

# Employee Handbook

California State University, Fresno  
Foundation

July 1, 2015

**CALIFORNIA STATE UNIVERSITY, FRESNO FOUNDATION  
EMPLOYEE HANDBOOK**

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# *WELCOME*

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Welcome to the California State University, Fresno Foundation ("Foundation"). We are pleased you have joined our organization, and hope you find your employment challenging, rewarding, and mutually beneficial. Please read this employee handbook in its entirety.

The Foundation is a non-profit corporation, an auxiliary corporation, organized in 1931. Our main purpose is to support the educational mission of California State University, Fresno. We achieve this purpose through public and private partnership development.

In working toward our goals, we have three primary areas of responsibility including grant and contract administration, gifts acceptance and management, and administration of trust accounts in support of University operations. All charitable donations offered and submitted to the University are administered by the Foundation. Also, endowment scholarship and student emergency loan programs are managed through the Foundation.

Auxiliaries, such as the Foundation, are private employers and as such possess operational flexibility not typically found in State public entities. Auxiliary organizations are self-supporting and exist to promote the educational mission of each campus.

There are over 85 recognized auxiliary organizations within the California State University. The Foundation operates in conformance with the rules and regulations adopted by the Board of Trustees of the California State University, and is governed its own Board of Directors.

Throughout this Employee Handbook the terms "Employee Handbook" and "Handbook" are used interchangeably. The terms "California State University, Fresno Foundation." and "Foundation" are used interchangeably. Also, within this Handbook, the title "Executive Director" refers to the Executive Director of the California State University Fresno Foundation, and the title "Director of Human Resources" refers to the Director of Human Resources for the Foundation.

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## *ESSENTIAL HANDBOOK PROVISIONS*

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The Foundation is an at-will employer. As such, any employee may terminate his/her employment with the Foundation at any time, with or without advance notice, and with or without cause. The Foundation has similar rights.

An employee's status as an at-will employee may not be changed except in writing and signed by the Executive Director.

***THIS HANDBOOK IS NOT INTENDED TO CONSTITUTE AN EMPLOYMENT CONTRACT NOR IS IT INTENDED TO CONVEY ANY CONTRACTUAL RIGHTS OR OBLIGATIONS OR GUARANTEES OF FUTURE EMPLOYMENT.***

No manager, supervisor or employee of the Foundation has authority to enter into any agreement for employment for any specified period of time or to make any agreement for employment other than that of an at-will nature. Additionally, in its sole discretion and without advance notice, the Foundation may advance, promote, demote, increase or decrease pay, and/or modify job duties of any employee.

This Employee Handbook was developed to provide guidelines and summary information for the employees of the Foundation. It is not possible to anticipate or describe every situation that may arise in the workplace, nor is it possible to provide information that answers every question. Therefore, when appropriate, the Foundation may revise, modify, add to, reduce or eliminate any policies, practices, procedures, work rules or benefits stated in this handbook or in any other document, except for the policy of at-will employment. Changes and revisions will be communicated in writing in a way that provides a reasonable amount of notice of such changes.

The Foundation is not governed by any form of collective bargaining. Although some benefits and policies may be similar to those offered by the University to its employees, the Foundation has developed its own policies and procedures (many of which are outlined in this Employee Handbook).

Questions regarding the Foundation's policies, procedures, or programs should be addressed to Auxiliary Human Resources. University employees may not be familiar with the policies, procedures, and programs of the Foundation, and as such may not be able to provide accurate information regarding them. Therefore, it would be inappropriate to rely on University employees to explain Foundation policies, procedures, or programs.

This Employee Handbook contains policies and revisions that supersede all prior handbooks, policy statements, inconsistent policy statements and memoranda of the Foundation as of the distribution of this Employee Handbook. Employees should disregard and destroy any prior handbooks in order to avoid any confusion or misunderstandings.

### **Employee Relations**

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The Foundation strives to perpetuate an environment where there is truly fair and equal opportunity for employment, for all qualified employees and applicants. To help guide us in working toward this high standard, we have created several policies which can be found in the Code of Conduct, and elsewhere throughout this Handbook. These policies provide a process for the review and investigation of possible violations of any of the Foundation's policies, procedures, or programs.

We strive to meet the standards of equal employment for all qualified employees, and have created these and other policies to help reach our goals. Each employee has an individual obligation to be observant and report what they believe is, or might, be a violation of any of these policies. We cannot address issues for which we are not aware, and each employee can and should contribute toward achieving our organizational goals by actively partaking in this endeavor.

### **Equal Employment Opportunity**

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We are committed to equal employment opportunity for all qualified persons, without regard to race, color, religious creed, sex, marital status, or domestic partner status, age, national origin, ancestry, ethnicity, disability, medical condition, sexual orientation, gender, gender identity, gender expression, genetic information, pregnancy, military, veteran status, political affiliation, parental status and, or any other consideration. It also includes a perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such discrimination is unlawful. Our policy applies to all employment practices, including hiring decisions, compensation, benefits, promotions, transfers, training, disciplinary action, and terminations.

Additionally, we strive to provide reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled employee or applicant, unless undue hardship would result.

We expect all employees to show respect and sensitivity towards all employees and customers, and to demonstrate a commitment to the organization's equal opportunity and non-discrimination objectives. If you observe a violation of this policy, you should report it immediately to your supervisor or to the Director of Human Resources. Supervisors and Managers, upon receipt of such report, are required to immediately contact the Director of Human Resources.

The Director of Human Resources will take the appropriate steps to determine the extent of any violation, will recommend corrective action and/or punitive action when warranted, and will work closely with the Executive Director to help ensure practices are in place to avoid similar recurrences of violations.

### **Commitment to the Interactive Process and Reasonable Accommodation**

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Employees with a disability or medical condition that will adversely impact their ability to continue to perform the duties of their job are urged to contact Auxiliary Human Resources as soon as possible, in order to begin the interactive process. This is so that the Foundation and the employee can determine if a reasonable accommodation can be made.

### **Affirmative Action and Nondiscrimination**

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Although the Foundation is not legally compelled to comply with the strict rules of Affirmative Action found in federal regulations, we have determined Affirmative Action is critical to our overall mission, is consistent with CSU guidelines, and therefore will comply with Affirmative Action voluntarily.

We have made significant progress with our Affirmative Action initiatives. We strive to continue to provide equal employment opportunities to all applicants and employees regardless of race, color, ancestry, religion, national origin, sex, sexual orientation, disability, medical condition, age, marital status, pregnancy, disabled veteran or Vietnam era veteran status, or any other protected status.

The Executive Director has the overall responsibility for our Affirmative Action Policy. By exercising personal and professional leadership in promoting equal opportunity and nondiscrimination in all aspects of our personnel policies and practices, we maintain an Affirmative Action Program that works to increase the employment of minority-group members, women, persons with disabilities and Vietnam era veterans into our work force.

To reach and maintain our objectives, cooperation and commitment is required from all employees in the demonstration of positive attitudes and efforts that in turn reflect our affirmative action policies to others within the organization and in our community. To help ensure our employees are aware of their individual responsibilities, this policy statement is included in policy manuals and discussed in employee orientations.

## **Unlawful Harassment**

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We are committed to providing a work environment free of unlawful harassment of our employees, customers and visitors. Unlawful harassment is not only against the law - it also negatively impacts our work culture, and prevents us from achieving our organizational objectives. Foundation policy prohibits sexual harassment and discrimination based on pregnancy, childbirth, or related medical conditions, race, color, religious creed, sex, marital status, or domestic partner status, age, national origin, ancestry, ethnicity, disability, medical condition, sexual orientation, gender, gender identity, gender expression, genetic information, military and veteran status, political affiliation, parental status or any other basis protected by law. It also includes a perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such harassment is unlawful and will not be tolerated. The Foundation will investigate and take corrective action under this policy, but will also policy, even if the sexually harassing conduct is not motivated by individual's sexual desires.

### **Sexual Harassment Defined**

Applicable state and federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to the conduct is made a term or condition of employment; or (2) submission to or rejection of the conduct is used as basis for employment decisions affecting the individual; or (3) the conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive working environment. The sexually harassing conduct need not be motivated by an individual's sexual desires in order to be classified as harassment. This definition includes many forms of offensive behavior. The following is a partial list:



- Unwanted sexual advances;
- Offering employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters;
- Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, or comments about any employee's body or dress;
- Verbal sexual advances or propositions;
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, or suggestive or obscene letters, notes, or invitations;
- Physical conduct such as touching, assault, or impeding or blocking movements; and
- Retaliation for reporting harassment or threatening to report harassment.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful whether it involves coworker harassment, harassment by a manager, or harassment by persons doing business with or for the Foundation.

### **Other Types of Harassment**

Prohibited harassment on the basis of race, color, national origin, ancestry, religion, physical or mental disability, marital status, medical condition, sexual orientation (including gender identity), age or any other protected basis, includes behavior similar to sexual harassment, such as:

- Verbal conduct such as threats, epithets, derogatory comments, or slurs;
- Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
- Physical conduct such as assault, unwanted touching, or blocking normal movement; and
- Retaliation for reporting harassment or threatening to report harassment.

### **Complaint Procedure**

The Foundation's complaint procedure provides for a timely, thorough, and objective investigation of any claim of unlawful or prohibited harassment, appropriate disciplinary action of anyone found to have engaged in prohibited harassment, and appropriate remedies for any victim of harassment. A claim of harassment may exist even if the employee has not lost a job or some economic benefit.

Applicable law also prohibits retaliation against any employee by another employee or by the Foundation for using this complaint procedure or for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by a governmental enforcement agency. Additionally, the Foundation will not knowingly permit any retaliation against any employee who complains of prohibited harassment or who participates in an investigation.

An employee who believes they have been harassed on the job or at a work related function should provide a written or verbal complaint to Director of Human Resources or the Executive Director. A complaint should include details of the incident and names of the individuals who may have witnessed the incident or who may have been involved.

Any supervisor of any Foundation employee receiving a harassment complaint must refer such complaint to the Director of Human Resources or the Executive Director. The Director of Human

Resources will undertake an effective, thorough, and objective investigation of the harassment allegations.

If the Director of Human Resources determines a violation of this policy has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Foundation to have violated this policy will be subject to appropriate disciplinary action, up to and including termination.

Any action taken will be made known to the reporting employee. The Foundation will not retaliate against any employee for filing a complaint and will not tolerate or permit retaliation by management, employees, or coworkers. Any allegation of retaliation must be immediately reported to the Director of Human Resources or the Executive Director.

### **Liability for Harassment**

Any employee of the Foundation, whether a coworker or supervisor, who is found to have engaged in prohibited harassment is subject to disciplinary action, up to and including discharge from employment. Any employee who engages in prohibited harassment, including any manager or supervisor, may be held personally liable for monetary damages. Any manager or supervisor who knew about harassment and took no action to stop it or failed to report the harassment to the Director of Human Resources or the Executive Director, may also be subject to discipline up to and including discharge. The Foundation does not consider conduct in violation of this policy to be within the course and scope of employment, or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, the Foundation reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of this policy.

### **Additional Enforcement Information**

In addition to the Foundation's internal complaint procedure, employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate and prosecute complaints of unlawful harassment and discrimination in employment. Employees who believe that they have been unlawfully harassed or discriminated against may file a complaint with either of these agencies.

For more information, contact the Director of Human Resources. You may also contact the nearest office of the EEOC or the DFEH, as listed in the telephone directory.

