



EMPLOYEE HANDBOOK

<http://uhr.csUMB.edu/foundation/index.html>

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Introduction

Welcome to the Foundation of California State University, Monterey Bay. We hope your association with the Foundation will prove professionally challenging, rewarding and enjoyable.

The Foundation is an auxiliary of CSUMB, a private, non-profit organization established to serve CSUMB and the campus community. Our primary purpose is to develop, enhance, and support CSUMB projects and goals. To provide the best possible service to the campus community, the contribution of each individual employee of the Foundation is dependent upon the efficient and courteous cooperation of all other employees. Foundation employees are not employed by CSUMB and are not employees of the State of California.

This Employee Handbook is intended to provide you with an overview of the Foundation's policies and practices and to serve as a guide to implement them. This Handbook reflects the policies and practices in effect at the time of its publication and supersedes any prior policies and practices, whether formal or informal. We anticipate that as the Foundation grows and our needs and expectations evolve, this Employee Handbook will be revised, supplemented, or otherwise modified as deemed appropriate by the Foundation Director. The policies in this Handbook are not intended to be construed, nor should be construed as a contract, either expressed or implied. In as much as this Handbook is a repository of policies, there may be amendments (e.g. additions, subtractions, or changes) to these policies, which have been adopted but are not included in this Handbook. To ensure that a policy is current, please make inquiry the Human Resources Manager.

The Foundation Human Resources Manager is available to answer any questions you may have regarding the Foundation's policies or practices. We also encourage you to submit any suggestions or recommendations you may have regarding this Handbook to the Human Resources Manager. At the Foundation, we aspire to work as a progressive, dynamic and innovative team – and we welcome you as a member of our team.

Employment Practices

101. EQUAL EMPLOYMENT OPPORTUNITY

The Foundation supports and is committed to the principle of equal employment opportunity. Except where required or permitted by law, employment practices shall not be influenced or affected by virtue of an applicant's or employee's race, color, religion, national origin, gender, sexual preference, marital status, pregnancy, age, disability, physical handicap, ancestry, medical condition, veteran's status or any other characteristic protected by law. In addition, the Foundation provides an environment that is free of unlawful harassment, as defined under Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act. This guideline governs all aspects of employment, promotion, demotion, assignment, discharge, and other terms and conditions of employment. Information concerning the types of conduct that constitute harassment and the Foundation's internal procedures for addressing complaints of harassment are set out in the Foundation's Nondiscrimination Policy, which appears later in this Handbook. Additionally, the Foundation provides reasonable accommodations to those employees or applicants requiring such arrangements under applicable law.

102. NATURE OF EMPLOYMENT

The Foundation is committed to a standard of excellence in the services it provides and in the quality of work expected of its employees. Recognizing that performance results and relationships are not always mutually satisfactory, and to protect the rights of both the Foundation and the employee, every employee has an "at-will" relationship with the Foundation. As a condition of employment, employees must understand and agree that they are employed at will. That means that employment with the Foundation is at the mutual consent of the employer and the employee, and is subject to termination by either party at will, with or without cause or advance notice.

Nothing in this Handbook or in any document or statement shall limit the right to terminate employment at-will. No manager, supervisor or employee of the Foundation has any authority to enter into an agreement for employment for a specific period of time. Only the Foundation Director has the authority to make any such agreement, and then, only in writing signed by both the employee and the Foundation Director.

103. EMPLOYMENT CATEGORIES

The following employment categories define the employment classifications applicable to work at the Foundation. Employment status and benefit eligibility depend on the category of employment:

(FTR) FULL-TIME REGULAR - defined as those employees who regularly work forty (40) hours per week or more.

(PTR) PART-TIME REGULAR - defined as those employees who regularly and customarily are scheduled to work between twenty (20) to thirty-nine (39) hours per week.

(SHR) SHORT HOUR REGULAR - defined as those employees who regularly are scheduled to work less than twenty (20) hours per week.

(TEM) TEMPORARY – Are defined as those employees who are hired for a specific assignment of limited duration arising out of special projects, abnormal workload, or emergencies, and is working on an hourly, daily or monthly basis.

(SAS) STUDENT ASSISTANT - Positions within this category are limited to 20 hours per week, do not attain "Regular" status and must be filled by students of CSUMB who are enrolled in at least six units of instruction for undergraduate and at least three units of instruction for graduate students. Persons employed within the SAS category may work during the intersession if enrolled during the prior regular semester, enrolled in three or more units during the intersession, or are accepted for admission to the following regular semester. They may work during summer session if they are accepted for admission for the following fall semester or were enrolled for the prior spring semester. Students may work up to 40 hours per week during summer and intersession.

(FAE) FACULTY ADDITIONAL EMPLOYMENT- Primary employment is an instructional position with CSUMB. The employee receives direct payments for work performed on a Foundation project within the guidelines set by the Foundation and the CSUMB Office of Academic Personnel.

Each position is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are eligible for overtime pay. EXEMPT employees are not.

104. OTHER RELATIONSHIPS

Following are two categories of workers who may perform a service for the foundation but are not employees:

Independent Contractors sign an agreement to perform as a self-employed entity. The Foundation neither directs nor controls the manner or means of performing the work; therefore, these contractors or consultants are not hired or paid as employees. Because neither income taxes are withheld nor payroll taxes are paid on independent contractors, a strict set of criteria must be satisfied before a person will qualify to be hired as an independent contractor.

Volunteers do not have employee status because they do not receive a payroll check from the Foundation. They agree to work in a Foundation program, although are under no obligation to do so, and perform such services without pay or benefits.

105. EMPLOYMENT APPLICATIONS

The Foundation relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omission of information on the application may result in the Foundation's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

106. PRE-EMPLOYMENT PHYSICAL EXAMINATIONS

After a job offer is extended and before beginning work, employees within job categories which are deemed by the Human Resources Manager to be physically demanding may be required to undergo a pre-employment physical examination performed at the Foundation's expense by a physician chosen by the Foundation.

All offers of employment in the aforementioned job categories are contingent upon satisfactory completion of the physical examination.

