

# **EMPLOYEE HANDBOOK**

*Revised October 2006*

# Employee Handbook

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# Section

# 1

## Introduction

### **Welcome Message**

Welcome to Cal State San Marcos Foundation. We hope your employment with the Foundation will prove rewarding, enjoyable, and professionally challenging.

Cal State San Marcos Foundation (the Foundation) was incorporated in 1989 as a non-profit auxiliary organization that supports the fundamental mission of Cal State San Marcos. The Foundation provides flexibility for the University in the form of business services for grants and contracts, campus programs, scholarships and endowments, and by operating a number of commercial enterprises on campus.

The Foundation's administrative offices are located at 435 East Carmel Street, San Marcos, CA 92078. At our administrative offices, we provide services in the areas of Accounting, Finance and Investments, Grants and Contracts, Commercial Services, Payroll, Risk Management, Accounts Receivable and Payable, Purchasing, and Human Resources. Additionally, the Foundation maintains a website at [www.csusm.edu/foundation](http://www.csusm.edu/foundation) that provides information about employment opportunities, benefits information, policies, procedures, forms, and general information about the Foundation.

### **How to use this Handbook**

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

This Handbook replaces all prior handbooks, manuals, and policies, and it applies to all of our employees. Although this Handbook is intended to be comprehensive, it cannot answer every question or anticipate every situation. Owing to ongoing changes in applicable governmental regulations and the needs of our organization to retain necessary operational flexibility in the administration of policies and procedures, the Foundation reserves the right to modify, rescind, delete, or add to any of the provisions

of this Handbook, except for the policy of at-will employment. You will be notified of any modifications to this Handbook.

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

### **Mission Statement**

The Foundation is a nonprofit, auxiliary organization that advances the purposes and goals and meets the evolving needs of the University through its commercial enterprises, grants and contracts, business services and financial management.

### **Organizational Values**

The Foundation believes in and is committed to the following:

- The mission of Cal State San Marcos
- The student and the educator
- The public good
- Accountability to the public
- Compliance with the law
- Respect for the worth and dignity of individuals
- Inclusiveness and social justice
- Respect for pluralism and diversity
- Transparency, integrity and honesty
- Responsible stewardship of resources
- Commitment to excellence and to maintaining the public trust
- Collaboration with others
- Ensuring our own competence through continual learning

### **Code of Ethics**

- **Personal and Professional Integrity** - All employees, board members, principle investigators, project directors and volunteers of the Cal State San Marcos Foundation act with honesty, integrity and openness in all their dealings as representatives of the organization. We promote a working environment that values respect, fairness and integrity.
- **Mission Fulfillment** – Cal State San Marcos Foundation has a clearly stated mission and purpose, approved by the Board of Directors to support the mission of Cal State San Marcos. We are mission-focused and maintain our relevance by meeting needs in a changing educational environment.
- **Responsible Governance** - Cal State San Marcos Foundation has an active and effective governing body that is responsible for setting the mission and strategic direction of the organization and oversight of the finances, operations and policies of the organization. Governance transparency is key to our operation.
- **Legal Compliance** - Cal State San Marcos Foundation is knowledgeable of, stays current with, and complies with all applicable laws and regulations.
- **Responsible Stewardship** - Maintaining effective governance and management, Cal State San Marcos Foundation generates adequate resources, manages resources effectively, supports and recognizes its volunteers, and appropriately compensates staff. Cal State San Marcos Foundation abides by clear conflict of interest policies and avoids abuse of power. We exercise due diligence in all program and fiscal matters including the generation, management and acceptance of funds.

- **Fiscal Integrity** - Cal State San Marcos Foundation accepts funding from public and private agencies, corporations and donors. Funds are utilized to further the mission of Cal State San Marcos and are expended consistent with the intent of the donors.
- **Openness and Disclosure** - Cal State San Marcos Foundation provides comprehensive, accurate and timely information to the campus community, the public, and the media and is responsive, in a timely manner, to reasonable requests for information.
- **Diversity and Inclusiveness** - Among our staff, Board members, volunteers, vendors and consultants, and in our community, we advocate the value of diversity and inclusiveness, and work to expand our understanding and proficiency. We attend to the dynamics of difference, knowing that multiple viewpoints and shared solutions are essential to effective actions. Diversity and inclusiveness enrich our environment and provide the building blocks for our future growth and prosperity.
- **Promotion of Learning** - We are an organization that promotes lifelong learning and supports the mission of a major public university. The Cal State San Marcos Foundation is committed to improving program and organizational effectiveness. We endeavor to be among the very best at what we do.
- **Quality** - We strive for and achieve excellence in all aspects of our organization and in the services we provide by regularly assessing the total organization and its outcomes and impacts on an ongoing basis.

## Employment Policies

### **Equal Employment Opportunity**

The Foundation is committed to a policy of *equal employment opportunity* with regard to an individual's race, color, creed, religion, ancestry, sex, pregnancy, sexual orientation, age, medical condition, veteran's status, marital status, national origin, and physical or mental disability. This policy applies to all employees and applicants for employment, and it applies to all aspects of employment, including recruitment, hiring, training, compensation, benefits, promotion, transfer, discipline and termination. It is the duty of every employee to help maintain a work environment that promotes this policy.

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

### **Harassment**

The Foundation is committed to providing a work and educational environment that is free of sexual harassment, as well as other unlawful harassment based on such factors as race, color, religion, ancestry, sex, sexual orientation, age, medical condition, marital status, national origin, and physical or mental disability. In keeping with this commitment, the Foundation maintains a strict policy that prohibits unlawful harassment of employees, non-employees and students. Visitors to the campus, and workers employed by the University, by other auxiliaries, or by other public or private organizations engaged in business with the Foundation, are covered by and expected to comply with this policy. The purpose of this policy is to: (1) familiarize the Foundation's employees with the definition of unlawful harassment and the forms it can take; (2) confirm that unlawful harassment will not be tolerated and is contrary to the standards of conduct expected and required of the Foundation's employees; and (3) make clear that employees who engage in unlawful harassment are subject to possible disciplinary action which may include discharge.

## **Definition of Harassment**

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

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

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

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

## **Examples of Harassment**

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

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

## **Reporting and Complaint Procedure**

Employees and students are encouraged to report incidents of inappropriate or unwelcome conduct whenever it occurs. Employees and students are not required to wait for the conduct to be repeated or to worsen. Any incident of unlawful harassment, by any Foundation employee or any other person

conducting business with the Foundation, should be reported promptly to the employee's supervisor or manager and/or to the head of Human Resources, who will arrange for an investigation of the matter. Managers who receive complaints or who observe harassing conduct are required to immediately inform the head of Human Resources. An employee or student may contact Human Resources directly and is not required to complain first to his or her supervisor.

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

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

### **No Retaliation**

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

### **Corrective Action**

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

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

## **Nature of Employment**

The Foundation is committed to a standard of excellence in the services it provides and in the quality of work expected of its employees. Recognizing that performance results and relationships are not always mutually satisfactory, and to protect the right of both the Foundation and the employee, every employee has an “at-will” relationship with the Foundation. That means that employment with the Foundation is at the mutual consent of the employer and the employee, and is subject to termination by either the Foundation or the employee at any time, with or without cause or advance notice. In fact, every aspect of the employment relationship with the Foundation may continue only so long as there is such mutual consent.

Moreover, the Foundation reserves its inherent authority to manage and control its business enterprise and to exercise its discretion to determine all issues pertaining to your employment, including (but not limited to) all matters pertaining to promotion, salary, job assignment, the size of the workforce, demotion, transfer, and discipline. No one other than the Executive Director of the Foundation has the authority to alter this arrangement, to enter into an agreement for employment for a specified period, or to make any agreement contrary to this policy. Furthermore, any agreement which alters the nature of employment must be in writing and must be signed by the Executive Director of the Foundation and you.