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## ***RESOLUTION PROCEDURE FOR EMPLOYEE COMPLAINTS***

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### **Open Door Policy**

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The Open Door Policy is a voluntary process that allows you to talk to your immediate supervisor or to a higher level of management, without fear of retaliation. Although you are encouraged to solve your problem at the lowest possible level, you may take it as far up the chain of command as needed.

You are free to raise your concerns to any level of management. However, whenever possible, you should try to resolve any problems with your immediate supervisor. Because this person is close

to your situation, he or she may already be aware of the problem, or be in a position to offer a new perspective or some new facts that may be helpful to you.

If you are dissatisfied with your immediate supervisor's response or need to talk to someone other than your supervisor, you may take your problem to the next higher level of supervision. You are encouraged to follow the specific chain of command in your department or work group, because that is often the most direct way of getting matters resolved. However, you may take a problem or concern directly to Auxiliary Human Resources at any time.

For those situations involving problems that, for whatever reason, cannot be resolved in-house, the Foundation has adopted a private, professional way outside the Foundation to settle them. This outside process involves binding arbitration. Arbitration means presenting the dispute to a neutral third party for a final binding decision. Other resolution processes may be available upon request with the Foundation's consent.

### **Complaint Resolution**

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Employees are encouraged to bring their complaints about work-related situations to the attention of management. Employees will be provided with an opportunity to present their complaints and appeal decisions by management through a formal complaint procedure. All complaints will be resolved fairly and promptly.

The formal complaint procedure is as follows:

1. A complaint may be defined as an employee's expressed feeling of dissatisfaction concerning conditions of employment or treatment by management, supervisors or other employees. Examples which may be causes of complaints include, but are not limited to:
  - Application of Foundation policies, practices, rules, regulations and procedures believed to be to the detriment of an employee;
  - Treatment considered unfair by an employee, such as coercion, reprisal, harassment or intimidation;
  - Alleged discrimination because of race, color, sex, age, religion, handicap, national origin, military reserve or veteran status, marital status, sexual orientation, or any other non-merit factor; and
  - Improper or unfair administration of employee benefits or conditions of employment such as vacations, fringe benefits, promotions, retirements, holidays, performance reviews, salaries, or seniority.
2. Supervisors are responsible for ensuring the complaint is fully processed.
3. No employee will be penalized for using the Foundation's complaint procedure.
4. Except as otherwise specified in this Handbook, any complaint filed shall follow the procedure outlined below, shall refer to the provision or provisions of Foundation policy, practice,

procedure, rule or regulation alleged to have been violated and shall adequately set forth the facts pertaining to the alleged violation.

- A. The complaining employee shall present a complaint in writing to his/her immediate supervisor. Discussions shall be informal for the purpose of settling differences in the simplest and most direct manner. The immediate supervisor shall reach a decision and communicate it in writing to the complaining employee within three (3) working days from the date the complaint was presented. If the complaint involves the supervisor, an employee may proceed directly to Step C.
  - B. If the complaint is not settled in the Step A, the complaining employee shall, within three (3) working days, forward the written complaint to the Unit Director. The Unit Director shall, within five (5) working days, meet with the complaining employee to determine the facts of the case. The Unit Director shall notify the complaining employee of his/her decision, in writing, within five (5) working days following the date of the meeting, unless a different amount of time is mutually extended in writing.
  - C. If the complaint is not settled at Step B, the complaining employee shall, within five (5) working days, forward the written complaint to the Director of Human Resources. The Director of Human Resources shall meet with the complaining employee within ten (10) working days after receipt of the complaint, unless a different amount of time is mutually extended in writing. The Director of Human Resources shall ascertain the facts and forward recommendations to the Executive Director within five (5) working days after the meeting, unless this period is extended in writing by mutual agreement. The Executive Director shall have ten (10) working days to consult with any of the parties involved and render a decision in writing to the employee, unless a different amount of time is mutually extended in writing.
5. The decision of the Executive Director at Step C (directly above) shall be final and binding on the parties, without further right to appeal.
  6. A complaint must be brought forward as soon as it might reasonably be known to exist. In the event a complaint arises, the employee must submit it to his supervisor within 5 working days.
  7. The time limit at any stage of the complaint procedure may be extended by written mutual agreement of the parties involved in that step.
  8. Any complaint presented shall be written and may be presented in any legible format or a format prescribed by Auxiliary Human Resources. It must be dated and signed by the employee presenting it, or sent via the employee's work email. Any decision rendered shall be provided in writing to the employee, and shall be dated and signed by the Foundation's representative at that step.
  9. When a written complaint is presented, the Foundation's representative shall provide a dated and signed receipt for it at that particular step.

10. A complaint not advanced to the higher step within the time limit provided, shall be deemed permanently withdrawn and as having been settled on the basis of the decision most recently given. Failure on the part of the Foundation's representative to answer within the time limit set forth in any step, will entitle the employee to proceed to the next step.

11. When a complaint is reduced to it shall set forth:

- A complete statement of the complaint and facts upon which it is based;
- The section or sections of Foundation Policy claimed to have been violated; and
- The remedy or correction requested.

12. Complaints presented anonymously will not be accepted as valid complaints under this policy.

### **Mediation**

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If you are dissatisfied with the result from the Open Door Policy and its complaint resolution process, you may request the Foundation to participate with you in mediation. However, neither you nor the Foundation is required to submit the dispute to mediation and either the Foundation or you can proceed directly to arbitration at their choice.

Mediation is a meeting in which a neutral third party, called a mediator, helps you and the Foundation come to an agreement on your own, based on your needs and interests. Mediation is a non-binding process--that means the mediator can make suggestions, but you and the Foundation are responsible for resolving your dispute. All mediations in this program will use private mediators as agreed upon by the parties.

To request mediation, submit your written request to the attention of Auxiliary Human Resources. Once you have made this request, the Foundation will determine whether to participate in the mediation process. If the Foundation agrees to mediation, the parties will mutually select a local private mediator to mediate the dispute. Both parties may be represented by counsel or any person whom they wish to designate during the mediation process. If you agree not to be represented by counsel at the mediation, then the Foundation will also agree not to be represented by counsel at the mediation.

If mediation does not resolve the dispute, you or the Foundation may submit the dispute to arbitration for a final and binding decision.

### **ARBITRATION AGREEMENT & PROCEDURES**

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It is the policy of Foundation that any and all claims or controversies between any employee and the Foundation shall be resolved through arbitration. This policy applies to all, disputes and claims for relief, including but not limited to: claims for wrongful discharge, violations of any public policy, employment discrimination based on federal, state or local statute, ordinance or governmental regulations (including but not limited to alleged discrimination on the basis of race, color, religion, gender, gender identity, gender expression, sex, sexual orientation, pregnancy, age, disability, genetic information, national origin, marital status, ancestry, medical condition and/or veteran status), harassment, retaliation, unpaid wages or other compensation, tortious conduct, fraud, misrepresentation, misappropriation of funds or trade secrets, conversion, unfair business practices, defamation, invasion of privacy, contractual violations; ERISA violations; and

any other statutory or common law claims and disputes, regardless of whether the statute was enacted or whether the common law doctrine was recognized at the time this agreement was signed. This policy does not apply to disputes governed by California's workers' compensation laws or disputes governed by California's unemployment insurance laws, and it does not preclude an employee from exhausting his or her administrative remedies as required by law. The Foundation and its employees also expressly agree to waive any right to bring a lawsuit as a class action.

### **REQUEST FOR ARBITRATION**

Whenever a dispute, claim, or controversy arises between an employee and the Foundation, arbitration may be commenced by submitted a Request for Arbitration in writing to the other party. The Request for Arbitration shall include the following:

- a. A factual description of the dispute in sufficient detail to advise the other party of the nature of the dispute;
- b. The legal causes of action and the facts supporting those causes of action;
- c. The names and work locations of any co-workers or supervisors with knowledge of the dispute; and
- d. The relief requested.

### **ARBITRATOR SELECTION**

- All disputes will be resolved by a single neutral arbitrator.
- Unless the parties are able to select an arbitrator through mutual agreement, the arbitrator(s) shall be selected from a list provided by the American Arbitration Association ("AAA") from its panel.
- The list provided by AAA shall contain educational and professional biographies of each proposed arbitrator.
- The arbitrator shall be selected by the parties by alternately striking names from the list provided by AAA. The last name remaining on the list shall be the arbitrator selected to resolve the dispute.
- The selected Arbitrator shall only be authorized to exercise the powers specifically enumerated by this Agreement and to decide the dispute in accordance with governing principles of law and equity. The Arbitrator shall not have any authority to modify the powers granted to him/her by the terms of the Agreement. The Arbitrator also shall not have the authority to modify a party's responsibility for fees and costs, except as required by law or this Agreement.

### **THE ARBITRATOR'S AUTHORITY**

The arbitration shall be conducted in accordance with the California Arbitration Act and the California Code of Civil Procedure, and the Arbitrator shall only have those powers authorized by statute or as enumerated in this Agreement:

- The Arbitrator may rule on motions regarding the pleadings and discovery, including but not limited to any motions to dismiss, demurrers, motions for judgment on the pleadings, and motions for summary judgment or adjudication.
- The Arbitrator may Issue protective orders upon motion of any party or third party witness. Such protective orders may include, but are not limited to, sealing the record of the arbitration, in whole or in part (including discovery proceedings and motions, transcripts

and the decision and award), to protect the privacy or other constitutional or statutory rights of parties and/or witnesses.

- The Arbitrator may determine only the disputed claims, issues, and cause of action submitted to him/her. The dispute shall be identified in the Request for Arbitration, any counterclaim(s), and the answer(s) thereto. Any dispute not identified in those pleadings is outside the scope of the Arbitrator's jurisdiction and any award invoking such disputes is subject to a motion to vacate; provided, however, that the Arbitrator shall have exclusive authority to resolve any dispute relating to the validity, interpretation and enforcement of these Arbitration Procedures.

## **PLEADINGS**

A copy of the Request for Arbitration shall be forwarded to the Arbitrator within ten (10) calendar days of his/her selection. Within thirty (30) calendar days following submission of the Request for Arbitration to the Arbitrator, the Foundation shall respond in writing to the Request for Arbitration by Answer, which shall include any counter-claims. The Answer shall be served on the Arbitrator and the opposing party.

If the Answer alleges a counterclaim, the party against whom the counter-claim is made shall have within twenty (20) calendar days to respond with an Answer, which shall be served on the opposing party and the Arbitrator.

When all claims and counterclaims have been answered, the Arbitrator shall set a schedule for discovery, motion cut off, expert discovery, and a reasonable time and place for the hearing.

## **DISCOVERY**

The parties shall cooperate to the fullest extent practicable in the voluntary exchange of documents and information to expedite the arbitration. After the appointment of the Arbitrator, each party shall have the right to take at least two depositions and to obtain discovery regarding the subject matter of the arbitration. Discretion to limit or to allow additional discovery is solely left to the Arbitrator.

## **HEARING PROCEDURE**

The hearing shall be recorded and transcribed by a certified shorthand court reporter. Each party shall bear its own costs with respect to a copy of the transcript of the hearing.

The Arbitrator shall order witnesses to be sequestered at the request of any party. However, the following persons are exempt from any order of sequestration and may attend every stage of the proceedings regardless of their status as potential witness: the Employee; a representative of the Foundation; counsel for any party. All testimony shall be under oath; oaths shall be administered by the Arbitrator and/or the court reporter.

