MEMORANDUM

To: Corporation Board of Directors
CC: Kevin R. Saunders, Corporation Executive Director
    Maria A.Y. Garcia
FROM: Nancy S. Ayala
DATE: 11 December 2014

SUBJECT: Agenda and Read-Ahead Materials

Attached please find the agenda and read-ahead materials for the Corporation Board of Directors meeting on Thursday, 18 December 2014. The meeting will be in the conference room at the Administration Building on the CSUMB campus starting at 8:30 a.m.

If you have any questions or concerns before the Board meeting, please feel free to contact me at nayala@csumb.edu or (831) 582-3396.
AGENDA

I. Call to Order

II. Approval of Minutes
   *2 min. Approval of 25 September 2014 meeting minutes
   (Action: Discussion and motion to approve the minutes)

III. Reports
   10 min. A. Auxiliary Audit Committee Report
   (Report to the Board, no action required)
   W. Musselman
   *15 min. B. External Funding Update – Sponsored Programs
   (Report to the Board, no action required)
   C. Lopez
   *15 min. C. Corporate and Foundation Relations University Development
   (Report to the Board, no action required)
   J. Wendland
   10 min. D. Investment Committee Report
   (Report to the Board, no action required)
   B. Zappas
   20 min. E. Alliance Report
   (Report to the Board, no action required)
   A. Thurman
   15 min. F. Executive Director’s Report
   (Report to the Board, no action required)
   K. Saunders

IV. Unfinished Business
   None

V. New Business
   *10 min. A. Urban Streams Restoration Grant Resolution
   (Action: Discussion, motion to adopt the resolution)
   N. Ayala
   * 2 min. B. Post-Retirement Employee Housing Rental Policy
   (Action: Discussion and motion to adopt the new policy)
   N. Ayala
   * 5 min. C. Employee Handbook Update
   (Action: Discussion and motion to approve the revised Employee Handbook)
   G. Kiama

VI. Open Communications/Announcements

VII. Adjournment

Note: In accordance with Education Code §89921 and Foundation Bylaws Article VI §5, this agenda provides notice of the business to be transacted (i.e., topics for Board discussion). Action may be taken on any item on the agenda. The italicized notations above are for guidance purposes only and the Board may take action on any item listed on the agenda, whether action is specifically prescribed.
I. Call to Order: A quorum being established, President Ochoa called the meeting to order at 8:31 a.m. President Ochoa gave a brief introduction of the new Board members.

II. Approval of Minutes: Moved by Director Ronnie Higgs and seconded to approve the 29 May 2014 meeting minutes as presented. With Director Bonnie Irwin abstaining, the motion carried.

III. Reports:
   A. Auxiliary Audit Committee Report: Audit Committee Chair Bill Musselman reported on the Committee’s activities. The Corporation’s auditors issued a clean opinion. The Audit Committee will meet in November to review the 990s and KAZU report to the FCC.
   B. Presentation of the 2013/14 Audited Financial Report: Director of Operations Maria A.Y. Garcia reviewed the 2013/14 audited financial report, highlighting areas of interest for the Board. Moved by Director Irwin and seconded to ratify the Auxiliary Audit Committee’s approval of the 2013/14 audited financial report. With no further discussion, the motion carried.
   C. Escheatment Report: Ms. Garcia reported that the state of California requires the Corporation to report any checks that were not been cashed after a certain period. Checks that were made payable to vendors and were not cashed within three years must be reported. Payroll checks that were not cashed within one year must be reported as well. This year the Corporation sent a check to the State for $100.62 for two uncashed vendors checks and one payroll check of $97.96.
   D. External Funding Update - Sponsored Programs: Director of Sponsored Programs Cindy Lopez presented the fourth quarter grants and contracts report. Through 30 June 2014, total awards are at $11.6 million, which is about $600K more than the annual goal, but $1.5 million less than the same period prior year. The number of awards is 62. There are 67 outstanding proposals totaling $17 million. Ms. Lopez noted that more grants are coming in with more indirect costs than the prior year. An issue with the grants from the State of California is ownership of equipment incorporated onto Corporation owned vessels. Once the grant is over the Principal Investigators can reuse the equipment for more research, but the State wants the Corporation to pay for the equipment. This is not feasible because the equipment cannot be removed once it has been incorporated onto a vessel. It was suggested to hold a separate meeting with staff to work with the Chancellors Office to resolve this.
E. Corporate and Foundation Relations University Development: Director of Corporation & Foundation Relations Jaqueline Wendland reported on private grants. As of 30 June, private grants awarded are $1.09 million. The annual goal for the whole department is $4.5 million, which is set by the Chancellors Office. Ms. Zappas announced that Ms. Wendland will be retiring at the end of this year.

F. Residential Life Briefing: Director of Student Housing & Residential Life Jennifer Crompton reported on occupancy in Residential Life. Current occupancy for main campus is 1,885 students. In east campus, there are 1,122 students and their families. There are 39 first year students on a waiting list for Main Campus; 26 Upper Division students on the waiting list for other units. For east campus, everyone on the wait list has been contacted everyone. This year began with 300+ students on the wait list for main campus; 200+ upper division students on the wait list; and 100+ students on the waitlist for east campus. On main campus, 75 beds were created through tripling. In east campus, 42 additional bed spaces were created through doubling single bedrooms. Students that were not housed will be able to participate in the Reservation Days process for next year to ensure they are housed. This privilege is usually only given to upper division students. Promontory is currently being marketed for next fall.

G. Investment Committee Report: Chair Zappas reported that the Investment Committee met last in May. For the quarter ending 31 March 2014, the endowment portfolio had a 2.4% gain. Over a five-year period, the endowment portfolio returned 15.8%. The operating portfolio had a 1.5% gain, outperforming the policy index by 0.3%. Over a five-year period, the operating portfolio returned 10.3%. The Committee approved changes to the Endowment Investment Policy, which includes separating the Endowment Spending Policy. There was extensive discussion about divesting from fossil fuels, intentional investing, and SRI. It was noted that the fees for investing in a socially screened fund would cost the equivalent of two scholarships. The Committee concluded that it was too high for the portfolio at this time.

H. Executive Directors Report: Executive Director Kevin Saunders commended the entire staff of the Corporation on past audits. The Corporation will be undergoing a compliance audit from the Chancellors Office in November. This audit will affect both the Foundation and the Corporation. There are always findings with these audits. The post-award portion was removed from the audit at the Corporation’s request because the Chancellors Office just audited them last year.

The purchase price of the Steinbeck Center is $3 million and the land under it $100K. The Salinas City Council still needs to approve the purchase. The estimated time of closing escrow is late October or early November. The University will be in control of that building. Ryan Ranch building improvements have begun. The Promontory has really changed the entrance to campus.

IV. Unfinished Business: None

V. New Business:

A. Capital Request: Mr. Saunders requested that the Board approve minor construction and the purchase of furniture for the University House. The way the public side of the University House was originally designed makes it difficult to conduct receptions, meetings, donor relations and other events. The construction to the University House would cost $17K. The furniture is $35K. The total capital request is $52,500. Moved by Director Zappas and seconded to approve the capital request as presented. With no further discussion, the motion carried.
VI. **Open Communications/Announcements:** None

VII. **Adjournment:** With no further business to conduct and no objection, the meeting was adjourned at 9:54 a.m.

__________________________________________________________________________

Bonnie Irwin, Secretary                                     Date
UNIVERSITY CORPORATION at MONTEREY BAY  
2014/2015 REPORT OF PUBLIC EXTERNAL FUNDING SOURCES  