## **Confidentiality**

It is the policy of the Foundation to ensure that the operations, activities and business affairs of the Foundation, its employees, and its clients are kept confidential. If, during the course of your employment, you acquire confidential or proprietary information about the Foundation, its employees, independent agents, or clients, such information is to be handled in strict confidence and may not be discussed with anyone not employed with the Foundation. Employees are also responsible for the internal security of such information.

All records and files maintained by the Foundation are confidential and remain the property of the Foundation. Confidential information includes, but is in no way limited to: financial records; business, marketing, and strategic plans; personnel and payroll records regarding current and former employees; the identity of, contact information for, and any other account information on guests, vendors, and suppliers; inventions, research, programs, trade secrets, formulas, techniques, and processes; and any other documents or information regarding the Foundation’s operations, procedures, or practices. Confidential information may not be removed from any Foundation worksite without express authorization from the Executive Director or his or her designee. If you are in doubt as to whether information is covered by this policy, you should err in favor of not divulging the information or you should discuss the situation with your Manager.

Employees may be required to enter into written confidentiality agreements confirming their understanding of the Foundation’s Confidentiality Policies. Employees violating this policy are subject to disciplinary action, up to and including, termination of employment.

## **Conflict of Interest**

The Foundation is concerned about conflicts of interest between the Foundation and its clients and vendors, and between the Foundation and its employees. While you are employed with us, the Foundation is entitled to your undivided loyalty. That means that you have an obligation both to avoid actual and potential conflicts of interest with the Foundation and its clients and vendors. An obvious conflict of interest would include engaging in, or preparing to engage in, a business that competes with the Foundation's business. Another obvious conflict would occur if you accepted a gratuity, gift or premium from a vendor who is seeking to do business with the Foundation. For these reasons, you should not engage in, directly or indirectly, either on or off the job, any conduct that is disloyal, disruptive, competitive, or damaging to the Foundation. For example, employees should not accept employment outside the Foundation if that employment conflicts with the effectiveness of their work for the Foundation. Further, employees should not utilize Foundation information or services for their personal use, nor should they perform activities that are unrelated to Foundation work during working hours. Overall, you are expected to represent the Foundation in a positive, ethical, and loyal manner.

Upon hire and at the beginning of each fiscal year, certain employees of the Foundation are required to file annual statements of economic interest in order to disclose any actual or potential instances of conflict of interest. You will be provided the appropriate forms if your position is required to complete the annual disclosure statements.

## **Employment Eligibility**

Those individuals with a right to work in the United States (U.S.) include, but are not limited to, citizens of the U.S., resident aliens, and individuals with visas that permit employment in the U.S. New employees must complete the I-9 form and must provide proof of the right to work in the U.S. by submitting original documentation that is required by the Department of Homeland Security. The Foundation will not continue to employ an individual who does not meet the eligibility requirements for employment in the U.S.

## **Open Door Policy**

If you have a concern about some aspect of your work for the Foundation, you should feel free to bring the situation to the attention of your immediate supervisor. If the problem cannot be resolved by your supervisor, or if you do not wish to discuss the situation with your supervisor, contact the head of Human Resources or the Foundation Executive Director. This procedure, which we believe is important for both you and the Foundation, may not result in the resolution of every problem to your satisfaction. Nonetheless, the Foundation values your input and you should feel free to raise issues of concern, in good faith, and without fear of retaliation.

## **Complaint Resolution**

The Foundation encourages you to bring your questions and concerns regarding wages, hours, working conditions, or core values to our attention. We will give careful consideration to your questions and concerns in our continuing effort to improve operations and communications.

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

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

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

Finally, if your problem is still not solved to your satisfaction, you may contact the Executive Director. All complaints will be discussed, reviewed, and investigated in a confidential manner. In addition, we wish to assure you that you will not be retaliated against in any manner for the use of the Complaint Resolution Procedure.

### **Whistleblower Protection**

When employees notify an appropriate government or law enforcement agency that they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a state or federal rule or regulation, those employees are protected from retaliation. Indeed, the Foundation 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 Foundation 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.

If you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by the Foundation, 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.

### **Employment of Relatives**

Employees' relatives will not be eligible for employment with the Foundation where potential problems of supervision, safety, security or morale, or potential conflicts of interest exist. Relatives of present employees will not be hired by the Foundation if the individual(s) concerned work in a direct supervisory relationship or in the Human Resources or Payroll departments. For purposes of this policy, "relatives" include a spouse, child, 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.

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

### **Workplace Violence**

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

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

### **Drug-Free Workplace**

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

Use of alcohol, drugs, intoxicants, or controlled substances.

Reporting to work, or remaining on duty, while impaired by or under the influence of alcohol, drugs, intoxicants or controlled substances.

Driving a vehicle while impaired by or under the influence of alcohol, drugs, intoxicants or controlled substances.

Possession, sale, purchase, manufacture, transportation, dispensation or distribution of alcohol, drugs, intoxicants or controlled substances, or drug paraphernalia or an attempt to do any of the same.

The use of prescribed or over-the-counter drugs, or possession incident to such use, is not prohibited by this policy if: (a) the drug has been legally obtained and is being used for the purpose for which it was

prescribed or manufactured; (b) the drug is being used at the dosage prescribed or authorized; and (c) the use of the drug does not prevent the employee from safely performing the essential functions of his or her position with or without reasonable accommodation. The Foundation reserves the right to require certification that the use of the drug will not impair the ability of the employee to perform his/her job properly and safely.

### **Consequences for Violating This Policy**

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

### **Employees Who Seek Assistance**

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

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

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

### **Questions and Confidentiality**

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

## Work Scheduling and Compensation

### Employee Categories

For most purposes, employees fall into one of three general categories:

- **Regular** employees are employed by the Foundation to work a regular schedule of twenty (20) or more hours per week for an expected period of one year, after which their appointment may be renewed. Regular employees qualify for and may participate in benefit plans and programs offered by the Foundation, as funds allow.
- **Temporary** employees are those employees whose expected term of employment is less than one year. They are paid based on the number of hours or days reported on their time sheets each pay period. Temporary employees with appointments six months or more and who work at least 20 hours per week are eligible for vacation or paid academic breaks, holidays, and Personal Time Off during their employment. They are not eligible for benefits such as employer-paid insurance or retirement programs.
- **Student Assistants** are Temporary employees who regularly attend classes and otherwise meet the eligibility requirements for Student Assistant at Cal State San Marcos. One of these requirements is that the individual be continuously enrolled at least half-time at Cal State San Marcos during the academic year – *i.e.*, six (6) undergraduate units or four (4) graduate units. Managers are not to employ their students for more than twenty (20) hours per week during the academic year in order to not interfere with their studies. In addition, students who enroll for four (4) units (either graduate or undergraduate) during the summer sessions also qualify as Student Assistants and managers may employ them up to forty (40) hours per week during the summer. Student Assistants are paid at an hourly rate and may be exempt from paying Social Security and Medicare during the academic year, although they are eligible for workers' compensation, unemployment and disability insurance. They do not qualify for other employer-provided benefits.

For purposes of overtime compensation, employees are also classified as either non-exempt or exempt:

- **Non-exempt employees** are entitled to receive overtime pay when they work overtime hours and are normally paid an hourly wage; or

- **Exempt employees** are not entitled to receive overtime compensation. Exempt employees are salaried executive, administrative, and professional employees.

Exempt employees who are required to be paid on a salary basis may not have their pay reduced for variations in the quantity or quality of work performed but there are certain instances where deductions may occur as permitted by law.