## **POST-HEARING PROCEDURES**

Either party shall have the right to present closing argument at the conclusion of all testimony. In addition to, or in lieu of losing argument, either party shall have the right to present post-hearing briefs. The due date and procedure for exchanging post-hearing briefs shall be mutually agreed on by the parties and the Arbitrator.

## **OPINION AND AWARD**

The Arbitrator shall issue a written opinion and award; the opinion and award must be signed and dated. The Arbitrator shall issue a written opinion and award within 90 days of closing arguments

or within 90 days of the receipt of post-hearing briefs, whichever is later. The Arbitrator's opinion and award shall be final and binding and shall adjudicate all issues submitted. The Arbitrator's opinion and award shall set forth the legal principles and facts supporting each issue, claim, or cause of action decided. The Arbitrator shall only be permitted to award those remedies in law or equity that are requested by the parties and which he/she determines to be supported by the credible, relevant evidence. The Arbitrator shall have the same authority to award remedies and damages as provided to a judge and/or jury under parallel circumstances.

## **FEES AND COSTS**

Fees and costs shall be allocated in the following matter:

- Each party shall be responsible for its/his/hers own attorney's fees and costs, except when the Arbitrator awards attorney's fees and/or costs to the prevailing party consistent with applicable state or federal law.
- The Foundation shall bear the fees of the Arbitrator and the cost of the hearing room.
- Each party shall be responsible for its/his/hers costs associated with discovery, except to the extent that such costs are awarded by the Arbitrator as part of his/her final award.

## **SEVERABILITY**

In the event that any provision to this Arbitration Agreement and Procedures is determined by the Arbitrator or by a court of competent jurisdiction to be illegal, invalid or unenforceable to any extent, such term or provision shall be enforced to the extent permissible under the law and all remaining terms and provisions hereof shall continue in full force and effect.

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## ***EMPLOYMENT CATEGORIES***

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Categories have been created in order to determine eligibility for Foundation sponsored benefits. Upon hiring, employees are placed in one of these employment categories. The following definitions are designed to help you understand your employment status and eligibility for benefits. These classifications do not guarantee employment for any specified period of time and are subject to change.

### **Exempt and Non-Exempt**

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Every position is designated as either "Non-Exempt" or "Exempt". This designation has no relationship to whether or not an employee is eligible for a specific benefit, except that employees filling non-exempt positions are eligible for overtime pay (when applicable). These positions typically include hourly, clerical, and some administrative support positions.

Employees whose position is designated as exempt are not eligible to receive overtime pay. These positions typically include executive, administrative, and professional/para-professional positions.

Changing positions from nonexempt to exempt, or vice versa, may occur only by written approval from both the Director of Human Resources and the Executive Director.

### **Position Classifications for Benefits Eligibility Purposes**

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"Benefited" employees generally include those employees who are eligible to receive Foundation sponsored benefits, while "Non-Benefited" employees are generally ineligible for Foundation benefits. Below are the definitions used by the Foundation to describe eligibility for benefits.

**Benefited Full-Time** employees are those typically assigned to work 40 hours per week. These positions are eligible for full benefits provided by the Foundation.

**Non-Benefited** employees include those considered part-time or students and are not eligible for Foundation provided benefits. These employees are covered under Workers' Compensation, Disability, Unemployment Insurance and any federal or state mandated benefits.

### **Position Reclassification**

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Prior to a classification or reclassification of any type, Auxiliary Human Resources will conduct a complete job responsibility audit of the position. Following the audit, Auxiliary Human Resources will write a job description for the position. Requests for reclassification must be submitted by Auxiliary Human Resources for final review and approval by the Executive Director.

Reclassifications shall be approved only when a position's range of job responsibilities has changed to a level that warrants a change in exempt status, pay grade, or a change impacting eligibility for benefits. An increase or decrease in volume of work in and of itself is not typically justification for a reclassification.

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## ***PAYROLL AND TIMEKEEPING***

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Employees are required to sign the information sheet or transaction form whenever there is a change to their payroll record. Failure to do so will result in a delay of the transaction being processed. The employee will receive a copy of the processed form for their records.

### **Hours of Work**

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Each employee is assigned by the supervisor to a workday or week. The work period is normally eight hours and the workweek is forty hours, with the standard workweek being Sunday at 12:00 a.m. through Saturday 11:59 p.m.

Exempt employees' work hours are as many as needed to satisfactorily accomplish the requirements of the position, to give proper supervision, and to be appropriately available to the supervisor and to those under their direction.

Generally, nonexempt employees who work over eight hours in a day or over forty hours in a week are paid overtime pay. Overtime pay is based on actual hours worked. Time off on sick leave, vacation, paid holiday, reporting time pay, or any leave of absence is not considered hours worked for purposes of computing overtime.

Advanced approval should be given in writing prior to work being performed that would result in overtime compensation. Employees that work overtime without permission may be subject to disciplinary action.

### **Rest and Meal Period**

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All non-exempt employees are provided with two (2) rest periods of at least ten (10) minutes net for each four (4) hours of work, or major portions thereof. A rest period may also include recover periods to prevent heat illness. To the extent possible, rest periods will be provided in the middle of work periods. Since break time is paid as time worked, employees must not be absent from the workstation beyond the allotted time. Breaks are not to be added to the beginning or end of the work shift, and may not be accumulated for a later time or used to extend lunch breaks.

Typically, employees working an eight (8) hour workday will be given a one (1) hour unpaid meal period. In some cases (i.e. summer schedule), the meal period will be less than one (1) hour, but will not be less than thirty (30) minutes. Employees must start their meal period before the fifth (5) hour of work.

Supervisors are to schedule meal periods to accommodate operating requirements and to ensure employees are relieved of all active work responsibilities and restrictions during meal periods.

### **Timekeeping and Attendance Reports**

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Employees that are **exempt** (those who do not qualify for overtime) will accurately record time taken such as for vacation, sick, bereavement or jury duty. All time taken off and the reason is to be accurately recorded on the monthly attendance report.

If a paper time-sheet is necessary, this is due to the Foundation Payroll Department no later than the day following the end of the pay period. Late submissions to the Payroll Department will result in late payment of wages to the employee(s). Further, it should be understood that if an employee does not submit a time and attendance report, in whatever form required for that employee, the employee will not be paid.

Willful falsification of any time record will result in disciplinary action, up to and including termination of employment.

### **Pay Day**

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Employees are paid on the 7th and the 22nd of the month. When the pay date falls on a holiday or weekend, the last workday before the normal pay date will be the pay day.

Salaried employees are paid on the 15<sup>th</sup> and the last day of the month. When the pay date falls on a holiday or weekend, the last workday before the normal pay date will be the payday.

### **Pay Checks**

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Pay checks are normally available in the employees' work unit. However, each employee should consult with their supervisor as to the procedures and place where their paycheck will be available. If an employee is not available on the pay day due to vacation or some other reason, the paycheck will be mailed to the employee's home address if other prior arrangements have not been made.

Employees who discover a mistake in their paycheck, or lose the check, should notify the Payroll Department immediately. Confirmed errors will be corrected, and in the case of loss or theft, a new check will be issued. The Foundation cannot be held responsible for the loss or theft of a check if it cannot stop payment on the check.

### **Pay Rate Change**

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Pay is based on the position and duties an employee is performing. Pay rate changes (increases or decreases) are based on performance, availability of funding, and other considerations that may vary during the course of employment.

Employees should understand that *no final or effective decision* regarding pay rate changes can be made by a Supervisor alone. Changes in pay may be made only with written approval of the Unit Director, Director of Human Resources and Executive Director.

### **Direct Deposit**

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As a service to our employees and to increase payroll efficiency and minimize time away from work to deposit pay checks, direct deposit is offered to most employees. Inquiries should be directed to the Payroll Department regarding current services available.

### **Deductions from Pay**

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On each pay day, employees will receive a statement showing gross pay, deductions, and net pay, in addition to their pay check or deposit confirmation notice. Local, state, federal and Social Security taxes will be deducted automatically. Employees may elect to have additional voluntary deductions taken from their pay when they provide their written authorization.

Tax Sheltered Annuities are deductions which benefited employees may take advantage of through a salary reduction agreement, initiated by the employee. Annuities offer the benefit of reducing the amount of current taxable income, and increasing the amount of income in a future period when the expected earnings and tax bracket are lower. Only federal and state taxes are reduced by the annuity, and those taxes are paid at the time of withdrawal or retirement.

The Foundation does not contribute to annuities or take responsibility for a company's management of funds. Individuals may enter into agreements with the company of their choice. We are prohibited from recommending any annuity or from recommending any particular company handling annuities. Therefore, managers and supervisors are prohibited from recommending an individual or company to any employee.

Garnishments from pay that are court ordered under state or federal law will be honored and deducted from the employee's pay as ordered. Garnishments may only be stopped if the employee brings an official release from the court or agency to the Payroll Department.

### **Reporting Time Pay**

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An employee who reports to work on a scheduled workday, but is not put to work or is furnished with less than half his/her usual or scheduled day's work, will be paid the greater of one-half (1/2) his/her usual or scheduled day's work (up to four (4) hours), or two (2) hours at his/her regular rate of pay.

An employee, who reports to work a second (2nd) time in a scheduled workday and is furnished less than two (2) hours of work, will be paid for two (2) hours at his/her regular rate of pay.

These provisions shall not apply where the failure to provide the scheduled amount of work results from specific causes beyond the Foundation's control, such as (1) an inability to commence or continue operations because of threats to employees or to property, or because of the recommendation of civil authorities; (2) a failure of the sewer system or of public utilities to supply electricity, water, or gas; (3) an interruption of work caused by an act of God or other cause outside of the Foundation's control; (4) instances where an employee makes a request to leave work early for personal reasons; or (5) where an employee reports to work unfit.

### **Business and Travel Expense**

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The Foundation will reimburse employees for reasonable business travel expenses while on assignment away from the normal work location. All business travel must be approved in advance by the immediate supervisor and any expense or reimbursement is based on the Foundation's written travel policy.

Employees involved in an accident while traveling on business must promptly report the incident to his/her immediate supervisor. Vehicles owned, leased, or rented by the Foundation may not be used for personal use without prior approval.

With prior approval from an employee's supervisor, a family member or friend may accompany employees on business travel when it will not interfere with business objectives. Generally, employees are also allowed to combine personal travel with business travel, as long as time away from work is approved and additional expenses arising from such non-business travel are paid by the employee. Abuse of the business travel expense policy, including falsifying expense claims, may result in disciplinary action, up to and including termination of employment. Please refer to the Foundation's travel policy at <http://www.auxiliary.com/assoc/Auxiliary-publicdocs.html> for any travel related questions.

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## ***BENEFITS***

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The Foundation has established a number of employee benefit programs for eligible employees. Although this Employee Handbook does not restate all of the features of these benefit programs, it provides brief summaries to acquaint employees with some of their key features. Official plan documents should be consulted for further information regarding health, dental, vision, and life insurance benefits as these plans change on a regular basis. These documents are available in Auxiliary Human Resources.

While it is the Foundation's intention to continue these benefits, the Foundation reserves the right to modify, increase, reduce or eliminate any benefit, in whole or in part, at any time. Neither the benefit programs nor their descriptions are intended to create any guarantees regarding employment or continued employment.

