employees working less than 40 hours per week. These positions are recruited with no specified expiration date. Continued employment is contingent on available funding and performance.

### **Long Term, Temporary Employees**

Employees in this category may be appointed in temporary positions for up to one year in duration and may be renewed on an annual basis, dependent upon funding and satisfactory performance. This may coincide with fiscal year or grant program year. Employees appointed in this category will be appointed in a salaried position with a specified time base. If the temporary appointment must continue past 6 months, the position must be posted for a minimum of 14 calendar days and go through the regular recruitment process.

### **Hourly Employees**

Hourly employees are appointed to positions with a defined duration, specific assignment, and paid on an hourly basis. These employees may not work a defined work schedule. Hourly employees are hired to perform assignments of limited duration arising out of special projects, unusual workloads, employee absences (vacation, leave of absence, and illness), seasonal needs, summer programs, emergency situations, or interim vacancies during the recruitment process. The hiring department contacts the Office of Human Resources to request a temporary hourly employee, identifying specific skills, qualifications, and reporting information. A Human Resources representative will work with the hiring department to determine the most cost effective available source to fill these positions based on the requirements of the department and coordinates the temporary hiring process. Hourly employees are not eligible to receive benefits. Employment may be terminated on a specific date, upon completion of assignment or as deemed appropriate by the Foundation. Short-term Hourly Employees – are appointed to positions with a defined duration of less than 6 months and paid on an hourly basis. Long-term Hourly Employees – are appointed to positions with a defined duration of longer than 6 months and paid on an hourly basis. This may or may not include a recruitment.

### **Commission Based Employees**

This category includes all employees who are paid by the Foundation on a commission basis. Employees in this category are paid on a per-job basis, and are required to submit appropriate documentation as stipulated by appropriate employment agreements.

### **Students**

Student employees are those employees who regularly attend classes and otherwise meet the eligibility requirements to be a Foundation Student employee. Student employees are paid at an hourly rate and may be exempt from paying Social Security and Medicare during the academic year, although they are eligible for workers' compensation, unemployment and disability insurance. They do not qualify for other Foundation benefits.

It should be remembered that employment is at the mutual consent of the employee and the Foundation. Accordingly, either the employee or the Foundation can terminate the employment relationship at will, at any time, with or without cause or advance notice.

## ***COMPENSATION PROGRAM POLICY***

### **Purpose**

This program establishes a consistent framework for effective and responsible administration of classification and compensation programs covering CSUB Foundation positions. The Office of Human Resources has developed guidelines to ensure understanding of the current classification and compensation programs and practices for the CSUB Foundation staff and management employees.

### **Background**

Section 42405 of the California Code of Regulations requires that an auxiliary organization, such as the CSUB Foundation, establish salaries and benefits for full-time employees that are comparable to the salaries and benefits being paid State employees on campus performing substantially similar services. The term "comparable" does not mean identical to the salary and benefits offered by the University to the same class, as long as the total compensation package, exclusive of retirement and permanent status benefits, is substantially similar.

For those employees who perform services that are not substantially similar to the services provided by University employees, the salaries established shall be at least equal to the salaries prevailing in other educational institutions in the area or in commercial operations of like nature.

### **Goals**

The goals of the compensation program are to:

- Promote the recruitment and retention of a highly qualified and diverse workforce for positions within the Foundation.
- Ensure that employees occupying Foundation positions, which are substantially similar to University classifications on campus, are provided wages, salaries and benefits that are comparable to their University counterparts.

- Provide a wage and salary structure that is internally and externally equitable and ensuring that the program is executed in a fair and equitable manner.
- Provide salary increases, when appropriate, within available funding and to maintain salary and benefit costs within budgetary limits.
- Make salary decisions based upon appropriate qualifications, contributions, performance, and equity and budget considerations.
- Encourage and reward excellent performance with merit increases, whenever possible and financially feasible.
- Motivate employees by demonstrating the link between performance and pay.

### **Management Roles and Responsibilities**

The following roles and responsibilities have been defined for the administration of CSUB Foundation's Compensation Program:

- The President is responsible for the administration of systemwide compensation programs on the campus, including the Foundation. Implementation of these programs has been delegated by the President to the Office of Human Resources.
- The Vice Presidents and Division Heads ensure that departmental and unit managers collaborate with each other and with the Office of Human Resources to ensure that proposed compensation decisions are equitable, sound, and consistent with campus and Foundation practices, and approve compensation changes before they are implemented.
- Management Supervisors occupy positions both within the state's Management Personnel Plan and also the Foundation, who supervise staff in Foundation positions. They are directly accountable for following applicable guidelines and procedures concerning classification and compensation related matters.
- Management Supervisors are responsible for: assigning work based upon current and accurate position descriptions; developing and maintaining current position descriptions that accurately reflect the responsibilities and duties assigned to their staff; conducting ongoing performance coaching and timely performance evaluations to support sound management practices and compensation decisions.
- Management Supervisors must consult with administrators within their divisions and obtain Vice President/Division Head approval before adding to or modifying the duties and responsibilities assigned to a position; or implementing changes in the operations of the department or work unit that result in the need to substantially change or assign new position duties to and/or adjust the compensation of a staff member or staff members.
- Prior to initiating any course of action or discussion with an employee about a classification, skill level, or salary change, Management Supervisors are responsible for consulting with the Office of Human Resources and coordinating with administrators within their own divisions to ensure that any proposals for position classification changes and/or compensation increases are supported by their Vice President/Division Head prior to submitting a request to the Office of Human Resources.

- The Office of Human Resources (HR) is responsible for development, implementation, administration, communication, training and reporting associated with campus application of systemwide programs, including the Foundation. It is HR's responsibility to: make accurate determinations in the classification of individual positions; oversee campus wide equity in the administration of these programs; and provide ongoing counsel and training to management and staff regarding classification and compensation related issues.

### **General**

Salary and wages are established through a number of different mechanisms. The Director of Human Resources for CSUB is responsible for establishing procedures for all salary and benefits used to compensate all employees who are paid by the CSUB Foundation. The Director of Human Resources is responsible through the Foundation Manager to the Board of Directors for assuring appropriateness of classification, compensation and other benefits for all employees paid by the CSUB Foundation.

Each program and/or grant contract operates under an individual budget and pay increases cannot be given unless funds are available, no matter how warranted. Further, employees working on more than one project and/or grant concurrently may receive different rates of pay and benefits. The fact that a given amount has been approved in a budget is not sufficient to establish an employee's salary.

Employees paid through a grant/contract or other funding sources are employed and subject only to the extent funds are available from the funding source and within the guidelines of the participating grant/contract or other funding source. These employees may be full-time, part-time, benefited or non-benefited.

Compensation is based on the position an employee is filling, and pay amounts are approved by the granting or contracting Agency. Pay increases are based on performance, availability of funds and other consideration that may vary during the course of employment. Pay increases may be given annually, on anniversary dates or at other times during employment as recommended by the appropriate administrators (Director of Grants, Research & Sponsored Programs, Principal Investigator, Cabinet Officer, Foundation Manager) and action approved by the Director of Human Resources. The Foundation Manager will verify contractual compliance and funding availability. On rare occasions, there may be no increases at all depending on the State's financial condition. Pay increases for non-represented employees are established by the Board and Campus President.

The Foundation provides a benefit package that is comparable (but not necessarily identical) to the benefits offered to the employees of the California State University System. The Foundation Board reserves the right to add, change, delete or modify benefits at any time, and there is no guarantee that any benefit will be continued indefinitely.

The ***CSUB Foundation – Recommendation for Compensation Increase Form*** must be submitted for any type of salary increase request and/or recommendation.

***To receive any type of salary increase, employees must be performing at a satisfactory level.***

## **CLASSIFICATION PROGRAM OVERVIEW**

### **Classification of Foundation Positions**

The Foundation classifies all positions under the CSU classification titles and descriptions, to the extent possible, so that positions with similar duties and responsibilities are grouped together in the same classification. A consistently applied classification system and appropriate pay ranges are essential for ensuring compliance with equal pay requirements and applicable labor law.

### **CSU Classification and Qualification Standards**

The campus classification program is based upon the CSU systemwide Classification and Qualification Standards (<http://www.calstate.edu/HRAdm/Classification/index.shtml>). These standards are continually updated by technical experts. Each campus has been delegated the authority to implement and administer these standards. The standards contain descriptions of broad position responsibilities, general duties, and minimum education and/or experience requirements for each position classification. The duties described in campus and Foundation specific position descriptions are analyzed against these standards to determine appropriate classification. Classification decisions are made as part of the recruitment and reclassification process.

The key objectives of classification programs are designed to achieve the following:

- Planning and decision making related to staffing and the assignment of duties and responsibilities.
- Identify and describe minimum qualifications needed.
- Provide a basis or rationale for determining and ensuring comparable levels of pay.
- Establish consistent benchmarks for making salary comparisons to comparable positions.
- Provide a linkage to the CSU salary schedule.

The classification standards typically outline criteria that is used to distinguish positions from one another and to evaluate the level of each position. They address the following: purpose of position; level and type of knowledge, skills and abilities required; level of independence and decision-making required; level of accountability, creativity and ingenuity; scope and effect of decision making and complexity of responsibilities; level of supervision; and nature, level and diversity of contacts involved in performing the work.

### **The Salary Schedule**

Similar to the Classification and Qualification Standards, the CSU Salary Schedule is regularly updated at the systemwide level. It is updated as a result of salary surveys, changes to the Classification and Qualification Standards, and the outcome of the collective bargaining process. The salary schedule provides systemwide salary ranges for each position classification and skill level that is intended to be broad enough to accommodate individual campus differences with regard to cost of living and prevailing wage rates.

Foundation positions that are substantially similar and have equivalent classification and qualification standards to University positions, as established by the CSU system, shall follow the CSU Salary Schedule. The Foundation shall utilize the CSU Salary Schedule to establish a salary level for positions that are equivalent to a University classification. For those Foundation

positions that are not substantially similar and are tangibly different from the classification and qualification standards of the CSU system, salaries will be defined and approved in conjunction with the Office of Human Resources and the appropriate granting/funding agency. The CSU Salary Schedule can be found at ([www.calstate.edu/HRAdm/SalarySchedule/Salary.aspx](http://www.calstate.edu/HRAdm/SalarySchedule/Salary.aspx)).

### **The Fair Labor Standards Act (Exempt vs. Non-exempt positions)**

It is important to understand what the use of the terms exempt and non-exempt mean when it pertains to various positions. Positions that are designated as non-exempt are positions for which there is a requirement, under the FLSA, to provide overtime compensation. Positions for which there are no requirements to provide overtime are referred to as exempt positions. The FLSA exempts executive, administrative, professionals, outside sales positions from the minimum wage and overtime requirements of the FLSA, provided the work performed in the position and wages earned meet certain tests regarding job duties, responsibilities and salary amounts. The determination of FLSA status is done by classification with review by the Office of Human Resources.