SUMMARY REPORT  
7/1/14 THROUGH 9/30/14  

I. PUBLIC AWARDS RECEIVED 2014/2015 (1st QUARTER)  
(Awards Goal Compared to Actual Awards)  

<table>
<thead>
<tr>
<th></th>
<th>14/15 GOAL</th>
<th>AMOUNT THRU 9/30/14</th>
<th>NUMBER OF AWARDS</th>
<th>FY 13/14 COMPARISON</th>
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<tbody>
<tr>
<td>NEW PUBLIC FUNDS</td>
<td>DIRECT</td>
<td>$10,800,000</td>
<td>$3,696,969</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>INDIRECT</td>
<td>$1,200,000</td>
<td>$346,053 (plus 10 supplements)</td>
<td>$480,063 (plus 13 supplements)</td>
</tr>
<tr>
<td></td>
<td>TOTAL PUBLIC</td>
<td>$12,000,000</td>
<td>$4,043,022</td>
<td></td>
</tr>
</tbody>
</table>

II. ONGOING PUBLIC AWARDS 2014/2015  

| Total Awards (New + Ongoing) | $21,472,858 | 79 | $17,254,148 | 81 |
| Total Award | $25,515,880 | 100 | $22,018,930 | 104 |

III. PENDING PUBLIC PROPOSALS  

<table>
<thead>
<tr>
<th>AS OF</th>
<th>NUMBER OF PROPOSALS</th>
<th>AS OF:</th>
<th>NUMBER OF PROPOSALS</th>
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<tbody>
<tr>
<td>9/30/14</td>
<td>$37,284,544</td>
<td>60</td>
<td>9/30/13</td>
</tr>
<tr>
<td>FY14</td>
<td>Type</td>
<td>Proposal Sponsor</td>
<td>Proposal Title</td>
</tr>
<tr>
<td>------</td>
<td>------</td>
<td>------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>17</td>
<td>State</td>
<td>Kansas State University - M. I. T.</td>
<td>BioControl: Development of New Technologies for Agricultural and Environmental Applications</td>
</tr>
<tr>
<td>18</td>
<td>Federal</td>
<td>U.S. Department of Energy</td>
<td>Advanced Biofuels Technology for Commercial Scale</td>
</tr>
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</table>

**Total:** 139,800

**FY15 | Type | Proposal Sponsor | Proposal Title | PI | Department | Succ. | Dir. | Indirect | Total |
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Federal</td>
<td>U.S. Department of Energy</td>
<td>Development of Advanced Materials for Energy Storage</td>
<td>Waller, A.</td>
<td>Materials Science</td>
<td>50,000</td>
<td>45,000</td>
<td>95,000</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>State</td>
<td>Colorado State University</td>
<td>Integration of Renewable Energy Sources for Rural Communities</td>
<td>McDonald, T.</td>
<td>Electrical Engineering</td>
<td>40,000</td>
<td>35,000</td>
<td>75,000</td>
<td></td>
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<tr>
<td>3</td>
<td>Federal</td>
<td>U.S. Department of Energy</td>
<td>Instrumentation for Advanced Materials for Energy Storage</td>
<td>Waller, A.</td>
<td>Materials Science</td>
<td>45,000</td>
<td>40,000</td>
<td>85,000</td>
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**Total:** 95,000

**FY16 | Type | Proposal Sponsor | Proposal Title | PI | Department | Succ. | Dir. | Indirect | Total |
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<tbody>
<tr>
<td>1</td>
<td>Federal</td>
<td>U.S. Department of Energy</td>
<td>Development of Advanced Materials for Energy Storage</td>
<td>Waller, A.</td>
<td>Materials Science</td>
<td>45,000</td>
<td>40,000</td>
<td>85,000</td>
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<tr>
<td>2</td>
<td>State</td>
<td>Colorado State University</td>
<td>Integration of Renewable Energy Sources for Rural Communities</td>
<td>McDonald, T.</td>
<td>Electrical Engineering</td>
<td>35,000</td>
<td>30,000</td>
<td>65,000</td>
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**Total:** 85,000

**FY17 | Type | Proposal Sponsor | Proposal Title | PI | Department | Succ. | Dir. | Indirect | Total |
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<tbody>
<tr>
<td>1</td>
<td>Federal</td>
<td>U.S. Department of Energy</td>
<td>Development of Advanced Materials for Energy Storage</td>
<td>Waller, A.</td>
<td>Materials Science</td>
<td>40,000</td>
<td>35,000</td>
<td>75,000</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>State</td>
<td>Colorado State University</td>
<td>Integration of Renewable Energy Sources for Rural Communities</td>
<td>McDonald, T.</td>
<td>Electrical Engineering</td>
<td>30,000</td>
<td>25,000</td>
<td>55,000</td>
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**Total:** 75,000

**FY18 | Type | Proposal Sponsor | Proposal Title | PI | Department | Succ. | Dir. | Indirect | Total |
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<tbody>
<tr>
<td>1</td>
<td>Federal</td>
<td>U.S. Department of Energy</td>
<td>Development of Advanced Materials for Energy Storage</td>
<td>Waller, A.</td>
<td>Materials Science</td>
<td>35,000</td>
<td>30,000</td>
<td>65,000</td>
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</tr>
<tr>
<td>2</td>
<td>State</td>
<td>Colorado State University</td>
<td>Integration of Renewable Energy Sources for Rural Communities</td>
<td>McDonald, T.</td>
<td>Electrical Engineering</td>
<td>25,000</td>
<td>20,000</td>
<td>45,000</td>
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</table>

**Total:** 65,000
<table>
<thead>
<tr>
<th>FY16 Pre</th>
<th>Proponent</th>
<th>Sponsor</th>
<th>Proposed Title</th>
<th>ET</th>
<th>Department</th>
<th>Low</th>
<th>Mid</th>
<th>High</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>53 State</td>
<td>Monterey County Dept, Social &amp; Employment Services</td>
<td>Service Evaluation</td>
<td></td>
<td>USDA</td>
<td>921,113</td>
<td>$15,023</td>
<td>$93,118</td>
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<td></td>
</tr>
<tr>
<td>54 Federal</td>
<td>04/14 Regents of UC/Santa Cruz - NASA</td>
<td>Low-cost Hyperspectral Imaging for UAV</td>
<td></td>
<td>DOE</td>
<td>10,352</td>
<td>$2,044</td>
<td>$14,096</td>
<td></td>
<td></td>
</tr>
<tr>
<td>55 Federal</td>
<td>US Dept. Agriculture</td>
<td>Capacity Building for agricultural sustainability in the CA Central Coast through research, education, and outreach</td>
<td></td>
<td>NASA</td>
<td>212,944</td>
<td>$40,886</td>
<td>$252,830</td>
<td></td>
<td></td>
</tr>
<tr>
<td>56 Federal</td>
<td>W31744 ESA</td>
<td>Regional Pipeline for Transformation</td>
<td></td>
<td>USDA</td>
<td>55,951</td>
<td>$10,060</td>
<td>$65,911</td>
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<tr>
<td>57 Federal</td>
<td>W91194 National Endowment for the Humanities</td>
<td>Cartographies of Sustainability</td>
<td></td>
<td>USDA</td>
<td>10,352</td>
<td>$2,044</td>
<td>$14,096</td>
<td></td>
<td></td>
</tr>
<tr>
<td>58 Federal</td>
<td>9022/4 City of Seattle</td>
<td>City of Seattle Small Business Advisory Services</td>
<td></td>
<td>SBA</td>
<td>10,352</td>
<td>$2,044</td>
<td>$14,096</td>
<td></td>
<td></td>
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<tr>
<td>60 Federal</td>
<td>W91194 CSU Long Beach - US DEPARTMENT OF AGRICULTURE</td>
<td>Select a site with Climate in mind</td>
<td></td>
<td>USDA</td>
<td>162,449</td>
<td>$39,550</td>
<td>$192,000</td>
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<tr>
<td>FY18 PENDING PROPOSALS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$2,923,044</td>
<td>$2,923,044</td>
<td>$3,016,459</td>
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<td></td>
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<tr>
<td>TOTAL PENDING PROPOSALS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$33,021,394</td>
<td>$3,343,190</td>
<td>$37,364,584</td>
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</tbody>
</table>
This report reflects private fundraising activity by Corporate & Foundations Relations.

University Corporation funds = non-endowed annual scholarships, all grants, gifts for programs and events.

Foundation funds = all funds specified for endowments (including scholarships), Alumni Association operating fund, Ford Ord Alumni Association operating fund, Business & Information Technology Building.

