

UNIVERSITY  
CORPORATION



CSU MONTEREY BAY

Research, Housing and Commercial Services

# EMPLOYEE HANDBOOK

UNIVERSITY CORPORATION HUMAN RESOURCES

100 CAMPUS CENTER DRIVE

RYAN RANCH

(831) 582-4498

<https://csumb.edu/corporation>

Revised January 2024

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**ACKNOWLEDGEMENT OF RECEIPT**

## INTRODUCTION

Welcome to the University Corporation at Monterey Bay. We hope your employment with the Corporation will prove rewarding, enjoyable, and professionally challenging. The Corporation plays an important role in the campus community, existing to provide support, advance the purposes and goals, and meet the evolving needs of the University. The Corporation's administrative offices are located at 8 Upper Ragsdale, Monterey CA. 93940. At our administrative offices, we provide services in the areas of Post Award administration, Human Resources and Payroll Services, Accounting, and management of facilities and contract management. Additionally, the Corporation maintains a website at <https://csumb.edu/corporation/> which provides information about employment opportunities, benefits information, policies, procedures, forms, and other general information about the Corporation.

The University Corporation 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 University Corporation is dependent upon the efficient and courteous cooperation of all other employees. University Corporation 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 University Corporation's policies and practices and to serve as a guide to implement them. This Handbook will assist you in finding answers to any questions that you may have, and to familiarize you with the Corporation's philosophy, guidelines, and employee benefits. Please read it carefully and keep it for future reference. Remember, this Handbook is intended only to provide a summary of the policies and benefits of the Corporation. It is not intended to create a contract of employment, expressed or implied, or to modify the Corporation's rights or your rights to terminate employment at will at any time for any reason at any time for any reason with or without cause or notice, in accordance with our At-Will policy.

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 University Corporation grows and our needs and expectations evolve, this Employee Handbook will be revised, supplemented, or otherwise modified as deemed appropriate by the University Corporation 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 contact the Human Resources Office.

Employees will be notified of any written changes to this handbook and the changes will be updated electronically and posted on the

Corporation website: <https://csumb.edu/corporation/>. No oral statements or representations can in any way alter the provisions of this handbook, and nothing in this Employee Handbook or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

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

We respect each employee's right to individually identify gender as male, female or nonbinary, and we have decided to make our handbook as inclusive as possible to our entire workforce by using the plural pronouns "they," "their" and "them" instead of pronouns associated with gender choices.

These provisions supersede all existing policies and practices and may be amended or added to only in writing by the Executive Director or designee of the Corporation.

*Please Note: 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.*

## EMPLOYMENT PRACTICES

### **101.EQUAL EMPLOYMENT OPPORTUNITY**

The University Corporation at Monterey Bay is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, color, national origin, ancestry, sex, gender, gender identity, gender expression (including transgender status), pregnancy, childbirth or related medical condition, religious creed, physical disability, mental disability, age, medical condition (cancer), marital status, veteran status, sexual orientation, genetic information, reproductive health decision-making or any other characteristic protected by federal, state or local law. Our management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment.

The Corporation will endeavor to make a reasonable accommodation to the known physical or mental limitations of qualified employees with disabilities unless the accommodation would impose an undue hardship on the operation of our business. If you need assistance to perform your job duties because of a physical or mental condition, please let the Corporation Human Resources Office know as soon as possible to begin the interactive process so that the Company and the employee can determine if a reasonable accommodation can be made.

The Corporation will endeavor to accommodate the sincere religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on the business operations. If you wish to request such an accommodation, please speak to the Corporation Human Resources Office.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Corporation Human Resources Office. The University Corporation at Monterey Bay will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If an employee feels he or she has been subjected to any such retaliation, he or she should bring it to the attention of the Corporation Human Resources Office.

To ensure our workplace is free of artificial barriers, violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including discharge. All employees must cooperate with all investigations.

### **102.NATURE OF EMPLOYMENT**

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the employer and any of its employees. The provisions of the handbook have been developed at the discretion of management and may be amended or canceled at any time, at the organization's sole discretion. The University Corporation at Monterey Bay (Corporation) is not a co-employer with any other organization. Employment with the Corporation rests solely with the Corporation and provides no rights or benefits of employment or any other kind, with any other organization. This includes but is not limited to: California State University Monterey Bay (CSUMB) the State of California, or the sponsoring organizations of any programs administered by the Corporation. The University Corporation at Monterey Bay adheres to the policy of at-will employment, which means that employment is for an indefinite period and is subject to termination by the employee or the University Corporation at Monterey Bay with or without cause, with or without notice, and at any time.

Nothing in this policy or any other policy of the University Corporation at Monterey Bay shall be interpreted to conflict with or to eliminate or modify in any way, the at-will employment status of the University Corporation at Monterey Bay employees.

The at-will employment status of an employee of the University Corporation at Monterey Bay may be modified only in a written employment agreement with that employee which is signed by the Executive Director or designee.

Employment is contingent upon employee ability to provide documentation that establishes their eligibility to work in the United States, as required by the Immigration Reform and Control Act of 1986. Verification of work authorization status is mandated by the Immigration Reform and Control Act before every prospective employee can begin work. If an individual does not have proper work authorization on the date that they are scheduled to begin employment, they cannot be hired or begin work. This applies even where an appropriate application for work authorization is pending.

### **REASONABLE ACCOMMODATION**

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a physical or mental disability, Corporation will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result. Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact Corporation Human Resources and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. The Corporation then will perform an assessment to identify the barriers that interfere with the equal opportunity of the applicant or employee to perform the essential function of his or her job. Corporation Human Resources will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship, the Corporation will endeavor to make the accommodation.

### **UNLAWFUL HARASSMENT**

Harassment creates a hostile, offensive and oppressive work environment and deprives victims of their statutory right to work in a place that's free of discrimination.

Harassment may exist even if the employee's productivity has not declined as a result of the harassment. A single incident of harassing conduct may constitute harassment, and a hostile-work- environment claim will be viewed considering all relevant circumstances.

The University Corporation is committed to providing a work environment free of unlawful harassment. All employees are required to undergo harassment prevention training as required by applicable law. This training is provided by the Company. For more information about this training requirement, visit <https://calcivilrights.ca.gov/>. University Corporation policy prohibits sexual harassment and harassment based on actual or perceived race, religion, religious creed, color, age, sex, sexual orientation, gender, gender identity, gender expression (including transgender status), national origin, ancestry, marital status, medical condition as defined by state law (cancer or genetic characteristics), disability, military and veteran status, pregnancy, childbirth, breastfeeding and related medical conditions, reproductive health decision-making or any other characteristic protected by applicable federal, state or local laws and ordinances.", or any other basis protected by federal, state or local law or ordinance or regulation. All such harassment is unlawful. The University Corporation's anti-harassment policy applies to all persons involved in the operation of the University Corporation and prohibits unlawful harassment by any employee of the University Corporation, 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.

A form of sexual harassment occurs when an individual is subjected to unwelcome sexual advances or other gender-based conduct that is sufficiently severe or pervasive to interfere with the individual's work performance or creates an intimidating, hostile or offensive work environment. The work environment must be both subjectively and objectively perceived as abusive. The courts look at the totality of the circumstances surrounding the alleged incidents of harassment to determine whether unlawful conduct has occurred. Generally, there must be a pattern of unlawful conduct, although a single serious incident in some cases, such as sexual battery, might be enough to constitute sexual harassment. The harasser can be a manager, supervisor, co-worker or in certain circumstances, a non-employee, such as a supplier or customer.

Examples include:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of employment.
- Leering, making or sending sexual jokes or sexually suggestive remarks, or making sexual gestures.
- Making offensive, negative or demeaning remarks about a person's gender or physical appearance.
- Deliberate and unwelcome touching, hugging, and patting or blocking a person's movement.
- Displaying offensive sexual illustrations or pictures in the workplace.
- Unwelcome pressure for dates or sex (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal).

The intent of the person accused of sexual harassment is of secondary importance; the impact of the offensive behavior on the offended person is the primary factor in determining if sexual harassment has occurred .

### **Complaint and Reporting Procedure**

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



Human Resources. An employee or student may contact Corporation Human Resources directly and is not required to complain first to his or her supervisor.

All complaints of unlawful harassment are taken seriously and are promptly and objectively investigated. For example, an investigation may include interviews of individuals who might have information pertaining to the alleged harassment. If the Corporation begins an investigation, we will endeavor to keep the investigation confidential to the extent possible, including the names of complaining employees and witnesses. In the same way, anyone involved in an investigation of harassment has an obligation to keep all information about the investigation confidential. That is why the Corporation will only share information about a complaint of harassment with those who need to know about it. Failure to keep information about an investigation confidential may result in disciplinary action.

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

### **No Retaliation**

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

### **Corrective Action**

If a policy violation has occurred and/or if unlawful harassment of, or by, a Corporation employee is established, the Corporation will take action that is reasonably calculated to stop the harassment and provide any remedial action. In cases in which the alleged harasser is not an employee or student, the Corporation will act to minimize the recurrence of inappropriate behavior. Discipline that the Corporation or the University may impose on employees for behavior that violates this policy (or for other unprofessional conduct by a Corporation employee) may include, but is not limited to, reprimand, mandatory attendance at a harassment prevention training program, suspension, demotion, or dismissal. Inappropriate behavior up to, and including, unlawful harassment by non-employees may result in restricting the harasser's access to campus.