## **Health Insurance**

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Various health insurance plans are available to all Benefited employees and their eligible dependents. The Foundation's contribution to the cost of health insurance is determined periodically as the cost of this insurance changes. Any employee's share of the premium cost is paid through payroll deduction.

Benefited employees and their eligible family members must enroll within thirty days from the date of eligibility or wait until the next annually designated "open enrollment period".

Insurance coverage is effective the first day of the month following employment in a benefited classification and remains in effect until the last day of the month following the month of separation from employment.

Upon marriage, an employee may enroll the new spouse (and any eligible dependents) within thirty (30) days with proof of marriage. Newborn and adopted children may be enrolled within sixty (60) days of birth or custody.

## **Dental Insurance**

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Dental insurance is provided to eligible Benefited employees with an option for dependent coverage. Eligibility for coverage begins the first (1st) day of the month following employment in a benefited classification.

## **Vision Insurance**

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Vision coverage is provided to eligible Benefited employees with an option for dependent coverage. Eligibility for coverage begins the first (1st) day of the month following employment in a benefited classification.

## **Life Insurance**

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Term life insurance is provided for all Benefited employees from the date of hire through the date employment ends. The amount of the insurance is based on your classification. Please refer to the following schedule:

<b><u>Classification</u></b>	<b><u>Coverage</u></b>
Manager	\$50,000
Regular employees	\$25,000

## **Profit Sharing 401(k)**

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The Foundation sponsors a 401(k) Profit Sharing Plan for eligible employees. The employer contributions of the plan vary according to availability for funds from the various granting agencies. Employees should contact their supervisor the Human Resources Department for information.

## **Consolidated Omnibus Budget Reconciliation Act (COBRA)**

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In accordance with the requirements of the federal health insurance law, called "COBRA," eligible employees and their family members may continue participation in the employer's group health

insurance program following certain “qualifying events.” These events include an employee’s termination (other than due to “gross misconduct”), resignation, reduction in hours, divorce, legal separation, death, and certain other events. Where the right to continue coverage arises, coverage may be continued at special rates authorized by COBRA. Details regarding the COBRA rules are presented to employees when they begin participation in the employer’s group health plan and, again, when they experience a qualifying event that triggers the right to continue participation in the group health plan.

Another federal law, called the Health Insurance Portability and Accountability Act (“HIPAA”), allows certain individuals to transition from one job to another without losing their health insurance coverage, or reducing the amount of time they may be excluded from coverage under a new employer’s health insurance plan. The employer complies with its obligations under the HIPAA, and recognizes coverage that a new employee had under a prior employer’s group health plan to the extent required by the law. This may facilitate enrollment in the employer’s group health plan prior to the date, coverage might otherwise be available. Details are available from Auxiliary Human Resources.

Unless notification is given in advance of the date the insurance is to be canceled, the employee may be required to pay for an additional month of insurance. Once the insurance has been canceled, it may not be reactivated. Due to the complexities of COBRA, individuals should fully understand their rights and obligations by contacting Auxiliary Human Resources before making decisions or assumptions with regards to coverage.

**Vacation**

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Benefited employees begin to accrue paid vacation the first of the month following date of hire, and accrue vacation according to the below accrual schedule. Vacation is not accrued during periods of layoff, unpaid leave or when the employee is not scheduled to work for certain months in the year. Non-Benefited employees are not eligible for paid vacation.

	<b>Benefited Positions</b>
1 month - 3 years	6.7 hours/month (10 days/yr)
3 years, 1 mo - 6 years	10 hours/month (15 days/yr)
6 years, 1 mo - 10 years	11.4 hours/month (17 days/yr)
10 years, 1 mo - 15 years	12.7 hours/month (19 days/yr)
15 years, 1 mo - 20 years	14 hours/month (21 days/yr)
20 years, 1 mo - 25 years	15.4 hours/mo (23 days/yr)
25 years, 1 mo + over	16 hours/month (24 days/yr)

The Foundation encourages employees to take accrued vacation time. Typically, employees may select the time frame they wish to take their vacation. However, the supervisor must approve the requested vacation schedule in advance. It should be recognized that in some cases it may not be possible to accommodate a particular vacation request, and the vacation may be deferred until a time when workload or other business related factors permit the vacation to be approved. Final decisions on vacation schedules remain in the discretion of the supervising manager.

Vacation can accrue up to a maximum as indicated on the following schedule. Once this maximum is reached, no further vacation will accrue until vacation time is used. When some vacation is used and the balance drops below the maximum accrual amount, vacation time will begin to accrue again. The Foundation will not grant accrued vacation time for any period of time during which the accrued vacation was at the cap.

<i>All staff employees</i>	1-3 years of service	80 hours
	3 years, 1 month to 11 years of service	100 hours
	11 or more years of service	120 hours

### **Paid Sick Leave for Benefited Employees**

Paid sick leave is provided for employees to help ensure that they will not be financially burdened if unable to work due to illness. This policy applies to eligible Benefited Employees at the start of employment. Eight (8) hours of sick leave is provided for each full calendar month worked for Benefited full-time employees. Sick leave is pro-rated based on the hours worked for Benefited part-time employees. Sick leave is not earned during overtime, periods of unpaid disability, or unpaid leaves of absence. Non-benefited employees are not eligible for sick leave.

#### Use of paid Sick Leave for Illness or Injury

Sick leave may be used for medical examinations, for the employee's own illness or injury, or to attend to the illness of a child, grandchild, current spouse, domestic partner, domestic partner's child, step-child, or parent.

#### Reporting to work

Employees who are unable to report to work due to sickness are to notify their direct supervisor prior to the scheduled start of the workday or as soon as a required absence is known. If an employee becomes sick during the workday, the supervisor or a person in management must be notified before leaving the work site. Failure to follow these procedures or other instructions given by the supervisor may result in an unexcused absence and/or disciplinary action.

#### Proof of leave

The Foundation reserves the right to require a satisfactory statement from a licensed health care provider whenever an employee uses sick leave. If required, the health care provider statement must verify that an injury or disability existed, its beginning and ending dates, and/or the employee's ability to return to work without presenting a risk to their own health or safety or the health or safety of others. When requested, such verifications and releases may be a condition for receiving sick leave benefits and returning to work.

#### Supplemental Pay During Sick Leave



If an illness or disability lasts more than seven calendar days, or if an employee is hospitalized before the eighth day of an absence, the employee should apply for State Disability Insurance (SDI). Benefit payments received from SDI will be integrated with accrued sick leave and vacation. Employees must contact the Payroll Department, when they are notified of the amount of disability compensation they are receiving. The Payroll Department will then integrate sick and/or vacation (if available) time with the SDI benefits to equal the employee's usual gross pay.

#### Sick Leave and Workers' Compensation

When an employee is absent from work and is receiving Workers' Compensation benefit payments, accrued sick leave will be used to supplement the employee's pay. A health care provider's statement must be provided confirming that the employee is unable to work and expected duration of absence.

#### Return to Work

When an employee is released to return to work, a written statement from the health care provider indicating any restrictions, and the length of time restrictions will be in place must be provided to the supervisor and Auxiliary Human Resources.

#### Sick Leave Restrictions

Sick Leave may not be used during holidays, vacation, hours worked for a non- Foundation employer, or hours of work outside an employee's regular schedule. If sick leave is misused, sick pay will not be awarded and you may be disciplined and even discharged.

#### Sick Leave Accrual

Sick leave accrues without a maximum accrual limit. Unused Sick Leave is not paid to an employee at the time of separation. Sick Leave cannot be used until it has been earned. Upon retirement from the Foundation, sick leave can be rolled over into additional service time with CalPERS.

### **Paid Sick Leave for Non-Benefited Employees**

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Paid sick leave for Non-Benefited employees is provided to eligible employees and is not earned during overtime, periods of unpaid disability, or unpaid leaves of absence.

#### Eligibility Provisions

Employees who complete 90 days of employment are eligible to for paid sick days beginning with their 90<sup>th</sup> day of employment or July 1, 2015, whichever is later. This policy applies to all non-benefited employees including part-time, student and temporary positions. Employees are provided three (3) days (or 24 hours) of paid sick leave at the beginning of the benefit year (starting July 1, 2015).

#### Use of Paid Sick Days

Employees may use up to a maximum of three (3) days (or 24 hours) of paid sick days at the start of each benefit year

An employee may use sick leave when the employee is sick or ill. In addition, an employee may submit an oral or written request to receive paid sick days for any purpose allowed by the California Healthy Workplaces, Healthy Families Act, such as either:



- (a) The diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or a family member, or
- (b) For an employee who is a victim of domestic violence, sexual assault, or stalking, to take time off (i) to obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of the employee or the employee's child, such as a temporary restraining order, restraining order or other injunctive relief, (ii) to seek medical attention, obtain services from a shelter, program or rape crisis center, (iii) to obtain psychological counseling, (iv) to participate in safety planning, or (v) to take other actions to increase safety from future incidents.

The Foundation will provide paid sick days, for either purpose.

For purposes of this policy, the term "family member" means (a) a child, (v) a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child, (c) a spouse, (d) a registered domestic partner, (e) a grandparent, (f) a grandchild, or (g) a sibling. A "child" includes a biological, adopted, or foster child, stepchild, legal ward, or a child to who the employee stands in loco parentis.

#### Maximum Paid Sick Leave

At the beginning of each benefit year, employees are provided a maximum of three (3) days (or 24 hours) of paid sick leave that will not carryover to the following year. Employees may not hold a sick leave balance of more than the maximum three (3) days (or 24 hours) in any given benefit year.

#### Separation From Employment

Paid sick days are intended to assist employees who miss work due to their own illness or an illness of a qualified family member during their employment. Any provided paid sick days that are not used prior to the last day of employment are lost at the time of resignation, termination, retirement, layoff, or other separation from employment. If an employee is rehired within one year of the date of separation, any lost paid sick days will be reinstated and available for the employee to use starting the first day of rehire.

#### Rate Of Pay

Paid sick days will be compensated at the same wage as the employee normally earns during regular work hours. The rate of pay will be based on the employee's hourly wage. If an employee has different hourly rates in the 90 days before taking accrued paid sick leave, was paid by commission or piece rate, or was a nonexempt salaried employee, the rate of pay will be calculated by dividing the employee's total wages (not including overtime premium pay) by the employee's total hours worked in the full pay periods of the prior 90 days of employment.

Paid sick days will be paid by the payday for the next regular payroll after the sick leave is taken.

#### Employee Notification Obligations

If the need for paid sick leave is foreseeable, the employee must provide reasonable advance notice. If the need is unforeseeable, the employee must provide notice of the need for the leave as soon as practicable.

### Return to Work

When an employee is released to return to work, a written statement from the health care provider indicating any restrictions, and the length of time restrictions will be in place must be provided to the supervisor and Auxiliary Human Resources.

### **Holiday**

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Consistent with University's holiday schedule, the Foundation provides Benefited employees the following paid holidays as of the date of hire. Non-Benefited employees do not receive paid holidays:

<i>New Year's Day</i>	January 1 <sup>st</sup>
<i>Martin Luther King Day</i>	3rd Monday in January
<i>President's/Washington's Day</i>	3rd Monday in February
<i>Cesar Chavez Day</i>	March 31 <sup>st</sup>
<i>Memorial Day</i>	Last Monday in May
<i>Independence Day</i>	July 4 <sup>th</sup> (typically)
<i>Labor Day</i>	1st Monday in September
<i>Veteran's Day</i>	November 11 <sup>th</sup>
<i>Thanksgiving Day</i>	4 <sup>th</sup> Thursday in November
<i>Christmas Day</i>	December 25 <sup>th</sup>

*Additionally, the observance of Lincoln's Birthday, Admission Day, and Columbus Day are deferred until the week between December 26<sup>th</sup> and December 30<sup>th</sup>, consistent with the University's campus holiday calendar.*

The Friday following Thanksgiving and December 31<sup>st</sup> are not paid holidays; employees will be required to exhaust any accrued vacation time or the time off will be unpaid (if vacation time is not accrued).

