

**CAL POLY POMONA FOUNDATION, INC.**  
**PERSONNEL COMMITTEE**  
**Wednesday, May 17, 2023**  
**1:00 – 3:00 p.m.**  
Join Zoom Meeting  
<https://cpp.zoom.us/j/86078607173>  
Meeting ID: 860 7860 7173

Committee Chair: Christina Gonzales

Committee Members: Kimberly G. Allain, Dr. Nicholas Von Glahn, Deborah Goman, Dr. Phyllis Nelson, Oliver Santos, April Jimenez-Valadez

Staff: Shari Benson, Claudia Burciaga-Ramos, Jared Ceja, Lisa Coats

**I. ACKNOWLEDGEMENT OF MEMBERS OF THE PUBLIC**

Who may or may not be commenting on a specific item or making a general comment.

**II. CONSENT ACTION ITEMS**

*Items in this section are considered to be routine and acted on by the committee in one motion. Each item of the Consent agenda approved by the committee shall be deemed to have been considered in full and adopted as recommended. Any committee member may request that a consent item be removed from the consent agenda to be considered as a separate action item. If no additional information is requested, the approval vote will be taken without discussion. An "A" distinguishes items requiring approval.*

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A. Approval of Minutes – December 6, 2022 ACTION: Approval	Christina Gonzales, Chair 2-3
<b>III. <u>GENERAL UPDATES</u></b>	
B. CEO's Report	Jared Ceja, CEO 4-5
<b>IV. <u>INFORMATION &amp; DISCUSSION ITEMS</u> - None</b>	
<b>V. <u>ACTION ITEMS</u></b>	
C. Compensation/Benefits Budget Assumptions (Attachment) A	Jared Ceja 6-9
D. PARS Conversion (Attachment) A	Shari Benson, Chief HR Officer 10-13
E. Foundation Longevity Pay Plan Contribution (Attachment) A	Jared Ceja 14-15
F. Job Title List Update for CalPERS (Attachment) A	Shari Benson 16-19
G. Employee Handbook Updates (Attachment) A	Shari Benson 20-80
<b>VI. <u>OPEN FORUM</u></b>	
<b>VII. <u>ADJOURNMENT</u></b>	Christina Gonzales

**CAL POLY POMONA FOUNDATION, INC.**  
**PERSONNEL COMMITTEE**  
**Tuesday, December 06, 2022 at 1:00 p.m.**  
**Minutes**

Notice is hereby given that a regular meeting of the Personnel Committee was held by video conference/teleconference on Tuesday December 6, 2022 at 1:00 pm to discuss matters on the posted agenda. The meeting notice in its entirety was posted on the internet at <https://foundation.cpp.edu/meetingpackets.aspx#ftab5>

Committee Chair: Christina Gonzales  
Committee members: Dr. Nicholas Von Glahn, Deborah Goman, Dr. Phyllis Nelson, Oliver Santos, April Jimenez-Valadez  
Absent: Kimberly G. Allain, Aliza Ortega  
Staff: Claudia Burciaga-Ramos, Jared Ceja, Nora Fernandez, Yvette Lane

**CALL TO ORDER**

Chair Christina Gonzalez called the meeting to order at 1:01 p.m.

**CONSENSUS ACTION ITEMS**

1. Approval of Minutes – September 09, 2022  
A motion was made by Deborah Goman and April Jimenez-Valadez for the minutes to reflect grammatical corrections as requested; no opposition, the minutes were approved.

**GENERAL UPDATES**

2. CEO's Report  
Jared Ceja mentioned Thomas Sekayan is the new Associate Executive Director and COO and will act as the primary liaison to the Program Committee; Jared briefly reviewed the Enterprise Organization chart and noted Thomas will oversee the enterprise operations (Kellogg West, Dining, Bookstore, Marketing and Agriculture Enterprises); Tonya Tard, Executive Chef received the EDGE 2<sup>nd</sup> Helping Hand Cohort award; the Marketing team received 1 Platinum and 4 Gold awards from MARCOM; Shari Benson, Chief Human Resources Officer, received the Mereese Ladson Diversity Award & Scholarship; Joanne Mathew received the David H. Lord Award for Exemplary Community Service; Jared Ceja was awarded the Robert F. Newton Award for Distinguished Service; Mr. Ceja reviewed the Dining Market Assessment - Envisions Strategies, a consultant, was retained to aid us in testing the Market on financial return as we evaluate both residential and retail dining, a committee of students, faculty, staff, UHS, and Foundation team members is being formed with Thomas as the chair, it will compare current operations, bids, and other CSU deals, results are expected by Spring next year; the Foundation Pepsi Scholarship for our student workers just closed, it awards 20 scholarships of \$1,000 each to use towards course materials, supplies, dining, housing, graduation regalia, etc., over 60 applications were received; Jared gave more detail to the recent headlines on the Poly Post with regards to the embezzlement that occurred a few years ago: \$960K, enterprise funds used not state, student, nor donor dollars, lasted for almost a decade, evidence suggests only one suspect who is serving prison time, ordered to pay restitution, leadership during the time are no longer here, perpetrator was caught by a current employee, losses are covered by a combination of insurance and restitution, communication followed EO-1104 requirements and then some - notified VP of Admin Affairs, CO, local authorities, insurance, the Board, Audit Committee, and ASI Senate, received support from CSU Audit Advisory Review, external auditors, consultants, internal auditors, and external forensic auditors.

**INFORMATION & DISCUSSION ITEMS**

3. Whistleblower Policy  
CEO Ceja mentioned the Whistleblower Policy has been part of the handbook for quite some time, but not formalized as a standalone policy. The move brings it to the surface to ensure that it is clear and available to the team. Any reports can be directed to Shari as head of the Human Resource and/or Jared as the CEO. We also recognize that reports could come in through the State side process.
4. Pay date change effective January 2023  
Jared Ceja mentioned the Foundation is changing the payroll date. In the current process the employee needs to submit their timesheet by Monday before payday, their supervisor needs to approve by the same day and then by Thursday the checks are cut or deposited via direct deposit. This process is challenged every time a situation occurs such as failing to clock in or out for lunch, someone forgets to submit their timesheet, approvals are missing, or there is a missed punch. The window to correct these items is almost nonexistent. A survey of employees came back with the vast majority preferring to move the payday to Friday and allow for one more day of timesheet reconciliation and check processing. This change will be effective in January 2023 and will help us get into a better compliance position.