In addition to the Corporation's internal complaint procedure, employees may also contact either the Equal Employment Opportunity Commission ("EEOC") or the Civil Rights Department (CRD) to report unlawful harassment. The EEOC and the CRD serve as neutral factfinders and will attempt to assist the parties to voluntarily resolve their disputes. For more information, contact Corporation's Head of Human Resources, or their designee, or you may contact the nearest EEOC or CRD office.

TITLE IX Information and Related Executive Orders Title IX policies and procedures can be found on the university's website: <https://csumb.edu/titleix/>

### **APPEAL PROCESS**

Harassment/discrimination/retaliation complaints brought to the attention of the University Corporation Human Resources will be thoroughly investigated and addressed pursuant to the University Corporation's guidelines.

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

No later than five working days after receiving the request for review, the Administrative Director of the University Corporation or designee will contact the employee to schedule an appointment. The Administrative Director of the University Corporation 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 University Corporation or designee. The decision of the Executive Director of the University Corporation or designee will be final.

### **105.EMPLOYMENT CATEGORIES**

The following employment categories define the employment classifications applicable to work at the University Corporation. Upon request, Human Resources will make available pay scale information for applicants and employees, which can also be found online at: <https://csumb.edu/corporation/personnel/> 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 thirty (30) to thirty-nine (39) 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 are 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.

Students who are attending a school that is in partnership with CSUMB through sponsored programs are eligible to be classified as a "non-CSUMB student assistant".

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

**(OAE) OTHER ADDITIONAL EMPLOYMENT-** Primary employment is a staff position with University Corporation or CSUMB. Receives direct payments for work performed on the University Corporation within guidelines set by the University Corporation and University Human Resources.

Positions, and the employees in them, are either classified as “non-exempt” or “exempt”. This determination is made by Human Resources with input from management. A general description of the two classifications is as follows:

- *Non-exempt* employees are entitled to receive overtime pay when they work overtime hours and are normally paid an hourly wage; or
- *Exempt* employees are not entitled to receive overtime compensation. Exempt employees who are required to be paid on a salary basis may not have their pay reduced for variations in the quantity or quality of work performed but there are certain instances where deductions may occur as permitted by law.

### **105 (a) SAFE HARBOR POLICIES FOR EXEMPT EMPLOYEES**

It is Corporation policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure employees are paid properly and no improper deductions are made, employees must review their pay stubs promptly to identify and to report all errors.

If an employee believes a mistake has occurred or if an employee has any questions, the employee should use the reporting procedure outlined below.

Exempt salaried employees receive a salary which is intended to compensate for all hours worked for the Company. This salary will be established at the time of hire or when an employee becomes classified as an exempt employee. While it may be subject to review and modification from time-to-time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under state law, salary is subject to certain deductions. For example, an employee’s salary can be reduced for the following reasons:

- full-day absences for personal reasons;
- full-day absences for sickness or disability, if the available paid sick leave has been exhausted;
- intermittent absences, including partial-day absences, covered by the federal Family and Medical
- Leave Act, if other available paid leave has been exhausted;
- to offset amounts received as payment for jury and witness fees or military pay;
- during the first or last week of employment in the event an employee works less than a full week; and
- any work week in which an employee performs no work for the Company.

Salary also may be reduced for certain types of deductions, such as the employee portion of health, dental or life insurance premiums; state, federal or local taxes, social security; or, voluntary contributions to a retirement plan.

In any workweek in which an employee performed any work, the employee’s salary will not be reduced

for any of the following reasons:

- partial-day absences for personal reasons, sickness or disability;
- absence on a holiday when the facility is closed or because the facility is otherwise closed on a scheduled workday;
- absences for jury duty, attendance as a witness or military leave in any week in which an
- employee has performed any work; and
- any other deductions prohibited by state or federal law.

If employees believe they have been subject to any improper deductions, they should immediately report the matter to their supervisor. If the supervisor is unavailable or if employees believe it would be inappropriate to contact that person (or if they have not received a prompt and fully acceptable reply), they should immediately contact Corporation's Human Resource Director or any other supervisor in the Company with whom an employee feels comfortable. If employees are unsure of whom to contact if they have not received a satisfactory response within five (5) business days after reporting the incident, they should immediately contact the Corporation Executive Director.

Every report will be fully investigated, and corrective action will be taken where appropriate, up to and including termination for any employee who violates this policy. In addition, the Company will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to and including termination.

#### **106. OTHER RELATIONSHIPS**

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

**Independent Contractors** sign an agreement to perform as a self-employed entity. The University Corporation 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** - A “volunteer” is a person who performs work for public services, religious or humanitarian reasons without promise, expectation or receipt of compensation for that work. Whether a person is properly classified as an employee, or a volunteer is determined by the parties’ intent. If a person intends to volunteer for public services, religious or humanitarian objects, not as an employee and without expecting pay, the person is not an employee of the religious, charitable or similar nonprofit corporation that receives the service. However, a person who offers to work for nothing, for the purpose of gaining experience, is an employee, not volunteer. In general, a volunteer may not perform work that the University Corporation normally pay someone to perform.

### **107.EMPLOYMENT APPLICATIONS**

The University Corporation 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 University Corporation's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

### **108.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 Director to be physically demanding may be required to undergo a pre-employment physical examination performed at the University Corporation's expense by a physician chosen by the University Corporation. All offers of employment in the aforementioned job categories are contingent upon satisfactory completion of the physical

### **109.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 University Corporation 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 Director before being implemented. All written reports regarding an employee’s introductory status must be filed with the Human Resources department.

***It should be understood by all employees that their employment may be terminated at any time, with or without cause or notice, either before, during or after this 90-day introductory period. Successful completion of this period does not in any way affect the “at will” nature of University Corporation employment.***

### **110. PERFORMANCE EVALUATION**

To meet the University Corporation's high standards, you should seek regular advice, counsel, and feedback on your performance. This feedback can come from several 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 University Corporation 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 University Corporation expects the quality of a systematic and definitive orientation to job responsibilities.

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

### **111. PROMOTIONS AND TRANSFERS**

The University Corporation 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 University Corporation, you may apply 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 University Corporation. Transferring to another position is permitted if it appears in the judgment of the University Corporation to be to the advantage of both the employee and the University Corporation. Employees may also be transferred to different departments as a part of personnel cross-training and/or to satisfy the needs of the University Corporation, as determined at the discretion of the University Corporation Director.

### **112. OPEN-DOOR POLICY**

Suggestions for improving the University Corporation 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 University Corporation. We ask that you take your concerns to your supervisor, but if you feel you can't take issue to your supervisor follow these steps:

1. Within a week of the occurrence giving rise to concern, bring the situation to the attention of your immediate supervisor or Human Resources 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 University Corporation Human Resources Director who will investigate and provide a solution or explanation. It is recommended that you bring the matter to the Human Resources Director 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 University Corporation Executive Director who will review it and take appropriate action.

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

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### **113.EMPLOYMENT OF RELATIVES/ INTIMATE RELATIONSHIPS**

A familial relationship among employees can create an actual or at least a potential conflict of interest in the employment setting, especially where one relative supervises another relative. To avoid this problem, the University Corporation at Monterey Bay may refuse to hire or place a relative in a position where the potential for favoritism or conflict exists.

Accordingly, all parties to any type of intimate personal relationship must inform management. If two employees marry, become related, or enter an intimate relationship, they may not remain in a reporting relationship or in positions where one individual may affect the compensation or other terms or conditions of employment of the other individual.

The University Corporation at Monterey Bay generally will attempt to identify other available positions, but if no alternate position is available, the University Corporation at Monterey Bay retains the right to decide which employee will remain with the University Corporation at Monterey Bay. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is like that of persons who are related by blood or marriage.

### **114.OUTSIDE EMPLOYMENT**

The University Corporation 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.

**Outside employment during leave is not acceptable. Refer to section 411.**

### **115.PERSONNEL RECORDS**

In order to have a complete, accurate and current record of an employee's employment history the University Corporation maintains personnel records which constitute each employee's personnel file. This policy sets forth expectations regarding the establishment, use, and maintenance of an employee's personnel file. An employee's personnel file is composed of personnel records that may be a hybrid of both paper and electronic records and may be stored in Human Resources or digitally.

Employees may request a correction if they believe something is inaccurate. The 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 University Corporation is responsible for the maintenance of the confidentiality of employee records and files. The Human Resources Director has special responsibilities to maintain a departmental structure that strictly limits access to employee records. The University Corporation will maintain employee medical records in separate, confidential files to be released only in accordance with federal and state laws.

You are responsible for notifying the University Corporation 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

contain 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 an Employment Status Form (ESF) signed by the employee if possible. In case of a change in name, marital status, or number of exemptions claimed for income tax withholding purposes, a new W-4 form may be filed with the payroll office or made directly through the payroll HRIS(s).

#### **116.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. The ADP Work Number Program may also be utilized to verify employment. [TheWorkNumber.com](http://TheWorkNumber.com)

#### **117.SEPARATION**

Since employment with the University Corporation 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.

#### **118. EXIT PROCEDURES**

Voluntary termination occurs when employees leave the University Corporation of their free choice. Involuntary termination occurs when the University Corporation 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.

#### **119. 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.



## WORK SCHEDULING AND COMPENSATION

### **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 at 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 and/or fraud charges.

It is your responsibility to verify the accuracy of all time recorded. The supervisor is responsible for reviewing and approving the time record before submitting it to the payroll department for processing. If you believe there is an error on your paycheck related to the number of hours worked, notify the payroll office immediately.