<table>
<thead>
<tr>
<th>Awarded to date -- 2014-15 FY</th>
<th>Highlighted = University Corporation receipted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsor</td>
<td>Program funded</td>
</tr>
<tr>
<td>1 The Peggy and Jack Baskin Foundation</td>
<td>Women's Leadership Council Emergency Fund</td>
</tr>
<tr>
<td>2 Cal State University Northridge (Educause)</td>
<td>Continued implementation of the hybrid model in math courses</td>
</tr>
<tr>
<td>3 Chevron N.A.</td>
<td>AP MOOCs in King City</td>
</tr>
<tr>
<td>4 Community Hospital of the Monterey Peninsula (CHOMP)</td>
<td>ITCD Medical Informatics Course</td>
</tr>
<tr>
<td>5 Community Foundation for Monterey County - Donor Advised fund: Lori and Lou Flagg Memorial Youth Fund</td>
<td>CSU Summer Arts local scholarships</td>
</tr>
<tr>
<td>6 Community Foundation for San Benito County</td>
<td>SBDC - Operations funding</td>
</tr>
<tr>
<td>7 Corporation for Public Broadcasting</td>
<td>KAZU Community Service Grant 2014-16</td>
</tr>
<tr>
<td>8 Doctors on Duty</td>
<td>2015 Have a Heart sponsorship</td>
</tr>
<tr>
<td>9 Driscoll's</td>
<td>Strawberry Pathogens Research</td>
</tr>
<tr>
<td>10 Driscoll's</td>
<td>Leadership Conference &amp; Chicano/a Latino/a Graduation</td>
</tr>
<tr>
<td>11 The Dunspaugh-Dalton Foundation</td>
<td>CSU Summer Arts local scholarships</td>
</tr>
<tr>
<td>12 Lumina Foundation - Community Partnership for Attainment program (3rd cohort)</td>
<td>Pathway Success Solutions: community partner engagement in campus degree attainment strategies</td>
</tr>
<tr>
<td>13 Monterey Peninsula Foundation</td>
<td>Athletics (capital, playing field upgrades)</td>
</tr>
<tr>
<td>14 Monterey Peninsula Foundation</td>
<td>CSIT-in-3</td>
</tr>
<tr>
<td>15 Monterey Peninsula Foundation -Youth Fund</td>
<td>Athletics student scholarships and community youth athletic camps</td>
</tr>
<tr>
<td>16 The Panetta Institute for Public Policy</td>
<td>2015 Have a Heart sponsorship</td>
</tr>
<tr>
<td>17 Rabobank</td>
<td>2015 Have a Heart sponsorship</td>
</tr>
<tr>
<td>18 Salinas Valley Memorial Healthcare System</td>
<td>2015 Have a Heart sponsorship</td>
</tr>
<tr>
<td>19 Sean Parker Environmental Settlement Fund</td>
<td>Return of the Natives (RON) Program Support/Youth Coastal Activities (over 3 years)</td>
</tr>
<tr>
<td>20 Tanimura Family Foundation</td>
<td>Scholarship Endowment for ag business</td>
</tr>
<tr>
<td>21 Various businesses</td>
<td>2015 Have a Heart Sponsorship Ads</td>
</tr>
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<table>
<thead>
<tr>
<th>Not Funded -- 2014-15 FY</th>
<th>Highlighted = University Corporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Avon Foundation</td>
<td>&quot;Stand Up For Each Otter&quot; Sexual harassment &amp; violence workshops and education</td>
</tr>
<tr>
<td>2 The Dunspaugh-Dalton Foundation</td>
<td>Cinematic Arts Youth program</td>
</tr>
<tr>
<td>3 Monterey Peninsula Foundation</td>
<td>Business &amp; Information Technology Building (LED display boards for classrooms)</td>
</tr>
<tr>
<td>4 Office of the Chancellor (Helmsley Trust)</td>
<td>STEM Collaboratives</td>
</tr>
<tr>
<td>5 PG&amp;E</td>
<td>SBDC - workforce training, job creation or business development</td>
</tr>
<tr>
<td>6 PG&amp;E</td>
<td>Sponsorship of Start-Up Challenge Weekend 2015 -- iiED</td>
</tr>
<tr>
<td>7 The Tanimura Family Foundation</td>
<td>Research Greenhouse (project cost $60-$80K)</td>
</tr>
</tbody>
</table>

897,084

554,944
<table>
<thead>
<tr>
<th>Number</th>
<th>Sponsor</th>
<th>Proposal / LOI</th>
<th>Prog/Div</th>
<th>Amount $</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>100,000 Strong in America Innovation Fund</td>
<td>Scholarships for students to study in Central and South America</td>
<td>HSHS</td>
<td>25,000</td>
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<tr>
<td>2</td>
<td>Alaskan Brewing Company via the Ocean Foundation - The Coastal CODE Fund</td>
<td>RON proposal requesting funds to conduct 9 weekend clean-up events in the Creeks of Salinas</td>
<td>SMART</td>
<td>10,000</td>
</tr>
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<tr>
<td>3</td>
<td>Bechtel via subaward from CSU Chancellor's Office (Preparing a New Generation of Educators for CA)</td>
<td>Step Forward with STEM</td>
<td>HHSPP</td>
<td>230,000</td>
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<tr>
<td>4</td>
<td>Blackstone Charitable Foundation</td>
<td>Community Based Innovation Program - Models in Entrepreneurship - iiED</td>
<td>COB</td>
<td>97,505</td>
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</tr>
<tr>
<td>5</td>
<td>CA Strawberry Commission via USDA</td>
<td>Developing rapid detection methods for diagnosing soilborne pathogens of strawberry</td>
<td>SMART</td>
<td>43,584</td>
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</tr>
<tr>
<td>6</td>
<td>CARL - California Academic &amp; Research Libraries</td>
<td>Library</td>
<td>Academic Affairs</td>
<td>2,000</td>
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<tr>
<td>7</td>
<td>Comerica Foundation</td>
<td>2015 Have a Heart sponsorship</td>
<td>Multiple depts</td>
<td>5,000</td>
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<td></td>
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<tr>
<td>8</td>
<td>Community Foundation for Monterey County (Organizational Development)</td>
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<td>SBDC - to provide business training workshops for Childcare providers in San Benito County</td>
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<td>Analysis on Sponsorship Data Trends at Monterey Peninsula Country Club (Dr.Jarrett Bachman)</td>
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**Pipeline - Proposal Planning**

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<td>15</td>
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<td>Walter S Johnson (3 yr Implementation Grant)</td>
<td>Collaborative network with community colleges to improve support for former foster youth</td>
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<td>The Wayne &amp; Gladys Valley Foundation</td>
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<td>19</td>
<td>Wells Fargo</td>
<td>2014/2015 Sponsorships Partnership (10K) &amp; program support (possibly for Have a Heart, SBDC, Serv Learning, or College of Ed)</td>
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</table>

3,191,500-
4,840,500
Resolution of the Board of Directors of the University Corporation at Monterey Bay Urban Streams Restoration Grant Resolution

Whereas, The University Corporation at Monterey Bay (the “Corporation”) has been formed for the purpose of furthering the educational programs of California State University, Monterey Bay (the “University”) as more fully described in the Articles of Incorporation of the Corporation (the “Articles”);

Whereas, The Corporation is an auxiliary organization of The California State University governed by California Education Code §89900 et seq. and the administrative regulations of The California State University as set forth in Title 5 of the California Code of Regulations;

Whereas, Resolution endorsing the application for an Urban Streams Restoration Grant and determining appropriate environmental impact document, conditionally accepting grant if offered, and designating project representative, contract manager, and fiscal agent; and

Whereas, The California Department of Water Resources, FloodSAFE Environmental Stewardship and Statewide Resources Office, Urban Streams Restoration Program has announced the availability of funds for grants; and

Whereas, Said grants are intended to help solve flooding and erosion problems in a way that provides environmental enhancement; and

Whereas, The Corporation has proposed to sponsor a grant application with the City of Salinas; and

Whereas, We have concluded the project proposed for funding with grants would be environmentally beneficial and a Mitigated Negative Declaration, Salinas City Council Resolution approved on 18 November 2014 has been adopted for the project;

Whereas, We consider the prospects of receiving a grant to be reasonable likely; now therefore be it

Resolved, We the Corporation approve the joint application with the City of Salinas for an Urban Streams Restoration Program grant.