Employees who feel their pay has been improperly reduced should report this immediately to the head of Human Resources. The Foundation will review pay records to determine if the allegation is correct. If the deduction was in fact improper, the Foundation will reimburse the employee as promptly as possible. Following the identification of such a problem, the Foundation will establish a practice to regularly audit employee pay records to ensure no further issues arise.

### **Hours of Work and Schedules**

The Foundation is normally open for business from 8:00 a.m. to 5:00 p.m., Monday through Friday, although some operations may continue on a seven-day week, 24-hour basis. Daily and weekly work schedules may change from time to time at the discretion of the Foundation to meet varying needs of our business or to support the University's hours of operation. The Foundation's regular work week is Sunday through Saturday, beginning at 12:01 a.m. on Sunday morning and ending at 12:00 a.m. the following Saturday night.

Employees are authorized and shall take one 10-minute paid rest break for every 4 hours worked. This rest break should be taken during the middle of the work period as the work day permits. A meal period is normally one hour and should be arranged to provide adequate office coverage at all times. All non-exempt employees must take at least a one-half hour unpaid lunch period when they work more than 5 hours per day. Employees who work in excess of 10 hours in a work day are eligible to receive a second unpaid meal period of no more than 30 minutes. Your work schedule will be determined by your supervisor.

It is important to know the whereabouts of all employees during regularly scheduled work hours so that we can be responsive to customers and other staff members who may need information or assistance. You are expected to notify your supervisor or follow established office guidelines when you will be out of the office. Every employee also should have a regular work schedule that is established between the employee and supervisor and that meets the operational needs of the department or organization. When changes to the work schedule are made, employees are responsible for requesting such changes, in writing, from their supervisor.

### **Attendance and Punctuality**

The Foundation expects you to be reliable and to be punctual in reporting for scheduled work. Absenteeism, tardiness, and early departures from the worksite place an undue burden on other employees and on the Foundation. If you cannot avoid being late to work or are unable to work as scheduled, you must call and report your absence to your supervisor at least 30 minutes before the start of your shift. It is not acceptable for you to ask a receptionist to report your absence to your supervisor.

If it is not practical for you to speak with your supervisor when you call, you must leave a message and then call back when your supervisor is available.

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

### **Timekeeping**

Time sheets are used as a means of accurately recording hours worked and calculating pay. All Foundation employees submit a time sheet semi-monthly, and all employees are required to report absences from work such as vacation, Personal Time Off (PTO), or other leaves of absence. Time sheets must be received at the Foundation according to the published Time Sheet Deadline dates listed on the Payroll Schedule.

Nonexempt employees are required to record the time when they start work, leave for lunch, return from lunch, and when they leave at the end of the day. Exempt salaried employees are not required to record their start and stop times but must list their "exceptions" for each pay period. Exceptions may include but not be limited to vacation, PTO, personal time and holiday pay.

Accuracy is important since hourly wages and benefits are calculated on the basis of the time recorded. Employees are responsible for ensuring the accuracy of their own time sheets. Altering, falsifying, or tampering with a time sheet may result in disciplinary action up to and including discharge. **IT IS STRICTLY FORBIDDEN TO TAMPER WITH ANOTHER EMPLOYEE'S TIME SHEET.**

### **Overtime**

From time to time or as necessary, you may be required to work overtime. Non-exempt employees will be paid one and one-half times their regular rate for all hours worked in excess of the first eight hours in a work day, over 40 hours in a work week, or for the first eight hours on the seventh consecutive day of work in a work week. Non-exempt employees will be paid two times their regular rate for all hours worked in excess of 12 in a work day or in excess of eight on the seventh consecutive day of work in a work week. For purposes of determining which hours constitute overtime, only actual hours worked in a given workday or workweek will be counted. Exempt employees are not entitled to overtime pay.

Overtime is to be scheduled and approved only when the work cannot be accomplished within normal working hours and only if it has been authorized in advance by the Project Director or supervisor. Student Assistants are not authorized to work overtime while school is in session unless they receive advanced approval from the Foundation Executive Director. Non-exempt employees who work unauthorized overtime may be subject to disciplinary action.

## **Paying Employees**

Foundation employees are paid semi-monthly according to the published Payroll Schedule. Many Foundation employees enjoy the benefits of Direct Deposit. When you complete and submit the authorization form to the Foundation Payroll office, the Foundation will automatically deposit the net amount of your check into the designated bank, credit union, or other financial institution account. Deposits will normally reach the designated institutions on or before scheduled paydays. On paydays you will still receive a direct deposit statement that serves as your check stub.

## **Records**

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

## **Job Performance**

Your supervisor can provide both positive and corrective feedback to help you achieve excellence in your job and meet the professional goals you and the Foundation have set. Most departments provide periodic opportunities for you and your supervisor to sit down and discuss your overall performance. These discussions provide an excellent opportunity for you to confirm how you are doing and to set new goals and objectives for the future. The Foundation expects that employees will meet all performance standards. Additionally, employees are expected to display behavior that is consistent with the Foundation's and your 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.

## **Annual Performance Appraisals**

Performance appraisals for Regular employees will be conducted on an annual basis. The appraisals are required to occur on or before 60 days after the end of an employee's performance appraisal period, are to be conducted in writing and are to be delivered in person. Completed performance appraisals are to be submitted to Human Resources no later than the deadline noted above. Performance appraisal periods will be based either upon the Foundation's fiscal year (July 1 to June 30) or upon a specific project year (if requested by the project director). Temporary employees may be included in the performance appraisal process but this is not a requirement. Positive performance appraisals do not guarantee pay increases or promotions. Pay increases and promotions are within the Foundation's discretion and depend upon many factors in addition to performance. They are not guaranteed and are subject to project funding and annual budgetary constraints.

## **90 Day Performance Appraisals**

Upon hire, reclassification, promotion, or transfer, all Regular employees will receive a 90-day performance appraisal in writing from their supervisor within two weeks of the end of 90 full calendar days on the job. Supervisors are to meet one-on-one with their employee to discuss the appraisal and are to complete and turn in the performance appraisal to Human Resources. The purpose of this appraisal is to allow the employee and their supervisor the opportunity to evaluate one another and the employee's compatibility, ability, and interest in the job.

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 Foundation employment.

# Section

# 4

## Employee Benefits

### Eligibility for Benefits

Cal State San Marcos Foundation offers a comprehensive benefits package for all eligible employees that is a significant part of total compensation. The Foundation's Board of Directors reserves the power at any time to modify, amend or terminate (in whole or in part) any or all of the provisions of the employee's health insurance plans that it may legally be empowered to do. Any such action shall be adopted by formal action of the Foundation Board of Directors and executed by an officer authorized to act on behalf of the Foundation. Generally, eligibility for the Foundation's benefits can be summarized by the following table:

| <b>Benefit</b>                                   | <b>Regular</b><br><i>1 Year Appointment &amp;<br/>20 hrs/week or more</i> | <b>Temporary<br/>With Leave</b><br><i>6 Months – less than<br/>1 year &amp; 20 hrs/week<br/>or more</i> | <b>Temporary<br/>Without Leave</b><br><i>Less than 6 Months<br/>or less than 20<br/>hrs/week</i> | <b>Student Assistant</b><br><i>Less than 6 Months<br/>&amp; no more than 20<br/>hrs/week during<br/>academic year</i> |
|--|---|---|--|---|
| Medical, Dental, & Vision insurance <sup>1</sup> | ✓   |   |  |   |
| Life/AD&D & LTD insurance <sup>1</sup>           | ✓   |   |  |   |
| Cafeteria Plan <sup>1</sup>                      | ✓   |   |  |   |
| Employee Assistance Program <sup>1</sup>         | ✓   |   |  |   |
| Retirement plan <sup>1</sup>                     | ✓   |   |  |   |
| Educational Reimbursement <sup>2</sup>           | ✓   |   |  |   |
| Vacation <sup>3</sup>                            | ✓   | ✓   |  |   |
| Personal Time Off (PTO) <sup>3</sup>             | ✓   | ✓   |  |   |
| Holidays <sup>3</sup>                            | ✓   | ✓   |  |   |
| Unemployment insurance <sup>4</sup>              | ✓   | ✓   | ✓  | ✓   |
| Workers' Compensation <sup>4</sup>               | ✓   | ✓   | ✓  | ✓   |
| State Disability Insurance <sup>4</sup>          | ✓   | ✓   | ✓  | ✓   |
| FICA (Social Security, Medicare) <sup>4, 5</sup> | ✓   | ✓   | ✓  | ✓   |

1. Benefits, within an eligible category, become effective on the first of the month following date of hire.
2. Eligible after 1 year of Regular employment.
3. Benefits are pro-rated according to the number of hours/week an employee is scheduled to work.
4. Benefits become effective immediately upon employment within an eligible category.
5. Student Assistants may be exempt from FICA and Medicare taxes during the academic year.