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 semi-monthly according to the published payroll schedule. Each paycheck will include earnings for all work performed through the end of the previous payroll period. The University Corporation workweek begins on Monday at 12:01 am and ends on Sunday at 12:00 midnight.

It is Company policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure employees are paid properly and no improper deductions are made, employees must review their pay stubs promptly to identify and to report all errors.

### **203. PAY TRANSPARENCY**

The Corporation will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have authorized access to the compensation information of other employees or applicants may not disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the Corporation's legal duty to furnish such information.

### **204. OFFICE HOURS**

The University Corporation 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. Other than for meal and rest periods, 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.

## **205. Meal and Rest Periods**

The University Corporation at Monterey Bay is normally open for business from 8:00 am to 5:00 pm, Monday through Friday. The employee will be assigned a work schedule and will be expected to begin and end work according to the schedule. To accommodate the needs of our business, at some point we may need to change individual work schedules on either a short-term or long-term basis. This may occasionally include evening or weekend hours.

### **Rest Breaks**

Non-exempt employees who work three-and-one-half (3-1/2) or more hours per day are provided one 10-minute rest break for every four (4) hours or major fraction thereof worked. For purposes of this policy, "major fraction" means any time greater than two (2) hours. For example, if an employee works more than six (6) hours, but no more than 10 hours in a workday, they are provided and should take two 10-minute rest breaks: one during the first half of a shift and a second rest break during the second half of the shift. If an employee works more than 10 hours but no more than 14 hours in a day, they are provided, and should take, three 10-minute rest breaks, and so on.

Rest breaks should be taken as close to the middle of each work period as is practical. Employees do not need to obtain their supervisor's approval or notify their supervisor when taking a rest break.

Employees are encouraged to take their rest breaks; they are not expected to and should not work during their rest breaks. Non-exempt employees are paid for all rest break periods. Accordingly, employees do not need to clock out when taking a rest break.

### **Meal Periods**

If non-exempt employees work more than 5 hours in a workday, they are provided an unpaid, off-duty meal period of at least 30 minutes. If six (6) hours of work will complete the day's work, they may voluntarily waive the meal period in writing. Employees should see Human Resources if they would like to sign and submit a form that waives their right to a meal period if they work no more than six (6) hours in a day. Employees who work more than 10 hours in a day are entitled to a second unpaid, off-duty 30-minute meal period. If an employee works no more than 12 hours, the employee can waive their second meal period, but only if the first one was not waived in any manner. Any waiver of the second meal period must be in writing and submitted before the second meal period. Employees should see Human Resources if they would like to sign and submit a form that waives their right to a second meal period, as explained above. If they work more than 12 hours they may not waive and should take their second unpaid, off-duty 30-minute meal period.

Employees are responsible for scheduling their own meal periods, but they should begin no later than the end of the fifth hour of work. For example, an employee who begins working at 8:00 a.m. must begin their meal period no later than 1:00 p.m. When scheduling a meal period, employees should try to anticipate workflow and deadlines. Employees are encouraged to and should take their meal periods; they are not expected to work during their meal periods.

During meal periods, employees are relieved of all duty and should not work during this time. When taking a meal period, employees should be completely off work for at least 30 minutes. Employees are prohibited from working "off the clock" during their meal period. Those employees who use a time clock must clock out for their meal periods. These employees are expected to clock back in and then promptly return to work at the end of any meal period. Employees must accurately record their meal periods by recording the beginning and end of each work period.

*Unless otherwise directed by a supervisor in writing, employees do not need to obtain a supervisor's approval or notify a supervisor when taking a meal period.*

### **General Requirements for Rest Periods and Meal Breaks**

*All rest breaks and meal periods must be taken outside the work area. Employees should not visit or socialize with employees who are working while they are taking a rest break or meal period. Employees may leave the premises during rest or meal periods.*

*Breaks and meal periods may not be combined at the beginning (coming in late) or end of a workday (leaving early).*

*Employees are required to immediately notify their supervisor, manager, or Human Resources if they believe they are being pressured or coerced by any manager, supervisor, or other employee to not take any portion of a provided rest break or meal period.*

### **206. FLEXIBLE SCHEDULE**

In order to balance work and personal life, the University Corporation may provide 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 should be forwarded to the Human Resources Director and placed in the personnel file.

### **206(a) MAKE UP TIME**

Make-up time can be requested to make up work hours the employee has lost or will lose as a result of a personal obligation. The make-up time hours must be performed within the same workweek in which the time was lost and cannot result in more than 11 hours worked in one day or more than 40 hours in one workweek. Refer to the policy/form on the Corporation HR Forms page.

### **207. OVERTIME**

For purposes of calculating overtime, our workweek begins on Monday at 12:01 a.m. and ends on Sunday at 12:00 midnight.

All hours recorded in the timekeeping system require approval by the supervisor each pay period including regular hours, overtime hours, and all paid time off hours. All employees who are defined as non-exempt will be compensated appropriately for overtime worked in accordance with state and federal laws. Only those hours that are worked are added together to determine an employee's overtime pay. For purposes of determining which hours constitute overtime pay, only actual hours worked in a given workday (over 8 hours) or workweek (over 40 hours) will be counted. Other situations may trigger overtime and should be discussed with the Corporation HR whenever a question arises. Any employee who works unauthorized overtime is subject to disciplinary actions.

### **208. 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 and PTR categories. An employee who fails to report for work when operations are not closed and will not be paid for time off.

**EMPLOYEE BENEFITS**

**301. BENEFITS ELIGIBILITY**

Employees of the University Corporation are provided a wide range of benefits. A number of the programs (such as Social Security, worker’s compensation, state disability, paid family leave 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 University Corporation 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	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			
Retirement Plan (4)	X	X			
Voluntary Retirement Contribution	X	X			
Flexible Benefits Plan (4)	X	X			
Supplemental Voluntary Insurance (4)	X	X			
CA Unemployment/Disability Insurance (2)	X	X	X	X	X
FICA (2, 3)	X	X	X	X	X
Workers’ Compensation (2)	X	X	X	X	X
Paid Sick Leave (4)	X	X	X	X	X
Vacation (1, 4)	X	X			
Holidays (2, 4)	X	X			
Educational Assistance (2, 4)	X	X			
Employee Assistance Program (2)	X	X	X	X	X
Financial Wellbeing Program (2)	X	X			
Direct Deposit	X	X	X	X	X

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

- (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) *Additional information about these benefits can be found in a separate benefits explanation pamphlet available in the University Corporation Human Resources department.*

**302. EDUCATIONAL ASSISTANCE**

The University Corporation 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:

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Full-time Regular (FTR) Part-time Regular (PTR)

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 reimbursement will be limited to the fee amount required to enroll in six units per semester (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 University Corporation employees enjoy the benefits of Direct Deposit. When you complete and submit the authorization form to the University Corporation Payroll department, the University Corporation 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**

a. Emotional wellbeing

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.

b. Financial wellbeing

Your Money Line is a financial helpline at no cost to eligible employees. The Your Money Line Dashboard is a personalized, private account filled with e-learning video courses, articles, podcast episodes, and calculators, to help participants dive into their financial lives.

Please contact the Corporation Human Resources office for more information.

## LEAVES OF ABSENCE

### **401. HOLIDAYS**

The University Corporation at Monterey Bay normally observes the same holidays as the California State University. A list of the dates on which holidays will be observed by the University Corporation will be distributed to all employees.

According to applicable restrictions, the University Corporation 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 a prorated amount of holiday pay.

Eligible employee classifications:

Full-time Regular (FTR) Part-time Regular (PTR)

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 will be unpaid.

### **Working on Scheduled Holidays**

Some situations may arise whereby it will be necessary for an employee to work on a scheduled holiday. Prior approval from the immediate supervisor or Corporation Human Resources must be obtained before any Corporation employee works on a scheduled holiday.

If a non-exempt (hourly) employee is approved to work on a scheduled holiday and is eligible for holiday pay, the employee is to be compensated for both the holiday and the actual hours of work at the employee's regular rate of pay.

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

### **402. PERSONAL HOLIDAY**

In addition to the 14 holidays observed by the University Corporation, benefited employees receive one Personal Holiday each calendar year. One Personal Holiday is available for all eligible employees to use as of January 1 of each year and must be used by December 31. The Personal Holiday is capped at one (1) day each year and it must be used in full day increments. The Personal holiday does not rollover from year-to-year. Once you use that day, you will be eligible to earn a new personal holiday the following year.

Personal Holiday time will be paid on a pro rata basis to eligible employees who are regularly scheduled to work fewer than eight hours per day.

Unused Personal Holiday time will be paid at the time of separation at the employee's current rate of pay.

### **403. VACATION**

The following employee classifications are eligible for vacation:

### Full-time Regular (FTR) Part-time Regular (PTR)

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

The maximum vacation entitlement for part-time employees is prorated based on hours worked. 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. 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 Usage

- Vacation time may be used upon completion of one month of continuous service.
- Vacation shall not be used prior to the time it is actually earned and must be used in increments of one hour or more.
- Exempt employees may take vacation in full-day increments only.
- The requester should provide as much advance notice as possible prior to the proposed vacation leave, and vacation schedule requests will be considered in light of the expected workload and availability of staff for that period of time. Vacations will be scheduled to accommodate employees whenever possible.
- Vacation requests must be approved by the immediate supervisor/manager prior to any absence from assigned scheduled working hours.
- All employees paid by grant funds are expected to use their vacation within the grant or project period. All available vacation time must be used before any type of unpaid leave will be approved. This does not apply to Pregnancy Disability Leave.