When a holiday falls on a Saturday or Sunday, the holiday will normally be observed on the same day it is observed by the University.

In order to be eligible for a paid holiday, an employee must work the last scheduled workday before and the first scheduled workday after the applicable holiday. If an employee is on an approved vacation or approved sick day when the holiday occurs, the holiday will be paid. A doctor's certification may be required if sick leave is used immediately prior to or after a holiday. Employees on an unpaid leave of absence are not eligible for holiday pay.

If an employee is required to work on a paid scheduled holiday, that employee will receive straight time pay for the hours worked in addition to holiday pay at the regular rate of pay. Exempt employees receive no additional compensation or accrued time for working on a holiday.

## **Workers' Compensation**

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Workers' Compensation insurance provides benefits to any employee who experiences injury or illness connected with employment at the Foundation. To be eligible for Workers' Compensation benefits, the injury must be a direct result of the job or have occurred while at work. Federal and state law governs benefit entitlements, so it is essential that you report all work-related accidents, injuries, and illnesses immediately. Please note that no disciplinary actions will be taken against any employee that files a legitimate claim. Retaliation against employees that file worker's compensation claims will not be tolerated. If you feel that you are being harassed or mistreated as a result of filing a claim, please let Auxiliary Human Resources know immediately so that appropriate actions can be taken.

### ***Reporting Workplace Injuries***

*Any workplace injury, accident, or illness must be reported to your Manager as soon as possible, regardless of the severity of the injury or accident. If medical attention is required immediately, managers will assist employees in obtaining medical care, after which the details of the injury or accident must be reported.*

*Your supervisor can provide information regarding building safety at your location. It is important that you are aware of safety and emergency evacuation procedures.*

The Foundation reserves the right to require a physical examination by a physician of its choice to determine the employee's physical ability, in order to start or remain on a medical leave status. Filing a false or fraudulent claim will be cause for disciplinary action up to and including immediate termination and possible criminal penalties.

Although the Foundation is unable to guarantee reinstatement in all cases, if an employee takes a leave of absence as a result of an injury or illness experienced in connected with employment at the Foundation and then would like to return to work, the employee will be returned to his/her former position, if available, or will be offered the first available opening in a comparable position for which he/she is qualified. Exceptions may result if business conditions have necessitated a reduction in force.

## **Unemployment Insurance**

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When employment is reduced or terminated, Unemployment Insurance provides benefits to all eligible former employees. The Employment Development Department (EDD) establishes eligibility for these benefits and performs administration of this program. The dollar amount of benefits you may be eligible to receive for unemployment is determined solely by the EDD.

## **Disability Insurance**

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State Disability Insurance (SDI) provides benefits to employees that are unable to work due to illness or injury that is not related to work. Eligibility for SDI benefits is established by the Employment Development Department (EDD), and performs administration for benefits under this program. The dollar amount of benefits you may be eligible to receive is determined by the EDD.

## **Child Care**

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The Foundation does not sponsor childcare benefits; however, there are childcare facilities on campus and employees may enroll eligible children based on availability, and the regulations established by the facility.

### **Parking (On-Campus)**

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Parking on campus is permitted with an appropriate parking permit only. Permanent restricted parking pass fees (year-around) are paid through payroll deduction. Semester only parking permits are purchased at the Cashier Window in Joyal Administration for the entire semester. Parking passes are issued with written authorization from Auxiliary Human Resources.

If any employee wishes to keep a permanent restricted parking pass during a period of authorized leave of absence, the full amount of the monthly parking will be deducted from the first full pay check after the employee's return to work, unless other arrangements are made with Auxiliary Human Resources. Employees who are on an unpaid leave of absence must submit a check for the full amount of the monthly parking, when keeping a permanent restricted parking pass. Employees who are laid off or employment has been terminated must turn in the parking pass to Auxiliary Human Resources.

A parking pass may be purchased or returned at any time; however the full charge for the month will be made regardless of that month's usage. Refunds will be made only upon determination that an error in the deduction was made. At the time of termination, all employees are required to return their parking pass to Auxiliary Human Resources. All parking fines or towing charges are the employee's responsibility and must be addressed with University Police.

### **Campus Identification Card**

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A campus identification card may be required to use various facilities on campus, purchase discount or other tickets to campus events, provide identification to events, check out campus library materials, or to provide identification upon request by University Police. The campus identification card is produced by the Bulldog Card Office only after Auxiliary Human Resources gives appropriate authorization. It may not be loaned to another individual and must be returned to Auxiliary Human Resources as part of the exit interview process at the time of termination of employment.

### **Employee Assistance and Wellness Program**

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The Employee Assistance and Wellness Program is a service provided at no cost to employees and their family members. It provides a confidential means for employees to obtain professional advice, counseling, or referral to other professional services in order to deal with various issues, needs and concerns. Please feel free to visit the website at <http://www.csufresno.edu/employeeassistance>. Other assistance may be available by contacting Auxiliary Human Resources.

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## ***LEAVES OF ABSENCE***

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The Foundation has several types of leaves of absence available to accommodate a variety of leave situations, depending on the circumstances. A leave of absence is considered time off from work for health related reasons. While some leaves are paid, some are provided without pay. Leaves may be applied concurrent with another leave or they may be applied consecutively.

Employees who contemplate taking a leave of absence for any reason must discuss their leave of absence with their direct supervisor and Auxiliary Human Resources, in as far advance as practical to help ensure they have a complete understanding of the leave they will take, and how the policies apply to their specific needs.

### **Bereavement Leave**

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In the unfortunate event of death of an immediate family member (parent, parent-in-law, child, current spouse, domestic partner, domestic partner's child, brother or sister, grandparent, or grandchild), an employee may use up to five sick leave days to arrange and attend the funeral. One day of sick leave may be used to attend services for an extended family member such as an uncle, aunt, or cousin.

### **Pregnancy and Related Leave**

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Employees should contact Auxiliary Human Resources as soon they become aware of the need for a leave of absence, due to pregnancy disability.

The Foundation will grant an unpaid pregnancy disability leave if you are disabled because of your pregnancy, childbirth, or a related medical condition.

#### **Leave Available**

If you are disabled due to pregnancy, childbirth, or a related medical condition, you may take up to a maximum of four (4) 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, and if the transfer can be reasonably accommodated.

Pregnancy disability related leave runs concurrently with family and medical leave under federal law, but not with family and medical leave under California law.

#### **Notice and Certification**

You must provide the Foundation with reasonable advance notice of your need for a pregnancy disability leave. In addition, you must provide the Foundation with a health care provider's statement certifying the last day you can work, and the expected duration of your leave.

On the date any extension is obtained, (not the return date), the employee must contact Auxiliary Human Resources.

#### **Compensation During Leave**

Pregnancy disability leaves are without pay. However, you may utilize accrued sick and vacation time during the leave. Some of those payments will be integrated with any state disability, paid family leave (PFL) insurance or other wage reimbursement benefits that you may receive. At no time will you receive a greater total payment than your regular compensation.

#### **Benefits During Leave**

If you are also eligible for federal family and medical leave, the Foundation will maintain, for up to a maximum of twelve (12) work-weeks, any group health insurance coverage that you were provided before the leave 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 do not return to work following pregnancy disability leave.

After twelve (12) weeks of coverage under FMLA, the employee will be eligible to elect health care continuation coverage under COBRA.

If you are on pregnancy disability leave, but you do not receive continued employer paid coverage because you are not eligible for family and medical leave paid coverage, you may continue your group health insurance coverage through the first of the month following four (4) weeks of pregnancy disability leave. After which, you will be offered COBRA coverage. You should contact Auxiliary Human Resources for further information.

### Reinstatement

Upon the submission of a medical certification from a health care provider that you are able to return to work, you will, in most circumstances, be offered the same position held at the time of the leave or a comparable 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, and then you will not be entitled to reinstatement. Similarly, if your position has been filled in order to avoid undermining the Foundation's ability to operate safely and efficiently while you were on leave, and there is no comparable position available, then reinstatement will be denied.

If upon return from a 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.

### **Family and Medical Leave**

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Family and Medical Leave, as the name implies, is granted for family and medical reasons which include the birth or placement of a child for adoption or foster care; to care for the employee's spouse, domestic partner, child or parent who has a serious health condition; or when the employee is unable to work because of their own serious health condition. Family and Medical Leave also permits a spouse, son, daughter, parent or next of kin to care for a member of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. Please contact Auxiliary Human Resources as soon as you become aware of the need for a family or medical leave. Also, please contact Auxiliary Human Resources to obtain further information on eligibility regarding family or medical leave for an Armed Forces family member.

### Eligibility

Any employee, regardless of whether or not they work full time or part time, is eligible for benefits under this program if they have worked for the Foundation for at least twelve (12) months, and have worked at least twelve-hundred fifty (1,250) hours over the previous twelve (12) months for the Foundation.

### Leave Available

Eligible employees may receive up to a total of twelve (12) workweeks of unpaid leave during a twelve (12) month period. The methodology of determining the twelve (12) month leave period is a rolling period measured backward, from the date an employee uses any leave under this program.

Under some circumstances employees may take family and medical leave intermittently, which means taking leave in blocks of time, or by reducing the normal weekly or daily work schedule. A health care provider's certification is needed outlining the need and the time frame required.

#### Notice and Certifications

Employees seeking to use family and medical leave are required to provide: (1) thirty (30) days advance notice when the need for the leave is foreseeable, or as soon as possible when the need is unpredictable; (2) medical certification (both prior to the leave and prior to reinstatement); and, (3) periodic re-certification and reports to Auxiliary Human Resources during the leave. Any request for an extension of leave must be made at least two weeks prior to the end of the leave.

#### Compensation During Leave

Family and medical leave is generally unpaid unless available sick leave or vacation is used to cover some or all of the leave. Other benefits may be integrated when applicable, such as State Disability Insurance.

#### Holiday Benefits During Leave

If a paid holiday falls during the period an employee is on a paid leave of absence, the employee will be eligible to receive this holiday as paid time off. If a non-paid holiday falls during a paid leave of absence employees will continue to exhaust their accrued time off (vacation or sick) on the holiday.

#### Benefits During Leave

The Foundation maintains group insurance coverage for an employee on family leave for up to a maximum of twelve (12) work weeks, if such insurance is in effect before the leave is taken. Group insurance is maintained on the same terms as if the employee had continued to work. If a leave is approved past the twelve (12) weeks, benefits may be covered if sufficient vacation time is available, to continue the employee's pay while on leave. Vacation or sick leave will not accrue during the unpaid leave. Employees who do not receive continued paid coverage for their medical insurance may continue their group insurance through COBRA.

#### Failure to Return Promptly

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 from Auxiliary Human Resources prior to such expiration date, the employee will be considered to have voluntarily resigned.