## **COMPENSATION PROGRAM OVERVIEW**

### **Initial Appointment/New Hire**

When a vacancy occurs or a new position is created, a classification determination will be made by the Office of Human Resources based upon a review of the written position description. The classification determination and identification of the associated salary range for the position is made prior to the posting of the recruitment. The salary ranges associated with the classifications are found in the CSU Salary Schedule:

[www.calstate.edu/HRAdm/SalarySchedule/Salary.aspx](http://www.calstate.edu/HRAdm/SalarySchedule/Salary.aspx)

### **Appointment Salary**

Appointment salaries are determined by management and are made with respect to a candidate's relevant knowledge, skills, abilities (demonstrated through the possession of job related experience and education) in relation to the minimum education/experience requirements of the position, internal and external market salary equity considerations, and budgetary considerations.

Level of pay for initial appointments is determined through the consideration of several factors including: salary range established for the position; specific skills and experience required in the position; level of relevant knowledge, skills, abilities and previous experience attained in relation to minimum qualifications for the position; internal and external market salary equity considerations; budgetary considerations; and difficulty in recruiting for the position.

While the salary of the previous incumbent may be a relevant consideration for budget planning decisions, the salary of the previous incumbent of a position may not be a relevant consideration in determining the appropriate starting salary for the candidate selected to fill the position. This is because individual qualifications, prior salary histories, and labor market conditions may vary considerably.

Managers are responsible for confirming that budget funds are available in the department to cover the appointment salary.

### **Job Offers**

For initial appointment to a staff position, selected candidates are usually appointed to the minimum of the respective salary range. When it is necessary to appoint a candidate at a salary above the minimum of the salary range, the appropriate Administrator shall submit a written request, approved by the following, as appropriate: Cabinet Officer, the Director of Grants, Research & Sponsored Programs, and Foundation Manager, and forwarded to the Office of Human Resources with justification relating to the factors noted above.

Internal candidates who are being promoted to higher-level positions are generally offered a five percent salary increase or the minimum of the new classification salary range.

### **Salary Increases**

Salary increases may be considered annually by the CSUB Foundation. These, when given, are frequently effective July 1. The increases may be awarded in part or in full as merit increases. The percentages to be awarded are based upon consideration of the various percentages awarded to state employees of the CSUB, as well as other considerations of the CSUB Foundation, and the projects and agencies it serves. These increases may be awarded or denied based upon funds available for the purpose and/or an employee's performance. Exceptions may also be made due to equity and/or market considerations.

Although it is not always possible to award the same benefits as the CSU, it is the policy of the CSUB Foundation to establish salaries and benefits for full-time employees that are comparable to the salaries and benefits being paid to State employees on campus performing substantially similar services.

### **Merit Increases (Performance-Based)**

Foundation employees are eligible for periodic wage or salary adjustments based on merit (performance) within the range for their respective job classifications, based on available funding. The employee's immediate supervisor prepares a performance evaluation to support any merit increase. Such merit increases are granted based upon how well the employee met the performance standards for his/her position. Supervisors/Project Directors are required to evaluate the performance of their employees as the first step and a major factor in making a merit salary recommendation. A supervisor/project director may evaluate an employee's performance at any time, however, reports of performance should be prepared at least annually for all Foundation employees. Merit salary recommendations are subject to budgetary constraints and other CSUB Foundation considerations and should not be discussed with employees until the recommendations have been approved by the appropriate Administrator and Director of Human Resources.

Merit increases may also be given for increased responsibilities, duties, or skills on a permanent basis.

This type of increase may be given at any time during the year. Generally, there is an opportunity for all employees to be considered for a merit increase at least once a year, based on performance and available funding.

### **Guidelines for merit increases**

**0% - 5%** This range represents the typical increase for an employee who meets or exceeds the requirements of their position.

**6% - 10%** This range represents the typical increase for an employee who consistently displays an exceptional level of performance or whose position has been significantly impacted by organizational change.

**Above 10%** Increases at this level are extremely rare and are reviewed on a case-by-case basis.

### **Classification & Skill Level/Assignment Related Salary Adjustments**

Salary adjustments often result from changes in appointment or assignment including promotion, reclassification, skill level change, and reassignment resulting in a possible temporary reclassification.

#### **Promotion**

A promotion is defined as a change of appointment to a classification or skill level with a higher salary range or sub-range as a result of a recruitment process. A five percent (5%) salary increase or minimum of the salary range of the new classification (whichever is higher) is granted for the promotion. Requests for a salary increase above five percent (5%) (unless necessary to reach the minimum of the new salary range) must be forwarded to the appropriate Vice President. If the Vice President approves the request, it is forwarded to the Director of Human Resources for final consideration and approval.

#### **Reclassification or Skill Level Change**

The classification review process is designed to ensure positions are clearly and properly classified in relation to the classification standards. The classification review process may be appropriate to address substantial job duty and responsibility changes, but it is not appropriate to use as a reward system. Other salary increase provisions are available for addressing pay issues and changes in duties and skills within the same classification. The Office of Human Resources can assist managers in making these types of determinations. Duties and responsibilities may be reassigned on a temporary or on-going basis. If the new assignment is to a position that is classified at a higher level than the current assignment, the employee shall generally be granted a five percent (5%) increase for the duration of the temporary assignment. A lateral assignment/reassignment is an employee's movement from one position to another position that is determined to be at the same level, and is generally not compensated. However, if the new position is significantly different and deemed to be broader in scope than the previous position, even though it is in a lateral class, a salary increase might be considered.

The term "reclassification" refers to the movement from one classification to a different classification representing a change in duties. Reclassification of a position to a higher classification usually occurs because the employee has been performing most, if not all, of the duties and responsibilities characteristic of the higher classification. The incumbent must also possess the minimum qualifications (education and experience) described in the classification and qualification standards to be moved into the higher classification. Reclassification changes occur when an employee's position assignments or skills change significantly and, after submission to the Office of Human Resources for classification review, a determination is made by a Human Resources representative or designee that the changes warrant movement into a higher classification. Based upon information gathered in the classification review, equity of campus and/or other CSU salaries for like positions, as well as external salary information, the Office of Human Resources will make an assessment as to the appropriate compensation for the reclassification. Please note that employee performance is not a determining factor in the

classification process. Reclassification requires a minimum five percent (5%) salary increase or movement to the minimum of the new salary range or skill level sub-range, whichever is higher.

The term "in-classification progression" refers to the movement from one skill level to a higher skill level within the same classification. Some classifications are comprised of different skill levels. In-classification progression is based on an increase in duty and skill requirements that warrant a move to a higher skill level based on the skill level definitions provided in the classification standards. In-classification changes occur when an employee's position assignments or skills change significantly and, after submission to the Office of Human Resources for classification review, a determination is made by the Human Resources representative or designee that the changes warrant movement to a higher skill level. Based upon information gathered in the classification review, equity of campus and/or other CSU salaries for like positions, as well as external salary information, the Office of Human Resources will make an assessment as to the appropriate compensation for the in-classification progression. Please note that employee performance is not a determining factor in the classification process. The skill level change requires a minimum five percent (5%) salary increase or movement to the minimum of the new skill level sub-range, whichever is higher.

Reclassification actions (including in-classification progressions) are funded out of appropriate budgets and may require Grant/Contract Funding Agency approval, in addition to the normal appropriate Administrator approval(s).

If an employee feels that they would like a classification review, a "Foundation Position Description Form" is available on the Foundation website. Once completed, this form should be forwarded to their Supervisor/Cabinet Officer for review and forwarded to the Office of Human Resources. A review will be completed and a recommendation of classification will be made to the appropriate Cabinet Officer.

Temporary Reclassification is defined as the assignment of new duties at a higher classification or skill level for up to a period of one year to meet emerging organizational needs. The timeframe specified for the temporary reclassification shall not be exceeded.

Temporary reclassifications may result in movement to a higher classification or skill level in two ways:

- An employee may be temporarily assigned to step into another employee's role and perform duties in a higher classification or skill level.
- An employee may be temporarily assigned new duties, in addition to their current position description, which have been performed by an employee in a higher classification or skill level.

The Office of Human Resources must first assess the level and complexity of the new assignment or the additional duties to determine whether a "temporary reclassification" and salary increase is appropriate or if the present classification and/or skill level remains appropriate. A temporary reclassification leads to a minimum five percent (5%) salary increase or movement to the minimum of the new salary range or skill level sub-range, whichever is higher.

A manager may initiate a temporary reclassification by sending an updated position description and cover memorandum, through required divisional channels, to the Office of Human Resources indicating the following:

- The reason for the temporary reassignment,
- The requested reassignment classification,
- Requested salary increase,
- Beginning and ending dates, and the
- Vice President/Division Head approval.

The Office of Human Resources will evaluate the request and issue a memorandum to the employee, if the request meets appropriate guidelines.

## **MISCELLANEOUS SALARY INCREASES**

### **Equity Increases**

An equity increase is typically based on a salary inequity that cannot be corrected through the merit increase cycle. A salary inequity exists when an employee's salary is significantly below that of others in the same classification with similar performance, experience, skills, knowledge, and assignments. Some examples of salary inequity may include: the salary of a long term employee is low relative to a new hire whose salary is market-driven; significant salary compression exists between a supervisor and his/her employees; market factors influence recruitment and retention.

### **Commission-based positions**

There are a few positions within the Foundation that pay commissions. These commissions are based on specific criteria determined on a case-by-case basis.

### **Further Assistance**

While this policy was developed to provide reference information and guidelines, please note that the Office of Human Resources is always available to provide individual consultation to departments. Please call extension 2266 for further assistance.

Any changes to this policy must be approved by the Director of Human Resources.

## **WORKING HOURS & SCHEDULE**

### **Working Hours/Schedule**

Generally, the Foundation is open for business from 8:00 a.m. to 5:00 p.m., Monday through Friday. The Foundation's regular workweek is defined as a seven (7) day work week beginning at 12:01 a.m. on Sunday morning and ending at 12:00 a.m. the following Saturday night. Most employees are assigned a work schedule and are expected to begin and end their workday in accordance with their schedule. Daily and weekly work schedules may change from time to time at the discretion of the Foundation to meet varying needs of our business. Full time employees usually work 8 hours per day and 40 hours per week;

Employees are authorized and shall take one 15-minute rest break for every 4 hours worked. This rest break should be taken during the middle of the work period as the workday permits and is not cumulative. A meal period is normally one hour and should be arranged to provide adequate office coverage at all times. All non-exempt employees must take at least a one-half hour unpaid lunch period when they work more than 5 hours per day, unless they complete their entire day in 6 hours or less. If so, the employee and supervisor can mutually agree to waive

the lunch period. Employees who work in excess of 10 hours in a workday are eligible to receive a second unpaid meal period of no more than 30 minutes. Your work schedule will be determined by your supervisor.

At times, emergencies such as power failures, road closings, earthquakes, fires, or severe weather may interfere with the Foundation's operations. In such an event, the Foundation may order a temporary shutdown of all or part of its operations. Depending on the circumstances, time off may or may not be paid.

## ***OVERTIME***

### **Basic Overtime Requirements (applies to non-exempt employees only)**

When do we need to pay overtime?