## **ACTION ITEMS**

### 5. Holiday Calendar 2023

Nora Fernandez, HR Manager mentioned each year the Foundation Holiday Observances calendar closely mirrors that of the university. This method has proven effective as the demand for most of our services is reliant upon campus foot traffic. As in previous year, the main exception is the business day prior to Christmas which is classified as a Foundation Holiday. This resolution calls for an extension of the previously approved 2022-2023 Holiday Calendar. It now covers calendar year 2023 by incorporating holidays through January 1, 2024. It is important to note that some operations remain open during most or all holiday periods. This is most prominently seen with Innovation Brew Works, Centerpointe, Vista Market, Kellogg West, Facilities, Payroll, and University Village. Needs are covered primarily by part-time employees with full-time and exempt personnel working as needed. Comp time and/or additional pay are provided as needed.

Moved and seconded by Oliver Santos and April Jimenez-Valadez that the Personnel Committee approves the 2023 Holiday Calendar as presented and forwards their recommendation to the Board of Directors for consideration at their next scheduled meeting and that upon approval of this resolution by the Board of Directors, the CEO and CHRO are authorized and directed to take any and all action as may be necessary to effectuate this Resolution.

### 6. Policy Update – 212 Accommodation of Religion

Jared Ceja and Nora Fernandez mentioned that the corporate policy governing religious accommodations (Policy 212) has not been updated since the year 2000. This proposal provides more clarity on how such a request is made and identifies Human Resources as the managing department.

Moved and seconded by Dr. Phyllis Nelson and Oliver Santos that the Personnel Committee approves the updates to Policy 212 – Accommodation of Religions Observance and Practice as presented and forwards the resolution to the Board of Directors for consideration at the next scheduled meeting and that upon approval of this resolution by the Board of Directors, the Executive Director/CEO and Director – Human Resources/CHRO are authorized and directed to take any and all action as may be necessary to effectuate this Resolution.

### 7. Policy Update – 217 Jury Duty

Nora Fernandez presented the corporate policy governing jury duty service (Policy 217) which has not been updated since the year 2011. This proposal clarified the eligibility as benefited employees “who have completed six months of service”. This tenure distinction was not apparent in the existing version. The proposal also breaks out the procedure for employees.

Moved and seconded by Dr. Phyllis Nelson and Deborah Goman that the Personnel Committee approves the updates to Policy 217 – Jury Duty with the proposed amendment to part B. Eligibility and forwards the resolution to the Board of Directors for consideration at the next scheduled meeting and that upon approval of this resolution by the Board of Directors, the Executive Director/CEO and Director – Human Resources/CHRO are authorized and directed to take any and all action as may be necessary to effectuate this Resolution.

## **ADJOURNMENT**

A motion was made by Dr. Phyllis Nelson and seconded by Deborah Goman to adjourn the meeting; no opposition, the meeting was adjourned at 1:42 pm.

Respectfully submitted,

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Christina Gonzalez, Chair  
Personnel Committee

CAL POLY POMONA  
**ENTERPRISES**

**CEO's Report**

May 17, 2023

Personnel Committee

# Agenda

- ▶ CPPE
- ▶ Recent Awards
- ▶ LA County Fair
- ▶ Staffing Levels & Turnover
- ▶ Values - Inclusivity & Integrity
- ▶ Staff Development Programs/Graduations
- ▶ Student Graduates

# Memorandum



Date: May 17, 2022  
To: Personnel Committee  
From: Jared G. Ceja, CEO

**Subject: Compensation/Benefits Budget Assumptions for 2023/2024**

During the budget year there will be several key expenses associated with the overall cost of labor. Below are the assumptions for the **2023-24** budget year.

- |  |                                     |
|--|-------------------------------------|
| 1. Educational Reimbursement/Development:        | \$44,000                            |
| 2. Minimum Wage Increase (est. \$.50 on 1/1/24): | \$280,512                           |
| 3. Annual Wage Increase (up to 5.5% pool) *      | \$662,000                           |
| 4. CalPERS Pension Plan (total):                 | \$1,868,099 (22/23 was \$1,961,435) |
| a. Normal Cost for all three plans:              | \$986,221                           |
| b. UAL payment for all three plans:              | \$881,878                           |
| 5. VEBA Contribution:                            | \$0                                 |
| 6. Flex Dollar (Parking, FSA, Meal Pts)          | \$98,000                            |

The proposed budget has a net surplus of \$2.1M before contributions are made to the reserves. This includes all of the expense items above other than any potential VEBA contribution.

The annual employee wage increase pool for staff was based on the following factors:

1. Comparability with compensation increases provided to University staff (last year's pool was lower than that of the University)
2. Comparability with compensation increases at similar CSU auxiliaries (Cal Poly Corporation, CSU Fullerton Auxiliary Services Corp., Forty-Niner Shops at CSULB, University Corporation at CSUN, University Enterprises Corporation at CSUSB)
3. Inflation (US Bureau of Labor Statistics CPI, Los Angeles area)
4. Comparability with compensation of employment markets for like positions

**PROPOSED ACTION:**

The following resolution is recommended for approval:

**WHEREAS**, Management is requesting the Personnel Committee's approval to forward the following resolution to the Board of Directors for their consideration:

**BE IT RESOLVED**, that the Personnel Committee has reviewed and approved the Compensation/Benefits Budget Assumptions for 2023/2024 for consideration by the Board of Directors at the next regularly scheduled meeting.

**BE IT FURTHER RESOLVED**, that upon approval of this resolution by the Board of Directors, the Executive Director/CEO and Director – Human Resources/CHRO are authorized and directed to take any appropriate action necessary to implement this Resolution.

**PASSED AND ADOPTED THIS 17th DAY OF MAY 2023.**

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Christina Gonzalez, Chair  
Personnel Committee



## Budget 2023-2024 Assumptions

### General Information

**Capital Budget process is in progress and is managed separately**

Board approval February 22, 2023

**Operating Budget**

Board approval May 22, 2023

Actuals for FY22-23 will be provided to December 2022

Depreciation will be added to operating budget by Financial Services

**Meeting dates for departments** March 13-31

**OneSolution reports to use for additional information:**

COG GL Budget Comparison Summary (budcomph) - *As of December 2022 saved in your budget folder*

COG 03 - Income Statement by Month - Budgets and Actuals

### University related assumptions

**For programs that base their revenues on in-session classes, use calendar link below:**

[Academic calendar](#)

Enrollment	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	FY 27-28
<b>Academic Year FTE</b>	22,354	21,981	21,981	21,981	21,981	21,981
<b>Headcount</b>						
Summer	762	762				
Fall	27,173	26,811				
Spring	24,574	24,219				
New First-time freshmen~	3,655	4,600				
New Fall transfers~	2,960	3,000				
New Spring transfers~	50	300				

~impact on Bronco One Card budget

### Enterprise Activities

**General**

Staffing and other expenses for each semester to reflect the varying foot traffic and occupancy numbers.