## **Changes to Employment Categories**

When business operations of Foundation sponsored projects necessitate a change in an employee's employment category, all outstanding benefits must be paid by the project at the time of the change. Sometimes a change in employment category will result in benefits for an employee being discontinued. An example of this would be if a change in business operations required that a regular employee became categorized as a temporary employee "without leave," and that employee had a balance in vacation and PTO benefits. When this occurs, all benefits would need to be paid by the project at the time the change occurs.

The Foundation reserves the right to modify, amend or terminate (in whole or in part) any employee benefit.

## **Summary of Medical and Related Benefits**

The Foundation provides medical, dental and vision insurance programs to its Regular employees. Some programs are supported fully by the Foundation; the cost for others is shared by the employee and the Foundation.

**Medical:** Regular employees who are appointed for at least one year may enroll in the health plan of his or her choice. The effective date of medical coverage is the 1<sup>st</sup> day of the month following receipt of the completed enrollment form by the Human Resources Office. The Foundation and the employee may share in the cost of this program. Enrollment can be for yourself and your eligible dependents. Complete details of our medical benefit plans are described in separate materials which will be provided to you at your request or when you become eligible for this benefit.

**Dental & Vision:** Regular employees who are appointed for at least one year and their eligible dependents may enroll in the dental and vision plan. The effective date of one's dental and/or vision coverage begins the 1<sup>st</sup> day of the month following receipt of the completed enrollment form by the Human Resources Office. Complete details of our dental and vision benefit plans are described in separate materials which will be provided to you at your request or when you become eligible for this benefit.

**Life/AD&D & Long Term Disability (LTD):** Regular employees who are appointed for at least one year may enroll in the Life, Accidental Death and Dismemberment (AD&D) insurance and Long Term Disability Insurance. Both benefits are based upon Annual Earnings up to a specific maximum amount. Employees can also select additional Optional Life and/or optional AD&D insurance to supplement these policies. Complete details of these benefits are described in separate materials which will be provided to you.

**Cafeteria Plan:** The Foundation offers its regular employees choices related to its benefits programs under Section 125 of the Internal Revenue Service code. Because of this plan, employees can choose from several tax savings options related to their benefits. Those options include:

- Pre-Tax Medical Premiums
- Medical Flexible Spending Accounts
- Dependent Care Flexible Spending Accounts

**Benefits for Cash Plan:** The Benefits for Cash Plan is an optional benefit plan that allows you to waive medical, dental and/or vision insurance plan(s) in exchange for cash if you have other coverage. If you waive or cancel your medical, dental and/or vision insurance plan(s), you will receive additional cash in your paycheck each month. The Benefits for Cash Plan payment is treated as taxable income and will be subject to the same payroll taxes (federal, state, social security) as regular salary. The additional cash income will be reported as income on Form W-2 in the year it is received.

Regular employees who are appointed for at least one year and who have certified that they have alternative coverage(s) and that coverage has been approved by the Foundation are eligible for the Benefits for Cash Plan.

You need to make sure your medical, dental and/or vision needs are met before you elect the Benefits for Cash Plan. If you decide to waive medical, dental and/or vision coverage(s), you will be required to certify on the Benefits for Cash Plan Enrollment Form that you have alternative coverage(s) and those coverage(s) have been approved by the Foundation.

**Employee Assistance Program:** The Employee Assistance Program (EAP) provides confidential counseling and referral services to all regular 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 those involving relationships, parenting, drug/alcohol abuse, depression, communication, stress, and concerns related to your job. All services are kept strictly confidential.

### **Retirement Plan**

Regular employees who are appointed for at least one year are eligible to participate in the Foundation's 403(b) retirement plan on the first day of the month following date of hire. Participation is mandatory for eligible employees and all monies contributed by the Foundation are immediately 100% vested within this plan. When you begin participating, contributions will be made automatically to the funding vehicles that you've chosen, based on a percentage of your compensation according to the following schedule:

- 8% contribution by the institution (Foundation)
- 3% minimum mandatory contribution by the employee. Employees may contribute additional amounts up to the maximum allowable limits under Federal law

Complete details of the retirement plan are described in separate materials which will be provided to you at your request or when you become eligible for this benefit.

**Post-Retirement Health:** The Foundation provides post-retirement health benefits to qualified Regular employees. Qualified employees must meet the Foundation's requirements for years of service and age. Complete details of our post-retirement health plan are described in separate materials which will be provided to you at your request or when you become eligible for this benefit.

## **Career Development Educational Reimbursement Program**

The Foundation's Career Development Educational Reimbursement Program assists employees who aspire to higher levels of skills and professional competencies. Educational reimbursement may be used for successful completion of approved work-related classes or accredited courses leading to an undergraduate or graduate degree that supports the mission of the Foundation.

Educational fee reimbursements, based upon availability of funds, will be made accessible to all Regular Full-time employees who have completed at least one year of service. Eligible employees are required to submit for approval an Education Reimbursement Application Form prior to enrollment in classes. To maintain eligibility, employees must remain on active payroll (regular full-time) and be performing their job satisfactorily throughout the completion of each course. Upon demonstration of successful completion of courses taken, the employee's semester/quarter tuition costs or fees will be reimbursed up to the equivalent Cal State San Marcos mandatory fees for zero to six units per semester.

Please see Human Resources for more details about this benefit.

## **Vacation**

In general terms, the intent of the Foundation's vacation policy is to provide eligible employees with a period of rest and relaxation away from work. Vacation benefits begin to accrue to eligible employees immediately upon employment. Those employees who receive paid academic breaks do not accrue vacation.

### **Eligibility & Rate of Vacation Accrual**

Most employees who are regularly scheduled to work 40 hours per week and who have been appointed for a period of six months or longer may accrue vacation according to the following schedule:

| <b>Service Requirements</b>       | <b>Monthly Accrual Rate</b> | <b>Annual Accrual Rate</b> | <b>"Cap"<br/>(Maximum Accrual)</b> |
|-----------------------------------|-----------------------------|----------------------------|------------------------------------|
| 1 Month to 3 years (1- 36 months) | 6.66 hours                  | 80 hours                   | 160 hours                          |
| Years 4 thru 6 (37-72 months)     | 10.00 hours                 | 120 hours                  | 240 hours                          |
| Years 7 thru 9 (73-108 months)    | 11.33 hours                 | 136 hours                  | 272 hours                          |
| Years 10 thru 15 (109-180 months) | 13.33 hours                 | 160 hours                  | 320 hours                          |
| Year 16 + (181 + months)          | 16.00 hours                 | 192 hours                  | 384 hours                          |

Employees who are regularly scheduled to work at least 20 hours per week but less than 40 hours per week and who have been appointed for a period of six months or longer may accrue vacation on a pro rata basis. All other employees, including Student Assistants, are not entitled to accrue vacation.