Overtime pay (at 1.5 times hourly rate) **MUST** be paid:

After eight (8) hours of work in a day

After forty (40) hours of work in a single work week; and

For the first eight (8) hours of work on the seventh day of work in a single workweek

Double time compensation (at 2.0 times hourly rate) **MUST** be paid:

After twelve (12) hours of work in a day; and

For all hours of work in excess of eight (8) on the seventh consecutive day of the work week

The Foundation may adjust or change the hours, shift or days of the week to accommodate the needs of the business and customers, with appropriate notice to the employee. It is important to remember that even if an employee works less than 40 hours in a workweek, if they work more than 8 hours in a single day they must be paid overtime for that day.

The use of the term "flex time" may lead to some confusion around the issue of overtime. A better way to view it may be as a schedule or shift change whenever hours worked are adjusted to reduce and/or avoid the need to pay overtime. For example, an employee may have their schedule changed to working only 4 hours on Friday and 4 hours on Saturday to attend a work function. This should be viewed as a change in their regular schedule rather than "flex time". This type of schedule change should be coordinated with the employee and the employee should be provided appropriate notice.

Please note: the Foundation does not recognize the use of "informal time." No employee or department may keep "informal or unofficial" records of overtime worked that is not recorded and compensated as identified above. The Fair Labor Standards Act is explicit with regard to the Employer's (The Foundation) obligation to pay eligible employees overtime at the premium rate (x 1.5) for work hours over 8 hours in a workday or 40 hours in a workweek.

All overtime work must be authorized in advance by your manager. Working overtime without prior authorization may result in disciplinary action.

## ***TIMEKEEPING PROCEDURES***

All employees are to record time not worked, for such reasons as attendance, tardiness, or time off for personal business. Hourly employees are required to record actual time worked each month. These timesheets are then processed for pay.

It is your responsibility to sign your time record to certify the accuracy of all time recorded. Any errors in your timecard should be reported immediately to your manager, who will attempt to correct legitimate errors. Time sheets must be completed and turned in to the Human Resources Office by the dates indicated on the Annual Payroll Schedule. Altering, falsifying, and tampering with time records, or recording time on another Employee's time record is prohibited and subject to disciplinary action, up to and including termination of employment.

## ***PUNCTUALITY & ATTENDANCE***

The Foundation expects you to report to work on a reliable and punctual basis. Absenteeism, early departures from work, and late arrivals burden your fellow employees and the Foundation. If you cannot avoid being late to work or are unable to work as scheduled, you must contact your manager within the first hour of the start of your shift, and each day thereafter. When you speak to your manager, you must inform him or her of the expected duration of any absence. If it is not practical for you to speak with your manager when you call, you must leave a message and then call back when your manager is available. You also must notify your manager of any change in your status as soon as possible.

Excessive absenteeism, early departures, or tardiness may lead to disciplinary action, up to and including termination of employment. Simply notifying your supervisor that you will be absent or tardy does not mean that the absence or tardiness is excused. If you are absent due to illness for three consecutive days or more, the Foundation reserves the right to require a doctor's certificate when you return to work. Unless other arrangements have been made, you should call your supervisor each day that you are absent. Employees who fail to report to work without any notification to the employee's supervisor for three consecutive days will be considered to have voluntarily terminated their employment with the Foundation as of the first day of the unreported absence.

## ***PERFORMANCE EVALUATIONS***

### **Purpose**

To motivate employees, assess job performance and progress, communicate expected standards of performance, and discuss future objectives and goals; to establish procedures for completing an Employee Performance Evaluation Form, conducting a performance evaluation review and processing the evaluation.

### **Policy**

It is the policy of the CSUB Foundation that the job performance of each employee should be evaluated periodically by the employee's supervisor. Performance evaluations are a management tool and an important part of CSUB Foundation's Compensation program. They provide an objective, consistent, and fair way to gauge each employee's on-the-job effectiveness. The evaluation process should inform employees of their employment standing

and communicate expected standards of performance. This is an opportunity for an open discussion between supervisor and employee in terms of all aspects of job performance. The purpose of this discussion is for the supervisor or rater to let employees know how well they are performing and to address any problem areas. It is also used to discuss work standards, areas where improvement is needed, performance improvement plans, goals, career development potential and additional opportunities.

### **Procedure**

Performance evaluations will normally be prepared by the employee's immediate supervisor on the Employee Performance Evaluation forms. Adequate time for the conference/evaluation between the rater and employee being rated should be scheduled, as this is the most important aspect of the rating process. Raters must take into account and cover the entire evaluation period. Raters should always discuss an employee's rating and overall performance evaluation with his/her supervisor prior to a discussion with the employee being rated. During the meeting with the employee being rated, the rater should be able to articulate the reasons for the ratings and the employee should feel free to express his/her opinions about the ratings.

### **When Performance Evaluations Are Required**

Performance evaluations will be conducted periodically as follows by the appropriate employees:

1. Introductory and long, term temporary employees shall be given a written performance evaluation upon completing six months of service.
2. Regular employees will be rated at least annually, every July 1<sup>st</sup>.
3. After the first year of employment the employee will be rated annually on July 1<sup>st</sup>.

If the employee's work assignment changes, the performance responsibilities may be shared by two supervisors based on the amount of time each supervised the employee.

If an employee promotes or takes a new position within the Foundation, their performance evaluation date will change for the purpose of rating, to reflect the date of promotion or job change. In addition, they shall serve in an introductory period for their new position.

### **Performance Factors to be Considered in Evaluations**

When evaluating employees, supervisors should consider factors, such as: experience and training, job description, and attainment of previously set goals and objectives. Other factors to be considered, but not limited to, include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.

### **Definition of Performance Rating Standards**

Each performance factor that is evaluated can be rated as Excellent, Above Satisfactory, Needs Improvement, or Unsatisfactory. Raters need to ensure that employees are rated in accordance with the same standard, in doing so, please use the following definitions as a guide in evaluating employees:

**Excellent** - Genuine outstanding performance is all you can possibly expect for the area described. It is performance that conspicuously stands out. It is performance that is uncommon.

**Above Satisfactory** – is the level of performance better than that expected of a fully competent employee and beyond that which is required for the position. It is performance that consistently exceeds beyond the satisfactory or minimum requirements of the position in a majority of all performance factors.

**Satisfactory** – is the performance expected of a fully competent employee. It means thoroughly satisfactory and meeting standards required for the position. It is performance that can be reasonably expected in the position or that consistently meets expectations or standards for the position or performance factor(s) being rated.

**Improvement Needed** – is the level of performance that is below or less than expected of a fully competent employee after a reasonable period of time and training. It is performance that meets some of the minimum requirements of the position but improvement is necessary. It is performance that is less than expected, less than the standard and which must improve. Any rating of “needs improvement” shall be thoroughly discussed with the employee and serious effort is needed to improve performance factor(s).

**Unsatisfactory** – is the level of performance definitely inferior to the standards for the position. This rating is to be used when an employee clearly fails to meet the minimum requirements of the area being appraised. It is very inadequate or undesirable performance. This rating is to be used when an employee clearly fails to meet the minimum requirements for the position or performance factor(s) being rated. Performance at this level cannot be tolerated or allowed to be continued and disciplinary action may be warranted. A performance improvement plan shall be developed and discussed with the employee and significant improvement is necessary.

### **Performance Evaluation Process**

In conjunction with established time lines, the supervisor most directly involved with the supervision of the employee should be the rater and prepare the performance evaluation form to evaluate each employee's job performance, which is reviewed by the rater's supervisor to assure the evaluation function has been properly completed in as fair and objective a manner as possible. Depending on the supervisory level, appropriate Administrators/Managers may review each supervisor's evaluation. The evaluation should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period.

### **Review of Evaluation Form**

The Employee Performance Evaluation Form shall be reviewed by the rater's supervisor prior to the performance evaluation review conducted by the rater with the employee. If a rater's supervisor changes any item or narrative on the evaluation, they must initial that change and offer rationale for the rating of any changes. If the rater does not agree with the change(s) made by their supervisor, this must be resolved by the appropriate Manager and/or Administrator.

### **Evaluation Review with Employee**

After written performance evaluation has been reviewed by the appropriate rater's supervisor, the supervisor (rater) and the employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation

and make written comments about any aspect of it. The evaluation is signed by the supervisor and employee and then forwarded to the appropriate reviewer for review and signature. The evaluation is forwarded to the Human Resources Department for review and inclusion in the employee's personnel file. A copy of the evaluation shall be forwarded to the employee. If a salary increase is associated with the performance evaluation, the approval shall accompany the performance evaluation.

### **Employee Disagreement with Evaluation**

The employee is given the opportunity to comment and respond, in writing, on the performance evaluation within five (5) days of receipt of the performance evaluation copies should be provided to the supervisor and the Human Resources Department. The response will be attached to the performance evaluation and included in the employee's personnel file.

### **Effects of Performance Evaluations**

Performance Evaluations may serve as a basis for promotions, salary adjustments/increases, demotion, suspensions, or termination and will become a part of the employee's personnel file.

If the overall performance evaluation of an employee is Unsatisfactory or Needs Improvement, the employee will not be eligible for a salary increase. A performance improvement plan shall be developed by the employee's supervisor, and the employee will be reviewed again as specified. If no improvement is shown, the employee will be subject to disciplinary action up to and including termination.

The employee performance evaluation should be considered an on-going process that never ends.

## ***PAYMENT OF WAGES***

Paydays are bi-monthly around the 15<sup>th</sup> and the end of the month. If a pay date falls on a Saturday, then payday will be Friday. If it falls on a Sunday or a Monday holiday, payday will be on Tuesday. Payment of commissions, bonuses, and other incentive pay are paid in accordance with the terms of the applicable commission, bonus or incentive pay plan. If there is an error in your check, please report it immediately to your supervisor or the Payroll Department.

Paychecks are grouped for pickup at Cashiering by designated departmental employees on posted pay dates. Employees on direct deposit should receive their monies in their accounts by the end of the work day on posted pay dates. Checks should only be released by departments to actual employees unless employee has provided written authorization for another person to pickup the check. The yearly list of pay dates is posted on the Fiscal Services/Payroll web page at: [CSUB.edu/BAS/fiscal/payroll/index.shtml](http://CSUB.edu/BAS/fiscal/payroll/index.shtml).

## ***AUTOMATIC DEPOSIT***

Employees may authorize the Foundation to automatically deposit their pay into one or more checking or savings accounts. Specifically, an employee may designate up to three bank accounts into which his or her paycheck may be distributed. For example, the employee may

designate that a set amount be directed into a savings account, with the balance deposited into a checking account.

All of the required enrollment and consent forms are available from the Human Resources Department.

### ***PERSONNEL RECORDS***

We keep records concerning your employment, so it is important that your personnel records are accurate and up to date. When you were hired, you provided us with certain information about yourself, and it is important that this information remain current because it enables us to reach you in an emergency, to maintain your benefits properly, and to compute your payroll deductions. Please notify the Human Resources Department immediately of any change in your name, address or telephone number, marital status, number of dependents, beneficiary or dependents listed on your insurance policy, or any change in the person that you want us to notify in case of an emergency.