Resolved, If offered such a grant, we authorize the Director of the Office of Sponsored Programs, or designee, to accept and sign any contract for administration of the grant funds, Grants and Contracts Accounting Manager, or designee, to act as Project Manager for the project. We hereby delegate authority to the Project Manager to manage the Agreement including the submission of invoices, and to delegate the authority to others to provide management and support services required for performance of the work and administration of the Agreement.
Resolved, That this Resolution shall take effect immediately upon its adoption.

ADOPTED AND PASSED this 18th day of December 2014 by the following vote:

Ayes:  Nays:  Abstentions:  0  Absent:  0
Secretary/Treasurer's Certificate

I, Bonnie Irwin, Secretary/Treasurer of the Board of Directors of the University Corporation at Monterey Bay, hereby certify as follows:

The foregoing is a full, true, and correct copy of a resolution duly adopted by the Board of Directors of the Corporation on 18 December 2014.

Said resolution has not been amended, modified, or rescinded since its adoption and the same is now in full force and effect.

Dated: 18 December 2014

Bonnie Irwin, Secretary/Treasurer
MEMORANDUM

To: Corporation Board of Directors

CC: Kevin R. Saunders, Corporation Executive Director

FROM: Maria A.Y. Garcia

DATE: 11 December 2014

SUBJECT: Post-Retirement Employee Housing Rental Policy

The Post-Retirement Employee Housing Rental Policy sets guidelines for employees retiring from CSUMB and/or its auxiliaries that may want to continue to rent housing in Schoonover Park I.

At meeting on Thursday, 18 December 2014, the Board will be asked to adopt the new policy. Corporation staff recommends the approval of the attached policy.

If you have any questions or concerns before the Board meeting, please contact Nancy S. Ayala at (831) 582-3396 or nayala@csumb.edu
411-001-A: POST-RETIREMENT EMPLOYEE HOUSING RENTAL

I. Policy

After retiring from California State University, Monterey Bay ("CSUMB") and/or its auxiliary organizations, an employee may continue to rent housing in Schoonover Park I provided that the employee was continuously employed by CSUMB and/or its auxiliary organizations for at least 20 years.

II. Policy Guidelines

A. The 20 years may be a combination of time worked at CSUMB and its auxiliary organizations, but it must be continuous.

B. An employee renting in a different part of Corporation housing prior to retirement may move to Schoonover Park I after retirement if there is space available.

C. Post-retirement rental will be subject to market rates and all applicable rules and regulations that Corporation housing has in place during the rental period.

III. Adoption and Review

A. The Corporation’s Board of Directors has adopted this Post-Retirement Employee Housing Rental Policy, on 18-Dec-14.

B. Barring any significant changes in California law, this Post-Retirement Employee Housing Rental Policy will remain in effect without Board review. Corporation staff, however, will review this policy periodically to ensure its appropriateness.

C. Any proposed amendments or variations of this policy would require a majority approval by the Corporation Board of Directors.
MEMORANDUM

TO: Corporation Board
FROM: Gigi Kiama
CC: Kevin Saunders
     Maria A.Y. Garcia
DATE: 12/18/2014

SUBJECT: Revision of Employee Handbook

The Corporation Employee Handbook has been updated, revised, and reviewed by our labor attorney.

The following is a summary of key updates and changes:

103. **Employment Categories**
    - Update on employment categories currently in use
    - Delete SHR – Short Hour Regular – not in use
    - Revise PTR- Part-Time Regular benefit eligibility to reflect 30 hrs/week. 30 hours per week is industry standard for benefits eligibility, it is also the threshold codified in the ACA (Affordable Care Act). Employees currently benefited at 20hrs/week will be grandfathered.
    
    **Benefit:** Would allow more flexibility to project PIs in hiring part-time (20-29hrs/week) temporary employees, (i.e. recent graduates) without the requirement and added cost of offering full health benefits if not within budget.
    
    - Temporary employees-Further emphasis that temporary employees are not eligible for benefits and to reinforce the 1000 hour rule. Once 1000 hours are reached, temporary employees are eligible for retirement benefits.
    
    - Volunteer- use Department of Labor definition to clarify when a person is considered a volunteer and not an employee.

201. **Timekeeping**
    
    Updated to reflect electronic timesheet submittal vs. paper timesheets with actual signatures.

204. **Meal and Rest Periods**
    
    Clarifies meal and rest period as per legal requirements.

301. **Benefit Eligibility**
    
    Clearer definition and application of Benefit Eligibility by Employment Categories.

403. **Vacation**
    
    Further clarification on vacation accrual and use.

410. **Organ or Bone Marrow Donor Leave**
    
    Include in handbook -mandatory paid leave.

411. **Unpaid Leave of Absence**
    
    D. Pregnancy Disability Leave- Re-state Pregnancy Disability Leave (PDL) as defined by new regulations.

612. **Smoke Free Environment**
    
    Revised to refer to University’s Smoke Free Environment Policy and other applicable regulations.

617. **Driving Standards**
    
    Revised to expand the prohibition of using cell phone/communication device while driving on company time.
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## ACKNOWLEDGEMENT OF RECEIPT
INTRODUCTION

Welcome to the University Corporation at Monterey Bay. We hope your association with the University Corporation will prove professionally challenging, rewarding and enjoyable.

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 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 make inquiry the Human Resources Manager.

The University Corporation Human Resources Manager 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 Human Resources Manager. 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.

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.
EMPLOYMENT PRACTICES

101. EQUAL EMPLOYMENT OPPORTUNITY

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

102. NATURE OF EMPLOYMENT

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

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

103. EMPLOYMENT CATEGORIES

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

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

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

(SHR) SHORT HOUR REGULAR - defined as those employees who regularly are scheduled to work less than twenty (20) hours per week.
(TEM) TEMPORARY – Are defined as those employees who are hired for a specific assignment of limited duration arising out of special projects, abnormal workload, or emergencies, and are working on an hourly, daily or monthly basis. They are not eligible for health insurance or paid time off benefits. Employees in this classification must work under 1000 hrs per fiscal year.

(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", but are not eligible for the FICA exemption.

(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.

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

104. OTHER RELATIONSHIPS
Following are two categories of workers who may perform a service for the 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 his/her services 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 a volunteer. In general, a volunteer may not perform work that the University Corporation normally pay someone to perform.

Persons who receive no pay for their work, but who agree to work without pay or benefits, do not have employee status because they do not receive a payroll check from the University Corporation. They agree to work in a University Corporation program, although are under no obligation to do so, and perform such services without pay or benefits. However, a person who offers to work for nothing, for the purpose of gaining experience, is an employee, not a volunteer. In general, a volunteer may not perform work that the University Corporation normally pay someone to perform.

105. 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.

106. PRE-EMPLOYMENT PHYSICAL EXAMINATIONS
After a job offer is extended and before beginning work, employees within job categories which are deemed by the Human Resources Manager to be physically demanding may be required to undergo a pre-employment physical examination performed at the 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 examination.

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

108. 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 a number of sources, but most frequently is provided by your supervisor. Your supervisor can provide both positive and corrective feedback to help you achieve excellence in your job and meet the professional goals you and the 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 staff member’s performance to at least meet all performance standards. Additionally, staff members are expected to display behaviors consistent with University Corporation and departmental policies and procedures. Key ingredients to successful performance include systematic and definitive orientation to job responsibilities and departmental procedures, appropriate on-the-job training, ongoing communication of performance expectations and standards, periodic performance and career development feedback, and corrective, progressive approaches to work performance.

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

109. 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 submit an application for consideration. Qualified employees may be given consideration over other equally qualified candidates in filling vacancies. As a courtesy, you should inform your current supervisor when applying for another position at the 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 in the discretion of the University Corporation Director.