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.

Vacation benefits do not accrue for time worked in excess of 40 hours per week, such as overtime. Employees on unpaid leave do not accrue vacation time. Recognized holidays occurring during a vacation period are paid as holidays and are not charged to vacation time.

All accrued but unused vacation benefits are paid at the time of separation of employment at the employee's current rate of pay.

**Employees receiving Catastrophic leave donations do not accrue vacation or sick leave.**

**403(a) VACATION CASH CONVERSION**

An eligible employee may elect to receive payment for part of their accrued and unused vacation leave. All requests must be submitted on the appropriate leave conversion form. The program parameters are contingent upon budget availability and are subject to change each year. The leave request form and parameters for the said year will be provided to all benefited employees no less than fourteen (14) days prior to the vacation payout date.

The vacation conversion will be paid at the employee's regular rate of pay at the time of the payout. Cash conversions are subject to normal payroll withholdings. Upon conversion, the employee's vacation leave balance will be reduced accordingly.

**404 SICK TIME**

Pursuant to the Healthy Workplaces, Healthy Families Act, the University Corporation at Monterey Bay provides paid sick leave to all eligible employees. For employees who may be eligible for sick time under a general Paid Sick Time policy and/or any other applicable sick time/leave law or ordinance, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than a general Paid Sick Time policy and/or any other applicable sick time/leave law or ordinance.

Retaliation or discrimination against the employee, who requests paid sick days or uses paid sick days or both, is prohibited and employees may file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee. If employees have any questions regarding this policy, they should contact Human Resources.

**Usage**

In order to minimize the economic hardships that may result from an unexpected short-term illness or injury of an employee or the employee's legal dependent, The University Corporation provides sick leave benefits for the diagnosis, care or treatment of an existing health condition of or preventive care for, the employee or the employee's family member (meaning a child, including biological, adopted or foster child, stepchild, legal ward or a child to whom the employee stands in loco parentis, all regardless of age or dependency status); spouse; registered domestic partner; parent (including biological, adoptive or foster parent, stepparent or legal guardian of the 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); grandparent; grandchild; sibling; or a designated person (employees are limited to selecting one designated person per 12-month period for paid sick days), or for the employee who is a victim of domestic violence, sexual assault or stalking:

1. to obtain or attempt to obtain a temporary restraining order, restraining order or other injunctive relief.
2. to help ensure the health, safety or welfare of the victim or the victim's child.
3. to seek medical attention for injuries caused by domestic violence, sexual assault or stalking.
4. to obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault or stalking.
5. to obtain psychological counseling related to an experience of domestic violence,
6. sexual assault or stalking; or
7. to participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault or stalking, including temporary or permanent relocation.



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. Before returning to work from a sick leave absence of five (5) calendar days or more, you may be asked to provide a physician's verification indicating that you may safely return to work. Misuse of sick leave will result in disciplinary action, including possible termination.

### **Payment**

Paid sick time for nonexempt employees is calculated in the same manner as the regular rate of pay for the workweek in which the employee uses paid sick time, whether the employee works overtime in that workweek. Paid sick time for employees receiving commission is 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 time for exempt employees is calculated in the same manner as the employer calculates wages for other forms of paid leave time.

If employment ends, no unused sick leave will be paid to any employee. If an employee separates and is rehired by the Corporation within one year from the date of separation, previously accrued and unused paid sick days will be reinstated.

Employees will be notified of their available paid sick leave on each itemized wage statement.

### **Eligibility**

Non-benefited employees are frontloaded forty (40) hours of their paid sick leave upon hire. Full-time employees will accrue up to twelve (12) days or 96 hours of paid sick leave each year. For purposes of this policy, the year is the consecutive 12-month period beginning January 1 and ending December 31.

Non-exempt employees may use Paid sick leave in minimum increments of less than one (1) hour.

### **Non-benefited employees**

Non-benefited temporary employees are frontloaded their paid sick leave upon hire and are eligible to use up to 40 hours paid sick leave each calendar year. Sick leave is not paid upon termination of appointment. If an employee separates and is rehired by the Corporation within one year from the date of separation, previously accrued and unused sick leave will be reinstated.

## **Full-Time (FTR) and Part-Time (PTR) Regular Benefited Employees:**

Full and part-time regular benefited employees accrue sick time at the rate of eight hours for each month of employment. Sick time is accrued at a proportion of the above rate for part-time employees.

An employee on vacation who becomes ill or injured and submits a physician's statement or other appropriate verification may request their vacation leave for such days be converted and charged to his/her accumulated sick leave.

If a paid holiday occurs while an employee is on a paid sick leave, the employee will receive holiday pay for that day, not sick pay. Paid sick leave will not count as time worked, therefore it will not be counted towards overtime. Sick pay does not accrue during an unpaid leave of absence nor when using Catastrophic Leave Donations. Sick pay accrual resumes upon return to work. Exempt employees should not record sick leave in less than full day increments, except when on FML/CFRA leave

Sick 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. University Corporation at Monterey Bay does not pay employees in lieu of unused sick leave.

### Use of Paid Sick Leave before Unpaid Leave:

You must use accrued and unused paid sick leave before taking unpaid leave or having unpaid absences. Family and Medical Leave (under both state and federal law) is included in this Requirement.

PFL benefits do not replace all your usual wages. Your PFL benefits may be supplemented with any accrued and unused sick leave. If you have no sick leave, or once you exhaust your sick leave, accrued and unused vacation may be used to supplement your PFL benefits.

Employees who are absent because of their own disability may be eligible for State Disability Insurance (SDI) benefits. SDI payments do not begin until after you have been absent from work for 7 calendar days. If you have accrued paid sick leave, sick leave may be used for the first 7 days, before SDI payments begin. If you have no accrued sick leave, any accrued vacation may be used during this waiting period.

SDI benefits do not replace all your usual wages. Your SDI benefits may be supplemented with any accrued and unused sick leave. If you have no sick leave, or once you exhaust your sick leave, accrued and unused vacation may be used to supplement your SDI benefits.

### Paid Sick Leave and Workers' Compensation Benefits

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation Insurance. However, workers' compensation benefits usually do not cover absences for medical Treatment. When you report a work-related illness or injury, you will be sent for medical treatment, if treatment is necessary. You will be paid your regular wages for the time you spend seeking initial medical treatment. Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If you have accrued and unused sick leave, the additional absences from work will be paid with the use of sick leave.

If you do not have accrued, paid sick leave, or if you have used all your sick leave, you may choose to substitute vacation time off for further absences from work, related to your illness or injury.

#### **405.MATERNITY/PATERNITY/ADOPTION LEAVE**

University Corporation benefited employees (FTR and PTRs) shall be entitled to up to five (5) consecutive workdays 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.

#### **406.JURY DUTY**

The University Corporation recognizes your civic responsibility to serve on a jury. All benefited Employees will be paid their regular wages while serving on jury duty. Non-benefited employees will be provided time off for jury duty but are ineligible for compensation during jury duty. If you are called as a juror or witness, you are requested to notify and 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.

Evidence of jury duty attendance must be presented to Human Resources. This is normally a time record sheet provided by the Clerk of the Court. This record is necessary to authorize paid time off from the University Corporation, and it is necessary to verify that your time off is excused. In those circumstances where no evidence is provided, an employee may be required to use accrued vacation, or may take leave without pay. The employee 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 his/her work.

In no event will the salary of an exempt employee be reduced for any week in which the employee works and misses time to serve on a jury.

#### **407. TIME OFF FOR VICTIMS OF DOMESTIC VIOLENCE**

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

Employees who take time off under this policy must provide the University Corporation with advance notice of the need to take time off, including the date and length of time off that is required. Advance notice may not be required but only if it is not feasible. Employees who can provide advance notice should consult their supervisor and schedule their time off to minimize the effect of their absence on the University Corporation's business. The University Corporation will maintain the confidentiality of any employee requesting time off under this policy. In addition to advance notice, the University Corporation also requires certification of time off due to domestic violence. Certification may be in the form of a police report, court order, or official documentation from a medical professional, counselor, or social services advocate. Failure to provide the required certification may result in a denial of the requested time off.

Employees who are victims of domestic violence also should be concerned about how their domestic situation might impact employees of the University Corporation. That is why employees

who obtain restraining orders as the result of domestic violence should provide a copy of the restraining order to Human Resources, as well as a photograph and a description of the individual

#### **408. VOTING TIME**

Employees who are unable to vote during non-work hours may arrange in advance to take up to two hours off from work with pay to vote in a public election. These two hours must be taken at either the beginning or the end of the workday. In order to qualify, you must obtain approval from your supervisor at least two working days in advance.

#### **409. BEREAVEMENT LEAVE AND REPRODUCTIVE LEAVE LOSS**

In California bereavement leave is a protected leave of absence under CFRA. In the event of a death in your immediate family, employees may take up to five (5) days paid time off from work to attend the funeral and to make any necessary arrangements. Employees must complete their leave within three (3) months of the family member's death. The five days of bereavement leave do not need to be taken consecutively; they can be intermittent.

Full-time and part-time regular employees may receive up to five (5) days of paid leave, annually, that does not count against their available leave balances. While non-regular employees are also eligible to take up to five (5) days of bereavement, they must use accrued leave to be paid for the absence, otherwise it will be unpaid.

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. Any additional time requested beyond five (5) days and approved by the supervisor may be charged against the employee's vacation accrual or the employee may request the leave without pay.