Inflationary increase 4.0%

On-campus foot traffic 80% of enrollment\*

*\*Represents weighted estimated headcount on-campus daily.*

**University Village**

Small meal plans included as part of rent.

	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27 <sup>^^</sup>	FY 27-28
Occupancy	1200	1200	1200	1200	1550	1550
Capacity	98%	98%	98%	98%	85%	90%

<sup>^^</sup> Note FY26-27 and FY27-28 reflect expansion to student housing by 350 spots.

**Facilities (Real Estate)**

Maintenance expenses by project based on Facilities budget totals





## Budget 2023-2024 Assumptions

### Events/Celebrations on campus:

Hot Dog Caper	October
Winter Wonderland - Bookstore	November
Thanksgiving meals	November
Staff holiday party	December
Other events	Include detail in budget

### Staffing & Compensation

Vary staffing levels between fall, spring, and summer based on need.

Focus on student employment to the best extent possible (entry level, leads, and first-level supervision).

California minimum wage increase:	Budget at \$16 per hour to accommodate potential increase effective January 1, 2024. Exempt employees must earn at least twice the minimum wage or \$32/hour.
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Estimated staff wage increase	3.5% Standard	+ 2%	Additional
Vacation accrual	2.5%		
Worker's compensation	} Will be incorporated into the budget spreadsheets		
Medical Benefits – employer portion increase			
Dental/vision			
Other Post-Retirement Med. Benefits increase			
Payroll Taxes and Benefits			
Students:			
Benefits	0%		
Sick leave	1%		

### Other costs

Conference travel^	\$1,500 /person per trip
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^Pre-approval forms to be completed prior to travel, includes travel, hotel, meals

^Use object code 7090 when related to employee professional development

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# Memorandum

Date: May 17, 2023  
To: Personnel Committee  
From: Shari Benson, CHRO  
Attached: PARS Yearly Activity



**Subject: PARS Vacation/Sick Leave Conversion Program**

The PARS Vacation/Sick Leave Conversion Program provides eligible employees a supplemental retirement plan as part of the overall company benefits program. It allows eligible employees to convert a portion of unused leave balances to cash and then contribute those funds directly into the employees PARS 457(b) individual account. The percentage of participation is fully elective by an eligible employee and the option to convert occurs on an annual basis. A regular, full-time benefited employee is eligible to participate in the Conversion Program once they have completed at least 4 years of full-time service.

Employees who desire to convert vacation time must have at least 160 hours of accrued vacation and have taken a minimum of 40 hours of vacation over the previous 12 months of employment preceding the current plan year. A maximum conversion of 100 hours of vacation time may occur. The resulting vacation balance may not fall below 160 hours due to converting hours.

Employees who desire to convert sick leave must have more than 320 hours of sick leave available, and then may convert up to 100 sick leave hours for hours in excess of 320. A sick leave balance may not fall below 320 hours due to converting hours.

The annual renewal of this employee benefit is designed to ensure that the financial obligations of the organization are being met prior to Board approval. The annual forecast for 2022-2023 currently shows a net surplus of almost \$8M after all annual financial obligations are paid. This compares to \$275,791 in estimated eligible contributions for June 2023. Based on historical participation and conversion levels, a realistic forecast of conversion is \$168,232. Any converted vacation will not result in an additional expense as those balances have already been accrued.

Eligible employees were invited to an online training session on May 15, 2023 delivered by representatives from John Hancock and PARS to learn about the advantages and disadvantages of converting leave with the program, along with investment information.

**Proposed Action:**

Management is recommending that the Personnel Committee approve the annual renewal of the PARS Vacation/Sick Leave Conversion Program for consideration by the Board of Directors.

**BE IT RESOLVED**, that the Personnel Committee has reviewed and approves forwarding the PARS Vacation/Sick Leave Conversion Plan to the Board of Directors for consideration at the next regularly scheduled meeting.

**PASSED AND ADOPTED THIS DAY 17<sup>th</sup> DAY OF MAY 2023**

By: \_\_\_\_\_  
Christina Gonzalez, Chair  
Personnel Committee

Fiscal Year	Number of Employees Eligible for Vacation Conversion	Number of Employees Electing Vacation Conversion	Percentage Electing Vacation Conversion	\$ Amount Vacation Employees Eligible	\$ Amount Vacation Employees Converted
2009-2010	49	25	51%	\$ 99,177.45	\$47,224
2010-2011	53	43	81%	\$ 112,511.00	\$68,885
2011-2012	56	28	50%	\$ 105,500.00	\$61,041
2012-2013	69	38	55%	\$ 149,194.00	\$58,778
2013-2014	51	29	57%	\$ 117,000.00	\$49,479
2014-2015	65	37	57%	\$ 144,000.00	\$69,131
2015-2016	55	28	51%	\$ 129,000.00	\$73,699
2016-2017	58	34	59%	\$ 131,993.00	\$74,000
2017-2018	41	34	83%	\$ 120,534.00	\$63,004
2018-2019	55	39	71%	\$ 123,212.00	\$88,690
2019-2020	74	22	30%	\$ 193,703.00	\$60,943
2020-2021	65	28	43%	\$ 182,360.12	\$84,344
2021-2022	75	36	48%	\$ 184,872.00	\$88,563
2022-2023	56	29	52%	\$ 162,569.00	\$80,318

Fiscal Year	Number of Employees Eligible for Sick Conversion	Number of Employees Electing Sick Conversion	Percentage Electing Sick Conversion	\$ Amount Sick Employees Eligible	\$ Amount Sick Employees Converted
2009-2010	74	41	55%	\$ 84,160.49	\$54,387
2010-2011	41	29	71%	\$ 96,045.00	\$74,142
2011-2012	45	30	67%	\$ 91,947.00	\$68,879
2012-2013	56	31	55%	\$ 111,476.00	\$80,002
2013-2014	55	42	76%	\$ 114,000.00	\$90,591
2014-2015	54	30	56%	\$ 133,000.00	\$94,391
2015-2016	64	42	66%	\$ 135,000.00	\$98,318
2016-2017	49	32	65%	\$ 118,174.00	\$92,500
2017-2018	57	44	77%	\$ 141,000.00	\$102,647
2018-2019	55	42	76%	\$ 139,000.00	\$121,308
2019-2020	52	0	0%	\$ 137,774.00	\$0
2020-2021	0	0	0%	\$ -	\$0
2021-2022	45	33	73%	\$ 138,183.00	\$100,810
2022-2023	45	23	51%	\$ 138,561.43	\$97,118