110. 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 or to the Human Resources Manager, following these steps:
1. Within a week of the occurrence giving rise to concern, bring the situation to the attention of your immediate supervisor or the Human Resources Manager 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 Manager who will investigate and provide a solution or explanation. It is recommended that you bring the matter to the Human Resources Manager as soon as possible after you believe that your immediate supervisor has not resolved the matter.
3. If the problem is not resolved, you may present the problem in writing to the University Corporation 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.

111. EMPLOYMENT OF RELATIVES

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

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

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

The Administrator in Charge of the University Corporation at Monterey Bay may make exceptions under unusual circumstance.

112. 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

113. PERSONNEL RECORDS

All permanent records of employees are maintained in the files of the Human Resources department. This personnel file represents the historical employment record of the employee and includes such items as the applications for employment, correspondence, transfers, promotions, performance evaluations, wage changes, tax information, and commendations. The University Corporation is responsible for the maintenance of the confidentiality of employee records and files. The Human Resources Manager has special responsibilities to maintain a departmental structure that strictly limits access to employee records. The University Corporation will maintain employee medical records in separate, confidential files to be released only in accordance with federal and state laws.
You have a right to inspect certain documents in your personnel file in the presence of a University Corporation representative at a mutually convenient time. No copies of documents in your file may be made, with the exception of documents that you have previously signed. You may add your version of any disputed item to the file.

You are responsible for notifying the 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 contains up-to-date information on whom to contact in case of an emergency, and similar items. All changes in employee status must be reported on 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 should be filed with the payroll office or made directly through the payroll self-service portal.

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

**115. SEPARATION**
Since employment with the CSUMB 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.

**116. 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.

**117. FINAL CHECK**
Employees will receive their final checks within the time required by law. The final paycheck for employees who resign with at least 72 hours advance notice will be provided on their last day of work. Employees who resign without providing at least 72 hours of advance notice will receive their final paycheck within 72 hours of their resignation. Employees who are terminated involuntarily will be provided their final paycheck on their last day of work.
**HOURS OF WORK AND PAY PRACTICES**

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

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

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

If you believe there is an error on your paycheck related to 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 a.m. and ends on Sunday at 12:00 midnight.

**203. 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. 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.

**204. Meal and Rest Periods**

*Rest Breaks* - Hourly, non-exempt employees are authorized and permitted to take a net 15 minute rest break per every four (4) hours worked or major fraction thereof. If your workday ends in less than 3.5 hrs, you are not authorized to take a break. Authorized rest period time shall be counted as hours worked for which there shall be no deduction from wages.

*Meal Periods* - Lunch period is normally one hour for Corporation employees. Non-exempt employee are authorized and permitted to take a meal period of at least 30 minutes after a work period of not more than 5 hours. The meal period will be on the employee’s own time and shall not be compensated. Employees whose total work day does not exceed six (6) hours may elect to waive their meal period, with the consent of their supervisor. Employees who elect to waive their meal period must document in writing.
Employees are not expected to perform any work during their meal period and supervisors are prohibited from discouraging or impeding employees from taking their meal period.

An “on duty” meal period shall be permitted only when the nature of the work prevents an employee from being relieved of all duty and when by written agreement between the employee and University Corporation an on-duty paid meal period is agreed to.

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

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

Lunch period is normally one hour, and should be arranged to provide adequate office coverage at all times. All non-exempt employees should take at least one half-hour lunch period when working more than five (5) hours per day. Meal periods are unpaid time.

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

206. OVERTIME
Overtime for non-exempt employees must be approved in advance by the immediate supervisor. All employees who are defined as non-exempt by federal and state law will be compensated appropriately for overtime worked. If a non-exempt employee works more than 8 hrs a day or more than 40 hours in one workweek s/he will receive overtime pay. Overtime will be computed on actual minutes worked, adjusted to the nearest increment of fifteen (15) minutes. Only those hours that are actually worked are added together to determine an employee’s overtime pay.

207. 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, and SHR categories. An employee who fails to report for work when operations are not closed will not be paid for time off.
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:

<table>
<thead>
<tr>
<th>BENEFIT TYPE:</th>
<th>FTR</th>
<th>PTR</th>
<th>SHR</th>
<th>TEM</th>
<th>SAS</th>
<th>FAE</th>
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<tr>
<td>Medical Insurance (1, 4)</td>
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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. Full-time students may opt for exemption from FICA.
4. Additional information about these benefits can be found in a separate benefits explanation pamphlet available in the 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:
Full-time Regular (FTR)
Part-time Regular (PTR)
**Short Hour Regular (SHR)**

If you are interested in applying for educational assistance, you must submit a written request for Educational Assistance to your supervisor for consideration. If your request is approved, you may, upon proof of successful completion of each course, receive full or partial reimbursement for the cost of the course. Reimbursement for educational assistance activities will be indexed to CSUMB's in-state resident registration fees. Maximum annual reimbursement will be limited to the fee amount required to enroll in six units 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**

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.

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 four hours, etc.

Eligible employee classifications:

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

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

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

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

402. PERSONAL HOLIDAY
In addition to the 13 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.

Once you accrue one personal holiday, you may not accrue anymore personal holidays until that day is used. Once you use that day, you will be eligible to accrue 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)
- Short Hour Regular (SHR)
The staff vacation accrual rate is based upon years of service as follows:

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

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

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

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

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

**All available vacation time must be used before any type of unpaid leave will be approved. This does not apply to Pregnancy Disability Leave.**

All employees paid by grant funds are expected to use their vacation within the grant or project period. Employees can only take vacation hours that they have already accrued. It is not possible to "borrow" vacation that is not yet earned. **Exempt** employees should not record vacation time off in less than full day increments.

Vacation benefits do not accrue for time worked in excess of 40 hours per week, such as overtime. Vacation also does not accrue during any pay period when no time is worked. 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.
404. SICK TIME
The University Corporation provides sick time to all eligible employees for periods of temporary absence due to illnesses, injuries, medical, vision, or dental appointments.

Eligible employee classifications:

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

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

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

Vacation leave will be substituted for sick leave if you do not provide a physician statement for the three or more consecutive absences.

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

Kin Care
Employees may use up to one-half of their yearly sick leave accrual to attend to a child, parent, spouse, domestic partner, or domestic partner’s child who is ill. Leave for this purpose may not be taken until it has actually accrued.

For purposes of sick leave use, a “child” is defined as a biological, foster, or adopted child; stepchild; or a legal ward. A “child” also may be someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child.

A “parent” is your biological, foster, or adoptive parent; stepparent; or legal guardian.

A “spouse” is your legal spouse according to the laws of California, which do not recognize “common law” spouses (a union that has not been certified by a civil or religious ceremony). All
conditions and restrictions placed on an employee’s use of sick leave apply also to sick leave used for care of a child, parent, or spouse.

A “domestic partner” is another adult with whom you have chosen to share your life in an intimate and committed relationship of mutual caring, and with whom you have filed a Declaration of Domestic Partnership with the Secretary of State.

A “domestic partner’s child” is the biological, foster, or adopted child; stepchild; or legal ward of your domestic partner. A “domestic partner’s child” also may be someone for whom your domestic partner has accepted the duties and responsibilities of raising, even if he or she is not your domestic partner’s legal child.

**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.

If you are absent for a reason that qualifies you for Paid Family Leave (PFL) payments, and you have not yet accrued or have no vacation available, you may elect accrued and unused sick leave during the 7-day waiting period before PFL benefits begin. Once you elect to use sick leave, you must exhaust all paid sick leave before taking any unpaid absences.

PFL benefits do not replace all of your usual wages. Your PFL benefits will 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 of 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 of 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 employees shall be entitled to up to five (5) consecutive work days with pay for new parents for preparing for the arrival of a new infant and the care of a new infant. Paid maternity/paternity/adoption leave shall commence within sixty (60) days of the arrival of a new child. Such leave shall be in addition to available sick and vacation leaves. Paid maternity/paternity/adoption leave runs concurrently with any other related leaves for which the employee is eligible under the state and federal law. (Change is effective 1/1/2009)

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 also 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 are able to 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 who is being restrained.