Accruals for vacation will start immediately and will occur on a per pay period basis.

### **Accruals for Director-level Positions**

Regular Employees in the following positions will accrue vacation at 16 hours per month regardless of years of service:

- Project Directors (full and direct responsibility for entire Foundation project)
- Foundation Administrative Office Directors, Associate Directors or Assistant Directors

The accruals for Director-level positions will not exceed 192 hours annually and will “cap” at 384 hours.

### **Maximum Vacation Accrual**

Employees may accrue vacation up to a maximum amount that equals two times the employee’s annual accrual entitlement. Once an employee has accrued the maximum amount of vacation pay, the accrual will stop. Employees may begin accruing vacation pay again once the employee has used some of his or her accrued but unused vacation pay.

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.

### **Use of Vacation**

- Vacation shall not be used prior to the time it is actually earned, and must be used in increments of one hour or more.
- Completion of one full month of service with the Foundation is necessary before vacation leave may be used. To ensure an efficient work flow, written approval of your supervisor and/or appropriate administrator is required prior to the use of vacation. The requester should provide as much advance notice as possible prior to the proposed vacation leave, and vacation schedule requests will be considered in light of the expected work load and availability of staff for that period of time.
- All employees on sponsored projects are expected to use their vacation within the grant or project period; otherwise all accrued but unused vacation will be paid at the end of the project period.
- All Temporary employees who are eligible for vacation should use their vacation during their period of appointment; otherwise all accrued but unused vacation will be paid at the end of the appointment.
- All accrued but unused vacation benefits are paid at the time of separation of employment at the employee’s current rate of pay.
- Exempt (salaried) employees should not record vacation time off in less than one half (1/2) day increments.

### **Personal Time Off (PTO)**

The Foundation recognizes that each employee needs time off due to illness or to take care of personal business. Personal Time Off (PTO) may be used for a personal illness, medical appointments, school appointments, observance of religious holidays, or to conduct personal business.

### **Eligibility & Rate of PTO Accrual**

Employees who are regularly scheduled to work 40 hours per week and who have been appointed for a period in excess of six months may accrue PTO at the rate of six (6) hours per month (3 hours per pay period).

Employees who are regularly scheduled to work at least 20 hours per week but less than 40 hours per week and who have been appointed for a period of six months or longer may accrue PTO on a pro rata basis. Employees who are employed by an academic-related appointment may be eligible to accrue PTO on a pro rata basis based on their teaching load. All other employees, including Student Assistants, are not entitled to accrue PTO.

### **Maximum PTO Accrual**

Employees may accrue PTO up to a maximum amount that equals two times the employee's annual accrual entitlement. Once an employee has accrued the maximum amount of PTO, the accrual will stop. Employees may begin accruing PTO again once the employee has used some of his or her accrued but unused PTO.

PTO does not accrue for time worked in excess of 40 hours per week, such as overtime. PTO also does not accrue during any pay period when no time is worked.

### **Use of PTO**

- For non exempt (hourly) employees, PTO shall not be used prior to the time it is actually earned, and must be used in increments of one-half (1/2) hour or more.
- For exempt (salaried) employees, PTO shall not be used prior to the time it is actually earned and shall not be recorded in less than one-half (1/2) day increments.
- Completion of one full month of service with the Foundation is necessary before PTO may be taken. Employees should request Personal Time Off in advance for pre-scheduled appointments (meetings, appointments, etc.) so that adequate staffing may be ensured.
- All employees on sponsored projects are expected to use their PTO within the grant or project period, otherwise all accrued but unused PTO will be paid at the end of the project period.
- All Temporary employees who are eligible for PTO should use their PTO during their period of appointment, otherwise all accrued but unused PTO will be paid at the end of the appointment.
- All accrued but unused PTO will be paid at the time of separation of employment at the employee's current rate of pay.

### **Holidays**

The President of the University establishes the academic work days and holidays for the University, and the Foundation observes the same holidays. If classes are scheduled on a particular holiday, the President may reschedule the holiday to be observed on a different day. In order to qualify for holiday pay, eligible employees must be employed and on paid status with the Foundation on the date that the holiday is actually observed, as established by the University's academic calendar. Paid status is defined as performing work or taking paid leave any time during the pay period.

The following days are observed as holidays, although they may be actually observed on a different date: January 1<sup>st</sup>; Martin Luther King Jr.'s Birthday; Lincoln's Birthday; Washington's Birthday; Cesar Chavez's Birthday, Memorial Day; July 4<sup>th</sup>; Labor Day; Admission Day; Columbus Day; Veterans' Day; Thanksgiving Day; December 25<sup>th</sup>; and other days designated by the Governor as a public holiday.

Holiday pay will be paid on a pro rata basis to eligible employees who are regularly scheduled to work fewer than eight hours per day. Employees must report all holidays on their time sheets.

In some instances, employees may have their vacation or PTO leave assigned during the closure of the campus between December 25 and January 1. For instance, if an exempt (salaried) employee does not work any time during the work week that a partial holiday or Governor's Time is awarded, we will assign vacation or PTO for that partial day unless the employee advises payroll in advance that they do not want their vacation or PTO utilized for this purpose.

### **Working on Scheduled Holidays**

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

If a non exempt (hourly) employee is approved to work on a scheduled holiday and is eligible for holiday pay, the employee is to be compensated for both the holiday and the actual hours of work at the employee's regular rate of pay, unless the employee has indicated they would like the option of taking a future day off. If a future day off is chosen, the employee must take the time off with pay within 180 days of the holiday. Prior approval, from the head of Human Resources must be obtained before any option for a future paid holiday is given to the employee.

### **Personal Holiday**

In addition to the 13 holidays observed by the Foundation, regular employees receive a Personal Holiday. 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. Additionally, all accrued but unused Personal Holiday time will be paid at the time of separation at the employee's current rate of pay.

### **Unemployment Insurance**

All employees are covered by unemployment insurance which provides payment to an eligible individual who is unemployed, physically able to work and available to accept and actively seek employment as directed. The Foundation pays the entire premium for this insurance for our employees.

### **Workers' Compensation Insurance**

All employees and volunteers are covered by the Foundation's Workers' Compensation Insurance. The cost of the insurance is borne by the Foundation with no cost to the employee. The purpose of Workers' Compensation is to assist employees who have suffered a job-related injury or illness. If you are injured

on the job or incur a work-related illness, please contact your supervisor and the Human Resources office *immediately* in addition to seeking medical treatment with follow-up care as required.

### **State Disability Insurance and Family Leave Assistance**

All of our employees are covered under the State Disability Insurance plan which provides benefits in the event you need to miss work due to a non-work-related accident or illness. A small percentage of your wages will be deducted each pay period for disability insurance. Benefits will begin from the first day you are hospitalized or after the seventh day of illness or accident if you are not hospitalized.

An employee must file a claim with the Employment Development Department (EDD) to receive any benefits. Claim forms for California State Disability benefits can be requested from your nearest EDD office.

Additionally, all Foundation employees are eligible to apply for paid family leave assistance benefits from the State of California in the event they are on an approved leave of absence to care for a seriously ill family member or to bond with a new child. A small percentage of your wages will be deducted each pay period for this paid family leave benefit. You must file a claim with the EDD to receive this benefit.

### **Parking**

All employees who wish to park their vehicles on campus or on State-leased property must purchase a parking permit through Parking Services.

Parking regulations for Cal State San Marcos are enforced by University Police. Citations issued to Foundation employees by University Police are the responsibility of the employee.

## Leaves of Absence

### ***Family & Medical Leave***

Under the federal Family and Medical Leave Act (“FMLA”) and the California Family Rights Act (“CFRA”), eligible employees are entitled to take medical leave and family care leave up to a combined total of 12 weeks in any 12-month period.