### ***BUSINESS EXPENSE REIMBURSEMENT***

Employees are reimbursed for reasonable expenses that are incurred as the direct result of an employee performing his or her job duties. These expenses may include air travel, hotels, motels, meals, cab fare, rental vehicles, or gas and car mileage in accordance with the Foundation Travel Policy. Some of these expenses may be taxable. All expenses incurred should be submitted to the Accounting Office along with the receipts within 30 days of the date of the expenditure. Employees are expected to exercise restraint and good judgment when incurring expenses, and should contact their supervisor before incurring an expense if they have any questions about whether an expense will be reimbursed.

### ***WAGE GARNISHMENTS***

Employees are responsible for their own debts even when the Foundation receives a wage garnishment. Garnishments are court orders requiring the Foundation to remit part of an employee's wages to a third party in payment of various types of debt, including taxes, child support, alimony, loans, mortgages, etc. Because a garnishment is based on an individual's failure to pay a debt incurred, it is our experience that anyone may receive a garnishment regardless of wealth or economic resources. For example, the individual may simply contest the debt and has refused to pay. Nevertheless, garnishments cause considerable paperwork and expense for the Foundation.

Although we understand that a wage garnishment can happen to anyone, we strongly encourage employees to work out any financial problems before this situation occurs. Any employee whose wages have been subjected to garnishment for the payment of more than one judgment may be subject to discipline up to and including termination.

## **IV. BENEFITS**

### ***SUMMARY OF MEDICAL AND RELATED BENEFITS***

CSU Bakersfield Foundation offers a comprehensive program of benefit plans for eligible employees. These benefits are a significant part of the employee's total compensation. Eligible employees, depending on category, may receive all mandated benefits, and other benefits subject to conditions as outlined in specific plan documents. The following is a summary of eligibility and available benefits:

#### **Eligible Employees**

To be eligible for benefits, an employee must be appointed to a timebase of at least half-time for more than six months. Qualifying appointments may be either regular or long-term temporary.

Once an employee has acquired eligibility and has enrolled in a plan, he/she may continue enrollment during subsequent continuous appointments of at least half-time regardless of the duration of the new appointment.

#### **Non-Eligible Employees**

Employees excluded from benefits include, hourly employees, student assistants, graduate assistants and any employee paid from funds not controlled by the California State University Bakersfield, Foundation or from revolving or similar funds from which a regular California State University Bakersfield, Foundation premium payment cannot be made.

For Foundation positions of six (6) months or less in duration, benefits shall be limited to the minimum required by law. More detailed information about employee benefit plans may be obtained from the Human Resources Office.

#### **Eligible Dependents**

Eligible dependents of an eligible employee include spouse or domestic partner, and unmarried dependent children under the age of 23 (age 25 for dental only). A dependent child also includes a stepchild, a natural child recognized by the father not living in the same household, or a child living with the employee in a parent-child relationship who is economically dependent upon the employee.

#### **Enrollment**

Eligible Employees must enroll in a medical plan within sixty (60) days of employment, or reemployment if there has been a break in service of more than thirty (30) days. The dental plan enrollment must be completed within thirty-one (31) days of employment.

The standard effective date for medical and/or dental coverage is the first of the month following the receipt of a signed enrollment document in the Benefits Office.

#### **Medical Benefits**

Medical Insurance coverage for eligible CSU Bakersfield Foundation employees is administered by the California Public Employee's Retirement System (CalPERS). Several medical insurance plans are available to covered employees and their eligible dependents, with the majority of the premiums paid by the CSU Bakersfield Foundation. Coverage will begin the first of the month following the date the enrollment worksheet is received in Human Resources if received within

60 days of initial eligibility. Open enrollment is typically in September, with an effective date of the following January.

A comprehensive description of the CalPERS Health Benefits Program is available from the Human Resources Office. The medical plan documents answer questions concerning the plan including those of eligibility, coverage and benefits.

#### **Dental and Vision Benefits**

CSU Bakersfield, Foundation offers one dental plan, MetLife Dental, available to covered employees and their eligible dependents with the full premium paid by the CSU Bakersfield, Foundation. Coverage will begin the first of the month following the date the enrollment worksheet is received in Human Resources if received within 31 days of initial eligibility.

The dental plan pays benefits for both routine and major dental charges. The exact amount the plan pays for a particular service or supply is based on a list called "table of dental allowances." Each calendar year, the dental plan will pay a maximum amount per person for the covered services and supplies. Certain dental services are subject to a deductible amount. The dental plan documents themselves control all questions concerning the plan including those of eligibility, coverage and benefits, and those documents are available for review at the Human Resources Office.

#### **Vision Benefits**

CSU Bakersfield, Foundation offers one vision plan, Vision Service Plan (VSP), available to covered employees and their eligible dependents with the full premium paid by the CSU Bakersfield, Foundation. The Plan pays benefits for a comprehensive vision examination, corrective lenses and frames, cosmetic contact lenses and vision therapy. Enrollment in the plan is automatic and coverage begins the first of the month after the first date of employment. Services may be secured from any plan-approved doctor or from a doctor of the employees' choice. The employee is also responsible for all applicable deductibles or co-payments. Vision plan documents themselves control all questions concerning the plan, including those of eligibility, coverage and benefits, and those documents are available for review at the Human Resources Office.

#### **Employee Assistance Program**

An Employee Assistance Program is provided for employees and their eligible dependents for medical benefits. The Employee Assistance Program offers a full range of problem-resolution counseling services, including individual or group counseling for adults, adolescents and children for stress, depression, grief, phobias, etc. Crisis counseling, marriage and family counseling, drug and alcohol dependency counseling and legal counseling are also available. The program is strictly voluntary and confidential. All requests for services, referrals and records are held in the strictest of confidence. Eligible employees are entitled to a pre-determined number of free sessions per family unit per year. To use the employee assistance program, eligible employees simply call a toll free number. Following verification of eligibility, a clinical coordinator will provide assistance and recommend the most appropriate plan provider. Contact the Human Resources Office for further details.

#### ***INCOME AND SURVIVOR PROTECTION PROGRAM POLICIES***

The CSU Bakersfield, Foundation provides both income and survivor protection benefits to eligible employees in the event of a disability in which the employee is not able to perform

normal work duties, or death, through a number of Foundation-sponsored, state mandated and voluntary insurance programs.

Eligibility for Foundation-sponsored and voluntary income and survivor protection plans is the same as medical eligibility.

### **Life Insurance & Accidental Death & Dismemberment (AD&D) Insurance**

The CSU Bakersfield, Foundation provides an employer-paid basic group life insurance program to all eligible employees. Coverage begins the first of the month following the first date of employment or eligibility. If the employee should die while covered by the plan, the insurance company pays a benefit amount. The person the employee chooses to receive this money is called a beneficiary. The benefit amount paid by the life insurance plan depends on the employee's monthly base salary.

Eligible employees will also be enrolled in the Accidental Death and Dismemberment Insurance Plan. AD&D coverage begins when basis group life insurance benefits begin. The life insurance plan documents themselves control all questions concerning the plan including those of eligibility, coverage and benefits and those documents are available for review at the Human Resources Office.

### **Optional Life Insurance & Accidental Death & Dismemberment (AD&D) Insurance**

Employees enrolled in the Foundation-sponsored life and AD&D programs can elect to purchase additional insurance for themselves and eligible dependents under the Optional Life and AD&D insurance programs. As the employer-sponsored plans, the plan documents themselves control all questions concerning the plan including those of eligibility, coverage and benefits and those documents are available for review at the Human Resources Office.

### **CalPERS Pre-Retirement Death Benefit**

If a CalPERS member dies prior to retirement, a \$2,000 life insurance benefit will be paid to the surviving beneficiary(ies). Depending on the member's years of service, additional benefits may be available to the beneficiary(ies). In addition, CalPERS will pay the member's beneficiary a lump-sum payment equivalent to six months of salary.

### **State Disability Insurance (SDI)**

The State Disability Insurance (SDI) Program, managed by the Employment Development Department (EDD) provides benefits in the event of an employee's need to be off of work due to non-work related injury or illness. A percentage of your wages are taxed to fund this benefit. The Foundation may, under some circumstances, make up the difference between the compensation an eligible employee receives from State Disability Insurance benefits and regular wages. This pay comes from the employee's sick leave bank and may only continue until the employee's accumulated sick pay is exhausted. An employee must file a claim with the Employment Development Department to receive any benefits. Once an employee has notified the Human Resources Office of the need for leave and has satisfied SDI requirements, the Human Resources Office will send a SDI claim form along with instructions to the employee. A SDI provision brochure can be obtained at the Human Resources Office.

## **RETIREMENT AND SAVINGS PLANS PROGRAM POLICIES**

### **California Public Employees' Retirement System (CalPERS)**

Regular full-time employees appointed for at least six months and a day, and part-time employees appointed for at least one year, who are regularly scheduled to work at least 20 hours per week begin earning benefits from the first day of service under the California Public Employees' Retirement System (CalPERS). As a member of CalPERS, 5% of the employee's salary after a deduction of \$513 of the employee's monthly pay is deducted each month and placed in the Retirement Fund. Employee retirement contributions reduce the employee's taxable gross income. The amount of the employee's accumulated contributions is shown on his/her CalPERS Annual Member Statement. Employer contributions are also placed in the Retirement Fund. CalPERS uses employee and employer contributions, as well as income from investments, to pay for retirement benefits. Benefits are paid upon retirement if the employee meets vesting requirements. Additional information regarding retirement benefits can be obtained from the Human Resources Office.

### **Social Security/Medicare**

All employees must contribute to Social Security/Medicare at a rate established by the federal government and until an annual maximum is reached. The employer is responsible for contributing an equivalent amount to Social Security/Medicare on behalf of the employee. The contribution will be automatically deducted from the payroll.

Employees who are students at CSU Bakersfield, Foundation and who are enrolled and regularly attend classes for a minimum of seven (7) units may exempt themselves from paying Social Security/Medicare. In this circumstance, the employer is also relieved of contributions on behalf of the employee. Enrollment at another educational institution will not suffice. Exemption from payment to Social Security/Medicare is only in effect for the quarter/semester in which a student employee is enrolled. An employee must recertify for exemption each quarter, otherwise, Social Security/Medicare contributions will be deducted from the paycheck. Once deductions are made, they cannot be refunded. If a graduate student is appointed to a graduate student assistant position, the position is exempt from Social Security/Medicare taxes. If a graduate student is appointed to a classification other than a Graduate Student Assistant position (i.e. Research tech, Clerical Assistant, etc.), the position is considered exempt from Social Security/Medicare taxes only up to 6 months (calendar year basis) of 100% time base. Thereafter, Social Security/Medicare taxes are applicable. In all cases, if the student's service is taken for "credit" whereby "academic instruction must be combined with work experience" such compensation for said work experience is not exempt from Social Security/Medicare taxes.