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. FUNERAL LEAVE
In the event of a death in your immediate family, only benefited employees (FTR and PTR and SHR) may take up to five (5) days paid time off from work to attend the funeral and to make any necessary arrangements. All other employees are not eligible for paid bereavement, although they may request the leave on an unpaid basis.

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 supervision may be charged against the employee’s vacation accrual or the employee may request the leave without pay.

410. ORGAN OR BONE MARROW DONOR LEAVE:
The Corporation will grant to an employee leave of absence to assist with organ or bone marrow donation.

A leave of absence not exceeding thirty (30) business days to an employee who is an organ donor in any one (1) year rolling period, for the purpose of donating his or her organ to another person.

A leave of absence not exceeding five (5) business days to an employee who is a bone marrow donor in any one (1) year rolling period, for the purpose of donating his or her bone marrow to another person.

In order to receive a leave of absence, an employee should provide written verification to Human Resources that he or she is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or marrow. Any period of time during which an employee is required to be absent from his or her position by reason for being an organ or bone marrow donor will not be considered a break in his or her continuous service for the purpose of his or her right to salary adjustments, sick leave, vacation, annual leave or seniority. During any period that an employee takes leave under this policy, the company will maintain and pay for the coverage under any group health plan, for the full duration of the leave.

The Corporation requires as a condition of an employee’s initial receipt of bone marrow or organ donation leave that the employee take up to five (5) days of earned but unused sick or vacation leave for bone marrow donation and up to two (2) weeks of earned but unused sick or vacation leave for organ donation. Bone marrow and organ donation
leave shall not be taken concurrently with any leave taken pursuant to the federal Family and Medical Leave Act or the California Family Rights Act. Leave provided may be taken in one (1) or more periods.

Upon expiration of a leave authorized by this policy, The Corporation will restore the employee to the position held by him or her when the leave began or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. The Corporation may decline to restore an employee’s position as required by this leave law because of conditions unrelated to the exercise of rights under this part by the employee.

411. UNPAID LEAVES OF ABSENCE

A. PERSONAL LEAVE

An employee with one or more years of continuous service credit who works a regular schedule of 20 hours or more per week may request a personal leave of absence. A request for leave must be filed with the department at least 14 days prior to the beginning of the desired leave period. The request must include information as to the nature, duration, and justification for the leave. If approved by the designated administrative or supervisory personnel in the department, the leave of absence request and documentation as to the department’s reason(s) for approval are then forwarded to the 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 make arrangements 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 full-time employment outside the University Corporation position;
(4) Engaging in another business;
(5) Failure to return to work when notified; or
(6) Your continued absence from work beyond the time approved by the University Corporation.

B. 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.

C. 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, the serious health condition of the employee’s child, spouse, parent, his/her domestic partner (to access this benefit, the employee’s domestic partnership must be registered through the Secretary of State designated process) or to bond with the employee’s newborn, adopted, or foster care child in accordance with State and Federal law in effect at the time the leave is granted. Leave granted for bonding purposes shall only be considered during the first twelve (12) months following the child’s birth or placement for adoption or foster care. 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 step-child, a legal ward, or a child of an employee standing in loco parentis (in place of a parent) to that child who is either under eighteen (18) years of age or an adult dependent child. An adult dependent child is an individual who is eighteen (18) years of age or older and who is incapable of self-care because of a mental or physical disability.

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

Spouse—is defined as husband or wife.

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

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

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

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 in an effort 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](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 he or she was 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 his or her 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 the course of 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 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 is able to return to work earlier than expected, the employee is required to notify Human Resources at least two working days prior to the date he or she intends to return to work, with a medical release from a medical provider, where appropriate. Similarly, if an employee learns he or she 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.

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 she 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.

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

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

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.

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

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.
501. UNLAWFUL HARASSMENT

The University Corporation is committed to providing a work environment free of unlawful harassment. University Corporation policy prohibits sexual harassment and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state or local law or ordinance or regulation. All such harassment is unlawful. The 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.

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

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

The University Corporation encourages all employees to report any incident of harassment forbidden by this policy immediately so the complaints can be quickly and fairly resolved. All employees should also be aware that the Federal Equal Employment Opportunity Commission
and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you believe you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest office is listed in the telephone book.

502. APPEAL PROCESS
Harassment/discrimination/retaliation complaints brought to the attention of the University Corporation Human Resources will be thoroughly investigated and addressed pursuant to the University Corporation’s guidelines (section 501).

In the event the complaint is not resolved to the employee’s satisfaction, the employee may submit a written request for review to the Administrative Director of the 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 Administrative Director of the University Corporation or designee will be final.
601. 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.

602. 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 work place, but the following are examples of infractions of rules of conduct which may result in disciplinary action, including suspension or termination of employment.

- Theft or inappropriate removal or possession of University Corporation property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Manufacture, sale, purchase, offer to sell or purchase, distribution, dispensation, possession, or use of alcoholic or illegal drugs in the work place, while on duty, on University Corporation or University premises or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the work place
- Boisterous or disruptive activity in the work place
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism, tardiness or any absence without notice
- Unauthorized absence from work during the work day
- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Unauthorized disclosure of trade secrets or confidential information
- Violation of University Corporation guidelines
- Research misconduct - refer to CSUMB policy: http://policy.csumb.edu/researh-misconduct
- Unsatisfactory performance or conduct
**603. 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.

**604. CONFLICT OF INTEREST**

Conflict of interest relates to matters that might unduly influence personal judgment in the conduct of their area of employment. Conflict of interest relates to financial or other personal considerations that have the potential or the appearance of compromising the employee’s objectivity in meeting 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.

**605. 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.

606. 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 the course of 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 disruptive, offensive to others or harmful to morale is specifically prohibited, including, but not limited to the display or transmission of sexually explicit images, messages and cartoon, as well as use of any ethnic slurs or commutation which may be construed as harassment or disparagement of others. Use of 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.

**607. 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 or unscheduled absences, tardiness or leaving early without your supervisor’s authorizations are basis for disciplinary measures up to and including termination.

**608. 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
- 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.**

### 609. 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 purchase, 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. Accordingly, they, as well as any article found within them, if reasonable suspicion exists that a University Corporation policy is being violated, can be inspected by any agent or representative of the University Corporation at any time, either with or without prior notice.

### 610. 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.

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

### 611. VIOLENCE-FREE WORKPLACE

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

Violent behavior includes, but is not limited to:

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

- The possession on 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
owness, 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.

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

612. 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 “Guideline For A Smoke-Free Environment”. The guideline is as follows: Smoke-Free Environment Policy (click on link to read full policy)

It is the policy of California State University, Monterey Bay (CSUMB) to promote a safe and healthy atmosphere for students, faculty, staff and visitors on the campus and other centers by reducing the health risks associated with tobacco smoke. It is the intent of this policy to protect the rights of the nonsmoking campus community to breathe smoke-free air. To this end, and in compliance with California State University Executive Order No. 599, and Assembly Bill 291, CSUMB has implemented a campus-wide no-smoking policy in all campus buildings and State-owned vehicles.

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.

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

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

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

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

613. DRUG-FREE WORKPLACE

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 illegal drugs in the United States and the hazards they pose in the workplace, not only to the abuser but to the general population as well, the 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 illegal or unauthorized 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 Manager.
614. 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 provided 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.

615. 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.

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

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

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

617. 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 University Corporation business, the individual shall provide proof of personal automobile liability insurance with coverage and limits that meet California's minimum requirements. 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 he or she 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. In the event that 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.

Effective July 1, 2008, it is illegal to drive a motor vehicle while using wireless telephone, unless using a telephone designed and configured for hands-free listening and talking.

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.
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
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ACKNOWLEDGEMENT OF RECEIPT
INTRODUCTION

Welcome to the University Corporation at Monterey Bay. We hope your association with the University Corporation will prove professionally challenging, rewarding and enjoyable.