Fiscal Year - Combined Total		
2009-2010		\$123,621
2010-2011		\$138,010
2011-2012		\$153,701
2012-2013		\$164,591
2013-2014		\$157,395
2014-2015		\$187,008
2015-2016		\$153,443
2016-2017		\$186,991
2017-2018		\$209,871
2018-2019		\$209,998
2019-2020		\$60,943
2020-2021		\$84,344
2021-2022		\$189,373
2022-2023		\$177,436

# Memorandum

Date: May 17, 2023  
To: Personnel Committee  
From: Jared Ceja, CEO  
Attached: Total FLPP Contributions for 2023  
Subject: **Longevity Pay Plan Eligible Contribution – Participants Deferred Compensation Account**



The Board of Directors acted on May 25, 2010 to adopt the Foundation's Longevity Pay Plan (FLPP). The purpose of the FLPP is to encourage employment longevity and offer some level of benefit to employees who are not eligible for our post-employment healthcare benefits.

The FLPP program applies to regular, full-time benefited employees hired on or after March 1, 2009, and have 10 or more years of service. The organization may make, at its annual discretion, non-elective Employer contributions to a FLPP Participant's Deferred Compensation Account. The contribution is calculated using the below schedule:

<u>Years of Completed Service</u>	<u>Compensation Factor</u>
10	2%
11	2.5%
12	3%
13	3.5%
14	4%
15	5%
16	5.5%
17	6%
18	6.5%
19	7%
20	10%
25+	15%

Company contributions are reviewed annually by the Board and are discretionary. Participants that receive a Foundation Contribution to the Plan will be immediately 100% vested.

Currently there are seventeen (17) regular, full-time benefited employees that are eligible to participate; the company's total contribution to the Participant's Deferred Compensation Accounts is \$34,527.99

### **PROPOSED ACTION:**

Management is recommending that the Personnel Committee approve the annual funding of the Foundation Longevity Pay Plan Program as presented for consideration by the Board of Directors.

**BE IT RESOLVED**, that the Personnel Committee has reviewed and approved the resolution to renew the Foundation Longevity Pay Plan Program with a contribution amount of \$34,527.99, as presented, for consideration by the Board of Directors at the next regularly scheduled meeting.

**BE IT FURTHER RESOLVED**, that upon approval of this resolution by the Board of Directors, the CEO and CHRO are authorized and directed to take any and all action as may be necessary to effectuate this Resolution.

**PASSED AND ADOPTED THIS 17TH DAY OF MAY 2023**

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Christina Gonzalez, Chair  
Personnel Committee

<b>Employee Type</b>	<b>Hourly Pay</b>	<b>Date Hired</b>	<b>Years of Service</b>	<b>FLPP Contribution</b>
FT Exempt	\$ 31.74	1/4/2010	13	\$ 2,310.67
FT Non-Exempt	\$ 25.50	9/14/2009	13	\$ 1,856.40
FT Non-Exempt	\$ 26.09	4/7/2011	12	\$ 1,628.02
FT Exempt	\$ 40.98	11/1/2010	12	\$ 2,557.15
FT Non-Exempt	\$ 25.00	4/4/2011	12	\$ 1,560.00
FT Non-Exempt	\$ 33.72	7/11/2010	12	\$ 2,104.13
FT Exempt	\$ 53.90	1/10/2011	12	\$ 3,363.30
FT Exempt	\$ 73.44	1/10/2011	12	\$ 4,582.55
FT Non-Exempt	\$ 26.98	9/7/2010	12	\$ 1,683.55
FT Non-Exempt	\$ 20.00	11/15/2010	12	\$ 1,248.00
FT Non-Exempt	\$ 27.24	10/3/2011	11	\$ 1,416.48
FT Non-Exempt	\$ 21.78	5/7/2012	11	\$ 1,358.77
FT Exempt	\$ 53.63	1/8/2012	11	\$ 2,788.76
FT Exempt	\$ 38.04	5/7/2012	11	\$ 1,978.25
FT Non-Exempt	\$ 26.38	9/12/2011	11	\$ 1,371.50
FT Exempt	\$ 38.63	6/25/2013	10	\$ 1,606.90
FT Non-Exempt	\$ 27.85	4/16/2013	10	\$ 1,158.56

Total FLPP Contribution for 2023

**\$34,572.99**

## Memorandum



Date: May 17, 2023

To: Personnel Committee

From: Shari Benson, CHRO

Attached: Salary Grades with Job Titles

Subject: **Annual Update to Job Title & Position List for CalPERS**

Each year, Management reviews job titles and grades. This information is then submitted to Cal-Pers for position tracking. All compensation ranges were previously approved by the Board of Directors.

### **PROPOSED ACTION:**

The following resolution is recommended for approval:

**WHEREAS**, Management is requesting the Personnel Committee's approval to forward the following resolution to the Board of Directors for their consideration:

**BE IT RESOLVED**, that the Personnel Committee has reviewed and approved the Annual Update to Position List for CalPERS, as presented, for consideration by the Board of Directors at the next regularly scheduled meeting.

**BE IT FURTHER RESOLVED**, that upon approval of this resolution by the Board of Directors, the CEO and CHRO are authorized and directed to take any appropriate action necessary to implement this Resolution.