#### Job Reinstatement

Under most circumstances, an employee will be reinstated to their original job, or offered an equivalent job with equivalent pay, benefits, and other employment terms and conditions upon return from family and medical leave. This applies if the job still exists, or if a comparable job is available and the employee is qualified. In addition, an employee's use of family and medical leave will not result in the loss of any employment benefits, that the employee earned or was entitled to before using such leave.

## **California Family Rights Act**

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Employees may be covered under the California Family Rights Act (CFRA). Eligibility requirements, benefits, and notice procedures under the CFRA are generally the same as those under the Family and Medical Leave Act (FMLA), and leave taken under the CFRA generally runs concurrently with FMLA leave. Please consult the Family and Medical Leave section of the Employee Handbook for more details.

For employees who are eligible for CFRA/FMLA leave, the pregnancy disability leave will be counted against their entitlement to FMLA leave but not CFRA leave. As a result, an employee may have a right to both a four-month pregnancy disability leave and additional CFRA leave after the birth of the child. An employee who is affected by pregnancy or a related medical condition may also be eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if the transfer is medically advisable and can be reasonably accommodated. Please consult the Pregnancy and Related Leave section of the Employee Handbook for more details.

## **Military Leave**

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Military leaves are granted in accordance with Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees subject to military duty must discuss the individual case with Auxiliary Human Resources so that the type of military leave entitlement may be determined.

## **Jury and Witness Duty**

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Benefited employees who are summoned to serve jury duty will be allowed up to thirty (30) days of paid leave during any one-year period. A jury duty notice must be given to the supervisor as soon as received, and forwarded to Auxiliary Human Resources prior to commencing jury duty.

Jury duty pay is calculated on the employee's base pay rate. If required to serve beyond the 30 day period, employees may request to use vacation or an unpaid leave. On an unpaid leave, employees are responsible for health and dental insurance premiums that normally would be covered by the employer. In addition, accrual of other benefits will be suspended while unpaid leave is taken. As previously stated, the salary of exempt employees will not be reduced for any week in which any work is performed, but may be reduced if no work is performed. The paid leave is only given during the time that an employee would normally be scheduled to work and only if the fees for service are remitted to the Foundation (except mileage, which the employee may retain). Such benefits will not be paid, if the employee is on leave or if the job ends for any reason while serving jury duty.

Evidence of jury duty attendance must be presented to Auxiliary Human Resources. Employees should continue to report for work on those days or parts of days when excused from jury duty or when jury duty does not conflict with the work schedule.

If subpoenaed as a witness, but not as a party or an expert witness, in a court case, an employee will be granted time off with pay provided that the witness fee is remitted to the Foundation. If the witness fee is not remitted, the time off will be without pay unless vacation is used. All time required serving as a witness in any Foundation matter will be with full pay.



## **Parental Leave for Employees with Children in School**

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An employee who is the parent or guardian of one or more children in kindergarten through twelfth (12th) grade may take up to forty (40) hours of unpaid leave during each school year, per child, to visit the school. Any employee contemplating such leave should contact their immediate supervisor in advance prior to scheduling such absence.

## **Time Off to Vote**

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The Foundation encourages employees to fulfill civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after the regular work schedule. However, if employees are unable to vote during non-working hours, the Foundation will grant up to two (2) hours of paid time off with acceptable justification for the request.

Employees must request time off from the supervisor in writing at least two working days prior to the election day, so that necessary time off can be scheduled at the beginning or end of the work day; or at whatever time provides the least disruption to the normal work schedule. A voter's receipt is required on the first working day following the election, in order to qualify for paid time off.

## **Literacy Leave**

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The Foundation will make reasonable accommodations for any employee who reveals a literacy problem and requests assistance in enrolling in an adult literacy program. Assistance to employees will also be given by either providing information on the location of local literacy programs or making arrangements for a job-site visit by a special literacy education provider.

Upon request, the use of vacation or personal leave may be granted for participation in a literacy program by the employee's supervisor.

## **Personal Leaves of Absence**

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Generally, an employee who has worked for the Foundation for at least one year in a regular status may be granted a personal leave **without pay** for a period not to exceed thirty (30) days. Approval for a leave under this program may be granted to an employee who desires schooling or training to improve quality of service, or for other reasons not covered under other policies. Unless mandated by law, a personal leave of absence is an employee privilege, not a right, and must be approved by the employee's supervisor and the Director of Human Resources. All requests will consider the employee's length of service, performance and work record, the reason for the request, the business impact, and the ability to temporarily replace the employee during the leave.

All vacation must be used before a leave of absence begins. A leave because of illness will not be granted until all sick leave has been exhausted. The cost of all insurance premiums shall be the responsibility of the employee while on a personal leave of absence.

If an employee fails to report to work at the expiration of the approved leave, the Foundation will assume the employee has resigned.

## **Organ and Bone Marrow Donation**

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An employee may request a leave of absence of up to thirty (30) business days in a one-year period to donate an organ to another person or up to five (5) business days in a one-year period to donate bone marrow. Employees must use earned vacation or sick leave benefits during the leave of absence. The amount of benefits that must be used is determined by the reason for the leave and the amount of the employee's available vacation and sick leave benefits. Please contact Auxiliary Human Resources for further information

### **Victims of Domestic Violence, Sexual Assault and Other Crimes**

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If an employee is a victim of a crime of domestic violence, sexual assault, or stalking may take time off to seek judicial relief to help ensure the health, safety, or welfare of the employee or a child. This may include efforts to obtain a temporary restraining order, a restraining order, or other injunctive relief from a court.

Victims of a crime, other than a serious felony, may take time off to appear in court as a witness to comply with a subpoena or other court order.

If an employee needs time off from work for one of these purposes or any other purpose protected by law, reasonable notice must be provided to Auxiliary Human Resources. If reasonable notice is not feasible the employee is responsible for providing notice within a reasonable time following the absence, and may be required to certify the reason for the absence in a manner that meets the applicable legal standards.

### **Victims of Serious Crimes**

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Employees who are victims of a serious crime may take time off to participate in judicial proceedings relating to the crime. The immediate family members of such crime victims may also take time off to participate in such a proceeding. Employees may use their accrued vacation and sick leave benefits to cover any time off. Employees must provide Auxiliary Human Resources with a copy of the notice of each scheduled proceeding, unless advanced notice is not feasible, or the employee must provide the notice prior to returning to work.

### **Catastrophic Leave Donation Program**

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The purpose of the Catastrophic Leave Donation Program (CLDP) is to provide the means for an employee to receive donated sick leave or vacation time, from other employees in the event that an employee who is out on an approved Family Medical Leave (FML), uses all of their respective paid time off before the expiration of their approved FMLA.

The following framework is applicable to the CLDP:

1. The Foundation's CLDP allows for the donation and receipt of vacation and sick leave between all eligible Foundation employees.
2. An employee who has experienced an FML event and has used all of their normally available sick leave and vacation time may accept and use donated leave.
3. Any Foundation employee who accrues sick leave or vacation time may donate their time to another employee.
4. Time will be donated in full one day increments.
5. An employee may donate a maximum of five days (40 hours) per calendar year, and these days can be any combination of sick leave and/or vacation time.

6. An employee using time donated under the CLDP must use the time within the normal 12 week time offered under the FML program. CLDP will not extend the maximum 12 week period, and the amount of time donated will not exceed an amount necessary to continue the employee beyond the 12 week period.
7. The CLDP will supplement any disability or unemployment benefits for which an employee is eligible. CLDP is not intended to increase the level of pay above the "normal" rate of pay an employee would have received had they remained at work.
8. The process for donating sick leave or vacation time will be in response to a specific need by an employee. A voluntary request for donations will be sent out by Auxiliary Human Resources to Unit Directors for each employee who is in need of time under the CLDP. Department managers will communicate the voluntary request to their full time employees who may then respond by submitting a completed CLPD Form to Auxiliary Human Resources.

Other requirements may apply to an individual employee. If you need additional information or have questions regarding your specific situation, contact Auxiliary Human Resources.

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## ***WORK STANDARDS AND EMPLOYEE CONDUCT***

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### **Work Rules and Performance Standards**

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Employees are responsible for understanding and following the standards and work rules described throughout this Employee Handbook and in other applicable company documents, and individuals that do not comply may be subject to disciplinary action, up to and including termination of employment. It is not possible to provide a complete list of every work rule or performance standard. As a result, the following rules and standards are presented as examples of unacceptable conduct, and have no contractual significance, and do not change the at-will employment policy.

- Insubordination or misconduct of any kind.
- Abuse, misuse, theft, or the unauthorized possession or removal of Foundation property or the personal property of others.
- Falsifying or making a material omission on company records, reports, or other documents, including payroll, personnel, and employment records.
- Disorderly conduct in the workplace, including fighting or attempted bodily injury, the use of profane, abusive, or threatening language toward others, or possession of a weapon or explosive.
- Violation of any law adversely affecting the organization, or conviction in court of any crime which may cause the employee to be regarded as unsuitable for continued employment.
- Violation of alcohol, drugs, and controlled substances policy.
- Falsifying a pay record or document of the employee or another employee, or knowingly allowing another employee to do so.
- Excessive absenteeism or any absence without notice.
- Violation of safety rules.

- Violation of the MIS Policy or Code of Conduct Policy
- Discrimination or harassment of other employees.

The Foundation's own best interest lies in ensuring that disciplinary action is prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory performance in the future. Therefore, the following Progressive Discipline policy has been established.

### **Personal Appearance and Grooming Standards**

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During business hours, employees are expected to present a clean and neat appearance and dress according to the requirements of the position. Dress, grooming and personal cleanliness standards contribute a positive work environment, and demonstrates and appropriate image for the Foundation.

Employees should be considerate of the fact that many co-workers and customers may have allergies to fragrances. Customers or employees that have sensitivity or allergies to fragrances, the Foundation may prohibit any and all fragrances creating “fragrance-free” areas or zones where needed.

Employees who report to work inappropriately dressed may be sent home and directed to return to work in proper attire. Under such circumstances, employees may not be compensated for their time away from work.

In some positions, uniforms or standard work clothes are required. Uniforms furnished by the Foundation are not for use outside of work area. Employees must consult with their supervisor as to what constitutes appropriate attire.

These personal appearance and grooming standards should be used as a guideline. Management reserves the right to determine at its discretion the appropriateness of an employee’s attire.

The Foundation will make reasonable accommodations on the basis of religious dress and grooming practices. Employees may dress consistent with their gender identity and expression.

### **Attitude**

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There are times when every employee, for a variety of reasons, may have a problem that may affect them at work. However, the Foundation expects every employee to strive to practice and promote a positive attitude toward all individuals conducting business with us, or with fellow employees in the organization. While we try to be understanding of an individual's problems, employees are expected to act in a fashion that furthers the organization's best interests.

### **Drug Free Workplace**

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We strive to provide a drug free, healthful and safe workplace. Employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

Any individual who conducts business for the organization, is applying for a position, or is conducting business on the organization's property is covered by our drug-free workplace policy.

The coverage of our policy includes, but is not limited to executive management, managers, supervisors, full-time employees, part-time employees, contractors, volunteers, interns, and applicants

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the organization. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide a drug free, healthy, safe, and secure work environment.

The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Alcohol consumption during scheduled work hours for any employee is not permitted. Arriving at work intoxicated or in a similar physical condition that might impair your ability to perform your job is not permitted.