107. INTRODUCTORY PERIOD

All new regular employees are hired on a ninety (90)-calendar-day introductory status. This time is for you and the supervisor, director, or division head to determine whether this is the right position for you. It gives you time to adjust to new responsibilities and it gives your manager time to assess work and job performance. Be sure to discuss any questions, or problems, with your supervisor. If the performance or attendance does not meet standards during the new-hire introductory period, new employees are subject to termination without notice. Newly transferred employees also are subject to the same type of introductory period for the first 90 days of their new assignment. Successful completion of either the new hire or transfer introductory period does not create a contractual commitment to continued employment. At the end of the introductory period, your performance will be evaluated, and a written report will be generated recommending one of 3 options: (1) successful completion of introductory period and conversion to regular status; (2) extension of the introductory period, not to exceed another 90 days; or, (3) release from Foundation employment. Recommendations are made from the supervisor to the department head, with recommendations for other than conversion to regular status to be discussed with the Human Resources Manager before being implemented. All written reports regarding an employee's introductory status must be filed with the Human Resources department.

108. PERFORMANCE EVALUATION

To meet the Foundation's high standards, you should seek regular advice, counsel, and feedback on your performance. This feedback can come from a number of sources, but most frequently is provided by your supervisor. Your supervisor can provide both positive and corrective feedback to help you achieve excellence in your job and meet the professional goals you and the Foundation have set. Most departments provide periodic opportunities (at least annually) for you and your supervisor to sit down and discuss your overall performance. These discussions provide an excellent opportunity for you to confirm how you are doing and to set new goals and objectives for the future. The Foundation expects the quality of a staff member's performance to at least meet all performance standards. Additionally, staff members are expected to display behaviors consistent with Foundation and departmental policies and procedures. Key ingredients to successful performance include systematic and definitive orientation to job responsibilities and departmental procedures, appropriate on-the-job training, ongoing communication of performance expectations and standards, periodic performance and career development feedback, and corrective, progressive approaches to work performance.

Positive performance evaluations do not guarantee salary increases or promotions. Salary increases and promotions are within the Foundation's discretion and depend upon many factors in addition to performance.

109. PROMOTIONS AND TRANSFERS

The Foundation wishes to offer new growth and advancement opportunities to valued employees, and encourages promotion of present employees whenever possible. When a job opening occurs at the Foundation, you may submit an application for consideration. Qualified employees may be given consideration over other equally qualified candidates in filling vacancies. As a courtesy, you should inform your current supervisor when applying for another position at the Foundation. Transferring to another position is permitted if it appears in the judgement of the Foundation to be to the advantage of both the employee and the Foundation. Employees may also be transferred to different departments as a part of personnel cross-training and/or to satisfy the needs of the Foundation, as determined in the discretion of the Foundation Director.

110. OPEN-DOOR POLICY

Suggestions for improving the Foundation are always welcome. At some time, you may have a complaint, suggestion or question about your job, your working conditions or the treatment you are receiving. Your good faith complaints, questions and suggestions also are of concern to the Foundation. We ask that you take your concerns to your supervisor, following these steps:

1. Within a week of the occurrence giving rise to concern, bring the situation to the attention of your immediate supervisor who will then investigate and provide a solution or explanation.
2. If the problem persists, you may put it in writing and present it to the Foundation Human Resources Manager who will investigate and provide a solution or explanation. It is recommended that you bring the matter to the Human Resources Manager as soon as possible after you believe that your immediate supervisor has not resolved the matter.
3. If the problem is not resolved, you may present the problem in writing to the Foundation Director who will review it and take appropriate action.

This procedure, which we believe is important for both you and the Foundation, cannot result in every problem being resolved to your satisfaction. However, the Foundation values your input and you should feel free to raise issues of concern, in good faith, and without fear of retaliation.

111. EMPLOYMENT OF RELATIVES

Employees' relatives will not be eligible for employment with Foundation of CSUMB where potential problems of supervision, safety, security or morale, or potential conflicts of interest exist. Foundation of CSUMB will not hire relatives of present employees if the individual(s) concerned work in a supervisory relationship. For purposes of this policy, "relatives" include a spouse, domestic partner, child, domestic partner's child or children, parents, sister, brother, in-laws, step parents, step siblings, step children, or any person involved in a legally binding guardianship or relationship with the employee, and/or residing in the home of the employee.

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

If two employees become subject to the restrictions of this policy after they are hired, one or both of the employees must seek a transfer or reassignment to eliminate the actual or potential conflict of interest as specified in this policy.

The Administrator in Charge of the Foundation of CSUMB may make exceptions under unusual circumstance.

112. OUTSIDE EMPLOYMENT

The Foundation does not object to outside employment so long as such employment does not interfere with your work performance, including your availability for overtime work, or create a conflict of interest.

113. PERSONNEL RECORDS

All permanent records of employees are maintained in the files of the Human Resources department. This personnel file represents the historical employment record of the employee and includes such items as the applications for employment, correspondence, transfers, promotions, performance evaluations, wage changes, tax information, and commendations. The Foundation is responsible for the maintenance of the confidentiality of employee records and files. The Human Resources Manager

has special responsibilities to maintain a departmental structure that strictly limits access to employee records. The Foundation will maintain employee medical records in separate, confidential files to be released only in accordance with federal and state laws.

You have a right to inspect certain documents in your personnel file in the presence of a Foundation representative at a mutually convenient time. No copies of documents in your file may be made, with the exception of documents that you have previously signed. You may add your version of any disputed item to the file.

You are responsible for notifying the Foundation of any changes in personal data that affects your records or benefits, including citizenship status, changes in dependents or marital status, and changes in name, address or telephone number. It is also important that your file contains up-to date information on whom to contact in case of an emergency, and similar items. All changes in employee status must be reported on a Personnel Action Form (PAF) signed by the employee. In case of a change in name, marital status, or number of exemptions claimed for income tax withholding purposes, a new W-4 form should be filed with the Personnel Action Form.

114. EMPLOYMENT REFERENCE INQUIRIES

The Human Resources department will respond to all reference inquiries from other employers and/or creditors. Responses to such inquiries will confirm only dates of employment and position(s) held. A written authorization from the employee is required to release any other information.

115. SEPARATION

Since employment with the CSUMB Foundation is based on mutual consent, both the employee and the employer have the right to terminate employment at will, with or without cause or advance notice at any time. Employee benefits will be affected by employment termination. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

116. EXIT PROCEDURES

Voluntary termination occurs when employees leave the Foundation of their free choice. Involuntary termination occurs when the Foundation initiates the separation. Employees who leave either voluntarily or involuntarily should participate in an exit interview. All employees are encouraged to participate in the exit interview process. Information and suggestions obtained in these interviews can be used to improve the work environment for other employees. The exit interview also provides an opportunity for employees to ask questions related to benefits and other issues. The termination date is the last date an individual was actively at work or the date on which a leave of absence expired.