Employees must provide substantiation of the eligible family member's passing (i.e., obituary, a prayer card, death certificate, or program from the funeral services) to support the use of bereavement leave.

##### *Reproductive Leave Loss*

Employees who have been employed for at least 30 days will be provided with up to five (5) days of reproductive loss leave following a reproductive loss event. Employees who experience more than one (1) reproductive loss event within a 12-month period are limited to 20 days of reproductive loss leave in a 12-month period.

For purposes of this policy, a reproductive loss event means the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction via artificial insemination or an embryo transfer.

Leave may only be taken on regularly scheduled workdays. Leave does not need to be taken on consecutive days. Leave must be completed within three (3) months of the reproductive loss event, except that if the employee is on some other leave from work prior to or immediately following a reproductive loss event, the reproductive loss leave is available for use during the three (3) months following the end date of the other leave.

Reproductive loss leave is unpaid; however, the employee may elect to use accrued

(vacation, personal days, or sick leave) to receive pay during any unpaid leave taken under this policy. Leave provided pursuant to this policy will run concurrently with any other applicable leave of absence for covered reasons, to the maximum extent permitted by applicable law. The substitution of paid time for unpaid leave time does not extend the length of leave and the paid time will run concurrently with the employee's reproductive loss leave entitlement.

Employees must inform their supervisor prior to commencing reproductive loss leave. The Corporation will maintain the confidentiality of any employee requesting leave under this policy including information provided to Human Resources related to a request for leave.

**410. ORGAN OR BONE MARROW DONOR LEAVE:**

The Corporation provides employees with paid leave for the purpose of donating organs or bone marrow. When donating an organ to another person, an employee may take up to 30 business days in any-year period and may take an additional 30 days of unpaid leave to donate an organ to another person within the one-year period. When donating bone marrow, an employee may take up to five (5) business days in a one-year period. The one-year period for the leaves under this policy is measured from the date that employee begins his or her leave.

Employees who wish to take leave to donate an organ or bone marrow are required to provide as much advance notice as possible and must provide Corporation Human Resources with verification from a physician that the donation will take place and that there is medical necessity for the donation. While this leave is paid, employees must first use up to ten (10) days of accrued sick or vacation time when donating an organ, or up to five (5) days of accrued sick or vacation time when donating bone marrow. Leave taken under this policy does not constitute a break in service for things like healthcare insurance coverage, accrual of vacation or sick pay, or seniority, but this leave shall not run concurrently with an eligible employee's FMLA or CFRA leave.

Under most circumstances, an employee returning from leave under this policy will be reinstated to the same or equivalent position; however, employees have no greater right to reinstatement than if they had been continuously employed during the leave. For example, if the employee would

have been laid off had they not gone on leave, or if the position is eliminated during the leave, then

they will not be entitled to reinstatement.

#### **411. UNPAID LEAVES OF ABSENCE**

##### **A. MILITARY LEAVE**

The University Corporation 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. You must provide advance written or verbal notice of the need for military leave, unless prevented from doing so by military necessity or if providing notice would be impossible or unreasonable. You must contact the University Corporation Human Resources immediately upon receiving military approval to do so.

##### **B. FAMILY AND MEDICAL LEAVE (FML)/ CALIFORNIA FAMILY RIGHTS ACT (CFRA)**

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 University Corporation that the policy described herein shall satisfy the provisions of both Acts concurrently.

*\* For the purpose of eligibility determination, employees shall be considered eligible once they have completed twelve (12) months of service with the University Corporation, and who have worked at least 1,250 hours during the twelve (12) months immediately preceding the date of the leave. University Corporation has chosen the "rolling" 12- month period measured backward from the date FMLA begins as its calculation method for determining how much leave an employee has taken.*

Family and Medical Leave (FML) is provided for an eligible employee's serious health condition, (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. Medical leaves also may not be granted beyond the termination date specified on the employee's appointment form, or the end of a grant, contract, or project year.

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 University Corporation, 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. If both parents work for the University Corporation, the parents' combined leave for the birth or placement of a child may not exceed 12 weeks during any 12- month period.

#### **Definitions**

*Child*--is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of an employee standing in loco parentis (in place of a parent) to that child regardless of age.

*Parent*-- includes a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

Parent-in-law – is defined as the parent of a spouse or domestic partner.

*Spouse*—is defined as husband or wife as a partner in marriage (including same-sex partners in marriage) and individuals in a common law marriage as defined in Family Code section 300.

*Domestic Partner*—is defined as non-marital relationships registered with the Secretary of State (meaning of Family Code sections 297 through 297.5.)

Grandparent – is defined as a parent of the employee’s parent. Grandchild -- is defined as a parent of the employee’s parent.

Designate Person (blood related)– is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship.

Designate Person (non-blood related)– is defined as any individual person identified by the employee at the time the employee requests paid sick days. Their association need not be the equivalent of a family relationship.

**Note that FMLA, CFRA and Paid Sick Leave have different eligibility of leave for family members. See chart below of covered family members:**

Family Member	CFRA (California)	FMLA (Federal)	Paid Sick Leave (Kin Care)
Child	X	X	X
Parent	X	X	X
Parent-in-law	X		
Spouse	X	X	X
Registered Domestic Partner	X		X
Grandparent	X		X
Grandchild	X		X
Sibling	X		X
Designated Person – Non-Blood Related			X
Designated Person – Blood Related	X		X

*Serious health condition*—is defined as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a healthcare provider, and either prevents the employee from performing the functions of his or her job or prevents the qualified family member from participating in school or other daily activities.

*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.

- podiatrist,
- dentist,
- clinical psychologist,
- optometrist,
- chiropractor,
- nurse practitioner,

- nurse-midwife
- physician assistant
- Christian Scientist practitioner,
- clinical social worker, or
- any other persons determined by the United States Secretary of Labor to be capable of providing health care services.

FMLA/CFRA is unpaid, except to the extent an employee has available sick leave, vacation time, or personal holiday time. Employees who take family and medical leave for their own serious health condition must exhaust any accrued but unused sick leave during the period of the leave and may elect to use any accrued but unused vacation and/or, personal holiday time during the period of the leave.

Employees on leave for a reason other than their own serious health condition may elect to use any of their available and unused accrual balances.

Employees are responsible for applying for any applicable state or other disability income benefits. Any vacation, sick leave, or personal holiday time that is paid during a FMLA/CFRA will be coordinated as appropriate with any State Disability benefits to minimize the impact of a leave of absence for the employee. Claim forms for California State Disability benefits are available through the Employment Development Department's website at: <http://www.edd.ca.gov/formpub.htm#di>

Additionally, if the employee is in a paid leave status from University Corporation at Monterey Bay, holidays that fall within the paid leave period will be considered paid holidays, not vacation, sick leave, or personal holiday time. Any portion of a leave that occurs after all paid time off benefits have been exhausted will be without pay.

Any unpaid or paid portions of this policy shall be added together and will not extend the 12- week total leave period limitation allowed under the Family and Medical Leave policy.

### **Benefits During a FMLA/CFRA Leave**

Group health insurance coverage will continue for eligible employees taking family and medical leave under this policy under the same conditions that applied before the leave commenced. To continue health insurance coverage, the employee must continue to make any premium contributions that they were required to make prior to taking leave. Premium payments will be collected from any pay due the employee during the leave period. If the employee is not paid, premium payments are due monthly and should be made payable to University Corporation at Monterey Bay and delivered to the University Corporation Human Resources (CORPORATION HR) Office by the first of each month. If an employee fails to pay his or her portion within 30 days of the due date of a premium, his or her health insurance coverage may be cancelled.

Employees may authorize CORPORATION HR to have premiums collected from their paychecks in advance, in writing.

If an employee fails to return to work for a minimum of 30 days following an unpaid FMLA/CFRA leave and that failure is not due to the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control, University Corporation at Monterey Bay is entitled to recover from the employee the cost of premiums it paid to maintain the employee's health insurance coverage during the period of the leave. Employees on an unpaid family and medical leave will not accrue additional benefits such as vacation, sick leave or holiday pay. However, employees will retain their employee status during the period of the approved leave, and their absence will not be considered a break in service for purposes of determining longevity. Once an employee returns from leave, the employee will be credited with service accrued during the period of the leave.

### **Reinstatement**

Upon return from family and medical leave, University Corporation at Monterey Bay will restore an employee to their original job, or to an equivalent job, subject to any defense allowed under law. For example, reinstatement may be denied based on any of the following:



- The employee is terminated during his or her leave due to a normal end of a grant, layoff or job elimination.
- The employee is a "key employee" and reinstatement will cause substantial and grievous economic injury to the operations of the University Corporation at Monterey Bay. A "key employee" is defined as an employee who is among the highest paid ten percent of University Corporation's employees who are employed within a 75-mile radius of the employer's worksite. If this occurs, University Corporation Human Resources will notify the employee in writing of its determination.

Employees who are unable to return to work immediately upon the expiration of an approved leave of absence must provide a written request to extend the leave together with the proper medical documentation of continued disability within 2 days of the end of the leave. If both are not received prior to the end of the original approved leave of absence, the employee will be considered to have voluntarily terminated from the University Corporation at Monterey Bay.

### **Procedure and Notice Requirements**

Employees who need to take family and medical leave should contact the University Corporation Human Resources (CORPORATION HR) Office as soon as they learn of the need for leave, even when they do not know the precise dates that leave will be needed.