#### **Eligible Employees**

To qualify for a medical leave or family care leave, an employee must have worked for the Foundation for at least 12 months and must have provided at least 1,250 hours of service during the 12-month period prior to beginning each leave.

#### **Reasons for Leave**

Eligible employees may take medical leave or family care leave for the following reasons:

1. For the birth of a child or the placement of a child with the employee for adoption or foster care;
2. To care for a spouse, child, or parent who has a serious health condition; or
3. For the employee’s own serious health condition if the employee is unable to perform the essential functions of his or her job.

A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care in a hospital, hospice or residential health care facility; or (2) continuing treatment or continuing supervision by a health care provider that also requires an absence from work, school or other regular daily activities of more than three days.

#### **Duration of Leave**

Eligible employees are entitled to take family care and medical leave of absence up to a combined total of 12 weeks in a 12-month period. Computation of the leave period starts with the first date covered after leave begins. Leave for the birth, adoption or foster placement of a child must conclude within one calendar year of the actual birth, adoption or placement. If both parents work for the Foundation, the parents’ combined leave for the birth or placement of a child may not exceed 12 weeks during any 12-month period. An eligible employee may take intermittent leave or may work a reduced work schedule for a serious health condition of the employee’s child, parent, spouse or of the employee when medically necessary and if certified by a health care provider. If the need for the leave or intermittent leave is

foreseeable, the employee should consult with the Foundation and make a reasonable effort to schedule any planned treatment in cooperation with the Foundation, if possible, in order to minimize disruption to the workplace.

### **Benefits during Leave**

Group health insurance coverage will continue for eligible employees taking family care or medical leave under this policy under the same terms and 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 are due monthly and should be made payable to the Foundation and delivered to the Human Resources office. 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 canceled. In such cases, employees will be notified at least 15 days before coverage terminates.

Employees on family care or medical leave do not accrue vacation or PTO during any pay period where no time is worked. Vacation and PTO will begin accruing when the employee returns to work. Holiday Pay will be paid to any employee that is on a family care or medical leave and who is on paid status for the pay period in which the holiday occurs. An employee who takes a family or medical care leave of absence will not lose any seniority earned prior to the commencement of family care or medical leave.

### **Coordination of Benefits**

Family care and medical leaves are unpaid. An employee who is granted a family or medical care leave of absence must utilize any accrued but unused paid time off benefits (i.e., vacation and PTO) during the period of the leave. 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 leave and medical leave policy.

### **Notice Requirements**

Employees who need to take family care or medical leave should contact the head of Human Resources as soon as they learn of the need for leave, even when they do not know the precise dates that leave will begin. 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 the Foundation 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 indicated, the employee is required to notify Human Resources at least 2 working days prior to the date he or she intends to return to work. 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 the Foundation with certification from a health care provider on the

Foundation's form, within 15 calendar days of the Foundation's request. Failure to provide a satisfactory medical certification may result in the denial of leave.

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

If an employee requests an extension of leave beyond the time estimated by the health care provider, the Foundation will require recertification of the employee's or the family member's serious health condition. The Foundation also requires employees taking leave for their own serious health condition to present a *fitness-for-duty certification* before returning to work. In no event will a leave be extended beyond the maximum 12-week period.

### **Outside Employment**

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

### **Reinstatement**

When an employee is able to return to work, he or she should give the Foundation at least two (2) weeks notice. This is important so that the employee's return to work is properly scheduled.

Under most circumstances, the Foundation will reinstate employees to their former or equivalent position if they return from leave within 12 weeks. Exceptions, however, may occur as permitted by law. For example, the Foundation cannot guarantee reinstatement if the employee is a salaried employee and among the highest paid ten percent of all employees within a 75 mile radius and reinstatement would cause substantial and grievous economic injury, or if the employee would have been subject to layoff or job elimination had the employee not taken leave. Employees should also understand that they have no greater right to reinstatement or to other benefits of employment than if they had continued to work during their leave.

Employees who do not return to work immediately upon the expiration of an approved leave of absence or within the maximum period allowed for the family and medical leave will be considered to have voluntarily terminated from the Foundation.

### **Pregnancy Leave**

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

### **Duration of Leave**

Pregnancy-related disability leave may be taken for the duration of the disability up to 4 months for each pregnancy. At the end of the employee's period of pregnancy disability (not to exceed 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 4 months and 12 weeks. This assumes that the employee is disabled by childbirth or related medical conditions for 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.

### **Transfer and Accommodation**

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 (1) 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 (2) the request can be reasonably accommodated by the Foundation. Employees who are transferred to accommodate a pregnancy-related disability possess the same reinstatement and other rights described below with respect to pregnancy-related disability leaves.

The Foundation may also require an employee to transfer temporarily to an available alternative position with the same pay and benefits in order to accommodate an employee's need for intermittent leave or a reduced work schedule.

### **Benefits during Leave**

Group health insurance coverage will continue for eligible employees taking a pregnancy-related disability leave under this policy under the same terms and conditions that applied before the leave commenced. To continue health insurance coverage, the employee must continue to make any premium contributions that she was required to make prior to taking leave. Premium payments are due monthly and should be made payable to the Foundation and delivered to the Human Resources office. If an employee fails to pay her portion within 30 days of the due date of a premium, her health insurance coverage may be canceled. In such cases, the employee will be notified at least 15 days before coverage terminates.

Employees on pregnancy-related disability leave do not accrue vacation or PTO during any pay period where no time is worked. Vacation and PTO will begin accruing when the employee returns to work. Holiday Pay will be paid to any employee that is on a pregnancy-related leave and who is on paid status for the pay period in which the holiday occurs. An employee who takes a family or medical care leave of absence will not lose any seniority earned prior to the commencement of family care or medical leave.

An employee who takes a pregnancy-related disability leave of absence will not lose any seniority earned prior to the commencement of her leave.

### **Coordination of Benefits**

Pregnancy-related disability leaves are unpaid. An employee who is granted a pregnancy-related disability leave may elect to use any accrued but unused paid time off benefits (i.e. vacation or PTO) during the period of the leave. Any portion of a leave that occurs after all paid time off benefits have been exhausted is without pay. Any unpaid or paid portions of this policy shall be added together and will not extend the 4 month total leave period limitation allowed under this pregnancy-related disability leave policy.

## **Medical Certification**

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 *fitness for duty certification* before returning to work.

## **Notice**

Employees should contact their supervisor as soon as they learn that they will need a pregnancy-related disability leave, even when they do not know the precise dates that such leave will begin.

Employees must provide at least 30 days' notice when the need for pregnancy-related disability leave is foreseeable. If the need for leave is not foreseeable, notice must be given to the Foundation within two business days of learning of the need for the leave.

Employees must indicate the estimated timing and duration of the leave and make a reasonable effort to schedule any planned medical treatment so as to minimize the disruption of the Foundation's activities.

If an employee requests an extension of leave beyond the time estimated by the health care provider, the employee must submit a recertification prior to the expiration date if the employee desires additional leave. Extensions will not be granted that cause the total period of the pregnancy-related disability leave to exceed the 4-month limitation.

## **Outside Employment**

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

## **Reinstatement**

When an employee is able to return to work, he or she should give the Foundation at least two (2) weeks notice. This is important so that the employee's return to work is properly scheduled.

Under most circumstances, the Foundation will reinstate employees to their former or equivalent position if they return from leave within 4 months. Exceptions, however, may occur as permitted by law. Employees should understand that they have no greater right to reinstatement or to other benefits of employment than if they had continued to work during their leave.