### **Tax-Deferred Annuities (403b)**

Tax deferred annuity plans are available to all full-time and part-time employees. An annuity is an investment yielding fixed payments during the holder's lifetime or for a stated number of years. A tax deferred annuity program is a long-term savings plan that can be used to build an estate that will provide a retirement income, in addition to the retirement income for the Foundation's retirement plan and/or Social Security. The Foundation is allowed by Federal and State law to purchase tax deferred annuities for employees. Two distinct features of this program are that income used to pay annuity premiums is not taxable until benefits are received and the annuities purchased will provide income benefits at a later date. Employees electing to purchase annuities under this plan may do so by authorizing the Foundation to reduce their income by the cost of the annuity plan. The Foundation will then use the amount of income reduction to purchase annuities in the employee's name from the annuity/investment company of his/her choice. Further information can be obtained from the Human Resources Office.

## ***SICK LEAVE, VACATION AND HOLIDAYS PROGRAM POLICIES***

### **Sick Leave**

California State University, Bakersfield Foundation's Sick Leave Policy is designed to provide position and salary continuation in the event of illness and to promote sick leave conservation for extended protection. Regular full-time, and part-time (scheduled at least 20 hours per week) employees are eligible. The accumulation of sick leave allows continuation of full base pay plus benefits when an eligible employee is required to be absent from work because of illness or medical conditions.

### **Accrual**

Sick leave is accrued based on an employee's regularly scheduled hours of work. A full-time employee accrues sick leave at the rate of one day per completed month of service. A part-time employee, regularly scheduled to work at least 20 hours per week, accrues sick leave on a pro-rata basis (i.e. a half-time employee is granted four (4) hours per month). Intermittent and student employees are not entitled to sick leave.

Employees must be on pay status at least one-half of the working hours of a month in order to accrue sick leave for that period. Sick leave earned shall be credited to the employee on the first day of the month following the last pay period of the prior month. Sick leave may not be advanced.

A full-time or part-time employee who is on an approved leave without pay accrues full sick leave credit for that month provided the employee is on pay status at least one-half the working hours of the month. There is no limit on the amount of sick leave which can be accrued.

### **Sick Leave Usage**

Sick leave may be used as indicated due to the following:

- a. Illness or injury.
- b. Exposure to contagious disease.
- c. Dental, vision, physical or medical examinations or treatment by a licensed medical practitioner.
- d. Family Illness. An employee shall be permitted to use not more than ½ of sick leave accrual in any calendar year when required to be in attendance or to provide care because of the illness of the employee's spouse, domestic partner, parent, child (including the child of a domestic partner), sibling, grandparent, or grandchild. In-laws and step-relatives in the relationships listed also are covered. The provision also covers other persons residing in the employee's household.
- e. Bereavement. An employee shall be permitted to use not more than five (5) days of sick leave when that employee's absence is required due to the death of any of the persons listed in Family Illness.

### **Notification and Health Certification**

An employee or his/her designee should notify his/her supervisor as soon as he/she knows that he/she will be unable to work, but no later than the starting time of the employee's work day. An employee must notify his/her supervisor on each day of absence unless other arrangements have been made.

When an employee has been out on sick leave for more than five (5) consecutive work days, he/she is required to submit documentation from a health care provider to Human Resources certifying the medical necessity for the absence and expected date of return to work. Additionally, where an employee has been out on sick leave for more than five (5) consecutive work days, the Foundation will provisionally designate the use of that sick leave as Family Medical Leave in addition to sick leave.

### **Continued Employment**

An employee who properly uses the provisions of this policy is entitled to return to a similar or equivalent position without reduction in salary or benefits. However, if an employee has exhausted all available sick leave, his/her employment may be subject to termination unless he/she qualifies for and receives short term disability, Family Medical Leave or other leave benefits. In case of illness which is expected to continue beyond sick leave accrual, the Short Term Disability and /or Family Medical Leave policies may be applicable.

Misuse of sick leave or falsification of sick leave documents may lead to disciplinary action up to and including termination. An ill or injured employee who misses eight or more consecutive workdays may be eligible for State Disability Insurance (SDI). All sick leave must be used before a medical leave of absence can commence.

### **Reinstatement**

An employee who is re-employed after a separation from employment status of less than thirty (30) days shall have all accrued sick leave from prior service reinstated. If the separation from employment status is thirty (30) or more calendar days but less than six (6) months, not more than 80 hours of accrued sick leave shall be reinstated. If separation is for six (6) months (180 days) or more, accrued sick leave shall not be reinstated. Unused sick leave may be converted to service credit at time of retirement for eligible employees. For limitations, requirements, and the precise formula, employees should consult the appropriate CalPERS information booklet.

## **VACATION**

California State University, Bakersfield Foundation provides vacation for the purpose of rest, relaxation and a planned interruption from the workplace or to attend to personal affairs. Supervisors and staff have the responsibility to plan schedules that meet operating requirements of departments and time off needs of staff. In order to balance and meet service and staffing requirements, staff members and supervisors should plan time off schedules well in advance.

Employees must be on pay status at least one-half of the working hours of a month in order to accrue vacation for that period. Vacation earned shall be credited to the employee on the first day of the month following the last pay period of the prior month. Vacation may not be advanced, except that an eligible separating employee shall earn proportionate vacation through the last day on pay status.

### **Rate of Vacation Accrual**

Eligible full-time employees - each full-time employee shall be credited vacation accrual as follows:

<b>Length of Service</b>	<b>Vacation Allowance</b>
1 month through 3 years	10 days per year accrued at 6.67 hours per month
3 years, 1 month through 6 years	15 days per year accrued at 10 hours per month
6 years, 1 month through 10 years	17 days per year accrued at 11.33 hours per month
10 years, 1 month through 15 years	19 days per year accrued at 12.67 hours per month

15 years, 1 month through 20 years	21 days per year accrued at 14.00 hours per month
20 years, 1 month through 25 years	23 days per year accrued at 15.33 hours per month
25 years, 1 month and over	24 days per year accrued at 16.00 hours per month
Management	24 days per year accrued at 16.00 hours per month

Eligible Part-time Employees - part-time employees accrue vacation appropriate to their percentage timebase. Eligible part-time is defined as an employee regularly scheduled to work at least 20 hours per week.

Hourly and student employees are not entitled to accrue vacation.

**Vacation Benefit Accrual**

Vacation benefit shall be earned during any leave with pay. Vacation benefit credit shall not be earned for time working in excess of 40 hours per week, such as overtime.

A maximum of 34 working days or 272 hours will be allowed to accumulate in vacation time for non-management employees with 10 or fewer years of service and 48 days or 384 hours for over 10 years of service. A maximum of 55 days or 440 hours will be allowed to accumulate in vacation time for management employees. No further vacation may be accrued once the employee reaches the maximum amount until he/she takes some vacation.

***SCHEDULING AND APPROVAL OF VACATION LEAVE***

Vacation leave is normally scheduled in advance and shall be approved by the employee's immediate supervisor. Vacation shall not be scheduled after the last day of work, except that an employee may schedule vacation between the last day at work and the effective date of retirement.

Although vacation is provided for rest, the employee may request to use vacation for illness, disability, and personal reasons. To use accrued vacation for illness or disability an employee may be required to submit medical certification of inability to work or illness in the family.

Vacation leave may not be used before it is accrued.

Any monies due for unused vacation will be paid upon separation at the employee's current rate.

***HOLIDAYS***

The Office of Human Resources will establish the annual holiday calendar for the Foundation. The holidays recognized by the Foundation are:

New Year's Day	January 1
Martin Luther King Day	January (3rd Monday)
Lincoln's Birthday	February 12
President's Day	February (3rd Monday)
Cesar Chavez	March 30
Memorial Day	May (last Monday)
Independence Day	July 4
Labor Day	September (1st Monday)
Admission Day	September 9
Columbus Day	October (2nd Monday)

Veterans Day	November 11
Thanksgiving Day	November (4th Thursday)
Christmas Day	December 25

Holidays may be rescheduled from time to time to conform to the University calendar with the following exceptions: New Year's Day, Martin Luther King Day, Cesar Chavez Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. When a holiday falls on a Saturday, the preceding Friday is observed as the holiday. When a holiday falls on a Sunday, the holiday is observed the following Monday.

Department emergency needs may affect pre-determined holiday schedules. Certain grant-funded programs located off-campus may request a modified holiday schedule based on their program needs. This schedule must be approved by the Office of Human Resources.

**Eligibility**

All full-time employees are entitled to receive holiday pay and are immediately eligible for University-recognized holidays as they occur. A part-time employee, regularly scheduled to work at least 20 hours per week, will receive holiday pay on a pro-rata basis (i.e., a half-time employee is granted four (4) hours per month).

Hourly and student employees are not entitled to holiday pay.

**Pay Practices for Holidays**

All full-time employees are paid at their regular rate for time not worked on the holidays identified above. If a holiday falls on a day that a regular part-time staff member is scheduled to work, the staff member is paid at his/her regular rate for the hours not worked.

Holiday pay is not granted for a holiday that occurs before the first day of appointment for a new or rehired employee or after the day of separation.

Holidays occurring during a previously scheduled vacation or leave with pay period are not charged to an individual's vacation or sick leave balance. Employees absent from work either the workday before or the workday after a holiday or both days, will receive holiday pay provided that absence is charged to pre-approved vacation or other leave with pay.

To be paid for working on a holiday, employees must be on paid status at the time the holiday was earned. Holidays should be recorded as holiday credit (HC), adjusted on observance of said holidays and reflected accordingly on time sheets. Employees must use their holiday credits before the end of fiscal year (June 30) or the credit will be lost. Employees, whose normal work schedule does not fall on a Foundation holiday, are eligible for a compensatory day(s) in lieu of the holiday. For example, if the staff member's normal workweek is Tuesday through Saturday; the staff member is eligible for a compensatory day for a holiday that falls on a Monday. The scheduling of this compensatory day must be agreed upon in advance by both supervisor and staff member and must be taken within ninety (90) days.

Terminating individuals will not receive holiday pay unless they work the day after the holiday.

**Special or Religious Holidays**

An employee may observe a special or religious holiday, provided that work schedules can be accommodated without undue hardship to the department and provided that the time off is charged to vacation, compensatory time off, or is without pay. Time off to observe a special or religious holiday

shall be scheduled at least two days in advance and shall be approved by the employee's immediate supervisor.

### **Personal Holiday**

All full-time employees and part-time employees, regularly scheduled to work at least 20 hours per week, will be entitled to an additional day off during the calendar year as a Personal Holiday. Unused Personal Holidays are not carried over to the next calendar year or paid out when employment ends. Personal Holidays are scheduled in accordance with the vacation policy.

### ***EDUCATIONAL ASSISTANCE***

All regular and management employees are eligible to participate in the Foundation's Educational Assistance Program, provided that there are sufficient funds available in the annual budget. Reimbursement for tuition expenses will be based solely on the eligible employee's out of pocket expenses. Coursework under this program may not be considered part of the employee's work schedule.

In order to receive reimbursement, the employee must complete the Foundation Educational Assistance Reimbursement form available on the Foundation's website. A copy of the employee's transcript showing a grade of C or better must be attached along with a receipt for tuition expenses. This form should be submitted to the HR Department. Eligible employees may be reimbursed for up to five (5) units per quarter, or the equivalent. Enrollment in more than one course in excess of five (5) units shall be approved on a case-by-case basis by the HR Department, based on budget concerns and the employee's career development plan. All participants must complete a Career Development form and submit it for approval to the HR Department. The completion of courses does not guarantee that a promotion will be forthcoming.