117. FINAL CHECK

Employees will receive their final checks within the time required by law. The final paycheck for employees who resign with at least 72 hours advance notice will be provided on their last day of work. Employees who resign without providing at least 72 hours of advance notice will receive their final paycheck within 72 hours of their resignation. Employees who are terminated involuntarily will be provided their final paycheck on their last day of work.

Hours of Work and Pay Practices

201. TIMEKEEPING

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the employer to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Tampering with, altering, or falsifying your own or anyone else's time records, or recording time on another employee's time record may result in disciplinary action.

It is your responsibility to sign your timecard to certify the accuracy of all time recorded. The supervisor is responsible for reviewing and signing the approval of timecard before submitting it to the Payroll department for processing.

In addition, Grants and Contracts employees may be required to provide appropriate effort reporting to fulfill Grants and Contracts' requirements.

202. PAYDAYS

All employees are paid bimonthly according to the published payroll schedule. Each paycheck will include earnings for all work performed through the end of the previous payroll period. The Foundation workweek begins on Monday at 12:01 a.m. and ends on Sunday at 12:00 midnight.

203. OFFICE HOURS

The Foundation is normally open for business from 8:00 a.m. to 5:00 p.m., Monday through Friday. It is important to know of all employees' whereabouts in order to be responsive to outside callers and other staff members who may need information or assistance. You are expected to notify the receptionist and other appropriate staff when you will be out of the office and the expected time of return.

Regular, full-time employees are paid for working forty (40) hours per week. You are entitled to take one 15-minute rest break for every 4 hours of work-time, not to be combined with the lunch period or to be taken in the last or first hour of work.

Lunch period is normally one hour, and should be arranged to provide adequate office coverage at all times. All non-exempt employees should take at least one half-hour lunch period when working more than six hours per day. Lunch periods are unpaid time.

204. FLEXIBLE SCHEDULE

In order to balance work and personal life, the Foundation provides a flexible, alternative workweek. A flexible work schedule must be compatible with the office workflow and the department's ongoing needs and must be approved by the employee's supervisor. Once a work schedule, including beginning and ending time, is agreed upon between the employee and supervisor, it will be forwarded to the Human Resources Manager and placed in the personnel file.

205. OVERTIME

Overtime for non-exempt employees must be approved in advance by the immediate supervisor. All employees who are defined as non-exempt by federal and state law will be compensated appropriately

for overtime worked. If a non-exempt employee works more than 8 hrs a day or more than 40 hours in one workweek s/he will receive overtime pay. Overtime will be computed on actual minutes worked, adjusted to the nearest increment of fifteen (15) minutes. Only those hours that are actually worked are added together to determine an employee's overtime pay.

206. EMERGENCY CLOSING

Emergency conditions, such as severe weather, fire, flood, or earthquake, can disrupt operations and interfere with work schedules, as well as endanger employees' wellbeing. These extreme circumstances may require the closing of the work facilities.

When operations are closed due to an emergency, the time off scheduled work will be paid for employees in FTR, PTR, and SHR categories. An employee who fails to report for work when operations are not closed will not be paid for time off.

Employee Benefits

301. BENEFITS ELIGIBILITY

Employees of the Foundation are provided a wide range of benefits. A number of the programs (such as Social Security, worker’s compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. The Foundation Human Resources department can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook or through the Human Resources department.

The following benefit programs are available to eligible employees:

BENEFIT TYPE:	FTR	PTR	SHR	TEM	SAS	FAE
Medical Insurance (1, 4)	X	X				
Dental Insurance (1, 4)	X	X				
Vision Insurance (1, 4)	X	X				
Life Insurance (1, 4)	X	X				
Long Term Disability (1, 4)	X	X				
Pension (4)	X	X				
Flexible Benefits Plan (4)	X	X				
CA Unemployment/Disability Insurance (2)	X	X	X	X	X	X
FICA (2, 3)	X	X	X	X	X	X
Workers’ Compensation (2)	X	X	X	X	X	X
Vacation (1, 4)	X	X	X			
Other Paid Absences (1, 4)	X	X	X			
Holidays (2, 4)	X	X	X			
Educational Assistance (2, 4)	X	X	X			
Employee Assistance Program (2)	X	X	X	X	X	X
Direct Deposit	X	X	X	X	X	X

Some benefits programs require a contribution from the employee, but most are fully paid by the Foundation.

- (1) *These benefits become effective on the first of the month following employment within an eligible category.*
- (2) *Benefits become effective immediately upon employment within an eligible category.*
- (3) *Full-time students may opt for exemption from FICA.*
- (4) *Additional information about these benefits can be found in a separate benefits explanation pamphlet available in the Foundation Human Resources department*

302. EDUCATIONAL ASSISTANCE

The Foundation may provide educational assistance to eligible employees who wish to pursue course work that is applicable to their job duties with the organization. Eligible employees’ classifications are:

- Full-time Regular (FTR)
- Part-time Regular (PTR)
- Short Hour Regular (SHR)

If you are interested in applying for educational assistance, you must submit a written request for Educational Assistance to your supervisor for consideration. If your request is approved, you may, upon proof of successful completion of each course, receive full or partial reimbursement for the cost of the course. Reimbursement for educational assistance activities will be indexed to CSUMB’s in-state

resident registration fees. Maximum annual reimbursement will be limited to the fee amount required to enroll in six units (at either the graduate or undergraduate level) at CSUMB. Since this benefit is solely funded by direct program funds, approval is contingent upon availability of funds, and/or program sponsor approval. Written approval for Educational Assistance must be received prior to course enrollment.

If you wish to take classes during normal business hours, you will have to either make up the time spent away from work during the normal shift or use accrued vacation in order to be compensated.

303. DIRECT DEPOSIT

Many Foundation employees enjoy the benefits of Direct Deposit. When you complete and submit the authorization form to the Foundation Payroll department, the Foundation will automatically deposit the net amount of your check into the designated bank, credit union or other financial institution account. Deposits will normally reach the designated institutions on or before scheduled paydays. You should ensure that the designated institution is capable of accepting electronic transfers (most are). On paydays you will still receive a check stub along with a confirmation of deposit.

304. EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program provides confidential counseling and referral services to all employees and members of their household 24 hours a day. This benefit is available through an external provider to assist you and your family in dealing with a wide variety of problems or concerns, such as relationship concerns, parenting issues, drug/alcohol abuse, depression, communication difficulties, stress, and job related concerns. All services are kept strictly confidential. Face-to-face counseling is also available at no charge.

Leaves of Absence

401. HOLIDAYS

The Foundation of CSUMB normally observes the same holidays as the California State University. In addition, each employee is entitled to one personal holiday each year. Prior to the beginning of each calendar year, a list of the dates on which holidays will be observed by the Foundation will be distributed to all employees.