For example, an employee will not be reinstated to the same position where (1) she would not otherwise have been employed in the same position due to legitimate business reasons unrelated to her taking leave (such as layoff or job elimination), or (2) the means of preserving the job would substantially undermine the Foundation's ability to operate its business safely and efficiently. In such cases, the employee will be placed in a comparable position for which the employee is qualified unless (1) no comparable position is available within 10 working days of the employee's return to work, or (2) filling the comparable position with the employee would substantially undermine the Foundation's ability to operate its business safely and efficiently. Employees who fail to return to work at the conclusion of their approved leave or within the maximum period allowed for the leave will be considered to have voluntarily terminated from the Foundation.

## **Personal Leave**

After an employee has completed at least six months of employment, an unpaid personal leave of absence for a specified period of time that is no longer than 30 days may be granted, at the Foundation's discretion. Requests for a personal leave of absence must be presented in writing to the Head of Human Resources at least 30 days in advance, whenever possible. Your request will be considered on the basis of our staffing requirements, the reasons for the leave, as well as your performance and attendance record. In no case will a leave of absence be granted for a period that extends beyond the expiration date specified on the employee's appointment form, or the end of a grant or contract year, whichever comes first.

### **Coordination of Benefits**

Personal leaves are unpaid. An employee who is granted a personal leave of absence must utilize any accrued but unused paid time off benefits (i.e., vacation and PTO) during the period of the leave. Any portion of a leave that occurs after all paid time off benefits have been exhausted will be without pay.

Employees on personal leave do not accrue vacation or PTO during any pay period where no time is worked. Vacation and PTO will begin accruing when the employee returns to work. Holiday Pay will NOT be paid to any employee that is on a personal leave. An employee who takes a personal leave of absence will not lose any seniority earned prior to the commencement of the leave.

The Foundation will not pay insurance premiums while an employee is on a personal leave of absence. Should you desire to maintain insurance coverage while on a personal leave of absence, you will have the option of continuing your insurance coverage by paying the full monthly insurance premiums.

### **Reinstatement**

Before you return to work, you should notify the head of Human Resources when you are ready to return to work at least two weeks before the expiration of your leave. The Head of Human Resources will notify you if an opening exists. The Foundation cannot guarantee reemployment to employees returning from a personal leave of absence.

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

1. Failure to advise the Foundation of your availability to work;
2. Application for unemployment benefits;
3. Obtaining another 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 Foundation.

## **Bereavement Leave**

When a death occurs in the employee's immediate family which necessitates his/her losing regularly scheduled work time due to bereavement, Regular and Temporary employees who qualify for all other leave benefits will be compensated for a maximum of two (2) days for such lost work. All other employees are not eligible for paid bereavement, although they may request the leave on an unpaid basis.

Immediate family means parents, spouse, spouse's parents, children, brothers, sisters, other dependent family members, or other significant others living in employee's household.

Any additional time requested beyond two (2) days and approved by supervision may be charged against the employee's vacation and/or PTO accruals or the employee may request the leave without pay.

### **Jury & Court Duty**

It is the Foundation's policy to enable its employees to fulfill their civic obligations. If called for jury duty, notify your supervisor immediately and submit notice of your orders to the head of Human Resources.

### **Eligibility and Pay**

Regular Central Staff and Agency<sup>1</sup> employees called to jury duty after completing one year of service are eligible for up to five (5) days of paid jury duty benefits per year. All other employees, including employees working on grant, contract or gift funds (normally referred to as Project Employees<sup>2</sup>), and all temporary employees are not eligible for paid jury duty benefits. All employees in all categories may serve on jury duty on an unpaid basis and salaried employees will not have their salaries reduced as a result of serving on jury duty.

In addition, any amount of paid Jury Duty you receive, less mileage or parking fees paid by the court, must be returned to the Foundation as a condition of you receiving this leave benefit.

### **Work Attendance**

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 Foundation, 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, PTO, 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.

### **Witness Duty**

An employee who is required by law to appear in court as a witness may take unpaid time off for such purpose provided they give the Foundation reasonable advance notice.

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<sup>1</sup> **Agency Employees** are those who work for an agency whose primary source of income is fees or donations. An example of an agency within the Foundation is the American Language and Culture Institute (ALCI).

**Central Staff Employees** are those under the direction/supervision of the Foundation Executive Director and are not funded from a grant, contract or gift.

<sup>2</sup> **Project Employees** are those employed on a research or other project funded through a private, state or federal grant or contract.

### **Time Off For Parents**

If you are a parent with one or more children in kindergarten, or in grades 1 through 12, you may take time off of up to 40 hours per year to attend authorized school activities which involve one or more of your school-age children. To be eligible for parental time off, you must obtain from the school, written verification that you attended or participated in the school activity. Parental time off may not exceed eight hours in any calendar month.

You may use any accrued but unpaid vacation or PTO while you attend your child's school activities. If not, your parental time off will be unpaid. For scheduling purposes, you must notify your supervisor at least one week before the date of the school activity, so that your work duties may be covered.

### **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.

### **Military Leave**

Military leaves of absence are granted in compliance with federal and state law. You must provide the Foundation with as much notice of your leave as possible. If advanced notice is precluded due to security reasons or because there is an emergency call-up, you must contact the head of Human Resources immediately upon receiving military approval to do so.

Military leave will be granted for training, duty, or reserve service. Please see Human Resources if you have any additional questions.

### **Time Off for Victims of Domestic Violence**

The Foundation is concerned about those of its employees who may become victims of domestic violence. For that reason, the Foundation permits employees who become victims of domestic violence to take time off to obtain a restraining order, medical treatment, psychological counseling, assistance from a shelter or similar organization, or to obtain relief to help ensure the health, safety or welfare of the employee or of the employee's child, including time off to participate in safety planning. Employees may use their unused vacation or PTO 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 Foundation with advance notice of the need to take time off, including the date and length of time off that is required. The Foundation will maintain the confidentiality of any employee requesting time off under this policy. In addition to advance notice, the Foundation also requires certification of time off due to domestic violence. Certification may be in the form of a police report, court order, or official documentation from a medical professional, counselor, or social services advocate. Failure to provide the required certification may result in a denial of the requested time off.

Employees who are victims of domestic violence also should be concerned about how their domestic situation might impact employees of the Foundation. 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.

### **Catastrophic Leave Donation Program**

Regular Foundation employees may donate up to forty (40) hours of leave balances (vacation or PTO) in one-hour increments to any Foundation 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.

Employees wishing to donate leave balances may do so by contacting Human Resources and submitting an email indicating the number of hours they wish to donate. Requests for participation will be reviewed on a case-by-case basis. This program is voluntary to all Regular benefited employees and University employees may not participate in this program. Donations are irrevocable once posted to the recipient's leave record.

## General Policies

### **Professional Expectations**

The Foundation is committed to enhancing job satisfaction by creating a cooperative and productive work environment for all employees. In turn, all employees must meet certain performance expectations, including timely and regular attendance, dependable application of time while at work, satisfactory completion of all duties; and they are expected to present a positive and professional appearance.

### **General Rules of Conduct**

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

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

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

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

Nothing in this policy alters the Foundation's policy of at-will employment. Either the Foundation or an employee may terminate the employment relationship at any time and for any reason.

## **Voice-Mail, E-Mail and Computer Systems Access**

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

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

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

### **Guidelines for Use**

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

- Since voice-mail and e-mail messages, as well as other computer-stored data, are considered business records and may be electronically retrieved, even after you "delete" them, nothing should be included in a voice-mail or e-mail message that you would not consider putting in a memorandum.
- Employees should delete unwanted voice-mail and e-mail messages as soon as practical and should log off when not using the computer system.
- Employees should exercise good judgment in the use of e-mail distribution lists; these lists are developed for the convenience of the addressees and unnecessary or frivolous messages should not be sent, thereby cluttering up user screens.
- Employees should not use a password, access a file, or retrieve or download any stored communication without express authorization. You also should not send e-mail or other communications that either mask your identity or indicate that someone else sent them, and you should never access another employee's voice-mail, e-mail, or computer systems without express authorization.
- Employees may not install any software on Foundation computer systems without the prior authorization of the Foundation's Executive Director or Designee.