Unit Directors may permit an exception to this policy for their employees (who are of legal age) to consume alcohol in moderation (i.e.: a single six (6) ounce glass of wine) during an Foundation or University sponsored event (i.e.: Annual Awards Ceremony). However, in no case is an employee permitted to return to work if they are unable to function safely or efficiently.

### **Drug and Alcohol Rehabilitation**

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Employees with questions or concerns about substance dependency or abuse are encouraged to use the Employee Assistance Program on campus. Employees may also wish to discuss these matters with their supervisor or Auxiliary Human Resources to receive assistance through the health insurance plan or for a referral to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take time off to participate in a rehabilitation or treatment program. Such requests shall be kept as confidential as possible.

In addition, the Foundation will make drug education programs available utilizing the University's Employment Assistance and Wellness Program.

Please refer to the Foundation's website for the most current copy of the full Drug and Alcohol policy.

### **Attendance and Punctuality**

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Punctuality and dependability are of prime importance to the efficient operation of the Foundation. Whenever employees are late or absent, the functions of the department cannot continue with the same degree of efficiency that would be possible if every employee were on time and at work. Absenteeism and tardiness place a burden on other employees and are generally disruptive. If a supervisor feels an employee's attendance is poor or there is excessive tardiness, disciplinary action may be taken to correct the problem.

Employees finding it necessary to be late to work or absent for any reason are expected to follow the proper procedures of notifying their supervisor and/or getting advance permission when possible as follows:

Obtain advance permission (written or verbal) from your immediate supervisor when possible;

In case of illness, call the immediate supervisor no later than one hour after the scheduled work time; and

When an absence will be longer than one day, notify the immediate supervisor daily or as often as needed, to keep the supervisor informed as to the probable date of return to work. Failure to report for work for three days without notification or permission will be considered an automatic resignation of employment.

A verification of illness or appointments may be required if, in the opinion of the supervisor, absenteeism is excessive or questionable.

### **Nepotism**

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Relatives of employees will receive the same consideration as any other applicant for a job opening, and will not be accorded preferential treatment in employment matters. Related employees are not permitted to work in job positions in which a conflict of interest could arise or in a direct supervisory relationship or working in the same operational unit unless otherwise approved by Auxiliary Human Resources and/or the Executive Director. The Foundation may require a related employee to transfer or resign, if there is a conflict of interest or supervisory relationship that cannot be resolved.

Relatives of persons currently employed by the Foundation may be hired only if they will not be working directly for or supervising a relative, or will not occupy a position in the same line of authority within the organization or in the same operational unit. This policy applies to any relative, higher or lower in the organization, who has the authority to review employment decisions. Current employees cannot be transferred into such a reporting relationship.

### **Outside Employment**

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Employees may engage in "outside employment" with certain restrictions. The term "outside employment" means employment not compensated through Foundation payroll. Any employee seeking to engage in outside employment must have prior approval from their Unit Director. Outside employment should only be undertaken with great caution so as not to jeopardize employment with the Foundation, which is every regular employee's first obligation and responsibility.

Outside employment and associated activities may not compete, conflict with, or compromise the Foundation's interests. Unauthorized use of any tools, equipment or use of confidential information is not allowed. In addition, the solicitation or conducting of any outside business during paid working time is prohibited. Any doubts or concerns should be discussed with your Unit Director or the Director of Human Resources prior to acceptance of outside employment.

Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside employment activity causes or contributes to job-related problems, such employment must be discontinued. If necessary, disciplinary action will be taken to deal with specific problems, up to and including termination of Foundation employment.

### **Performance Evaluation**

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Employees who supervise other employees have special responsibilities to treat their employees fairly, afford those equal opportunities, maintain open and honest communication, and ensure they understand their performance standards. Performance evaluations must be undertaken against these standards objectively and without bias.

Benefited employees will typically receive performance evaluations at the end of the fiscal year. Evaluations will be reviewed in private between the supervisor and the employee. Evaluations are part of the personnel file, and may be considered when making decisions affecting training needs and opportunities, pay, promotion, transfer, or continued employment.

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal day-to-day basis, so that the formal performance evaluation is not the first time the employee is made aware of either good performance, or performance problems related to the assigned job duties and expectations.

Procedures regarding performance evaluations are guidelines and the Foundation reserves the right to modify or revoke these procedures at any time. Furthermore, satisfactory performance does not guarantee increases in salary, promotions, or continued employment.

### **Progressive Discipline**

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The Foundation supports the use of progressive discipline to address conduct issues such as poor work performance or misconduct, to encourage employees to become more productive workers, and to conform their behavior to standards and expectations.

The Foundation may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to and including immediate termination of employment. Use of progressive discipline in no way limits or alters the at-will employment relationship.

The Foundation reserves the right to determine the appropriate level of discipline for any inappropriate behavior, including but not limited to demotion, oral and written warning(s), suspension with or without pay, and discharge/termination. Each situation will be dealt with on an individual basis.

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## ***CODE OF CONDUCT***

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The Foundation is firmly committed to complying with its legal and ethical obligations under all state and federal laws. As a result, we expect all employees, at every level, to comply strictly with all legal and ethical obligations. The Foundation holds all employees responsible for carrying out



and monitoring compliance with this commitment. Accordingly, an employee's failure to fulfill responsibilities under this policy may result in disciplinary action, up to and possibly including termination.

The purpose of this Code of Conduct, hereinafter referred to as "Code", is to guide employees of the Foundation in matters related to personal conduct. The Code is not meant to cover every possible conduct or situation that may arise. For more information please reference the policies within the handbook, or contact your supervisor or Auxiliary Human Resources.

### **Respect for the Law**

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Employees, in common with all citizens, have an obligation to observe all applicable federal, state, and local laws, regulations, ordinances, and authoritative orders, and are required to conduct themselves accordingly.

### **Equal Employment Opportunity**

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We are committed to equal employment opportunity for all qualified persons, without regard to protected class status or any other consideration. All such discrimination is unlawful.

We expect all employees to show respect and sensitivity towards all employees and customers, and to demonstrate a commitment to the organization's equal opportunity and non-discrimination objectives.

### **Affirmative Action and Nondiscrimination**

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Cooperation and commitment is required from all employees in the demonstration of positive attitudes and efforts, which in turn reflect our affirmative action policies to others within the organization and in our community.

### **Unlawful Harassment**

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The Foundation and employees are required to be committed to promoting a work environment that is free of unlawful discrimination, and any form of unlawful harassment. The Foundation prohibits retaliation of any kind against individuals who file complaints in good faith, or who assist in an employer investigation.

### **Nepotism**

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Related employees are not permitted to work in job positions in which a conflict of interest could arise, or in a direct supervisory relationship. The Foundation may require a related employee to transfer or resign, if there is a conflict of interest or supervisory relationship that cannot be resolved.

### **Outside Employment**

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Employees may engage in "outside employment" with certain restrictions. Outside employment should only be undertaken with great caution, so as not to jeopardize employment with the Foundation, which is every regular employee's first obligation and responsibility. Any doubts or concerns should be discussed with your Unit Director or the Director of Human Resources, prior to acceptance of outside employment.

### **Personal Appearance and Grooming Standards**

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In the interest of presenting a positive and professional image, employees must observe good habits of grooming and personal hygiene.

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### **Attitude**

The Foundation expects every employee to strive to practice and promote a positive attitude toward all individuals conducting business with us or with fellow employees in the organization.

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### **Workplace Violence**

The Foundation has zero tolerance for employees who make threats, engage in threatening behavior, or commit acts of violence against others. Employees must commit to a workplace free of violence of any kind.

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### **Drug Free Workplace**

We strive to provide a drug free, healthful and safe workplace. Employees are required to report to work in appropriate mental and physical condition, to perform their jobs in a satisfactory manner.

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### **Safety**

The Foundation emphasizes “safety first”. Employees are expected to take steps to promote a safe work place, by remaining safety conscious and report any safety concerns.

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### **Equipment and Vehicles**

Employees must understand how to operate company vehicles and equipment in a safe manner, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

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### **Attendance and Punctuality**

Employees are responsible for being punctual each scheduled work day, in order to inspire dependability and efficient operations.

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### **Security Inspections**

Employees must cooperate in any inspection. An employee who wishes to avoid inspection of any articles or materials should not bring them into the workplace.

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### **Conflicts of Interest Disclosure**

Employees must avoid conflicts between their private interests and their employment responsibilities, and must avoid situations where there is a reasonable basis for the perception of such a conflict.

In general terms, “conflict of interest” relates to a self-interest that you might have which either (a) influences or (b) may appear to influence, your judgment as an employee of the Foundation. While one example of this concept could be working for a company and at the same time maintaining an ownership interest in a business that competes against the company that employs you, the concept is broad enough to include any set of circumstances in which personal interests could cause loyalty to your employer to be comprised.

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### **Receipt of Gifts, Tips and Gratuities**

Every customer, patron and employee is entitled to superior and courteous service. Employees must not ask for or encourage the giving of any form of gift, tip, gratuity or benefit in connection with the performance of their duties. Gifts, tips and gratuities may include, but not limited to, money, tips for services, fees, commissions or credits either current or deferred. Receipt of gifts, tips, and gratuities can be perceived as an inducement to act in a particular way, thus creating a real or apparent conflict of interest. However, an employee may give or accept an occasional gift of nominal value that is offered in accordance with social or cultural practice. If you have questions regarding this policy or is ever unsure if a gift receive violates this policy, contact Auxiliary Human Resources immediately.

### **External Activities and Public Comment**

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Employees are free to engage in party-political, professional, interest group, and charitable activities, provided that participation does not give rise to a conflict of interest or impede the performance of an employee's duties. Where an employee comments publicly in connection with party political or interest group activities, it must be made clear that such comment is made on behalf of the political party or association, which they represent and not in their capacity as employees of the Foundation.

In an effort to assure a productive and harmonious work environment, persons not employed by the Foundation may not solicit or distribute literature (except for official University or Foundation approved literature) in the workplace at any time for any purpose unless specifically authorized by the Executive Director or the Director of Human Resources. Employees are bound by the same policy above, except that they may solicit and distribute non-work related literature during non-work times in non-work areas (i.e.: distributing non-work related material during the meal period in the lunch room is generally not prohibited). Employees should contact their supervisor or Auxiliary Human Resources for any clarification needed with respect to this policy.

Public comment by employees in their capacity as private citizens is certainly permitted. In making private comment (including electronic means such as electronic mail), every effort must be made to ensure that the opinions expressed are not represented as an official view of the Foundation.

### **Work Ethic and Standards**

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The Foundation aims to achieve the highest standards in the conduct of its business, which ultimately serves to advance the educational interests of the University. All employees contribute to the achievement of this aim when they carry out their duties honestly, and to the best of their ability. In this regard, employees are expected to carry out their duties in a professional, responsible, impartial and conscientious manner, and are accountable for their official conduct and decisions.

Employees should endeavor to maintain and enhance their skills and expertise and keep up to date the knowledge associated with their particular field or area of work. High standards of performance are expected.

Employees must exercise due care in undertaking their activities, particularly where others rely on advice or information offered. Employees have a duty to take reasonable care to avoid causing harm (including physical harm) to anyone. Thus, employees must actively promote safe working practices and environments for everyone using Foundation facilities.

Fraud, corrupt conduct, or malfeasance is contrary to law and is to the detriment of the Foundation, as well as ultimately to the University. Employees are required to report genuinely suspected or known fraud or corrupt conduct.