**PASSED AND ADOPTED THIS 17th DAY OF MAY 2023.**

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Christina Gonzalez, Chair  
Personnel Committee



**SALARY GRADES with JOB TITLES**  
**Effective July 1, 2023**

Salary Grade	Minimum	Maximum	Job Title	Pay Frequency
Grade 7	\$15.50	\$25.58	Academic Advisor	Hourly
			Accounts Specialist	Hourly
			Accounts SpecialistII	Hourly
			AdminAsstI	Hourly
			Assistant Project Coordinator I	Hourly
			Buyer Assistant	Hourly
			Crew Member	Hourly
			Catering Coordinator	Hourly
			Cook	Hourly
			Facilities Worker III	Hourly
			Farm Labor II	Hourly
			Floor Supervisor	Hourly
			General Office Support	Hourly
			Grants Specialist	Hourly
			IT Office Coordinator	Hourly
			NR_Gen_Admin_Coordinator	Hourly
			Nursery Coordinator	Hourly
			Office Assistant	Hourly
			Office Support	Hourly
			Outreach Assistant	Hourly
ShippingReceiving Asst	Hourly			
System Coordinator	Hourly			
UV_MailClerk	Hourly			
Vault Cashier II	Hourly			
Grade 8	\$18.29	\$30.18	Accounts Specialist III	Hourly
			Area Coordinator	Hourly
			Assistant Program Coordinator	Hourly
			Community Development Specialist Gr8	Hourly
			Coordinator I	Hourly
			Course Materials Coordinator	Hourly
			General Maintenance	Hourly
			Grants Specialist II	Hourly
			Maintenance_Lead	Hourly
			Payroll Specialist	Hourly
			POS Technician	Hourly
			Residential International Housing and Con	Hourly
			Resource Coordinator	Hourly
			Service Lab Coordinator	Hourly
			Specialty Crop Farm Supervisor	Hourly
			Supervisor	Hourly
Web Developer	Hourly			
Grade 9	\$21.58	\$35.61	Agriculture Laborer Lead	Hourly
			Advisor	Hourly
			Administrative Assistant	Hourly
			Accounts Payable Supervisor	Hourly
			Assistant Manager	Hourly
			Dietician	Hourly
			Financial Systems Support	Hourly
			Human Resources Generalist	Hourly
			Information Security Analyst	Hourly
			Marketing Coordinator II	Hourly
			Outreach Coordinator	Hourly
			Sous Chef	Hourly

**SALARY GRADES with JOB TITLES**  
**Effective July 1, 2023**

Salary Grade	Minimum	Maximum	Job Title	Pay Frequency
Grade 10 - Hourly	\$25.47	\$42.02	Administrative Assistant III	Hourly
			Assistant Director Residential	Hourly
			Brewery Cafe Manager	Hourly
			Fin_Sys_Accountant	Hourly
			HVAC Technician	Hourly
			Kellogg House Coordinator_Sr.	Hourly
			Learning-Reading Specialist-Advisor	Hourly
			Manager	Hourly
			Operations Manager	Hourly
			Program Coordinator	Hourly
			UB_Program Advisor	Hourly
Grade 10 - Salary	\$64,480	\$87,403	AsstDirLeadershipDev	Salary
			AsstDirLeadershipRetail	Salary
			Conference Sales Mgr	Salary
			Coordinator III	Salary
			Digital Content Strategist	Salary
			Facilities Supervisor	Salary
			NR_ProjectCoordinator	Salary
			Payroll Supervisor	Salary
			Program Coordinator	Salary
			Retail Manager	Salary
			Research Associate	Salary
Grade 11	\$65,000	\$107,250	AR_Supervisor	Salary
			Communications & External Relations Spec	Salary
			Executive Assistant	Salary
			Facilities Manager	Salary
			Farm-StoreSupvr	Salary
			Human Resources Manager	Salary
			Manager	Salary
			Marketing and Branding Dev	Salary
			Outreach Coordinator	Salary
			Property Manager	Salary
			System Manager	Salary
			Tehnology Manager	Salary
Grade 12	\$78,000	\$128,700	Assistant Director	Salary
			Director_Grants	Salary
			Director-Talent Search	Salary
			Executive Chef	Salary
			General Business Manager	Salary
			Grants and Contracts Manager	Salary
			Manager-Retail Information Technology	Salary
			Staff / Research Scientist	Salary

**SALARY GRADES with JOB TITLES**  
**Effective July 1, 2023**

Salary Grade	Minimum	Maximum	Job Title	Pay Frequency
Grade 13	\$93,600	\$154,440	Associate Director	Salary
			Director_UB Programs	Salary
			Director-AGRIscares Outreach and Urban Farm	Salary
			Business Manager	Salary
			Jr-Dir for Grants	Salary
			Project Director	Salary
Grade 14	\$112,320	\$185,328	Director	Salary
Grade 15	\$134,784	\$222,394	Sr. Director	Salary
Grade 15	\$134,784	\$222,394	CFO	Salary
Grade 15	\$134,784	\$222,394	Associate Executive Director_COO	Salary
Grade 16	\$161,741	\$266,872	Executive Director_CEO	Salary

New

# Memorandum

Date: May 17, 2023  
To: Personnel Committee  
From: Shari Benson, Chief Human Resources Officer  
**Subject: Employee Handbook Changes and Updates**



Periodically, Management and the Human Resources Department review and update the Cal Poly Pomona Enterprises Employee Handbook to account for changes in law, policy, practice, and other circumstances. The last update became effective March, 2022.

While most changes to the updated Employee Handbook are minor, all updates may be found in the proposed version. Significant changes will be discussed in greater detail during the Personnel Committee meeting. They include recognition of the recently acquired Cal Poly Pomona Enterprises DBA, clarification of Bereavement Leave, and the inclusion of a Designated Person where required by California law. The Board approved final version will be available on our website for use by current and incoming employees.

## **PROPOSED ACTION:**

The following resolution is recommended by Management for approval:

**BE IT RESOLVED**, that the Personnel Committee has reviewed and recommends Board approval for the updates to the Cal Poly Pomona Enterprises Employee Handbook as presented.

**BE IT FURTHER RESOLVED**, that upon approval of this resolution by the Board of Directors, the CEO and CHRO are authorized and directed to take any and all action as may be necessary to effectuate this Resolution and make the revised Cal Poly Pomona Enterprises Employee Handbook available to all employees.