If leave is foreseeable, at least 30 days' notice is required. For events that are not foreseeable 30 days in advance, but are not emergencies, the employee must give notice within 2 working days of learning of the need for the leave. If CORPORATION HR determines that the notice was inadequate and that the employee knew of the need for leave in advance of the request, it may require the employee to delay his or her leave. If circumstances of the leave change and the employee can return to work earlier than expected, the employee is required to notify Human Resources at least two working days prior to the date the employee intends to return to work, with a medical release from a medical provider, where appropriate. Similarly, if an employee learns they will be unable to return to work on the date previously indicated, the employee is responsible for applying for an extension and furnishing a medical recertification for an extension, prior to the date that the leave expires.

### **Medical Certification**

An employee taking leave for the serious health condition of a family member or for his or her own serious health must provide University Corporation Human Resources with certification from a health care provider within 15 calendar days of CORPORATION HR's request. Failure to provide a satisfactory medical certification may result in the denial of a leave request until the employee obtains the required medical certification.

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.

An estimate of the amount of time that you are needed to care for a family member or a statement that you are unable to perform the functions of your position.

In cases of a leave for the serious condition of an employee, CORPORATION HR may require the medical opinion of a second health care provider at its own expense, chosen by it to substantiate a medical certification. If the second opinion is different from the first, CORPORATION HR may require the opinion of a third health care provider (also at its own expense) jointly approved by both CORPORATION HR and the employee. The opinion of the third health care provider will be binding on both CORPORATION HR and the employee.

If an employee requests an extension of leave beyond the time estimated by the health care provider, CORPORATION HR will require recertification of the employee's or the family member's serious health condition. CORPORATION HR also requires employees taking leave for their own serious health condition to present a fitness-for duty certification before returning to work. Employees may use the Release to Return to Work Form, or any other proper documentation from their physician.

### C. PERSONAL LEAVE

An employee with one or more years of continuous service credit who works a regular schedule of 30 hours or more per week may request a personal leave of absence. This is an unpaid 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 University Corporation 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 University Corporation Human Resources Manager. Vacation and sick leave do not accrue during unpaid leave. The University Corporation does not pay your share of the University Corporation-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 decide for the full premium payments.

#### **The following will be deemed a voluntary resignation while you are on a personal leave of absence:**

- (1) Failure to advise the University Corporation of your availability to work.
- (2) Application for unemployment benefits.
- (3) Obtaining another employment outside the University Corporation
- (4) Failure to return to work when notified; or
- (5) Your continued absence from work beyond the time approved by the University Corporation.

Upon return from an unpaid leave, University Corporation at Monterey Bay may restore an employee to their original job, or to an equivalent job, if available and subject to any defense allowed under law. Employees who are unable to return to work immediately upon the expiration of an approved leave of absence must provide a written request to extend the leave together with the proper documentation within 2 days of the end of the leave. If documentation is not received prior to the end of the original approved leave of absence, the employee will be considered to have voluntarily terminated from the University Corporation at Monterey Bay.

### D. PREGNANCY DISABILITY LEAVE

All employees are eligible to take an unpaid leave of absence for their own disability caused by pregnancy, childbirth or related medical conditions from the first day on the job.

Pregnancy-related disability leave may be taken for the duration of the disability up to four (4) months for each pregnancy. At the end of the employee's period of pregnancy disability (not to

exceed four [4] months), employees who are also eligible for a family care and medical leave, as described above, may take a leave up to 12 weeks for reasons of the birth of her child. The maximum possible combined leave for both family care and medical leave and pregnancy disability leave for the reason of the birth of the child is four (4) months and 12 weeks. This assumes that the employee is disabled by childbirth or related medical conditions for four (4) months and then requests, and is eligible for, a 12-week family leave for the reason of the birth of her child. Pregnancy-related disability leave is counted towards an employee's FMLA entitlement.

An employee is also entitled to a temporary transfer to another position or other reasonable accommodation based on the pregnancy-related disability so long as (i) the employee requests the transfer or reasonable accommodation, and the request is based on the medical certification of a health care provider that a transfer or reasonable accommodation is medically advisable; and (ii) the request can be reasonably accommodated by the Corporation. Employees who are transferred to accommodate a pregnancy-related disability possess the same reinstatement rights described above under FMLA/CFRA.

An employee requesting pregnancy-related disability leave must provide medical certification that the employee is disabled by pregnancy. Medical certification is required under the same conditions as is required for family care and medical leaves of absence as described above. An employee taking a pregnancy-related disability leave must present a Doctor's Release before returning to work.

Employee is entitled to the continuation of her benefits for the duration of her leave up to four (4) months.

#### E. WORKER'S COMPENSATION DISABILITY LEAVE

The University Corporation will grant a workers' compensation disability leave to employees with occupational illnesses or injuries in accordance with state law. As an alternative, the University Corporation 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.

Obtaining full-time employment outside the University Corporation is prohibited and may lead to termination.

#### **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 University Corporation with a certification from a health care provider.

#### F. COMPENSATION DURING LEAVES

All the above leaves are without pay. However, unless stated otherwise, you must use accrued vacation time and any other appropriate accrued paid time off during the leave before going on an unpaid status. 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 University Corporation 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 University Corporation 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 University Corporation.

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 University Corporation by making monthly payments to the University Corporation for the full amount of the relevant premium. Employees should contact the Human Resources Department for further information.

**Please Note: The handbook states the law existing at the time of its publication. Please consult with HR about any subsequent changes in the law.**

#### **412. CATASTROPHIC LEAVE DONATION**

As a benefited University Corporation employee, you may donate up to forty (40) hours of sick leave balance in one-hour increments to any University Corporation employee who has exhausted his or her accrued leave balances and is on an approved leave of absence for a catastrophic illness or injury. The recipient employee must be on an approved leave of absence expected to be for a period of at least fifteen (15) calendar days and physician verification must be provided. Conditions that are short term in nature such as colds, the flu or minor injuries are not considered catastrophic.

If you wish to donate available leave balance, you may do so by contacting University Corporation Human Resources and submitting appropriate donor form indicating the number of hours you wish to donate. Requests for participation will be reviewed on a case-by-case basis. This program is voluntary to all benefited employees and University employees may not participate in this program. Donations are irrevocable once posted to the recipient's leave record.

#### **413. LACTATION ACCOMMODATION POLICY**

The University Corporation at Monterey Bay supports the legal right and necessity of employees who choose to express milk in the workplace. This policy establishes guidelines for promoting a breastfeeding friendly work environment and supporting lactating employees for as long as they desire to express breast milk.

The University Corporation at Monterey Bay will provide a reasonable amount of break time for employees who wish to express breast milk for their infant child each time the employee has a need to express milk, in accordance with applicable local, state and federal law. If possible, the break time must run concurrently with rest and meal periods already provided. If break time cannot run concurrently with rest and meal periods, it will be unpaid, to the extent permitted by applicable law.

The University Corporation at Monterey Bay will provide breastfeeding employees with space, near their work area, that is shielded from view and free from intrusion from co-workers and the public. The room or location may include the place where the employee normally works if it otherwise meets the requirements of the lactation space. Restrooms are prohibited from being used for lactation purposes.

Employees who need a lactation accommodation should submit a request for possible accommodation via email to Corporation Human Resources. Upon receiving an accommodation request, the University Corporation at Monterey Bay will respond to the employee within five (5) business days. The Company and the employee shall engage in an interactive process to determine the appropriate accommodations. The Company may not be able to provide an accommodation if doing so would impose an undue hardship by causing significant difficulty or expense when considered in relation to the size, financial resources, nature or structure of the business. If the University Corporation at Monterey Bay is unable to provide an accommodation because doing so would impose an undue hardship, the University Corporation at Monterey Bay will provide the employee with a written response that identifies the basis for denying the request for accommodation.

California law expressly prohibits discrimination or retaliation against lactating employees for exercising their rights granted by the law. This includes those who request time to express breast milk at work and/or who lodge a complaint related to the right to lactation accommodations. Employees have the right to file a complaint with the Labor Commissioner for any violation of the rights underlying this policy. Please consult Human Resources with questions regarding this policy.

## GENERAL POLICIES

### **501. PROFESSIONAL EXPECTATIONS**

The University Corporation 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 University Corporation 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.

Nothing in this dress code is intended or should be construed to violate, restrict or discriminate against any employee's race, sex, gender, gender identity, gender expression, nursing mothers, or religious dress practices. If any employee believes that their protected rights based upon race, sex, gender, gender identity, gender expression, nursing mothers, or religious dress practices are being restricted or violated in some manner by the dress code, they should contact their Supervisor or human resources so that these concerns can be addressed.

### **502. EMPLOYEE CONDUCT AND WORK RULES**

To assure orderly operations and provide the best possible work environment, the University Corporation 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 workplace, but the following are examples of infractions of rules of conduct which may result in disciplinary action, including suspension or termination of employment.

- a. Theft or inappropriate removal or possession of University Corporation property
- b. Falsification of timekeeping records
- c. Working under the influence of alcohol or illegal drugs
- d. Manufacture, sale, purchase, offer to sell or purchase, distribution, dispensation, possession, or use of alcoholic or illegal drugs in the workplace, while on duty, on University Corporation or University premises or while operating employer-owned vehicles or equipment
- e. Fighting or threatening violence in the workplace
- f. Boisterous or disruptive activity in the workplace
- g. Negligence or improper conduct leading to damage of employer-owned or customer-owned property.
- h. Insubordination or other disrespectful conduct
- i. Violation of safety or health rules
- j. Smoking in prohibited areas
- k. Sexual or other unlawful harassment
- l. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- m. Excessive absenteeism, tardiness or any absence without notice
- n. Unauthorized absence from work during the workday

- o. Unauthorized, non-emergency use of telephones, mail system, or other employer-owned equipment
- p. Unauthorized disclosure of trade secrets or confidential information
- q. Violation of University Corporation guidelines
- r. Research misconduct -refer to CSUMB policy: <https://csumb.edu/policy/research-misconduct-policy/>
- s. Unsatisfactory performance or conduct

### **503. WHISTLEBLOWER**

If you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by the University Corporation, we encourage you to report it immediately to your supervisor, manager, or to the Executive Director.