All classes should be taken during non-working hours. Special circumstances may warrant time off during working hours, subject to the discretion of the department head. Employees need to seek approval from their department head prior to enrolling in classes.

Inter-campus fee reimbursement will be considered for enrollment in other qualified educational institutions (i.e., Bakersfield College or other accredited universities) if the coursework is part of an approved Career Development Plan or is similarly work-related. Reimbursement for courses at other institutions will not exceed the fees required for five (5) or fewer units at CSUB. Arrangements may be made with the institution to pay the fees directly, or the employee may be reimbursed upon submitting receipt of payment. Must have a grade "C" or better.

### ***CREDIT UNION***

All employees are eligible to enroll in a credit union. For more information regarding which credit union you may be eligible to participate in as an employee of the Foundation, and for information regarding the services a credit union may provide, please contact the Human Resources department or the credit union directly.

### ***EMPLOYEE PARKING***

The University requires parking at the campus to be paid. Employees may purchase parking permits at the beginning of each quarter/summer session, or eligible employees may purchase a year-round

permit through payroll deductions. Additionally, daily permits are available from machines located at the campus entrances. Please be advised that parking regulations are enforced and parking violations will be cited.

## V. LEAVES OF ABSENCE POLICIES

### Overview

California State University, Bakersfield, Foundation permits leaves of absence for a variety of circumstances. An employee may be granted a pregnancy disability leave, family and medical leave, supplemental family and medical leave, work-incurred disability leave, or personal leave as provided in the following sections, except that a leave of absence shall not extend beyond a predetermined separation date.

Leaves, transfers for medical reasons, or reduced work schedules granted for an employee's own health condition or the health condition of a family member, including a domestic partner, shall require written confirmation from a health care provider.

Unless specifically provided otherwise, all leaves of absence are available only on an unpaid basis. Unpaid leave is defined in "work weeks" based on five (5) working days per work week. To apply for a leave of absence, the employee must submit a request in writing, giving the dates and reasons for the leave to his/her supervisor and/or the Human Resources Director. The Human Resources Director, in consultation with the appropriate supervisor, makes the final decision in writing to grant, deny or extend any and all leave requests, taking into consideration the department's operating needs and the employee's needs, job performance and length of service.

Vacation and sick leave credit do not accrue while on unpaid leave status. Time on unpaid leave does not count toward an employee's service credit for the purpose of vacation accruals or fulfillment of an introductory period, unless otherwise stated in the specific leave of absence description.

Except as may be set forth with regard to personal leave, if an employee accepts other employment or fails without prior approval or valid excuse to return to work on the next regularly scheduled workday following the expiration of his/her leave, it will be considered that the employee has voluntarily terminated his/her employment. An employee returning from leave has no greater right to reinstatement than if the employee has been continuously employed during the leave period. Thus, if the employee's job was eliminated or the employee would have been laid off, the employee will not be reinstated. Each type of leave requires various additional specific instructions. This information is available in detail from the Human Resources Office. The following are brief explanations:

### ***FAMILY AND MEDICAL LEAVE***

Employees with at least a year of service with the California State University, Bakersfield Foundation including at least 1,250 hours within the past 12 months are eligible for up to a combined 12 work weeks in a 12 month period, of unpaid Family and Medical Leave under the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) to care for the employee's own serious health condition or that of the employee's child, spouse or parent, or in connection with the birth, adoption or placement of the employee's child. A 12-month period begins on the date of an employee's first use of FMLA/CFRA. Successive 12-month periods commence on the date of the employee's first use of such leave after the preceding 12-month period has ended.

### **Definitions of Leave Reasons**

Child is defined as a biological, adopted, or foster child, a stepchild, a legal ward or a child of a person standing in "loco parentis" who is either (1) under 18 years of age or, (2) an adult dependent child.

Parent is defined as a biological, foster, or adoptive parent, a step parent or a legal guardian or other person who stood in "loco parentis" to the employee when the employee was a child.

Serious health condition is defined as an illness, injury, impairment or physical or mental condition, other than disability related to the employee's pregnancy, childbirth or related complications, which interferes with the employee's ability to perform job functions or which warrants the employee's participation in the care of a spouse, parent or child during a period of medical treatment or supervision and involves either (a) inpatient care in a hospital, hospice or residential health care facility, or (b) continuing treatment or continuing supervision by a certified health care provider.

### **Reinstatement**

An employee returning from leave has no greater right to reinstatement than if the employee had been continuously employed during the leave period. Thus, if the employee's job was eliminated or the employee would have been laid off, the employee will not be reinstated. If the circumstance(s) of the leave change and the employee is able to return to work earlier than indicated, the employee is required to notify Human Resources at least 2 working days prior to the date he/she intends to return to work. Similarly, if an employee learns he/she will be unable to return to work on the date previously indicated, the employee is responsible for applying for an extension and furnishing medical re-certification for an extension, prior to the date the leave expires.

During a family care leave period the employee shall retain employee status with the Foundation, and the leave shall not constitute a break in service, for purposes of longevity, seniority or any employee benefit plan. An employee returning from leave shall be given the same or a comparable position and return with no less seniority than the employee had when the leave commenced, for purposes of layoff, recall, promotion, job assignment and seniority-related benefits such as vacation. Upon reinstatement, an employee will retain all employee benefits accrued up to the date the leave commenced. However, there will be no accrual of the benefits during a leave.

If an employee fails for any reason to return to work promptly upon the expiration of an approved leave of absence and has not obtained an extension, the employee will be considered to have voluntarily resigned from the Foundation.

### **Notification and Certification**

If an employee's need for family care leave is foreseeable, the employee shall provide 30 days advance notice in writing to the Human Resources Director. Also, if the leave is due to a foreseeable planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption to the Foundation's operations, subject to the approval of the health care provider. For events that are not foreseeable 30 days in advance, but are not emergencies, the employee must give notice within 2 working days of learning of the need for the leave. If the Foundation determines that the notice was inadequate and that the employee knew of the need for the leave in advance of the request, it may require the employee to delay his/her leave.

If a serious medical condition is the reason for the leave, the Foundation may require that the condition be supported by a certification issued by the health care provider within 15 days of the start of the leave. The certification will be sufficient if it includes all of the following:

1. The date on which the serious health condition commenced;
2. The probable duration of the condition;
3. If for the employee's own serious medical condition, a statement that due to the condition the employee is unable to perform the employee's job function; or
4. If for the serious medical condition of the employee's spouse, parent or child;

- A) An estimate of the amount of time that the health care provider believes the employee needs to care for the individual requiring the care. (Upon expiration of this period, the Foundation may require the employee to obtain re-certification.)
- B) A statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the individual requiring the care.

Intermittent leave of one or more days may be granted, if medically necessary to care for a recurring medical condition. Second and third opinions, re-certification, and/or justifications for changes in return dates and periodic status reports are also required in certain circumstances. Certification of the ability to return to work must be provided prior to reinstatement. An employee who is not able to perform essential job functions after returning from Family and Medical Leave shall be treated pursuant to the Americans with Disabilities Act.

Employees with pregnancy-related difficulties may be eligible for pregnancy disability leave as well as Family and Medical leave. Employees should consult the Human Resources Office for more information. Limitations on family care leave include:

- 1) The Foundation is not required to grant couples who are both Foundation employees Family and Medical Leave which would allow them leave totaling more than four months during any 12 month period in connection with the birth, adoption or placement of their child.
- 2) "Key employees" of the Foundation may or may not be reinstated to their former positions upon return from family medical leave. "Key employees" are the ten percent most highly compensated within a seventy-five mile radius. Employees may contact the Human Resources Office for more information.

### **Outside Employment**

You may not be employed with any employer, other than the Foundation, during your leave of absence. Outside employment during your leave will result in immediate termination.

### **Coordination of Benefits**

An employee on Family and Medical Leave will receive sick pay for the period of time equivalent to the accumulated sick pay earned by the employee. The employee will then use any vacation time previously accrued. The remainder of the leave will be without pay. Employees are eligible to be covered by the Foundation's group health plan for a maximum of 12 weeks to the same extent and under the same conditions as when working. Employees who do not return to work after Family and Medical Leave may be required to reimburse the Foundation for health premiums paid on behalf of the employees during Family and Medical Leave. Further information concerning this should be obtained from the Human Resources Office before leave is taken.

Employees on Family and Medical Leave who are not eligible for continued paid coverage may continue their group health insurance coverage through the Foundation in conjunction with federal COBRA guidelines by making monthly payments to the Foundation for the amount of the applicable premium. Employees should contact the Human Resources Office for further information. Employees on Family and Medical Leave are entitled to participate in pension and retirement plans and supplemental unemployment benefit plans to the same extent and under the same conditions as apply to an unpaid leave taken for any purpose other than Family and Medical Leave.

## ***PREGNANCY DISABILITY LEAVE***

The Foundation will grant an unpaid pregnancy disability leave to all employees disabled on account of their pregnancy, childbirth or related medical conditions. If you are disabled due to pregnancy, childbirth or related medical condition, you may take up to a maximum of four months leave. As an alternative, the Foundation may transfer you to a less strenuous or hazardous position if you so request, with the advice of your physician, if the transfer can be reasonably accommodated. 12 work weeks of leave taken under the pregnancy disability policy runs concurrently with family and medical leave under federal law. Upon termination of a pregnancy disability leave that runs concurrently with federal family and medical leave, an employee is also entitled to up to 12 work weeks of family and medical leave under California law.

### **Notice and Certification Requirements**

If you need to take a pregnancy disability leave, you must provide the Foundation with reasonable advance notice in writing at least 30 days prior to the leave date. If 30 days notice is not practicable because of a medical emergency, for example, notice shall be given within two days of learning of the need for leave. In addition, you must provide the Foundation with a healthcare provider statement certifying the last day you can work and the expected date of return. If an employee requests an extension of leave beyond the time estimated by the healthcare provider, the employee must submit a recertification prior to the expiration date if the employee desires additional leave. Extensions will not be granted that cause the total period of the pregnancy-related disability leave to exceed the 4-month limitation.

### **Reduced Work Schedules**

When medically necessary, an employee may take pregnancy disability leave on a reduced work schedule or on an intermittent basis. The Foundation may require an employee who is on a reduced work schedule or intermittent leave to temporarily transfer to an alternative position if the alternative position better accommodates the work schedule than the employee's own position. Sick leave will be used for any hours or partial hours taken by an exempt employee who elects or is required to substitute paid leave for unpaid pregnancy disability leave taken on an intermitted basis or reduced schedule. An exempt employee who elects or is required to take unpaid pregnancy leave shall not be paid for any hours or partial hours taken on an intermittent basis or reduced schedule.