You may take the Personal Day at your discretion, but you must use it by the end of the calendar year, at a time arranged with your supervisor

According to applicable restrictions, the Foundation will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay is prorated according to hours normally scheduled to work. Full-time employees receive eight hours of holiday time; half-time employees receive four hours, etc.

Eligible employee classifications:

Full-time Regular (FTR)
Part-time Regular (PTR)
Short Hour Regular (SHR)

If a recognized holiday falls during your paid absence (e.g. vacation, sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied. If a recognized holiday falls during your unpaid absence (e.g. unpaid leave of absence), the holiday pay will be unpaid.

If you work on a recognized holiday, you will receive paid time off for the hours worked on the holiday.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

402. VACATION

The following employee classifications are eligible for vacation:

Full-time Regular (FTR)
Part-time Regular (PTR)
Short Hour Regular (SHR)

The staff vacation accrual rate is based upon years of service as follows:

Employee Years Of Service	Hours Accrual Per Month	Days Accrual Per Year
1 Month to 3 Years	6 2/3	10
37 Months to 6 Years	10	15
73 Months to 10 Years	11 1/3	17
121 Months to 15 Years	12 2/3	19
181 Months to 20 Years	14	21
241 Months to 25 Years	15 1/3	23
301 Months and Over	16	24

Part-time regular and short-hour regular employees earn vacation time at pro rata of the above rates. Management employees accumulate vacation at a rate of two days per month.

Accrued vacation time is limited to 272 hours for staff employees with less than 10 years of service and 384 hours for those with 10 or more years of service. Management employees' accrued vacation time is limited to 48 days for employees with less than 10 years of service and 55 days for employees with more than 10 years of service. These limits will be applied to an employee's vacation accruals on January 1 of each year. An employee who has accrued the maximum accrual rate, will not accrue additional vacation time until his/her vacation balance is reduced below the limit.

Vacation time may be used upon completion of one month of continuous service. Vacations will be scheduled to accommodate employees whenever possible. However, vacation requests must be approved by the immediate supervisor/manager prior to any absence from assigned scheduled working hours.

For non-exempt employees, vacation pay will be calculated based on the employee's straight-time pay rate (in effect when vacation benefits are used) times the number of hours the employee would otherwise have worked on the day(s) of absence. Vacation pay does not include shift differentials, incentive pay, bonuses, or other special forms of compensation. Vacation benefits for exempt employees will be based on their normal wages. All accrued and unused vacation pay will be paid to an employee on termination of employment.

403. PERSONAL AND SICK TIME

The Foundation provides personal and sick time to all eligible employees for periods of temporary absence due to illnesses, injuries, medical, vision, or dental appointments, school appointments, conducting personal business, observance of religious holidays, and personal emergencies. Eligible employee classifications:

Full-time Regular (FTR)
Part-time Regular (PTR)
Short hour Regular (SHR)

Employees accrue personal and sick time at the rate of eight hours for each month of employment. Personal and sick time accrues at pro rata of the above rate for part-time and short hour regular employees.

When you are unable to report to work due to an illness or injury, you must make every effort to notify your supervisor/manager before the scheduled start of your shift. In circumstances where you cannot do so, notification must be made within one hour after the start of the shift to be considered a reported absence. You must also contact your supervisor/manager each day you are absent. If you are absent for three or more consecutive days due to illness or injury, a physician's statement must be provided verifying the nature of the disability and its beginning and expected ending dates. Such verification may be requested by the Human Resources department for other sick leave absences of any length as well, and may be the basis for payment of benefits. Before returning to work from a sick leave absence of three calendar days or more, you may be asked to provide a physician's verification indicating that you may safely return to work.

Personal and sick time leave may be accumulated from year to year and accumulated up to a total of sixty (60) days. Upon accruing sixty days of sick leave, all further accruals will cease. Sick leave accruals will recommence after you have taken leave and your accrued hours have dropped below the sixty day maximum.

Upon termination of employment, employees will not be paid for unused Personal and Sick Time benefits.

404. MATERNITY/PATERNITY/ADOPTION LEAVE

Foundation employees shall be entitled to up to thirty (30) consecutive work days with pay for new parents for preparing for the arrival of a new infant and the care of a new infant. Paid maternity/paternity/adoption leave shall commence within sixty (60) days of the arrival of a new child. Such leave shall be in addition to available sick and vacation leaves. Paid maternity/paternity/adoption leave runs concurrently with any other related leaves for which the employee is eligible under the state and federal law.

405. JURY DUTY

The Foundation recognizes your civic responsibility to serve on a jury. In such instances, the Foundation ensures that you will be compensated while you are away from work. You will receive your regular Foundation paycheck while on approved jury duty. If you are called as a juror or witness, you should discuss working arrangements with your supervisor immediately. In some cases, it may be possible to reschedule jury service if it creates a severe operating burden on the department. For assistance, supervisors should contact the Human Resources department. If your jury obligation is less than three hours in a day, you should report for the rest of your shift.

406. FUNERAL LEAVE

In the event of a death in your immediate family, you may take up to five (5) days paid time off from work to attend the funeral and to make any necessary arrangements. Immediate family is defined as your spouse or domestic partner; and either you or your spouse's or domestic partner's son, daughter, parent, grandparent, grand-child, brother, or sister (or the spouse of any of them); and any other related person living in your household.

407. LEAVES WITHOUT PAY

A. PERSONAL LEAVE

An employee with one or more years of continuous service credit who works a regular schedule of 20 hours or more per week may request a personal leave of absence. A request for leave must be filed with the department at least 14 days prior to the beginning of the desired leave period. The request must include information as to the nature, duration, and justification for the leave. If approved by the designated administrative or supervisory personnel in the department, the leave of absence request and documentation as to the department's reason(s) for approval are then forwarded to the Foundation Human Resources Manager.

A personal leave of absence may be granted for a period not to exceed 3 months; however, once a leave has been granted, you may request extensions in three-month increments up to one year of leave. Extension requests should be submitted in writing to the department at least 14 days prior to the scheduled end of the leave. If approved by the designated administrative or supervisory personnel in the department, the extension request is then forwarded to the Foundation Human Resources Manager. Vacation and sick leave do not accrue during unpaid leave. The Foundation does not pay your share of the foundation-sponsored insurance program while you are on personal leave. Coverage may be continued if you write to the Human Resources department 14 days prior to the beginning of the leave period to make arrangements for all premium payments.