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

- Any illegal, discriminatory, threatening, harassing, abusive or offensive comments. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes or anything that may be construed as harassment or showing disrespect for others.
- Anything in conjunction with an employee's outside business endeavors or sales of any product or outside service (home products, cosmetics, etc.).
- Messages or other communications violating a Foundation policy or contrary to supervisory instructions.
- For the illegal duplication of software and its related documentation. Employees also may not use any software on local area networks or on multiple machines that is not in accordance with the software license agreement.

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

### **External Access & Confidentiality**

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

For example, all employees should safeguard the Foundation's confidential information, as well as that of guests and others, from disclosure. Messages containing confidential information should not be left visible while you are away from your work area. Also, Internet sites maintain logs of visits from users. These logs identify the company and the individual who accessed the Internet website. If your work requires a high level of security, please ask your supervisor for guidance on securely exchanging e-mail or gathering information from Internet sources.

### **Privacy and Disclosure**

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

### **Acceptable Use Policy – California State University San Marcos (CSUSM)**

Access to CSUSM campus and Foundation information and information technologies is subject to Acceptable Use, Confidentiality and other policies. These exist in a framework of state and federal laws

along with related CSU and campus policies. Campus policies can be found at <http://www.csusm.edu/policies>. A subset of those policies relating to technology can be found at <http://www.csusm.edu/iits/policies>. Employees are required to sign the Acceptable Use policy as a condition of network access.

### **Solicitation and Distribution**

Employees should not be disturbed or disrupted in the performance of their job duties. For this reason, solicitation of any kind by an employee of another employee is prohibited while either employee is on working time. Solicitation by non-employees on the Foundation's premises is prohibited at all times.

Distribution by employees of advertising material, handbills, printed or written literature of any kind in working or public areas of the Foundation is prohibited at all times. Distribution of literature by non-employees on the Foundation's premises is prohibited at all times.

### **Smoking**

The Foundation has adopted a no-smoking policy. Employees are not permitted to smoke in either Foundation or University facilities at any time. Smoking is permitted only in designated areas.

### **Safety**

It is the policy of the Foundation to provide a work environment as free as feasible from recognized hazards. You are expected to comply with all safety and health requirements whether they are established by the Foundation or by federal and/or state law.

Any accident that occurs at a Foundation worksite be that of a client, visitor, or employee, should be reported *immediately* to your supervisor or to the head of Human Resources. *If your supervisor or other appropriate personnel are not available, call 9-911 Emergency.* In addition, safety hazards or unsafe conditions that could have caused an injury or even a "near miss" should be reported. For your own safety and the safety of others, please do not attempt to give medical aid to an injured client, visitor, or fellow employee. Call the appropriate medical authorities.

After reporting the incident/injury to your immediate supervisor or Human Resources you will then be directed to the following medical care facility for treatment:

Concentra Medical Centers  
740 Nordahl Road, Suite 117, Escondido, CA 92069 (760) 432-9000

It is our goal to see to it that you are taken care of in case of injury on the job. We will make every effort to see to it that you receive excellent care and have a speedy recovery and return to work. In addition, we have a "Return to Work" and "Light Duty" programs to return you to work if you have specific limitations during your recovery. Please refer to our Injury and Illness Prevention Plan ("IIPP") which is on file in the Foundation Central Office for further information regarding employee safety, and see our website at [www.csusm.edu/foundation](http://www.csusm.edu/foundation) for injury reporting procedures.

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

### **Emergency Evacuation Plans**

In the unfortunate event that there is an earthquake, fire, or other worksite emergency, the Foundation has an Emergency Evacuation Plan on file in your area. Please see your supervisor for evacuation procedures and a copy of the plan.

### **Inspections of Property**

The Foundation provides desks and other equipment for the use of its employees at the Foundation's expense. Although desks are made available for the use of employees while at work, employees should remember that all desks, work areas, and similar equipment remain the sole property of the Foundation.

At times it may be necessary to inspect an employee's desk or work area for operational or other reasons. The Foundation reserves the right to conduct periodic inspections of desks or work areas, as well as any contents, effects, articles that are in desks or the work area, as well as packages or other articles that leave the Foundation premises in the possession of an employee. Such inspections may occur at any time, with or without advance notice or consent. Further, such inspections may be conducted during, before, or after working hours by any supervisor, manager, or security personnel designated by the Foundation. Employees who fail to cooperate in any inspection will be subject to disciplinary action, including possible suspension or termination.

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

### **Inquiries about Employment**

From time to time, the Foundation may receive inquiries from outside individuals regarding the status of your employment. For example, we may receive calls from banks, credit agencies, or prospective employers, asking us whether you are employed with the Foundation, your current position with the Foundation, your salary, and why you may have left the Foundation. You should be aware that, when we receive such inquiries about your employment, the Foundation has a strict policy of providing only limited information. Consequently, no employee (other than certain authorized people in Human Resources) may provide any information regarding current or former employees (either on or off-the-record) to any non-employee without the specific written approval of the Executive Director. This includes letters of reference. The only information that we provide is your dates of employment and your position with the Foundation. The Foundation's strict policy prohibits us from revealing any information about why you may have left us. However, in some instances, you may want us to reveal

additional information. In those instances, we require written authorization from you, permitting us to divulge such additional information. You may obtain the appropriate disclosure authorization forms from the Human Resources department.

### ***If You Must Leave Us***

While we hope that your employment with us will be lengthy and pleasant, it must be remembered that the employment policy of the Foundation is that all employees are employed on an at-will basis which is based on the mutual consent of you and the Foundation. Thus, either you or the Foundation may terminate the employment relationship at any time and for any reason.

If you decide to leave the Foundation, we would appreciate at least two weeks' written notice of your resignation. All employees who resign are encouraged to participate in the exit interview process, so that information and suggestions obtained in these interviews may be used to improve the work environment for other employees. If you resign, the Foundation retains the right to accept your resignation and, at the Foundation's discretion, to pay you the amount of regular compensation you would have earned during the remainder of your employment.

You are required to return all property owned by the Foundation (e.g., computers, parking permits, keys, cell phones, uniforms, identification badges) prior to your departure.

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# Acknowledgement

I acknowledge that I have received a copy of the Cal State San Marcos Foundation Employee Handbook, and I understand that it describes important information about the Foundation. I understand that it is my responsibility to read the Handbook and to abide by the rules, policies and standards set forth in it. I understand that the contents of this Handbook are presented solely as a matter of information and guidance, and that this Handbook is not intended to be, nor should it be viewed as, either an express or implied contract between the Foundation and me.

I further understand that the Foundation maintains a policy of at-will employment with respect to both the duration and terms and conditions of the employment relationship. This means that the Foundation reserves the right to change the terms and conditions of the employment relationship or to terminate that relationship at will, with or without cause or prior notice. I also understand and agree that the Foundation's policy of at-will employment is not subject to change other than through an express written agreement signed by me and the Executive Director of the Foundation.

I understand that the foregoing agreement concerning my employment at will status and the Foundation's right to determine and modify the terms and conditions of employment is the sole and entire agreement between me and the Foundation concerning the duration of my employment, the circumstances under which my employment may be terminated, and the circumstances under which the terms and conditions of my employment may change. I further understand that this agreement supersedes all prior agreements, understandings, and representations concerning my employment with the Foundation. Finally, I understand that, except for the Foundation's policy of employment at-will, the Foundation reserves the right, in its sole and absolute discretion, to change, supplement or rescind all or any part of the practices, procedures or benefits described in the Handbook as it deems necessary, with or without prior notice.

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Employee's Signature

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Date

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Employee's Name Printed

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