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 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 make inquiry the Human Resources Manager.

The University Corporation Human Resources Manager 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 Human Resources Manager. 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.

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.
EMPLOYMENT PRACTICES

101. EQUAL EMPLOYMENT OPPORTUNITY

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

102. NATURE OF EMPLOYMENT

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

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

103. EMPLOYMENT CATEGORIES

The following employment categories define the employment classifications applicable to work at the University Corporation. 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. They are not eligible for health insurance or paid time off benefits. Employees in this classification must work under 1000 hrs per fiscal year.
(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”, but are not eligible for the FICA exemption.

(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.

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

104. OTHER RELATIONSHIPS
Following are two categories of workers who may perform a service for the 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 his/her services 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.
105. 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.

106. PRE-EMPLOYMENT PHYSICAL EXAMINATIONS
After a job offer is extended and before beginning work, employees within job categories which are deemed by the Human Resources Manager to be physically demanding may be required to undergo a pre-employment physical examination performed at the 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 examination.

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

108. 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 a number of sources, but most frequently is provided by your supervisor. Your supervisor can provide both positive and corrective feedback to help you achieve excellence in your job and meet the professional goals you and the 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
staff member’s performance to at least meet all performance standards. Additionally, staff members are expected to display behaviors consistent with University Corporation and departmental policies and procedures. Key ingredients to successful performance include systematic and definitive orientation to job responsibilities and departmental procedures, appropriate on-the-job training, ongoing communication of performance expectations and standards, periodic performance and career development feedback, and corrective, progressive approaches to work performance.

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

109. 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 submit an application for consideration. Qualified employees may be given consideration over other equally qualified candidates in filling vacancies. As a courtesy, you should inform your current supervisor when applying for another position at the 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 in the discretion of the University Corporation Director.

110. 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 or to the Human Resources Manager, following these steps:

1. Within a week of the occurrence giving rise to concern, bring the situation to the attention of your immediate supervisor or the Human Resources Manager 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 Manager who will investigate and provide a solution or explanation. It is recommended that you bring the matter to the Human Resources Manager as soon as possible after you believe that your immediate supervisor has not resolved the matter.
3. If the problem is not resolved, you may present the problem in writing to the University Corporation 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.

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

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

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

The Administrator in Charge of the University Corporation at Monterey Bay may make exceptions under unusual circumstance.

112. 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

113. PERSONNEL RECORDS
All permanent records of employees are maintained in the files of the Human Resources department. This personnel file represents the historical employment record of the employee and includes such items as the applications for employment, correspondence, transfers, promotions, performance evaluations, wage changes, tax information, and commendations. The University Corporation is responsible for the maintenance of the confidentiality of employee records and files. The Human Resources Manager has special responsibilities to maintain a departmental structure that strictly limits access to employee records. The University Corporation will maintain employee medical records in separate, confidential files to be released only in accordance with federal and state laws.

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

You 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 contains up-to-date information on whom to contact in case of an emergency, and similar items. All changes in employee status must be reported on 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 self-service portal.

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

115. SEPARATION
Since employment with the 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.

116. 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.

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

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

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

It is your responsibility to 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 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 a.m. and ends on Sunday at 12:00 midnight.

203. 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. 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.

204. Meal and Rest Periods

Rest Breaks - Hourly, non-exempt employees are authorized and permitted to take a net 15 minute rest break per every four (4) hours worked or major fraction thereof. If your workday ends in less than 3.5 hrs, you are not authorized to take a break. Authorized rest period time shall be counted as hours worked for which there shall be no deduction from wages.

Meal Periods - Lunch period is normally one hour for Corporation employees. Non-exempt employee are authorized and permitted to take a meal period of at least 30 minutes after a work period of not more than 5 hours. The meal period will be on the employee’s own time and shall not be compensated. Employees whose total work day does not exceed six (6) hours may elect to waive their meal period, with the consent of their supervisor. Employees who elect to waive their meal period must do so in writing.

Employees are not expected to perform any work during their meal period and supervisors are prohibited from discouraging or impeding employees from taking their meal period.
An “on duty” meal period shall be permitted only when the nature of the work prevents an employee from being relieved of all duty and when by written agreement between the employee and University Corporation an on-duty paid meal period is agreed to.

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

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

206. OVERTIME
Overtime for non-exempt employees must be approved in advance by the immediate supervisor. All employees who are defined as non-exempt by federal and state law will be compensated appropriately for overtime worked. If a non-exempt employee works more than 8 hrs a day or more than 40 hours in one workweek s/he will receive overtime pay. Overtime will be computed on actual minutes worked, adjusted to the nearest increment of fifteen (15) minutes. Only those hours that are actually worked are added together to determine an employee’s overtime pay.

207. 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 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:

<table>
<thead>
<tr>
<th>BENEFIT TYPE:</th>
<th>FTR</th>
<th>PTR</th>
<th>TEM</th>
<th>SAS</th>
<th>FAE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Insurance (1, 4)</td>
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<td>X</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Dental Insurance (1, 4)</td>
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<tr>
<td>Vision Insurance (1, 4)</td>
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<tr>
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<tr>
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<tr>
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<tr>
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<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
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<td>Workers’ Compensation (2)</td>
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<td></td>
<td>X</td>
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<tr>
<td>Vacation (1, 4)</td>
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<tr>
<td>Holidays (2, 4)</td>
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<tr>
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<td>Employee Assistance Program (2)</td>
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<tr>
<td>Direct Deposit</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tbody>
</table>

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) Full-time students may opt for exemption from FICA.
(4) Additional information about these benefits can be found in a separate benefits explanation pamphlet available in the 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:

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

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.

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 four hours, etc.

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 pay will be unpaid.

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

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

402. PERSONAL HOLIDAY
In addition to the 13 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. 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

<table>
<thead>
<tr>
<th>Period</th>
<th>Hours Accrual Per Month</th>
<th>Days Accrual Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Month to 3 Years</td>
<td>6 2/3</td>
<td>10</td>
</tr>
<tr>
<td>37 Months to 6 Years</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>73 Months to 10 Years</td>
<td>11 1/3</td>
<td>17</td>
</tr>
<tr>
<td>121 Months to 15 Years</td>
<td>12 2/3</td>
<td>19</td>
</tr>
<tr>
<td>181 Months to 20 Years</td>
<td>14</td>
<td>21</td>
</tr>
<tr>
<td>241 Months to 25 Years</td>
<td>15 1/3</td>
<td>23</td>
</tr>
<tr>
<td>301 Months and Over</td>
<td>16</td>
<td>24</td>
</tr>
</tbody>
</table>

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

Accrued vacation time is limited to 272 hours for staff employees with less than 10 years of service and 384 hours for those with 10 or more years of service. Management employees’ accrued vacation time is limited to 48 days for employees with less than 10 years of service and 55 days for employees with more than 10 years of service. An employee who has accrued the maximum accrual rate, will not accrue additional vacation time until his/her vacation balance is reduced below the limit.

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

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

All available vacation time must be used before any type of unpaid leave will be approved. This does not apply to Pregnancy Disability Leave.

All employees paid by grant funds are expected to use their vacation within the grant or project period. Employees can only take vacation hours that they have already accrued. It is not possible to "borrow" vacation that is not yet earned. Exempt employees should not record vacation time off in less than full day increments.

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.

### 404. SICK TIME

The University Corporation provides sick time to all eligible employees for periods of temporary absence due to illnesses, injuries, medical, vision, or dental appointments.

Eligible employee classifications:

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

Employees accrue sick time at the rate of eight hours for each month of employment. Sick time accrues at pro rata of the above rate for part-time employees.

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

Vacation leave will be substituted for sick leave if you do not provide a physician statement for the three or more consecutive absences.

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

Kin Care

Employees may use up to one-half of their yearly sick leave accrual to attend to a child, parent, spouse, domestic partner, or domestic partner’s child who is ill. Leave for this purpose may not be taken until it has actually accrued.

For purposes of sick leave use, a “child” is defined as a biological, foster, or adopted child; stepchild; or a legal ward. A “child” also may be someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child.