### **Compensation During Leave**

Pregnancy disability leaves are without pay. However, you may take accrued vacation time and any other accrued paid time off during the leave. All such payments will be integrated with any state disability or other wage reimbursement benefit that you may receive. At no time will you receive a greater total payment than your regular compensation. Any portion of a leave that occurs after all paid time off benefits have been exhausted is without pay. Any unpaid or paid portion of this policy shall be added together and will not extend the 4-month total leave period limitation under the pregnancy-disability leave policy.

## ***BENEFITS DURING LEAVE***

If you are eligible for family and medical leave, the Foundation will maintain for up to a maximum of 12 work weeks per rolling 12-month period, any group health insurance coverage that you were provided before the leave was taken and on the same terms as if you had continued to work. In some instances, the Foundation may recover premiums it paid to maintain health coverage if you fail to return to work following your pregnancy disability leave. If you are not eligible for family and medical leave, then you will receive coverage on the same basis as employees taking other leaves.

If you are not entitled to continue paid group health insurance coverage, you may continue your coverage through the Foundation in conjunction with federal COBRA guidelines by making monthly payments to the Foundation for the amount of the relevant premium. You should contact the Human Resources Office for further information.

### **Paid Family Leave**

In addition, employees may be eligible for Family Temporary Disability Insurance, through the California Employment Development Department.

### **Reinstatement**

In most circumstances, upon the submission of a medical certification that you are able to return to work, you will be offered the same position held at the time of the leave or an equivalent position. However, you will not be entitled to any greater right to reinstatement than if you had been employed continuously rather than on leave. For example, if you would have been laid off if you had not gone on leave, then you will not be entitled to reinstatement. Similarly, if your position is filled during the leave in order to insure the Foundation's ability to operate safely and efficiently and there is no equivalent position available, then your reinstatement will be denied. If upon return from pregnancy disability leave, you are unable to perform the essential functions of the job because of a physical or mental disability, the Foundation will attempt to accommodate you.

## ***OCCUPATIONAL DISABILITY***

This type of leave is granted to employees injured on the job. An employee who is off pay status and receiving temporary disability payments under the Workers' Compensation Act may be granted, at the discretion of the Foundation, a leave without pay for all or part of the period during which such temporary disability payments are received, except that an employee who is also eligible for family and medical leave shall be granted leave pursuant to the Foundation's Family and Medical Leave policy. Before returning to work following a work-related disability, an employee must submit a physician's verification stating the employee's ability to return to work and the date that he/she is able to return and able to perform the usual and customary duties of the job. If the employee is returned to work with restrictions identified by the treating physician, the Foundation will review those work restrictions and determine if accommodations can be made. Please note that the Foundation has a return to work program and makes reasonable efforts to accommodate work restrictions.

## ***MILITARY LEAVE***

A Foundation employee shall be granted military leave as specified below, provided that the employee gives advance verbal or written notice of the leave, except when such notice is precluded by military necessity impossibility, or unreasonableness. In the granting of military leave, the Foundation will require verification of an employee's military orders.

### **Types of Military Leave**

Military leave consists of:

1. Reserve training leave for inactive duty, such as weekly or monthly meetings or weekend drills.
2. Temporary military leave when ordered to full-time active military duty training for a period not to exceed 180 calendar days, including time spent traveling to and from such duty.

3. Extended military leave when an employee enlists or is ordered into active-duty service of any length or active-duty training in excess of 180 days or when an employee is ordered into active Federal military as a member of the National Guard or Naval Militia. Such leave shall be granted for a period not to exceed 5 years. In addition, leave shall be granted for a period of up to 6 months from the date of release from duty.
4. Emergency National Guard leave when an employee who as a member of the National Guard is called to active duty by proclamation of the Governor during a state of emergency. An employee who as a member of the National Guard is called to active federal military duty at the request of the President of the United States is not eligible for emergency National Guard leave, but shall be granted extended military leave.
5. Physical examination leave when an employee is required to take a pre-induction or pre-enlistment physical examination to fulfill a commitment under a Selective Service or comparably law, or during a period of war, or comparable national emergency.

### **Pay for Leave**

An employee granted temporary military leave for active-duty training, inactive-duty training, extended military leave or physical examination leave is entitled to receive the employee's regular Foundation pay for the first 30 calendar days of such leave in any one fiscal year provided that the employee has completed 12 months of continuous Foundation service prior to the granting of the leave and provided that the aggregate of payments for inactive-duty training, temporary military leave, extended military leave and military leave for physical examination do not exceed 30 calendar days' pay in any one fiscal year.

Time off for military physical examinations other than those listed above may be charged to accrued sick leave, accrued vacation leave or accrued compensatory time off or shall be without pay.

An employee granted military leave for emergency National Guard duty is entitled to receive the employee's regular Foundation pay for a period not to exceed 30 calendar days in any one fiscal year. An employee is eligible for pay regardless of the length of Foundation service, and such pay is in addition to any Foundation payment for temporary military leave for active-duty training, extended military leave, and military leave for physical examinations.

An employee who is not eligible for military leave with pay may have such absence charged to accrued vacation or compensatory time off, or the military leave may be without pay.

### ***REINSTATEMENT***

Following release from military service, an employee shall have such right to return, and only such right, as may be required by State and Federal law in effect at the time the employee applies for reinstatement.

### **Effect on Benefits**

An employee granted military leave shall receive benefits as provided below:

1. An employee granted military leave with pay shall receive all benefits related to employment that are granted when an employee is on pay status.
2. An employee granted military leave without pay shall receive:
  - a. Retirement benefits and service credit in accord with the provisions of CalPERS;
  - b. Health plan coverage at the employee's request and expense for a limited period of time;

- c. Other length-of-service credits related to employment that would have been granted had the employee not been absent, provided that the employee returns to Foundation service at the conclusion of the leave in accordance with application Federal and State laws; and
- d. Vacation and sick leave accruals and holiday pay only in accordance with those policies.

### **Indefinite Leave**

Indefinite military leave may be granted if the President or Congress declares a condition of war or national emergency, or when U.S. Armed Forces are serving outside the U.S. at the request of the United Nations, or when there is a National Conscription Act in effect. Following an Indefinite Military Leave, the employee has the right to return to his/her position within six months of termination of active service with the armed forces. However, termination of active service must not be later than six months following the end of the war or national emergency. An employee whose position has ceased to exist during the leave must be reinstated in a comparable position if one exists, or in a comparable vacancy for which the employee is qualified. It is Foundation policy that the employee shall use his/her best efforts to arrange military leave at a time which is mutually agreeable to the employee and his/her department.

### ***JURY DUTY***

Employees will be granted a leave of absence with pay for the duration of jury duty provided that they give Foundation reasonable advance notice of their obligation to serve. The employee should be released from duty in sufficient time to reach the court at the required reporting time. Employees who are excused from service for one or more days during their service shall report for duty during their regular working hours. Evidence of jury duty attendance must be presented to the supervisor and Human Resources Office. This is normally a time record sheet provided by the clerk of the court. This record is necessary to authorize the time away from work and any paid time that may be due to the employee.

An employee who is summoned to serve on a jury on a holiday observed by the Foundation is eligible for holiday pay and receives no alternate day off.

### ***PARENTAL LEAVE***

Each full-time and part-time (regularly scheduled to work at least 20 hours per week) Foundation employee with at least one year of continuous employment shall be entitled to schedule paid parental leave upon the birth or the employee's child or the placement of a child with the employee for adoption or foster care. The purposes of parental leave are to facilitate parental bonding, family adjustment, and childcare, and such leave shall be used consistent with these purposes. Parental leave shall be approved by the employee's immediate supervisor, except where the granting of the parental leave request would unduly interfere with or cause severe hardship upon department operations. Wherever possible, departments shall make reasonable accommodations to permit parental leave, either on a full-time or part-time basis. The maximum paid parental leave for eligible employees shall be 30 work days. Parental leave shall not extend beyond four months from either: the date of birth of the employee's child or the date of placement of an adopted child with the employee and shall be started within 60 days of the birth or adoption. The maximum 30 days shall apply to each birth or adoption, regardless of the number of children born (twins, triplets, etc.) or adopted. Parental leave is separate and distinct from the use of sick leave for pregnancy, since it is not based upon disability. Parental leave is available to be scheduled at the conclusion of the use of sick leave for pregnancy. Parental Leave runs concurrently with other unpaid leaves available to the employee.

Employees must make a written request to use parental leave. The written request shall be made at least 30 calendar days prior to the anticipated start of the parental leave, except in cases of an unanticipated early childbirth or adoption, in which case the employee shall make the written request with as much advance notice as possible. The written request shall also provide such information or substantiation as may be required by the Human Resources Office. An employee who, while on parental leave, is incapacitated for one or more days due to personal illness or injury may charge such days to accrued sick leave. In such event, the employee shall promptly notify his/her immediate supervisor, and upon return to duty shall substantiate the need for and use of sick leave.

## ***PERSONAL LEAVE***

Each full-time and part-time (regularly scheduled to work at least 20 hours per week) Foundation employee with at least one year of continuous employment may be granted an unpaid personal leave of absence for a specified period of time that is no longer than 30 days, except where the granting of the personal leave of absence request would unduly interfere with or cause severe hardship upon department operations. Requests for a personal leave of absence must be presented in writing to the Human Resources Director at least 30 days in advance of the need for leave, when reasonably possible. The request for leave will be considered on the basis of staff, the reasons for the leave, as well as performance and attendance record.

Employees on a personal leave of absence do not accrue seniority towards vacation accrual or benefits, including holiday pay. Vacation and sick leave will begin accruing when the employee returns to work. The Foundation will not pay insurance premiums while an employee is on a personal leave of absence. Employees may continue coverage through the Foundation in conjunction with federal COBRA guidelines by making monthly payments to the Foundation for the amount of the relevant premium. You should contact the Human Resources Office for further information.

## ***ADMINISTRATIVE LEAVE***

In the event the Foundation should suffer a short disruption following an emergency or disaster and should offices be closed, the following guidelines should be used in accounting for all staff time (Regular, Intermittent and student assistants included):

1. Administrative Leave should be granted to all employees who were scheduled to work and were denied access to the Foundation during the period of closure.
2. Employees on scheduled vacation, CTO, or sick leave on the day of closure should be charged vacation, CTO, or sick leave as appropriate.
3. Employees who would have been absent on the day of closure because they were in non-pay status should not be granted Administrative Leave. An example would be an employee not scheduled to report to work.
4. If applicable, time sheets/time cards should reflect normal shift hours with the notation "Administrative Leave."
5. Employees who were expected to report to work and did not because of unrelated reasons, must request an approved leave and use leave credits as appropriate.

Administrative Leave may also be used at the discretion of Human Resources as appropriate.

## **CATASTROPHIC LEAVE DONATION**

An employee who accrues vacation or sick leave credits may voluntarily donate either of those credits to another employee of the Foundation. To qualify, the recipient employee shall have exhausted all accrued leave credits due to a catastrophic illness or injury that has totally incapacitated the employee from work for at least 30 calendar days. Accrued leave credits include credits for sick leave, vacation and compensating time off (CTO). CTO time may not be donated.