**PASSED AND ADOPTED THIS 17<sup>th</sup> day of May 2023.**

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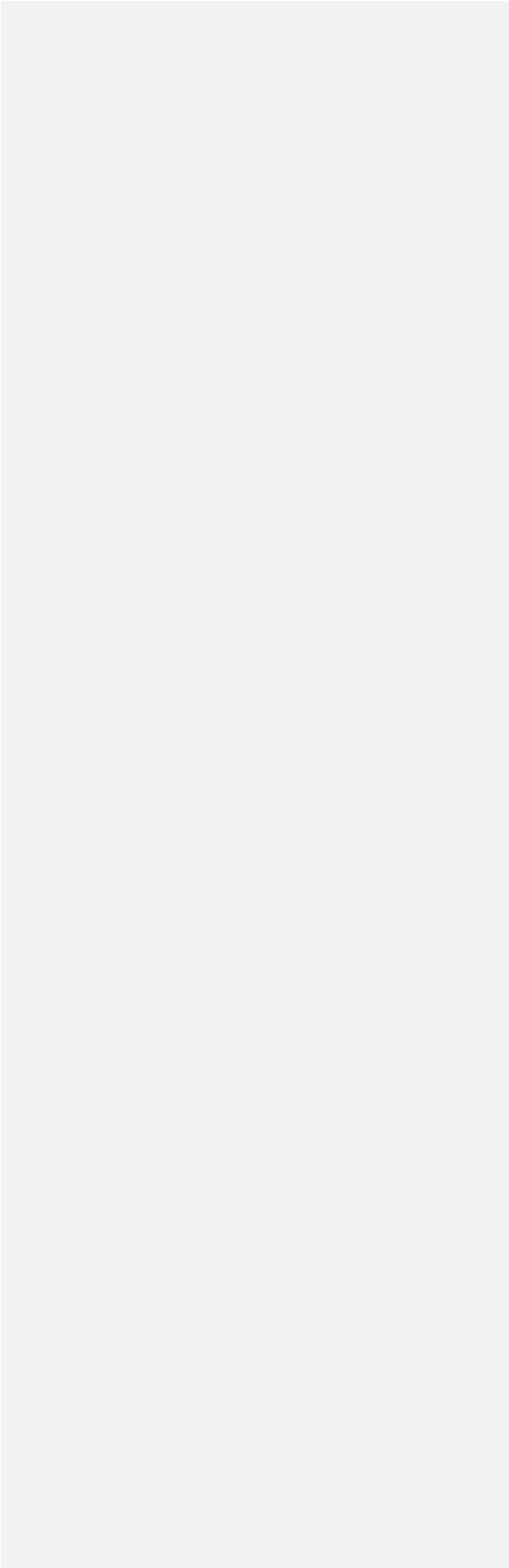
Christina Gonzales, Chair  
Personnel Committee



# CAL POLY POMONA ENTERPRISES



Employee Handbook – Effective  
~~February~~May, 2023



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## SECTION 1 INTRODUCTORY POLICIES

Welcome to the Cal Poly Pomona Enterprises (formally Foundation)! Established in 1966 as a non-profit self-supporting 501(c)(3) auxiliary organization, we strive to be an integral and valued partner for CPP students, faculty, staff, alumni, and community members. Specific goals include supporting the advancement of Cal Poly Pomona's educational mission, contributing to greater student success, and enhancing the campus environment. We are hopeful that you will find your employment to be rewarding, beneficial, and appropriately challenging.

Because the quality of our employees is a key factor toward our success in performing our mission, we carefully select our new associates. In turn, we expect employees to recognize the service nature of the [FoundationEnterprises](#)'s mission and contribute to the success of our organization. The entire CPPF family is excited to have you on the team and we look forward to seeing your talents improve our operations.

### INTEGRATION CLAUSE AND THE RIGHT TO REVISE

The purpose of this Employee Handbook is to inform all employees about the policies, responsibilities, procedures, guidelines, benefits and work rules that apply to each employee of the Foundation.

This Handbook applies to all employees of the [FoundationEnterprises](#) including full time, part time, temporary, seasonal and student employees. This Handbook also applies to employees covered by the Management Compensation Plan, except where superseded by that Plan. Included benefit provisions apply only to those employees who have been identified and are eligible for each particular benefit. Part time and student employees are not generally eligible to earn vacation, health care insurance (unless otherwise required by applicable law) or pension benefits.

Please read this Handbook carefully - you are responsible for adhering to its contents. While you review this Handbook, please keep in mind it is a guideline for employees and only highlights some of the [FoundationEnterprises](#)'s policies, practices, procedures, rules and benefits. It is not intended to be a contract for continued employment. Circumstances may require that the policies, practices, guidelines and benefits described in this Handbook change from time to time. The [FoundationEnterprises](#) reserves the right to amend, supplement or rescind any of the provisions of this Handbook, other than where legally restricted from doing so, as it deems appropriate in its sole and absolute discretion. Change will be communicated as soon as practical. This Handbook is posted on the [FoundationEnterprises](#)'s website and is intended to be available at all times.

This Employee Handbook does not constitute an express or implied contract guaranteeing continued employment for any employee. No manager or supervisor has any authority to enter into a contract of employment express or implied that changes or alters the fact that employment with the Company is at-will. Only the [FoundationEnterprises](#)'s Executive Director/CEO or authorized representative designated by the Executive Director/CEO or [FoundationEnterprises](#) Board of Directors has the authority to enter into an employment agreement that alters the fact that employment with the [FoundationEnterprises](#) is at-will. Any such agreement must be in writing and signed by the Executive Director/CEO or the authorized representative designated by the Executive Director/CEO or the [FoundationEnterprises](#) Board of Directors.

Not all of the Company's policies and procedures are set forth in this Employee Handbook. We have summarized only some of the more wide-reaching ones. If an employee has any questions or concerns about this Employee Handbook or any other policy or procedure, please ask your supervisor, your Human Resources representative or another member of management.

Nothing in this Employee Handbook or in any other document or policy is intended to violate any local, state or federal law. Nothing in this Employee Handbook or in any other document or policy is intended to limit any concerted activities by employees relating to their wages, hours or working conditions, or any other conduct protected by Section 7 of the National Labor Relations Act (NLRA). Furthermore, nothing in this Handbook prohibits an employee from reporting concerns to, filing a charge or complaint with, making lawful disclosures to, providing documents or

other information to or participating in an investigation or hearing conducted by the Equal Employment Opportunity Commission (“EEOC”), National Labor Relations Board (“NLRB”), Securities and Exchange Commission (“SEC”) or any other federal, state or local agency charged with the enforcement of any laws. The Human Resources Department will be happy to answer any questions regarding the contents of this Handbook.

## **DISCRIMINATION, HARASSMENT AND RETALIATION POLICY**

The ~~Foundation~~Enterprises is an equal opportunity employer. In accordance with applicable law, we prohibit discrimination and harassment against employees, applicants for employment, individuals providing services in the workplace pursuant to a contract, unpaid interns and volunteers based on their actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status (including registered domestic partnership status), sex and gender (including pregnancy, childbirth, lactation and related medical conditions), gender identity and gender expression (including transgender individuals who are transitioning, have transitioned, or are perceived to be transitioning to the gender with which they identify), age (40 and over), sexual orientation, Civil Air Patrol status, military and veteran status and any other consideration protected by federal, state or local law (collectively referred to as "protected characteristics").