B. MILITARY LEAVE

The Foundation observes all federal and state laws regulating absence from work for military service. An unpaid leave of absence is granted to any employee fulfilling reserve training, National Guard duties, or active duty service requirements. If at all possible, absences should be planned to avoid interruption in regular work schedules or duties. You must present a copy of military orders to your supervisor/manager as soon as possible. The leave is granted without pay, although staff members may draw upon vacation time to cover the period of absence. An approved absence without pay not longer than two calendar weeks is granted without interruption of benefits. If an unpaid absence is longer than two weeks, then the policy on personal leave governs eligibility for and payment of benefits.

C. FAMILY AND MEDICAL LEAVE (FML)

The Federal Family and Medical Leave Act and the California Family Rights Act provide employees with specific leave benefits. It is the intention of the Foundation that the policy described herein shall satisfy the provisions of both Acts concurrently.

The employee classifications eligible for leave include:

- *Full-time Regular (FTG)
- *Part-time Regular (PTG)
- *Short Hour Regular (SHR)

** For the purpose of eligibility determination, employees within these categories shall only be considered eligible once they have completed twelve (12) months of service with the Foundation, and who have worked at least 1,250 hours during the twelve (12) months immediately preceding the date of the leave.*

Family and Medical Leave (FML) is provided for an eligible employee's serious health condition, the serious health condition of the employee's child, spouse, parent, his/her domestic partner (to access this benefit, the employee's domestic partnership must be registered through the Secretary of State designated process) or to bond with the employee's newborn, adopted, or foster care child in accordance with State and Federal law in effect at the time the leave is granted. Leave granted for bonding purposes shall only be considered during the first twelve (12) months following the child's birth or placement for adoption or foster care.

You are entitled to a total of twelve (12) workweeks of FML leave during any twelve (12) month period. When a husband and wife are both employed by the Foundation, and if the leave is taken by reason of the birth or placements of a child with the employee, or to care for a parent or child with a serious health condition, the aggregate leave to which both are entitled may be limited to twelve (12) workweeks in any twelve (12) month period.

Certification

When the FML is taken for medical reasons, the Foundation will require you to provide a certification from the health care provider of a the person requiring care, whether it be you or your spouse, child, or parent. The certification shall be sufficient if it states:

- (1) The date on which the serious health condition commenced;
- (2) The probable duration of the condition;
- (3) The appropriate medical facts within the knowledge of the health care provider regarding the condition;

- (4) A statement that you are needed to care for the spouse, child, or parent;
- (5) An estimate of the amount of time that you are needed to care for the spouse, child, or parent or a statement that you are unable to perform the functions of your position.

Subsequent re-certification during an approved leave may be required. If your leave was occasioned by your own serious health condition, you will be required to submit a medical certification that you are able to return to work prior to assuming your duties.

Definitions

Child--is defined as a biological, adopted or foster child, a step-child, a legal ward, or a child of an employee standing in loco parentis (in place of a parent) to that child who is either under eighteen (18) years of age or an adult dependent child. An adult dependent child is an individual who is eighteen (18) years of age or older and who is incapable of self-care because of a mental or physical disability.

Parent--is defined as a biological parent (not parent-in-law) or someone who stood in loco parentis (in place of a parent) to an employee.

Spouse—is defined as husband or wife.

Domestic Partner—is defined as non-marital relationships registered with the Secretary of State

Serious health condition—is defined as an illness, injury, impairment, or physical or mental condition (including work-incurred illnesses and injuries) which involved inpatient care in a hospital, hospice or residential health care facility, or continuing treatment, or continuing supervision by a health care provider. Any period of incapacity due to pregnancy or for parental care is also covered.

Health Care Provider—is defined as a doctor of medical or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices, or any other person determined by the US Secretary of Labor to be capable of providing health care services.

D. PREGNANCY DISABILITY LEAVE

Foundation employees who have become disabled due to pregnancy, childbirth, or related medical conditions, are eligible to take a Pregnancy Disability Leave (PDL) for up to four (4) months. As an alternative, with the advice of their health care provider, the Foundation may temporarily transfer such employees to a less strenuous or hazardous positions, if the transfers can be reasonably accommodated and are mutually agreeable for employees and the Foundation.

Leave taken under the pregnancy disability guidelines runs concurrently with family and medical leave under the federal law, but not with family and medical leave under California law. You must provide the Foundation with a certification from a health care provider.

E. WORKER'S COMPENSATION DISABILITY LEAVE

The Foundation will grant a workers' compensation disability leave to employees with occupational illnesses or injuries in accordance with state law. As an alternative, the Foundation will try to reasonably accommodate such employees with modified work. Leave taken under the worker's compensation disability policy runs concurrently with family and medical leaves under both federal and state law.

Notice and Certification

You must report all accidents, injuries and illnesses no matter how small to your immediate supervisor. In addition, you must provide the Foundation with a certification from a health care provider.

F. COMPENSATION DURING LEAVE

All the above leaves are without pay. However, you may use accrued vacation time and any other appropriate accrued paid time off during the leave. All such payments will be coordinated with any state disability or other wage reimbursement benefits for which you may be eligible. At no time shall an employee receive a greater total payment than the employee's regular salary.

G. BENEFITS DURING LEAVE

If you are eligible for leave under the federal or state family and medical leave laws, the Foundation will maintain your group health insurance coverage for up to a maximum of 12 workweeks per 12-month period if such insurance was provided before the leave was taken and on the same terms as if you had continued to work. In some instances, the Foundation may recover premiums it paid to maintain health coverage for an employee who fails to return to work following leave.

For all other types of leave, the employer contribution for insurance benefits shall cease at the end of the month in which the leave begins. Accruals of other benefits calculations, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment. Employer contributions to the Employee Pension Plan will continue only while you are receiving compensation from the Foundation.

Employees on unpaid leave who do not receive continued paid coverage, or whose paid coverage ceases after 12 workweeks, may continue their group health insurance coverage through the Foundation by making monthly payments to the Foundation for the full amount of the relevant premium. Employees should contact the Human Resources Department for further information.

H. REINSTATEMENT

Upon the submission of a medical certification from a health care provider that an employee is able to return to work, if applicable, the employee will, in most circumstances, be offered the same position held at the time of the leave or an equivalent position. However, an employee is not entitled to any greater right to reinstatement than if the employee had been employed continuously rather than on leave. For example, if the employee would have been laid off if he/she had not gone on leave, then the employee would not be entitled to reinstatement.