Alternatively, you may contact the California State Attorney General's Whistleblower Hotline at 1-800-952-5225. The Attorney General will refer your call to the appropriate government authority for review and possible investigation.

The University Corporation has a strict policy that prohibits retaliating against employees who make such reports and that prohibits retaliating against employees who have made such reports while employed in any former employment. The University Corporation also does not permit retaliation against an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.

### **504. CONFLICT OF INTEREST**

This handbook policy is not intended to limit employees' lawful, off-duty conduct or to infringe their right to discuss the terms and conditions of their employment.

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 University Corporation duties or responsibilities, including research activities.

Interactions between University Corporation 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 University Corporation 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 University Corporation 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 University Corporation's interests. Among the relationships that may adversely affect the University Corporation'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.

### **505. USE OF PROPERTY**

You may use University Corporation equipment, supplies and services only for work-related purposes. This regulation is intended to cover all types of University Corporation 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 University Corporation. No one shall be permitted to remove for personal use from the buildings or grounds any property belonging to the University Corporation, even though it may seem to be of no value.

Telephone services and electronic mail are provided for the purpose of conducting University Corporation business. Personal use of telephones and electronic mail should be restricted to accidental and emergency use. The proper use of University Corporation property should be the subject of careful judgment. Files and materials, either in written or electronic form maintained or stored on University Corporation'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 University Corporation property.

You are responsible for all University Corporation property, materials, or written information issued to you or in your possession or control. You must return all property of the University Corporation 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 University Corporation may withhold from the employee's check or final paycheck the cost of any items that are not returned when required.

### **506. ELECTRONIC COMMUNICATIONS**

The University Corporation's computer system and other technical resources of the University Corporation are provided by the University Corporation for the use of the University Corporation and are to be reviewed, monitored and used in pursuit of the University Corporation's business. If, during employment, an employee performs or transmits work on the University Corporation'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 University Corporation, 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 offensive to others 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 University Corporation 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 University Corporation when they leave the organization. If you wish to keep samples of your work, you must obtain written permission from the University Corporation Director to download specific examples. Under no circumstances are employees allowed to keep copies of proprietary information, data, or programs.



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

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

### **SOCIAL MEDIA**

The University Corporation recognizes the importance of social media networks. Social media is a powerful tool to exchange information, raise the visibility of the university and engage with students, faculty, staff, alumni, and the Monterey Bay community. While social media is an effective communication tool, it also brings its own unique challenges. For purposes of this policy, the phrase "Social Media" refers to any type of internet-based media created through social or group interaction, where individuals primarily produce – rather than consume – the content. Examples of social media include but are not limited to: social and professional networking websites (Facebook, LinkedIn), blogs (Twitter, industry blogs), video and image sharing websites (Instagram, Snapchat, WhatsApp, YouTube, Flickr, Pinterest), location sharing websites (foursquare), consumer review websites (Yelp), virtual worlds (Second Life), and social bookmarking websites (Reddit). The lack of reference to a specific Social Media website in this policy does not limit the extent or application of this policy.

This policy applies to all employees of the Corporation during working hours on Corporation's computers, network, internet access, equipment, or technology. Employees must understand that the Corporation's other employee relations policies – including but not limited to its harassment, discrimination, standards of conduct, and confidentiality policies – apply to online conduct including the use of social media. Keep in mind that an employee's online conduct that violates the Corporation's policy, that adversely affects you or your fellow employees' job performance, that adversely affects the reputation or brand of University's or the Corporation's customers, vendors, affiliates, or business partners, or that adversely affects the Corporation's legitimate business interests may result in disciplinary action, up to and including termination.

Employees who choose to use social media for personal or professional reasons must adhere to the following guidelines:

- Use caution and your best personal and professional judgment when contributing content about or related to the Corporation, or third parties such as customers, subsidiaries, vendors, affiliates, or business partners.
- Do not engage in behavior or contribute content that could be considered an act or threat of violence, bullying, or unlawful discrimination or harassment.

- Do not intentionally or negligently contribute content that could damage the reputation or brand of the Corporation or interfere with the Corporation's business relationships with its customers, subsidiaries, vendors, affiliates, or business partners.
- Employees may not contribute content in the name of the Corporation, on behalf of the Corporation, or in a manner that could reasonably be attributed to the Corporation without prior written authorization from the Executive Director or designee.
- Employees may not contribute content that could be considered an endorsement of the Corporation's goods or services without prior authorization from the Executive Director or designee. If you do contribute content that could be considered an endorsement of the Corporation's goods or services, you must disclose your employment relationship with the Corporation.
- Do not contribute or disclose any content or information about or related to the Corporation, its employees, customers, subsidiaries, vendors, affiliates or business partners that you know to be false. Do not disparage or defame the Corporation's customers, vendors, affiliates, or business partners.
- Do not contribute content that could identify the Corporation's customers, vendors, affiliates, or business partners without prior consent from the Corporation.
- If you, as an employee of the Corporation, have access to proprietary information about the Corporation and its customers, subsidiaries, vendors, affiliates, or business partners, the Corporation trusts and expects you to keep this information confidential. You may not disclose it through social media. Note that "proprietary" includes the Corporation's patents, copyrights, trade secrets, inventions, internal processes, policies, reports, source code, computer programs in various stages of development, competitive analysis and strategy, marketing and development plans, potential or actual mergers and acquisitions, customer and client lists, and names of vendors and suppliers.
- Do not use the Corporation's logos or trademarks for commercial gain without prior consent from the Executive Director or designee.
- Do not use your email address with the Corporation to register for social media. If you indicate that you are an employee of the Corporation on any social media, you must include a disclaimer indicating that the content you contribute is your own and does not represent the opinion of the Corporation.
- Do not allow your use of social media to interfere with your work commitments, performance, or productivity.
- Consider whether connecting to the Corporation's customers, business partners, vendors, or competitors via social media is appropriate for your level, position, responsibilities within the Corporation, and relationship with the person at issue. To the extent that you do connect to the Corporation's customers, business partners, vendors, or competitors via social media, consider using available privacy filters or settings to block any inappropriate, unprofessional, or personal content from such people.
- Employees should not speak to the media on the Corporation's behalf without prior approval from the Executive Director or designee. All media inquiries should be directed there.
- Prior to posting a photograph or quoting written content that someone else has authored, contact the Executive Director or designee to obtain the proper release form and ensure that it is signed.
- Requests for employment references or recommendations through social media, such as LinkedIn, should be referred to Corporation's Human Resources.

Any violation of any part of this policy may result in disciplinary action, up to and including termination of employment.

### **507. ATTENDANCE AND PUNCTUALITY**

For the University Corporation 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 University Corporation.

Whatever your schedule, the University Corporation is depending on you to be at work when you are scheduled. The University Corporation 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.

Excessive absenteeism, early departures, or tardiness may lead to disciplinary action, up to and including termination of employment. Simply notifying your supervisor that you will be absent or tardy does not mean that the absence or tardiness is excused. In some cases of absence due to injury or illness, the Corporation may require a doctor’s certificate before you return to work. Examples where a doctor’s release may be required: Returning from a Medical Leave of Absence and/or returning to work with restrictions. Unless other arrangements have been made, you should notify your supervisor each day that you are absent. Employees who fail to report to work without any notification to the employee’s supervisor for three consecutive days will be considered to have voluntarily terminated their employment with the Corporation.

### **508. NON-DISCLOSURE OF CONFIDENTIAL INFORMATION**

The protection of confidential business information and trade secrets is vital to the interest and the success of the University Corporation. 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 of other employees. 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. The University Corporation and all its employees must adhere to CSUMB’s [Information Security Policy](#). For more information, please click on link provided.

### **509. SEARCHES**

The University Corporation wishes to maintain a work environment, which is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, The University corporation prohibits the control, manufacture, possession, transfer, sale, purchase, and offer to sell or chase, or use of such materials on its premises. The University Corporation 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 University Corporation. A Such inspections may occur at any time, with or without advance notice or consent. Further, such inspections may be conducted during, before, or after working hours by any supervisor, manager, or security personnel designated by the Corporation. Employees who fail to cooperate in any inspection will be subject to disciplinary action, including possible suspension or termination. All searches will be conducted in compliance with applicable state and federal laws.

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

### **510. SAFETY**

Establishment and maintenance of a safe work environment is the shared responsibility of the University Corporation and employees of all levels. The University Corporation will attempt to do everything within its control to assure a safe environment and compliance with federal, state, and local safety regulations. The University Corporation 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. Any accident that occurs at a Corporation worksite be that of a client, visitor, or employee, should be reported immediately to your supervisor or to Corporation Human Resources. If your supervisor or other appropriate personnel are not available, call the University Police Department (UPD) and/or 911 Emergency.