Appropriate measures to ensure proper internal control with respect to Foundation assets, must be observed at all times. Employees must not be assigned job duties or allowed to engage in conduct, which may compromise the maintenance of proper internal controls.

### **Economy and Efficiency**

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Employees have a responsibility to ensure Foundation resources are managed effectively. In this regard, material, financial and computerized resources should only be used for Foundation purposes. Though employees may occasionally need to use Foundation resources for personal reasons, such as personal telephone calls, such usage must be kept to a minimum, and must not result in additional expense to the Foundation. Additionally, equipment, materials, and facilities must be treated with appropriate care and secured against theft and misuse, in order to ensure that the maximum levels of resources are available to discharge Foundation functions.

### **Information Systems Policies**

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Please refer to the Information Security and Hardware/Software policy at <http://www.auxiliary.com/mis/missup.html> for further information. Employees are required to read and adhere to those policies. Where there is a conflict between those information systems policies and the policies presented below, please contact Auxiliary MIS for additional guidance.

### **Communication Devices**

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#### Personal Cellular Phones

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of Foundation phones. As a courtesy, please ensure your phone is on vibrate or silent. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are asked to make any other personal calls on non-work time where possible.

Flexibility will be provided in circumstances demanding immediate attention.

The Foundation will not be liable for the loss of personal cellular phones brought into the workplace.

#### Safety Issues for Cellular Phone Use

- Employees whose job responsibilities include regular or occasional driving, and who are issued a cell phone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Employees are not permitted to place or accept a call unless the vehicle is stopped.
- Employees whose job responsibilities do not specifically include driving as an essential function, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.
- Violations of this policy will be subject to discipline, including termination of employment.

#### Special Responsibilities for Managerial Staff

- As with any policy, managers are expected to serve as role models for compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy, as well as all policies.

*A copy of the latest Foundation's Policy and Procedures on the use of Electronic Communication Devices is available at <http://www.auxiliary.com/auxhr/index.html>*

## **Whistleblower Policy**

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Employees may report any violation of the Code. The Foundation encourages all employees to so report all occurrences that in good faith are believed to be violations of this Code. Any employee making such a report shall be deemed to be a "Whistleblower". It is the intent of this provision that employees making good faith reports of suspected fiscal misconduct, violations of law, or other violations of this Code shall be protected from retaliatory action as follows:

- The Foundation will use best efforts to protect Whistleblowers against retaliation, as described below. However, it cannot guarantee absolute confidentiality, and there is no such thing as an "unofficial" or "off the record" report. Auxiliary Human Resources will keep the Whistleblower's identity confidential, unless (1) the person agrees to be identified; (2) identification is necessary to allow Auxiliary Human Resources or the Executive Director or law enforcement officials to investigate or respond effectively to the report; (3) identification is required by law; or (4) the person accused of violations is entitled to the information as a matter of legal right in disciplinary proceedings.
- Employees may not retaliate against a Whistleblower with the intent or effect of adversely affecting the terms or conditions of employment or enrollment (including but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages). Whistleblowers who believe they have been retaliated against may file a written complaint with the Director of Human Resources. A proven complaint of retaliation shall result in a proper remedy for the person harmed and the initiation of disciplinary action, up to and including dismissal, against the retaliating person. Protection from retaliation is not intended to prohibit managers or supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.
- Notwithstanding the foregoing, Whistleblowers must be cautious to avoid allegations made with reckless disregard for their truth or falsity.

## **Social Media and Networking**

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Social media and blogs can be a valuable and powerful means of communication. Foundation would like you to keep the following guidelines in mind when participating in social media (such as blogs, discussion boards and chat groups, postings on interactive sites such as wikis, Facebook and Twitter, and other social and professional networking sites), in order to protect your own interest as well as the Foundation's interests. For the purposes of these guidelines, we will refer to all such activity as "postings."

Remember that while social networking is fun and valuable, there are some risks you should keep in mind. In the social media world, there is often no line between what is public and private,

personal or professional. We've created these general social networking/media guidelines that are important for you to follow as you share your thoughts, views and perspectives—as a Foundation employee—in the virtual world:

#### Use good judgment

- We expect you to use good judgment in all situations. That applies in the world of social networking/media as well.
- Just as we work together to maintain an environment in our work locations that is positive, respectful and inclusive for our employees, customers, vendors and customers, we are to work together to do the same in the social networking/media world.

#### Be respectful

- Be professional and respectful of others in your communications, and refrain from posting statements that are false, misleading, obscene, defamatory (whether of Foundation, our employees or our competitors), libelous, tortuous, degrading, threatening, harassing, hateful, insulting, inflammatory, offensive, unlawful, fraudulent, discriminatory, or invasive of the privacy of others.
- Always treat others (including customers, non-customers, shareholders, co-workers, vendors and competitors) as you would expect to be treated.

#### Be transparent

- Even where you are specifically authorized to speak on behalf of the Foundation as a spokesperson, you should state that the views expressed in your postings, etc. are your own.
- Stick with discussing work-related matters that are within your area of job responsibility and are NOT confidential in nature.
- Be open about your affiliation with the Foundation and the role/position you hold.

#### No expectation of privacy

- Because the Foundation retains the right (but not the obligation) to monitor all files and messages stored on and transmitted through the Foundation electronic devices (such as desktop computers, or laptop computers), remember you have no reasonable expectation of privacy regarding social media accessed through these devices, even if you have used a private account and/or password.

Please don't share the following:

#### **Confidential information**

- Do not publish, post, or release information that is considered confidential or not public. Online conversations are never private!
- If it seems confidential, it probably is. If you have any questions about what is considered confidential, ask Auxiliary Human Resources.
- If a member of the media contacts you, always refer them to Auxiliary Human Resources.

#### **Private and personal information—yours, customers' and co-workers'**

- To ensure your safety, be careful about the type and amount of personal information you provide. Avoid talking about personal schedules or situations.
- NEVER give out or transmit personal information of others such as, customers, vendors, customers or co-workers.

Please be cautious with respect to:

**Images**

- Please respect brand, trademark, copyright information and/or images.
- The use of any photos, images and videos must be pre-approved by the respective Unit Director. If there is any doubt that you have the authority to use any photo, image or video, contact your Unit Director immediately.
- Please do not post pictures of others (customers, co-workers, etc.) without their permission.

**Other sites**

- A significant part of the interaction on Twitter and Facebook involves passing on interesting content or linking to cool items. However, we are ultimately responsible for any content we pass on to our networks. Don't blindly repost a link without looking at the content first. Ask yourself "Does it compliment Foundation's Code of Conduct?"
- Avoid linking to outside websites, unless you trust the source and/or we have a partnership with the company to whose website we are linking.
- Pay attention to the security warnings that pop up on your computer before clicking on unfamiliar links. They actually serve a purpose and protect you, the Foundation and others from things like computer viruses.
- When using Twitter, Facebook and other tools, be sure to follow their printed terms and conditions.

**And if you don't get it right...**

- Be sure to correct any mistake you make immediately and make it clear what you've done to fix it.
- If it's a MAJOR mistake (e.g., exposing private customer or employee information or reporting confidential information), please let Auxiliary Human Resources know immediately so we can take the proper steps to help minimize the impact it may have.

**Report inappropriate conduct appropriately**

- If you feel that employees of the Foundation are, have been, or will be engaged in any inappropriate conduct regarding the use of social media, please discuss your concerns with a manager, rather than publicizing your suspicions through posting. This may spare both you and the Foundation the unintended repercussions of false, half-true, or misleading allegations.

Violation of the guidelines may result in disciplinary action up to and including termination.

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## ***OPERATIONAL CONSIDERATIONS***

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### **Safety**

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To assist in providing a safe and healthful work environment for employees, customers, and visitors, the Foundation has established an Injury and Illness Prevention Program. The Human Resources Director is responsible for implementing, administering, monitoring, and evaluating the program. Its success depends on the alertness and personal commitment of all employees.

Information about workplace safety and health issues is provided to employees through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos and other written communications. A safety committee, comprised of various employees from the Foundation, helps monitor the safety program, inspects facilities, and provides communications about workplace safety and health issues. Employees and supervisors receive periodic workplace safety training, which covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come internally from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, bring them to the attention of a safety committee member, or discuss them with Auxiliary Human Resources. Employees may report concerns or offer suggestions anonymously if they wish without fear of reprisal. Forms for this purpose may be requested from unit offices or Auxiliary Human Resources.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy a situation, may be subject to disciplinary action, up to and including termination.

***If an injury or accident does occur, employees should immediately notify their supervisor and complete the requested paperwork located at <http://www.auxiliary.com/auxhr/employee-resources.html>***

### **Equipment and Vehicles**

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Equipment and vehicles essential in accomplishing job duties can cause great bodily harm if used improperly, and are expensive and may be difficult to repair/replace. Employees must understand that the use of a cell phone or texting device while operating a vehicle or equipment, may impair the employee's ability to devote his or her full attention to the duty of operating the vehicle or equipment. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees should notify the appropriate supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. In addition, damaged or faulty furnishings

such as chairs or other items used in the course of work, or for visitors' use should be reported to management in order to ensure safety.

Any employee who drives on official company business is required to successfully complete the Fresno State defensive driving course.

### **Driving on Foundation Business**

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If driving is a requirement for a Foundation position, the employee is required to attend a Defensive Driving Training course *before* they are authorized to operate any vehicles, or claim mileage for operating a privately owned automobile. In addition, employees must possess a valid driver's license, have liability insurance for the minimum amount prescribed by State law, and have a good driving record, as verified by the Department of Motor Vehicles.

To obtain specific information concerning the criteria for driving on Foundation business, or to secure the required authorization, contact Auxiliary Human Resources.

### **Security Inspections**

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The Foundation desires to maintain a workplace free of illegal drugs, alcohol, firearms, explosives, or other improper materials. We require the cooperation of all employees in our efforts to enforce this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remains the sole property of the Foundation. Any articles found within them can be inspected by any agent or designated representative of the organization at any time, with or without prior notice. Therefore, any employee who wishes to avoid inspection of any articles or materials should not bring them into the workplace.

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## ***EMPLOYMENT SEPARATION***

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Benefited employees separating from employment must be referred to Auxiliary Human Resources for an exit interview, to discuss such issues as employee benefits and the return of Foundation property.

Individuals wishing to apply for new job opportunities within the Foundation or other auxiliaries are welcome to do so; however, there are no rights or preference given to such other employment.



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## *ACKNOWLEDGMENT*

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This Employee Handbook describes important information about the California State University, Fresno Foundation (Foundation). I understand that I should consult Auxiliary Human Resources regarding any questions not answered in this Handbook.

I have entered into my employment relationship with the Foundation voluntarily, and acknowledge there is no specified length of employment. I understand the Foundation is an at-will employer, which means I can terminate my employment at any time, with or without advance notice, with or without cause, and the Foundation has similar rights.

No manager, supervisor, or employee of the Foundation has authority to enter into any agreement for employment, for any specified period of time or to make any agreement for employment other than at-will.

Since the information, policies, and benefits described are subject to change, I acknowledge changes and revisions may occur and that such changes will be communicated through appropriate notices, and that those changes may modify, eliminate, reduce or improve existing policies and benefits.

I agree to read the Employment Handbook, whether in paper form or electronic form, read all changes in a timely manner, and agree to comply with the policies contained in the Handbook and any revisions made to it.

**PRINT FULL NAME** \_\_\_\_\_

**EMPLOYEE SIGNATURE** \_\_\_\_\_

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