Nondiscrimination

501. Unlawful Harassment

The Foundation is committed to providing a work environment free of unlawful harassment. Foundation policy prohibits sexual harassment and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state or local law or ordinance or regulation. All such harassment is unlawful. The Foundation's anti-harassment policy applies to all persons involved in the operation of the Foundation and prohibits unlawful harassment by any employee of the Foundation, including supervisors and co-workers. It also prohibits unlawful harassment based on the perception that anyone has any of these characteristics, or is associated with a person who has or is perceived as having any of these characteristics. Prohibited unlawful harassment includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments;
- Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, or gestures;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movements or interfering with work because of sex, race, or any other protected basis;
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors;
- Retaliation for reporting or threatening to report harassment.

If you believe that you have been unlawfully harassed, you should provide a written complaint to any Foundation Manager, supervisor or to the Foundation Human Resources Manager. Your complaint should include details of the incident or incidences, names of the individual involved, and names of any witnesses. Supervisors and managers must immediately refer all harassment complaints to the Foundation Human Resources Manager. All reported incidents of unlawful harassment will be immediately investigated. The Foundation Human Resources Manager or designee will immediately undertake or direct an effective, thorough, and objective investigation of the harassment allegations. The investigation will be completed and a determination regarding the alleged harassment will be communicated to the employee who complained and the accused harasser.

If the Foundation determines that unlawful harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Foundation to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to, and including termination. The Foundation will not retaliate against anyone for filing a complaint or providing evidence regarding a complaint. The Foundation will not tolerate or permit retaliation by any other Foundation employee.

The Foundation encourages all employees to report any incident of harassment forbidden by this policy immediately so the complaints can be quickly and fairly resolved. All employees should also be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair

Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you believe you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest office is listed in the telephone book.

502. APPEAL PROCESS.

Harassment/discrimination/retaliation complaints brought to the attention of the Foundation Human Resources will be thoroughly investigated and addressed pursuant to the Foundation's guidelines (*section 501*).

In the event the complaint is not resolved to the employee's satisfaction, the employee may submit a written request for review to the Administrative Director of the Foundation, no later than fourteen (14) working days after being notified of the resolution of the complaint by the Foundation Human Resources.

No later than five working days after receiving the request for review, the Administrative Director of the Foundation or designee will contact the employee to schedule an appointment. The Administrative Director of the Foundation or designee will notify the employee of his/her decision no later than 15 working days after meeting with the employee or receiving the request for review if the employee does not request to meet with the Administrative Director of the Foundation or designee. The decision of the Administrative Director of the Foundation or designee will be final.

Codes of Conduct

601. PROFESSIONAL EXPECTATIONS

The Foundation is committed to enhancing job satisfaction by creating a cooperative and productive work environment for all employees. In turn, all employees must meet certain performance expectations, including timely and regular attendance, dependable application of time while at work, and satisfactory completion of all duties. Supervisors are responsible for helping employees maintain high levels of performance and meet these expectations. When you are at work, you are a representative of the Foundation and are expected to present a positive and professional appearance.

Your dress and appearance should not be a distraction to those with whom you work, and it should be within acceptable standards of health, safety, and public contact set by your supervisor. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Your supervisor will inform you about the specific requirements, if any, for your department.

602. EMPLOYEE CONDUCT AND WORK RULES

To assure orderly operations and provide the best possible work environment, the Foundation expects you to follow rules of conduct, which will protect the interest and safety of all employees and the employer. It is not possible to list all the forms of behavior which are considered unacceptable in the work place, but the following are examples of infractions of rules of conduct which may result in disciplinary action, including suspension or termination of employment.

- ❖ Theft or inappropriate removal or possession of Foundation property
- ❖ Falsification of timekeeping records
- ❖ Working under the influence of alcohol or illegal drugs
- ❖ Manufacture, sale, purchase, offer to sell or purchase, distribution, dispensation, possession, or use of alcoholic or illegal drugs in the work place, while on duty, on Foundation or University premises or while operating employer-owned vehicles or equipment
- ❖ Fighting or threatening violence in the work place
- ❖ Boisterous or disruptive activity in the work place
- ❖ Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- ❖ Insubordination or other disrespectful conduct
- ❖ Violation of safety or health rules
- ❖ Smoking in prohibited areas
- ❖ Sexual or other unlawful harassment
- ❖ Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- ❖ Excessive absenteeism, tardiness or any absence without notice
- ❖ Unauthorized absence from work during the work day
- ❖ Unauthorized use of telephones, mail system, or other employer-owned equipment
- ❖ Unauthorized disclosure of trade secrets or confidential information
- ❖ Violation of Foundation guidelines
- ❖ Unsatisfactory performance or conduct

603. CONFLICT OF INTEREST

Conflict of interest relates to matters that might unduly influence personal judgment in the conduct of their area of employment. Conflict of interest relates to financial or other personal considerations that have the potential or the appearance of compromising the employee's objectivity in meeting Foundation duties or responsibilities, including research activities.

Interactions between Foundation and external organizations frequently involve relationships among one or more universities, their auxiliaries, and many external partners. These complex relationships require that guidelines, such as this policy on conflict of interest, be used to assure the importance of academic integrity in research. To meet the needs of its external customers and to fulfill its mission, the Foundation encourages its employees to participate in meaningful and appropriate relationships with industrial, governmental, and private partners. These partnerships are established for mutually beneficial reasons and often produce knowledge and technology that will help to meet societal needs. However, all employees, both full-time and part-time, are required by this policy to avoid conflicts of interest and conflicts of commitment in their relationships with external organizations. Employees who are on leave are also covered by this policy.

The rigorous application of this policy will be particularly important in the case of persons exercising significant Foundation authority. Individuals in administrative positions have substantial influence over others by virtue of their role in professional appointments, promotions, retention decisions, allocations of space, determinations of salary, and the like. Those with administrative responsibilities must take particular care to avoid relationships that have the potential to advantage the individual but affect adversely the Foundation's interests. Among the relationships that may adversely affect the Foundation's interests are relationships that would lead inappropriately to the individual's personal financial gain, relationships that might adversely affect the professional advancement of colleagues, or relationships that might otherwise inject inappropriate considerations into administrative decisions.

604. USE OF PROPERTY

You may use Foundation equipment, supplies and services only for work-related purposes. This regulation is intended to cover all types of Foundation property and services, including cars, supplies, telephones, typewriters and word processors, equipment, campus mail, electronic mail and copying facilities, and food, drugs or chemicals available from Foundation. No one shall be permitted to remove for personal use from the buildings or grounds any property belonging to the Foundation, even though it may seem to be of no value.