In addition, safety hazards or unsafe conditions that could have caused an injury should be reported. For your own safety and the safety of others, please do not attempt to give medical aid to an injured client, visitor, or fellow employee unless you hold current certification(s) to properly administer first aid. It is our goal to see to it that you are taken care of in case of injury on the job. We will make every effort to see to it that you receive excellent care and have a speedy recovery and return to work. In addition, we have a "Return to Work" and "Light Duty" programs to return you to work if you have specific limitations during your recovery. Please refer to our Injury and Illness Prevention Plan ("IIPP") which is on file in the Corporation Central Office for further information regarding employee safety, and for injury reporting procedures see our website at <https://csumb.edu/risk/occupational-safety-and-health-plans/>.

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

Employees can report safety incidents without fear of retaliation. The University Corporation will not take adverse action against the employee for refusing to report to or leaving a workplace because the employee has a reasonable belief that the workplace is unsafe. Additionally, the University Corporation will not prevent any employee from accessing their mobile device or other communications device to get emergency assistance, assess the safety of the situation or communicate with someone to verify their safety. In the unfortunate event that there is an earthquake, fire, or other worksite emergency, the Corporation has an Emergency Evacuation Plan on file in your area. Please see your supervisor for evacuation procedures and a copy of the plan.

### **511. VIOLENCE-FREE WORKPLACE**

The University Corporation is committed to providing a free-of-violence work environment. We do not expect employees to become experts in psychology or to physically subdue a threatening or violent individual. Indeed, we specifically discourage employees from engaging in any physical confrontation with a violent or potentially violent individual. However, we do expect and encourage employees to exercise reasonable judgment in identifying potentially dangerous situations.

#### *Prohibited Conduct*

Any acts or threatened acts of violence will not be tolerated. Threats, threatening language or any other acts of aggression or violence made toward or by any University Corporation employee WILL NOT BE TOLERATED. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation. To the extent permitted by law, employees and visitors are prohibited from carrying weapons on Company premises.

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.

The possession on University Corporation or California State University, Monterey Bay ("University") property of a firearm (unless specifically authorized in writing by the University Corporation 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 University Corporation or University work site regardless of ownership, or any location where the individual is engaged in University Corporation or University business.

The possession on University Corporation or University property of weapons of any kind (unless specifically authorized in writing by the University Corporation 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 University Corporation or University work site regardless of ownership, or any location where the individual is engaged in University Corporation 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 University Corporation, University, or employee property. Commission of a

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

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

*Procedures for Reporting a Threat*

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom the employee feels comfortable. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede our ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the University Corporation determines, after an appropriate good faith investigation, that someone has violated this policy, the University Corporation will take swift and appropriate corrective action. If an employee is the recipient of a threat made by an outside party, that employee should follow the steps detailed in this section. It is important for us to be aware of any potential danger in our offices. Indeed, we want to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

### **512. SMOKE-FREE ENVIRONMENT**

In keeping with the University Corporation's intent to provide a safe and healthful work environment, the University Corporation observes the University's Smoke Free Environment Policy. Smoking, vaping and tobacco use are prohibited on all University property and in all indoor and outdoor spaces owned, leased, licensed, or otherwise controlled by the University. Smoking, vaping and tobacco use are prohibited in all vehicles owned by the University and the Corporation as well as privately owned vehicles at any event or activity on campus property including University parking structures. Tobacco cessation resources may be available through the Employee Assistance Program (EAP) or student health center

<https://calstate.policystat.com/policy/6591951/latest/> Click on link to read full policy.

This policy establishes guidelines for smoking on campus that are consistent with Title 5, California Code of Regulations, Section 42356 pursuant to Board of Trustees Resolution RCOW09-02-01; Coded Memorandum HR 2002-26; and California Government Code Sections 19994.31 and 19994.32 and replaces the CSUMB Policy for a Smoke-Free Environment dated July 7, 1995.

### **513. DRUG-FREE WORKPLACE**

In order to maintain a drug-free workplace, the Company has established a drug-free awareness program to educate employees on the dangers of drug abuse in the workplace, our drug-free workplace policy, the availability of any drug-free counseling, rehabilitation and employee assistance programs and the penalties that may be imposed for violations of our drug-free workplace policy. (Such education may include: (1) distribution of our drug-free workplace policy at the employment interview; (2) a discussion of our policy at the new employee orientation session; (3) distribution of a list of approved drug assistance agencies, organizations and clinics; (4) distribution of published educational materials regarding the dangers of drug abuse; (5) reorientation of all involved employees in cases in which a drug-related accident or incident occurs; (6) inclusion of the policy in employee handbooks and any other personnel policy publications; (7) lectures or training by local drug abuse assistance experts; (8) discussion by the Company's safety experts on the hazards associated with drug abuse; and (9) video tape presentations on the hazards of drug abuse.)

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

Due to the prevalent use of 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 University Corporation strictly prohibits the abuse of drugs and alcohol which includes manufacture, sale, purchase, offer to sell or purchase, distribution, use, dispensation, or possession, or being under the influence of alcohol or drugs while on duty, while on University Corporation premises. or while operating a vehicle owned or leased by the University Corporation. In addition, those applicants and/or employees who drive University Corporation vehicles on a regular basis, transport passengers as part of their jobs, work with children or youths, setting or perform sensitive work in connection with certain contracts may be required to undergo physical examinations or clinical testing procedures designed to detect the presence of drugs and/or alcohol as a condition of employment or continued employment.

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 University Corporation employee convicted of a criminal drug offense occurring in the workplace to notify the University Corporation Human Resources department within five (5) calendar days of conviction. Action may be taken against any University Corporation 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 University Corporation Human Resources Director.

#### **514. DRUG TESTING**

The University Corporation 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 University Corporation 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.

**REASONABLE SUSPICION** - The University Corporation also reserves the right to test its employees for the presence of drugs and/or alcohol. Such tests are normally conducted when the University Corporation has reasonable grounds for believing that an employee is under the influence of alcohol or illegal or unauthorized drugs, or improperly using prescription medications in violation of this policy.

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

Per AB 2188, The University Corporation does not discriminate against a person in hiring, termination, or any term of condition of employment for: an employee's use of cannabis and cannabis products off the job and away from work or failing an employer-mandated drug screening for having non-psychoactive cannabis metabolites in their hair, blood, urine, or body fluids. This clause exempts jobs that require federal clearance or background screening, and any job that is statutorily subject to federal drug testing requirements, and certain building/construction trades.



### **515. SOLICITATION AND DISTRIBUTION**

The non-solicitation, non-distribution policy is intended to protect the interests of both the University Corporation and its employees. It is the policy of the University Corporation 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 University Corporation will not discriminatorily enforce this rule.

### **516. PARKING**

Parking on the CSUMB campus regulations is 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 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 Police Department.

Citations issued to University Corporation 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 University Corporation business.

### **517. DRIVING STANDARDS**

The University Corporation is committed to ensuring the safety of all individuals driving on University Corporation business and containing the cost of automobile insurance. Therefore: All individuals (employees and/or volunteers) must possess a valid California driver's license or equivalent to legally operate the class of vehicle(s) they drive in conducting University Corporation business. Individuals whose duties include driving 15-passenger vans will possess a valid Class B driver's license.

If an individual is permitted to use a personal vehicle in the course and scope of the University Corporation business, the individual shall enroll in the Defensive Driving program. To enroll, individuals must possess a valid state-issued driver's license and must drive safely and obey all traffic safety, vehicle safety, and parking laws or regulations while driving on University Corporation business. Drivers must have a current University Corporation Defensive Driving Course Certificate. Drivers also must certify that they will always carry personal automobile liability insurance coverage with limits that meet California's minimum requirements. For more information and requirements go to the Corporation Driving page: <https://csumb.edu/corporation/defensive-driving-program>

In addition, individuals must have obtained a current University Corporation Defensive Driving Course Certificate. Drivers also must have in their possession a valid California driver's license and must drive safely and obey all traffic safety, vehicle safety, and parking laws or regulations while driving on University Corporation business.

Individuals considered as "non-occasional drivers" (*defined to be either an employee whose job requires that they drive more than once a week or an employee whose primary duty is driving-related*) will be enrolled in the Department of Motor Vehicles' (DMV) Employer Pull Notice program. If an individual's license status, driving record, or certificate status becomes unacceptable either to University Corporation management or to the University Corporation's insurance carrier, the employee may be restricted from driving, reassigned, suspended, or terminated, at management's discretion.

From time to time, employees also may be required to rent a vehicle in order to conduct University Corporation business. In those instances, employees may only use such vehicles for work-related activities and may not use them for personal activities without the express prior approval of University Corporation management. The same driving conditions stated in this policy apply to the use of rented vehicles. The University Corporation carries limited liability coverage for rented vehicles. It is strongly recommended that individuals renting vehicles purchase additional insurance offered by the rental company. The total cost will be reimbursed when proper documentation is submitted.

### **Prohibited Use of Cell Phone/ Communication Device While Driving on Company Time**

University Corporation employees are prohibited from using cell phones or other handheld devices while driving on company business and/or company time. If your job requires that you keep your cell phone turned on while you are driving, you must use a hands-free device. Writing, sending, or reading text-based communication (text messaging, instant messaging, e-mail) on a wireless device or cell phone while driving is also prohibited.



## ACKNOWLEDGEMENT

I acknowledge that I have received a copy of the University Corporation at Monterey Bay 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 University Corporation.

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

I also understand that it is my responsibility to contact Human Resources if I have questions or if I do not understand the handbook policy and/or procedure.

I acknowledge that my relationship with the University Corporation is “at-will”, which means that my employment may be terminated by me or the University Corporation 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 University Corporation 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 University Corporation 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