A “parent” is your biological, foster, or adoptive parent; stepparent; or legal guardian.

A “spouse” is your legal spouse according to the laws of California, which do not recognize “common law” spouses (a union that has not been certified by a civil or religious ceremony). All conditions and restrictions placed on an employee’s use of sick leave apply also to sick leave used for care of a child, parent, or spouse.

A “domestic partner” is another adult with whom you have chosen to share your life in an intimate and committed relationship of mutual caring, and with whom you have filed a Declaration of Domestic Partnership with the Secretary of State.
A “domestic partner’s child” is the biological, foster, or adopted child; stepchild; or legal ward of your domestic partner. A “domestic partner’s child” also may be someone for whom your domestic partner has accepted the duties and responsibilities of raising, even if he or she is not your domestic partner’s legal child.

**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.

If you are absent for a reason that qualifies you for Paid Family Leave (PFL) payments, and you have not yet accrued or have no vacation available, you may elect accrued and unused sick leave during the 7-day waiting period before PFL benefits begin. Once you elect to use sick leave, you must exhaust all paid sick leave before taking any unpaid absences.

PFL benefits do not replace all of your usual wages. Your PFL benefits will 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 of 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 of 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 employees shall be entitled to up to five (5) consecutive work days with pay for new parents for preparing for the arrival of a new infant and the care of a new infant. Paid maternity/paternity/adoption leave shall commence within sixty (60) days of the arrival of a new child. Such leave shall be in addition to available sick and vacation leaves. Paid maternity/paternity/adoption leave runs concurrently with any other related leaves for which the employee is eligible under the state and federal law.
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 also 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 are
able to 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 who is being restrained.

408. VOTING TIME
Employees who are unable to vote during non-work hours may arrange in advance to take up to	wo 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. FUNERAL LEAVE
In the event of a death in your immediate family, only benefited employees (FTR and PTR) may take up to five (5) days paid time off from work to attend the funeral and to make any necessary arrangements. All other employees are not eligible for paid bereavement, although they may request the leave on an unpaid basis.

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 supervision may be charged against the employee’s vacation accrual or the employee may request the leave without pay.

410. ORGAN OR BONE MARROW DONOR LEAVE:

The Corporation will grant to an employee leave of absence to assist with organ or bone marrow donation.

A leave of absence not exceeding thirty (30) business days to an employee who is an organ donor in any one (1) year rolling period, for the purpose of donating his or her organ to another person.

A leave of absence not exceeding five (5) business days to an employee who is a bone marrow donor in any one (1) year rolling period, for the purpose of donating his or her bone marrow to another person.

In order to receive a leave of absence, an employee should provide written verification to Human Resources that he or she is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or marrow. Any period of time during which an employee is required to be absent from his or her position by reason for being an organ or bone marrow donor will not be considered a break in his or her continuous service for the purpose of his or her right to salary adjustments, sick leave, vacation, annual leave or seniority. During any period that an employee takes leave under this policy, the company will maintain and pay for the coverage under any group health plan, for the full duration of the leave.

The Corporation requires as a condition of an employee’s initial receipt of bone marrow or organ donation leave that the employee take up to five (5) days of earned but unused sick or vacation leave for bone marrow donation and up to two (2) weeks of earned but unused sick or vacation leave for organ donation. Bone marrow and organ donation leave shall not be taken concurrently with any leave taken pursuant to the federal Family and Medical Leave Act or the California Family Rights Act. Leave provided may be taken in one (1) or more periods.

Upon expiration of a leave authorized by this policy, The Corporation will restore the employee to the position held by him or her when the leave began or to a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. The Corporation may decline to restore an employee’s position as required by this leave law because of conditions unrelated to the exercise of rights under this part by the employee.
**411. UNPAID LEAVES OF ABSENCE**

**A. PERSONAL LEAVE**

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

**B. 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.

**C. 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, the serious health condition of the employee’s child, spouse, parent, his/her domestic partner (to access this benefit, the employee’s domestic partnership must be registered through the Secretary of State designated process) or to bond with the employee’s newborn, adopted, or foster care child in accordance with State and Federal law in effect at the time the leave is granted. Leave granted for bonding purposes shall only be considered during the first twelve (12) months following the child’s birth or placement for adoption or foster care. 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 step-child, a legal ward, or a child of an employee standing in loco parentis (in place of a parent) to that child who is either under eighteen (18) years of age or an adult dependent child. An adult dependent child is an individual who is eighteen (18) years of age or older and who is incapable of self-care because of a mental or physical disability.

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

Spouse—is defined as husband or wife.

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

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

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

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 in an effort 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 he or she was 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 his or her 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 the course of 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 is able to return to work earlier than expected, the employee is required to notify Human Resources at least two working days prior to the date he or she intends to return to work, with a medical release from a medical provider, where appropriate. Similarly, if an employee learns he or she 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.

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 she 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.
501. UNLAWFUL HARASSMENT
The University Corporation is committed to providing a work environment free of unlawful harassment. University Corporation policy prohibits sexual harassment and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state or local law or ordinance or regulation. All such harassment is unlawful. The 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.

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

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

The University Corporation encourages all employees to report any incident of harassment forbidden by this policy immediately so the complaints can be quickly and fairly resolved. All employees should also be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute
complaints of prohibited harassment in employment. If you believe you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest office is listed in the telephone book.

502. APPEAL PROCESS
Harassment/discrimination/retaliation complaints brought to the attention of the University Corporation Human Resources will be thoroughly investigated and addressed pursuant to the University Corporation’s guidelines (section 501).

In the event the complaint is not resolved to the employee’s satisfaction, the employee may submit a written request for review to the Administrative Director of the 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 Administrative Director of the University Corporation or designee will be final.
CODES OF CONDUCT

601. 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.

602. 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 work place, but the following are examples of infractions of rules of conduct which may result in disciplinary action, including suspension or termination of employment.

- Theft or inappropriate removal or possession of University Corporation property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Manufacture, sale, purchase, offer to sell or purchase, distribution, dispensation, possession, or use of alcoholic or illegal drugs in the work place, while on duty, on University Corporation or University premises or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the work place
- Boisterous or disruptive activity in the work place
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism, tardiness or any absence without notice
- Unauthorized absence from work during the work day
- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Unauthorized disclosure of trade secrets or confidential information
- Violation of University Corporation guidelines
- Research misconduct - refer to CSUMB policy: [http://policy.csumb.edu/research-misconduct](http://policy.csumb.edu/research-misconduct)
- Unsatisfactory performance or conduct
603. 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.

604. CONFLICT OF INTEREST

Conflict of interest relates to matters that might unduly influence personal judgment in the conduct of their area of employment. Conflict of interest relates to financial or other personal considerations that have the potential or the appearance of compromising the employee’s objectivity in meeting 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.

605. 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.

606. 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 the course of 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 disruptive, offensive to others or harmful to morale is specifically prohibited, including, but not limited to the display or transmission of sexually explicit images, messages and cartoon, as well as use of any ethnic slurs or commutation which may be construed as harassment or disparagement of others. Use of 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.

607. 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 or unscheduled absences, tardiness or leaving early without your supervisor’s authorizations are basis for disciplinary measures up to and including termination.

608. 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
- 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.

609. 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 purchase, 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. Accordingly, they, as well as any article found within them, if reasonable suspicion exists that a University Corporation policy is being violated, can be inspected by any agent or representative of the University Corporation at any time, either with or without prior notice.

610. 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.

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

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

Violent behavior includes, but is not limited to:

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

The possession on 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.

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

612. 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 (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.

613. DRUG-FREE WORKPLACE

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 illegal drugs in the United States and the hazards they pose in the workplace, not only to the abuser but to the general population as well, the 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 illegal or unauthorized 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 Manager.

614. 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.

615. 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.

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

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

Weekly, semester or annual parking permits may be purchased through the University 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.

617. 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 University Corporation business, the individual shall provide proof of personal automobile liability insurance with coverage and limits that meet California's minimum requirements.
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 he or she 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. In the event that 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.
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