Telephone services and electronic mail are provided for the purpose of conducting Foundation business. Personal use of telephones and electronic mail should be restricted to accidental and emergency use. The proper use of Foundation property should be the subject of careful judgment. Files and materials, either in written or electronic form maintained or stored on Foundation's premises or in computers or servers may be opened or reviewed by authorized personnel either as part of maintenance or servicing procedures or when there is a question about the use or misuse of Foundation property.

You are responsible for all Foundation property, materials, or written information issued to you or in your possession or control. You must return all property of the Foundation that is in your possession or control in the event of termination of employment, resignation, or layoff, or immediately upon request. Where permitted by applicable laws, the Foundation may withhold from the employee's check or final paycheck the cost of any items that are not returned when required.

605. ELECTRONIC COMMUNICATIONS

The Foundation's computer system and other technical resources of the Foundation are provided by the Foundation for the use of the Foundation and are to be reviewed, monitored and used in pursuit of the Foundation's business. If, during the course of employment, an employee performs or transmits work on the Foundation's computer or other technical resources, work may be subject to the review of others.

Files or programs may only be accessed with permission. Unauthorized review of files, dissemination of passwords, the creation or use of passwords not authorized by the Foundation, damage to system, removal of files, removal of programs or improper use of information contained in the computer systems may be grounds for disciplinary action.

The use of electronic or e-mail in any manner which may be disruptive, offensive to others or harmful to morale is specifically prohibited, including, but not limited to the display or transmission of sexually explicit images, messages and cartoon, as well as use of any ethnic slurs or commutation which may be construed as harassment or disparagement of others. Use of Foundation resources for ventures, religious or political causes, outside organizations or other non-job related solicitations are strictly forbidden.

Employees may not duplicate software programs, or keep any backup copies of work done for the Foundation when they leave the organization. If you wish to keep samples of your work, you must obtain written permission from the Foundation Director to download specific examples. Under no circumstances are employees allowed to keep copies of proprietary information, data, or programs.

An employee of the Foundation is permitted to use the Foundation's equipment for occasional, non-Foundation related purposes in accordance with the Foundation's policy. However, no personal right of privacy of an employee exists in any file contained or transmitted by the Foundation computers. Likewise, information contained on the Foundation's voicemail system is subject to review; the Foundation management may override your voicemail password and review your messages if deemed necessary in the best interest of the Foundation.

The Foundation property such as cellular telephones, office telephones modems and beepers are not to be used for illegal activities or non-Foundation related business. Bills and other documents related to this type of equipment are the property of the Foundation and may be reviewed and used for purposes the Foundation considers appropriate.

606. ATTENDANCE AND PUNCTUALITY

For the Foundation to accomplish its goals of research and public service, it needs the combined efforts of all its staff members. The best way to achieve these goals is to have every person report to work as scheduled. Every employee has an obligation to maintain regular and reasonable attendance as a condition of employment. Your supervisor will explain your work hours. You may be required to maintain rigorous and specified hours, or you may have a flexible work schedule based on the work needs of your department. You may also be allowed to work an alternative work schedule such as a ten-hour shift or a "job sharing" situation. Whatever schedule you are assigned, you can be sure it is designed to meet the needs of your department and the Foundation.

Whatever your schedule, the Foundation is depending on you to be at work when you are scheduled. The Foundation recognizes that there may be certain infrequent circumstances that might prevent you from being at work. In those cases, it is imperative that you notify your supervisor as soon as possible and, in any event, no later than one hour after your regularly scheduled starting time. You should tell your supervisor why you cannot be at work and when you expect to return.

607. NON-DISCLOSURE OF CONFIDENTIAL INFORMATION

The protection of confidential business information and trade secrets is vital to the interest and the success of the Foundation. Many employees will have occasion to come in contact or to deal regularly with records or circumstances of a confidential nature. You should practice discretion and care in discussing confidential matters of any nature that are part of your everyday work. Under no circumstances should matters of a confidential nature be discussed with any unauthorized persons.

Such confidential information includes but is not limited to the following:

- Compensation data
- Customer/vendor lists
- Donor names/information
- Employee data
- Financial information
- New materials research
- Pending projects and proposals
- Research and development strategies
- Scientific data/formulae/prototypes
- Technological data/prototypes

Any employee who discloses trade secrets or confidential business information in any manner other than through approved channels or without proper management written authorization, will be subject to disciplinary action.

608. SEARCHES

The Foundation wishes to maintain a work environment, which is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the Foundation prohibits the control, manufacture, possession, transfer, sale, purchase, and offer to sell or purchase, or use of such materials on its premises. The Foundation requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the Foundation. Accordingly, they, as well as any article found within them, if reasonable suspicion exists that a Foundation policy is being violated, can be inspected by any agent or representative of the Foundation at any time, either with or without prior notice.

609. SAFETY

Establishment and maintenance of a safe work environment is the shared responsibility of the Foundation and employees of all levels. The Foundation will attempt to do everything within its control to assure a safe environment and compliance with federal, state, and local safety regulations. The Foundation has instituted an Illness and Injury Prevention Program (IIPP) designed to protect the health and safety of all employees. You are expected to obey safety rules and to exercise caution in all work activities. Unsafe conditions must be promptly reported to your supervisor. Not only supervisors, but also employees at all levels of the organization are expected to correct unsafe conditions as quickly as possible.

All illnesses and injuries occurring in the workplace must be reported to the Foundation Human Resources department immediately, regardless of how insignificant the illness or injury may appear. Such reports are necessary to comply with laws and worker's compensation insurance procedures.

610. VIOLENCE-FREE WORKPLACE

The Foundation is committed to providing a free-of-violence work environment. Any acts or threatened acts of violence will not be tolerated. Anyone engaging in such acts will be subject to corrective action, and may also be personally subject to other civil or criminal liabilities, regardless of whether the behavior is exhibited during the regular work schedule.

Violent behavior includes, but is not limited to:

The actual or implied threat of harm to an individual, group or individuals, or relatives of those individuals.

The possession on Foundation or California State University, Monterey Bay ("University") property of a firearm (unless specifically authorized in writing by the Foundation Director, in concert with the University Police Department), or the brandishing of any object which could reasonably be construed as a firearm. The term "property" shall include any Foundation or University work site regardless of ownership, or any location where the individual is engaged in Foundation or University business.

The possession on Foundation or University property of weapons of any kind (unless specifically authorized in writing by the Foundation Director, in concert with the University Police Department), or the brandishing of any object that could reasonably be construed as a weapon. The term "property" shall include any Foundation or University work site regardless of ownership, or any location where the individual is engaged in Foundation or University business.