For purposes of this policy, discrimination on the basis of "national origin" also includes discrimination against an individual because that person holds or presents the California driver's license issued to those who cannot document their lawful presence in the United States, as well as discrimination based upon any of the following: an individual's or individual's ancestors' actual or perceived physical, cultural or linguistic characteristics associated with a national origin group; marriage to or association with individuals of a national origin group; tribal affiliation; membership in or association with an organization identified with or seeking to promote the interests of a national origin group; attendance or participation in schools, churches, temples, mosques or other religious institutions generally used by persons of a national origin group; or a name that is associated with a national origin group. An employee's or applicant for employment's immigration status will not be considered for any employment purpose except as necessary to comply with federal, state or local law.

The Company allows employees to self-identify their gender, name and/or pronoun, including gender-neutral pronouns. The Company will use an employee's gender or legal name as indicated on a government-issued identification document, only as necessary to meet an obligation mandated by law. Otherwise, the Company will identify the employee in accordance with the employee's current gender identity and preferred name.

The Company will not tolerate discrimination or harassment based upon these protected characteristics or any other characteristic protected by applicable federal, state or local law. The Company also does not retaliate or otherwise discriminate against applicants or employees who request a reasonable accommodation for reasons related to disability or religion. Our commitment to equal opportunity employment applies to all persons involved in our operations and prohibits unlawful discrimination and harassment by any employee, including supervisors and coworkers.

### **Prohibited Harassment**

The ~~Foundation~~Enterprises is committed to providing a work environment that is free of illicit harassment based on any protected characteristics. As a result, the Company maintains a strict policy prohibiting sexual harassment and harassment against employees, applicants for employment, individuals providing services in the workplace pursuant to a contract, unpaid interns or volunteers based on any legally-recognized basis, including, but not limited to, their actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles), religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status (including registered domestic partnership status), sex and gender (including pregnancy, childbirth, lactation and related medical conditions), gender identity and gender expression (including transgender individuals who are transitioning, have transitioned, or are perceived to be transitioning to the gender with which

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they identify), age (40 or over), sexual orientation, Civil Air Patrol status, military and veteran status, immigration status or any other consideration protected by federal, state or local law.

For purposes of this policy, discrimination on the basis of "national origin" also includes harassment against an individual because that person holds or presents the California driver's license issued to those who cannot document their lawful presence in the United States and based on any of the following: an individual's or individual's ancestors' actual or perceived physical, cultural or linguistic characteristics associated with a national origin group; marriage to or association with individuals of a national origin group; tribal affiliation; membership in or association with an organization identified with or seeking to promote the interests of a national origin group; attendance or participation in schools, churches, temples, mosques or other religious institutions generally used by persons of a national origin group; or a name that is associated with a national origin group. All such harassment is prohibited.

This policy applies to all persons involved in our operations, including coworkers, supervisors, managers, temporary or seasonal workers, agents, clients, vendors, customers, or any other third party interacting with the Company ("third parties") and prohibits proscribed harassing conduct by any employee or third party of the [FoundationEnterprises](#), including nonsupervisory employees, supervisors and managers. If such harassment occurs on the Company's premises or is directed toward an employee or a third party interacting with the Company, the procedures in this policy should be followed.

#### **Sexual Harassment Defined**

Sexual harassment includes unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to, or rejection of, such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment also includes various forms of offensive behavior based on sex and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list:

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

An employee may be liable for harassment based on sex even if the alleged harassing conduct was not motivated by sexual desire. An employee who engages in unlawful harassment may be personally liable for harassment even if the Company had no knowledge of such conduct.

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### Other Types of Harassment

Harassment on the basis of any legally protected characteristic, as identified above, is prohibited. Prohibited harassment may include behavior similar to the illustrations above pertaining to sexual harassment. This includes conduct such as:

- Verbal conduct including threats, epithets, derogatory comments or slurs based on an individual's protected characteristic;
- Visual conduct, including derogatory posters, photographs, cartoons, drawings or gestures based on protected characteristic; and
- Physical conduct, including assault, unwanted touching or blocking normal movement because of an individual's protected characteristic.

### Abusive Conduct Prevention

It is expected that the Company and persons in the workplace perform their jobs productively as assigned, and in a manner that meets all of managements' expectations, during working times, and that they refrain from any malicious, patently offensive or abusive conduct including but not limited to conduct that a reasonable person would find offensive based on any of the protected characteristics described above. Examples of abusive conduct include repeated infliction of verbal abuse, such as the use of malicious, derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the intentional sabotage or undermining of a person's work performance.

### Protection Against Retaliation

Retaliation is prohibited against any person by another employee or by the Company for using the Company's complaint procedure, reporting proscribed discrimination or harassment or filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit.

### Discrimination, Harassment, Retaliation and Abusive Conduct Complaint Procedure

Any employee who believes they have been harassed, discriminated against, or subjected to retaliation or abusive conduct by a co-worker, supervisor, agent, client, vendor, customer, or any other third party interacting with the [FoundationEnterprises](#) in violation of the foregoing policies, or who is aware of such behavior against others, should immediately provide a written or verbal report to their supervisor, any other member of management, Human Resources, or the Human Resources Director/CHRO at (909) 869-2948. Employees are not required to make a complaint directly to their immediate supervisor. Supervisors and managers who receive complaints of misconduct must immediately report such complaints to Human Resources who will attempt to resolve issues internally. When a report is received, the Company will conduct a fair, timely, thorough and objective investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The Company expects all employees to fully cooperate with any investigation conducted by the Company into a complaint of proscribed harassment, discrimination or retaliation, or regarding the alleged violation of any other Company policies. The Company will maintain confidentiality surrounding the investigation to the extent possible and to the extent permitted under applicable federal and state law.

Upon completion of the investigation, the Company will communicate its conclusion as soon as practical. If the

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Company determines that this policy has been violated, remedial action will be taken, commensurate with the severity of the offense, up to and including termination of employment. Appropriate action will also be taken to deter any such conduct in the future.

The federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) will accept and investigate charges of unlawful discrimination or harassment at no charge to the complaining party. Information may be located by visiting the agency website at [www.eeoc.gov](http://www.eeoc.gov) or [www.dfeh.ca.gov](http://www.dfeh.ca.gov). The DFEH Sexual Harassment Prevention training may be accessed here: <https://www.dfeh.ca.gov/shpt/>.