### **Definitions**

A catastrophic illness or injury is one that has totally incapacitated the employee from work. Catastrophic illness or injury may also include an incapacitated member of the employee's immediate family if this results in the employee's being required to take time off for an extended period of time in order to care for the family member and the employee has exhausted all accrued compensating time off and vacation credits and all accrued sick leave credits which may be used for family care. Only donated vacation credits may be used for such family care catastrophic leave. Immediate family member is defined as the employee's spouse, domestic partner, parent, child (including the child of a domestic partner), sibling, grandparent, or grandchild. In-laws and step-relatives in the relationships listed also are covered.

### **Notice**

An employee, the employee's representative or the employee's family member shall request the employee's participation and provide appropriate verification of illness or injury as determined by the Human Resources Office. The Human Resources Office shall determine eligibility to receive donations of vacation and sick leave credits.

### **Transfer of Leave**

Employees may donate a maximum of forty (40) hours of leave credits per fiscal year in increments of one hour or more. Donations are irrevocable. Donated leave credits may be used to supplement state disability leave, or temporary disability payments, upon the application for these benefit(s) by an eligible employee. The total amount of leave credits donated and used may not exceed an amount sufficient to ensure the continuance of the employee's regular monthly rate of compensation. The total donated leave credits shall normally not exceed an amount necessary to continue the employee for three calendar months calculated from the first day of catastrophic leave. The Human Resources Director may approve an additional three-month period in exceptional cases. The leave shall not be deemed donated until actually transferred by the Human Resources Office to the record of the employee receiving leave credits. Such transfer shall be accomplished at the end of a pay period, and credits shall be transferred in the order of the dates actually pledged. For employees who are separating from the Foundation, donated time may not be used beyond the employee's separation used donated leave credits may not be used to receive service credit following a service or disability retirement.

## **PARENTAL LEAVE FOR CHILDREN IN SCHOOL**

Any employee who is a parent, guardian or grandparent with custody of a child in kindergarten or grades 1 thru 12 is entitled to take up to 40 hours off each school year to participate in activities of the child's school. The employee may not take more than eight (8) hours off for this purpose in any calendar month of the school year. In addition, the employee must give at least one week's notice of the planned absence to the employee's immediate supervisor before taking the time off. Employees who take advantage of this leave may not be discharged or discriminated against in any manner as a result of doing so. Employees are required to use existing vacation, personal holiday or compensatory

time off for purposes of this planned absence. Time off without pay may also be utilized to the extent it is approved by the employee's direct supervisor. An employee may be required to provide written verification of parental participation from the school.

### ***EMPLOYEES' TIME OFF TO VOTE***

If a voter does not have sufficient time outside of working hours to vote at a statewide election, the employee will be allowed to take up to 2 hours off, with pay, for this purpose. The time off for voting shall be only at the beginning or end of the regular working shift, unless otherwise mutually agreed. If the employee, on the third working day prior to the day of election, knows or has reason to believe that time off will be necessary to be able to vote on election day, the employee shall give the employer at least two working days' notice that time off for voting is desired, in accordance with the provisions of this section.

### ***VICTIMS OF DOMESTIC VIOLENCE***

The Foundation permits employees who become victims of domestic violence to take time off to obtain a restraining order, medical treatment, psychological counseling, assistance from a shelter or similar organization, or to obtain relief to help ensure the health, safety or welfare of the employee or of the employee's child, including time off to participate in safety planning. Employees may use their unused vacation or sick pay when taking time off due to domestic violence; otherwise the time off will be unpaid.

#### **Notice**

Employees who take time off under this policy must provide the Foundation with advance notice of the need to take time off, including the date and length of time off that is required. Advance notice may be required but only if it is feasible. Employees who are able to provide advance notice should consult their supervisor and schedule their time off to minimize the effect of their absence on the Foundations' business. The Foundation will maintain the confidentiality of any employee requesting time off under this policy. In addition to advance notice, the Foundation also requires certification of time off due to domestic violence. Certification may be in the form of a police report, court order, or official documentation from a medical professional, counselor or social services advocate. Failure to provide the required certification may result in a denial of the requested time off.

## **VI. WORKERS' COMPENSATION**

### **Policy**

The Foundation provides protection to its employees for job-related injuries and illnesses under the Worker's Compensation Act.

### **Purpose**

The goal of the Workers' Compensation Program is to ensure that all Foundation employees with injuries or illnesses arising out of and during the course of employment are offered fixed, certain, and speedy relief.

### ***PROCEDURES FOR CARE OF WORK RELATED INJURIES***

If injured on the job, employees are to report (where, when, and how the accident happened) and get immediate treatment. Employees will contact their supervisor and Human Resources Department to get authorized medical treatment. Employees will be required to fill out all necessary paperwork for work related injuries. If there is an immediate emergency, employees are to get the best treatment available and then report the injury to the appropriate supervisor and Human Resources Department as quickly as possible.

### **Responsibility of Injured Employee**

The employee shall:

- Report all accidents promptly, but no later than 24 hours after the injury becomes known explaining to the supervisor how the accident occurred.
- Obtain "First Aid" for minor injury and return to work.
- If the injury requires more than first aid, the employee shall notify their supervisor and Human Resources who will obtain authorized medical treatment.
- After treatment, bring the physicians report to the CSUB Office of Human Resources where you will complete and sign the Employee's Claim For Workers' Compensation Benefits (DWC-1).
- Inform the CSUB Office of Human Resources and immediate supervisor concerning your ability to work and/or any work restrictions. Attend required follow-up medical appointments.
- Return to work as soon as it is medically possible.

### **Responsibility of Supervisor of Injured**

The supervisor is responsible for carrying out CSUB, Foundation and departmental injury and prevention policies. In case of injury this responsibility includes initiating action to obtain prompt medical treatment for injured employees.

The supervisor shall:

- Notify the CSUB Office of Human Resources about the accident immediately.

- Assure that First Aid is administered for minor injuries and determine if employee is able to return to work, and contact the Office of Human Resources to obtain authorized medical treatment for the injured employee.
- For extreme emergency get the injured to any available doctor, hospital, or public medical service.
- On “All” accidents make a report of action taken and the facts about the accident by completing the “Supervisor Report of Injury” and send or FAX it to the Human Resources Department within 24 hours. (FAX: 661-654-2299).

### **WORKERS’ COMPENSATION BENEFIT CATEGORIES**

- *Medical Treatment.* An injured employee is entitled to all necessary medical, surgical, and hospital treatment reasonable required curing or relieving the effects of the injury.
- *Temporary Disability.* An injured employee is entitled to temporary disability payments while recovering from the injury.
- *Permanent Disability.* If a permanent disability arises out of an on the job injury, the worker is entitled to compensation based on the earning capacity of the disabled worker.
- *Death Benefit.* If the injury causes death, a benefit is payable to those dependents of the deceased for support and the time of injury.
- *Leave Status* – Refer to leave policies. These policies apply to Workers’ Compensation leave as they relate to health insurance, duration, notices to employer, etc.

The Foundation also requires that work areas be kept clean and orderly at all times. You are responsible for maintaining your work area in a clean and orderly fashion at all times. The Foundation will attempt to maintain the temperature, lighting, and noise level of its facilities at a level that is comfortable for employees yet appropriate for the nature of our operations. You should inform your supervisor of any concerns about working conditions.

## ***HEALTH & SAFETY***

The Foundation is concerned about the health and safety of its employees and others who enter the Foundation's premises. To that end, it is the policy of the Foundation to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free as feasible from recognized hazards. You are expected to comply with all safety and health requirements whether established by management or by federal, state, or local law. Please refer to our Illness and Injury Prevention Plan ("IIPP") for further information regarding employee safety, or contact the Campus Safety and Risk Manager for more information.

## ***IF YOU MUST LEAVE US***

While we hope that your employment with us will be lengthy and pleasant, it must be remembered that the employment policy of the Foundation is that all employees are employed on an at-will basis, which is based on the mutual consent of you and the Foundation. Thus, either you or the Foundation may terminate the employment relationship at any time and for any reason, with or without cause.

If you decide to leave the Foundation, we would appreciate at least two weeks written notice of your resignation. Please return all property owned by the Foundation (e.g., vehicles, computers, keys, uniforms, identification badges, etc.) prior to your departure.

The Foundation retains the right to accept your resignation immediately and pay you the amount of compensation you would have earned had you continued to work during your resignation period.

## ***EXIT INTERVIEW***

Before leaving, you may be asked to participate in a voluntary exit interview. This will provide closure to your employment with Foundation and will allow the Human Resource Department to ensure that it has resolved various administrative matters, and that it has answered any questions you may have about continuation of benefits. It also provides the Foundation with an opportunity to listen to any of your comments or ideas about improving the Foundation's operations or procedures. The exit interview will be scheduled by the Human Resources Department prior to your departure.

**EMPLOYEE ACKNOWLEDGMENT FORM**

This is to acknowledge that I am expected to read and understand the contents of the Employee Personnel Handbook, as it contains important information on the CSUB Foundation's general personnel policies and on my privileges and obligations as an employee. The Personnel Handbook will be maintained in an electronic version at the following website address <http://www.csubfoundation.org/humanresources.cfm> (see instructions below to access handbook on-line).

Upon accepting employment, I agree to adhere to the policies, procedures and rules as outlined in the Personnel Handbook. I understand that I am governed by the contents of the Handbook and that the CSUB Foundation may change, rescind or add to any policies, benefits or practices described in this Personnel Handbook from time to time in its sole and absolute discretion, with or without prior notice. The CSUB Foundation will advise employees of material changes within a reasonable time.

I understand that if driving is required in my job, I must possess a valid California Driver's License, a driving record acceptable to the CSUB Foundation, and complete the Defensive Driving course offered through CSUB. As well, if using a personal vehicle for Foundation business, I acknowledge that I must possess current automobile insurance. I further acknowledge that I will immediately inform the appropriate Manager or Administrator if my driver's license is suspended, revoked or expires, if I am arrested for DUI, or if my automobile insurance expires or is canceled.

I also understand that the use, possession, sale, distribution or transportation of any prohibited items, as defined in the Drug and Alcohol Abuse Policy, while on the job, on Foundation-owned, leased, occupied or operated property, or while traveling on Foundation business, is prohibited.

I understand the at-will employment status of any employee may be modified or amended only by an express written agreement signed by the employee and the Foundation Manager or Human Resources Director, and such written agreement must specifically reference the at-will provision of this Handbook and expressly waive such provision. I also understand that no employee, officer, or representative of the CSUB Foundation other than the Foundation Manager or Human Resources Director, is authorized to modify or amend the at-will nature of the employment relationship of any employee. I understand that nothing in this Manual or any other document or statement, whether written or oral, shall limit the right of the employee or the Foundation to terminate the employment relationship at any time, with or without cause and with or without notice.

\_\_\_\_\_  
**EMPLOYEE'S SIGNATURE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**EMPLOYEE'S NAME** (Typed or Printed)

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**

-----  
**INSTRUCTIONS TO EMPLOYEE**

To access Employee Handbook on-line please visit [www.csubfoundation.org](http://www.csubfoundation.org), click on Human Resources, and then click on Employee Handbook link. Computer access is available at the CSUB Library.