Loud, angry or disruptive behavior that is clearly not a part of the typical work environment.

Callous or intentional disregard for the physical safety or well-being of others.

Willful destruction of Foundation, University, or employee property.

Commission of a violent felony or misdemeanor on Foundation or University property. The term "property" shall include any Foundation or University work site regardless of ownership, or any location where the individual is engaged in Foundation or University business.

Any other actions that a reasonable person would perceive as constituting a threat of violence.

If you believe that you are subjected to, witness or have knowledge of an action which could be perceived as a violent act, or have reason to believe that such actions may occur, report it promptly to your supervisor or to the Foundation Human Resources Manager. You may raise concerns and make reports without fear of reprisal.

611. SMOKE-FREE ENVIRONMENT

In keeping with the Foundation's intent to provide a safe and healthful work environment, the Foundation observes the University's "Guideline For A Smoke-Free Environment". The guideline is as follows:

It is the policy of California State University, Monterey Bay (CSUMB) to promote a safe and healthy atmosphere for students, faculty, staff and visitors on the campus and other centers by reducing the health risks associated with tobacco smoke. It is the intent of this policy to protect the rights of the nonsmoking campus community to breathe smoke-free air. To this end, and in compliance with

California State University Executive Order No. 599, and Assembly Bill 291, CSUMB has implemented a campus-wide no-smoking policy in all campus buildings and State-owned vehicles.

The smoking prohibition will include all University buildings, housing facilities, cafeterias and other buildings where University programs or services are provided; all facilities occupied by or operated by student organizations, foundations, or leased spaces within buildings shared by others.

This policy covers all individuals on the CSUMB campus including students, faculty, and staff, outside contractors and visitors.

In accordance with the CSUMB Smoke-Free Environment Policy, the following regulations are implemented:

1. Smoking is prohibited in all indoor areas of all public buildings. No smoking signs will be posted.
2. Smoking is prohibited in all state owned vehicles including shuttles, automobiles, and all types of delivery, maintenance, and service vehicles.
3. Tobacco products will not be sold on campus either through vending machines or campus establishments.
4. Smoking is prohibited in the outside areas beside building doorways, windows and ventilation air intakes. Outside areas near a building may be designated as smoking areas provided that (a) smoke will not enter the building, (b) it is not a thoroughfare for nonsmokers, and (c) receptacles are available for the disposal of cigarettes. These outside sites will be clearly identified as designated smoking areas.
5. Staff who smoke may leave the building to smoke during regularly scheduled breaks. There is no additional break intended.

612. DRUG-FREE WORKPLACE

In accordance with the Drug-Free Workplace Act of 1988 ("DFWA"), the Foundation has established the following guideline:

Due to the prevalent use of illegal drugs in the United States and the hazards they pose in the workplace, not only to the abuser but to the general population as well, the Foundation strictly prohibits the manufacture, sale, purchase, offer to sell or purchase, distribution, use, dispensation or possession of illegal drugs in the workplace. Physician-prescribed medications may be used by employees, provided the drugs do not adversely affect job performance or the safety of the employee or other individuals in the workplace.

It is the responsibility of any Foundation employee convicted of a criminal drug offense occurring in the workplace to notify the Foundation Human Resources department within five (5) calendar days of conviction. Action may be taken against any Foundation employee convicted of a criminal drug offense occurring in the workplace. Appropriate action may include discipline, and/or the requirement of satisfactory participation in a drug treatment program as deemed necessary by the Foundation Human Resources Manager.

613. TESTING

The Foundation is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to provide body substances samples (e.g. blood, urine) to determine the illicit use of drugs. The Foundation will protect the confidentiality of all drug test results. Drug tests may be conducted in any of the following situations:

POST-ACCIDENT - Any current employee who is involved in a serious incident or accident while on duty, whether on or off the employer's premises, may be asked to provide a body substance sample, if a reasonable suspicion exists that the employee is under the influence of alcohol or drugs or controlled substance.

FITNESS-FOR-DUTY - This test may be required if significant and observable changes in employee performance, appearance, behavior, speech, etc. provide reasonable suspicion of lack of physical or mental ability to perform scheduled duties. A fitness-for-duty evaluation may include the testing of a body substance sample.

RANDOM TESTING - Employee holding safety-sensitive positions may be subject to testing at any time on a random basis.

Subject to any limitations imposed by law, refusal to provide a body substance samples under the conditions described above may result in disciplinary action.

614. SOLICITATION AND DISTRIBUTION

The non-solicitation, non-distribution policy is intended to protect the interests of both the Foundation and its employees. It is the policy of the Foundation that solicitation of or by employees during working time is prohibited. Distribution of literature by employees during working time is also prohibited, as is distribution of literature in working areas. "Working time," as used in this policy, excludes meals and break periods. The Foundation will not discriminatorily enforce this rule.

615. PARKING

Parking on the CSUMB campus regulations are developed by the University Police Department and adopted by the President. All employees who wish to park motor vehicles on campus are required to purchase parking permits and display them in their vehicles. Parking in the Schoonover or Fredericks Parks on-campus housing areas is permit free. Parking is only allowed in posted parking lots and strictly prohibited on walkways, off of paved surfaces, etc.

A schedule of parking fines was adopted in conjunction with the regulations. All penalties are based on other comparable CSU and local municipal penalty schedules.

Weekly, semester or annual parking permits may be purchased through the University Cashier's Office.

Citations issued to Foundation employees by Campus Police or any law enforcement agency for any infraction of the law will be the responsibility of the employee whether the citation is for on-campus or off-campus traffic violations, even when an employee is on official Foundation business.

ACKNOWLEDGEMENT

I acknowledge that I have received a copy of the Foundation of CSUMB Employee Handbook. I understand that I am responsible for knowing and adhering to the policies set forth in the Handbook during my employment with the Foundation.

I understand that the policies contained in the Handbook are not intended to create any contractual obligations, and the Foundation reserves the right to amend, interpret, modify or withdraw portions of this Handbook at any time.

I acknowledge that my relationship with the Foundation is “at-will”, which means that my employment may be terminated by me or the Foundation at any time, for any reason, with or without cause or advance notice, and that my at-will employment relationship can only be modified by a writing signed by the Foundation Director and by me.

I also understand and acknowledge that I may be required, as a condition of my employment, to submit to drug and/or alcohol testing if the Foundation determines there is reasonable cause and/or reasonable suspicion to perform such a test.

I understand that this Employee Handbook supersedes all previous policies and practices, whether written or oral, express or implied, relating to the subjects covered in the Handbook.

Dated: _____

Signed: _____
Employee