### **Disability and Accommodation**

To comply with applicable laws ensuring equal employment opportunities for individuals with disabilities, the Company will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless undue hardship and/or a direct threat to the health and/or safety of the individual or others would result. Any employee who requires an accommodation in order to perform the essential functions of their job, enjoy an equal employment opportunity, and/or obtain equal job benefits should contact Human Resources to request such an accommodation. Human Resources will communicate with the employee and engage in an interactive process to determine the nature of the issue and what, if any, reasonable accommodation(s) may be appropriate. In some cases, this interactive process may be triggered without a request from the employee, such as when the Company receives notice from its own observation or another source that a medical impairment may be impacting the employee's ability to perform essential job functions.

Employees who believe they need an accommodation must specify, preferably in writing, what barriers or limitations prompted the request. The Company will evaluate information obtained from the employee, and possibly the employee's health care provider or another appropriate health care provider, regarding any reported or apparent barriers or limitations, and will then work with the employee to identify possible accommodations, if any, that will help to eliminate or otherwise address the barrier(s) or limitation(s). If an identified accommodation is reasonable and will not impose an undue hardship on the Company and/or a direct threat to the health and/or safety of the individual or others, the Company will generally make the accommodation, or it may propose another reasonable accommodation which may also be effective. Employees are required to cooperate with this process by providing all necessary documentation supporting the need for accommodation and being willing to consider alternative accommodations when applicable.

The Company will also consider requests for reasonable accommodations for medical conditions related to pregnancy, childbirth and lactation where supported by medical documentation and/or as required by applicable federal, state or local law.

Employees who wish to request unpaid time away from work to accommodate a disability should speak to Human Resources.

### **Religious Accommodation**

The Company will provide reasonable accommodation for employees' religious beliefs, observances, and practices when a need for such accommodation is identified and reasonable accommodation is possible. A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances, or practices and the employee's job requirements, without causing undue hardship to the Company.

The Company has developed an accommodation process to assist employees, management, and Human Resources. Through this process, the Company establishes a system of open communication between employees and the Company to discuss conflicts between religion and work and to take action to provide reasonable accommodation for employees' needs. The intent of this process is to ensure a consistent approach when addressing religious accommodation requests. Any employee who perceives a conflict between job requirements and religious belief, observance, or practice should bring the conflict and request for accommodation to the attention of Human

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Resources to initiate the accommodation process. The Company requests that accommodation requests be made in writing, and in the case of schedule adjustments, as far in advance as possible.

#### STATEMENT OF AT-WILL EMPLOYMENT STATUS

All employment with Cal Poly Pomona Enterprises, Inc. is at-will and shall continue only upon the mutual consent of the [FoundationEnterprises](#) and the employee. This means that an employee may terminate his or her employment with the [FoundationEnterprises](#) at any time with or without cause or prior notice and the [FoundationEnterprises](#) has similar rights. There is no promise that employment will continue for a set period of time, nor is there any promise that employment will terminate only under particular circumstances. No employee or representative of the [FoundationEnterprises](#) has authority to make promises, representations or agreements inconsistent with this policy of at-will employment, other than the [FoundationEnterprises](#)'s Executive Director/CEO or the Chair of the [FoundationEnterprises](#) Board of Directors, and the Executive Director/CEO and/or Chair or an authorized representative may do so only pursuant to a written agreement signed by the employee and the Executive Director/CEO and/or Chair or an authorized representative. This policy statement supersedes all written and oral representations that are in any way inconsistent with it and represents the complete and final policy of the [FoundationEnterprises](#) on this subject matter.

### SECTION 2

#### RECRUITMENT AND EMPLOYMENT PRACTICES

##### JOB OPENINGS

Full time benefited position openings ("Regular Benefited") are generally posted for a minimum of five working days on the [FoundationEnterprises](#)'s website and are listed in a range of public forums/job boards. Notices to other organizations and advertising in other places shall be determined jointly by the hiring authority and Human Resources Department. All posted positions are filled on a competitive basis. Employees must meet the specified minimum qualifications and apply in accordance with the position announcement in order to be considered for a position. Positions filled through internal promotions, or positions within the same job family and within the specific unit do not require posting.

##### HIRING PROCEDURE

The Executive Director/CEO ("~~CEO~~") or the Associate Executive Director/COO ("~~COO~~")(~~ED~~) of the [FoundationEnterprises](#) shall appoint a search committee to meet and interview qualified applicants and make recommendations for most exempt management positions. Non-exempt positions require the selection approval of the hiring supervisor and the next higher level of supervision with all full-time positions requiring approval by the ~~ED~~ [CEO, COO,](#) or their designee. Offers of employment for benefited positions must be approved by the Human Resources Department before an employment offer can be made. Appointment letters will be prepared by the Human Resources Department and must be approved by the ~~ED~~ [CEO or COO](#) of the [FoundationEnterprises](#) or their designee.

##### IMMIGRATION LAW COMPLIANCE

The [FoundationEnterprises](#) is committed to following all employment laws including immigration laws and committed to employing only individuals who are authorized to work in the United States and who comply with applicable immigration and employment law. As a condition of employment, every individual must provide satisfactory evidence of their identity and legal authority to work in the United States within three business days of commencing employment. If the employee cannot verify their right to work in the United States within three business days of employment, the Company will be required to terminate employment immediately.

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## REGULAR BENEFITED EMPLOYEES

Certain positions and/or classifications are identified as “regular benefited” status. Regular benefited employees are generally scheduled to work eight hours per day, five days per week. However, all work shifts are scheduled according to business needs and this status does not guarantee any employee a minimum number of hours of work per day or week. “Regular benefited” status qualifies the employee for a variety of benefits. These benefits are updated on a regular basis. See the [FoundationEnterprises](#) website for a listing of current benefits.

## MANAGEMENT COMPENSATION PLAN (MCP)

The [FoundationEnterprises](#)’s Management Compensation Plan (MCP) is designed to cover specific [FoundationEnterprises](#) employees who have been designated as directors or managers who have primary responsibility for the development and implementation of policies, procedures, practices, and/or guidelines which apply to the [FoundationEnterprises](#) as a whole, or responsibility for a major operational unit of the [FoundationEnterprises](#).

## PART TIME EMPLOYEES

Part time employees are generally those hired to work a limited number of hours per week (e.g. 20 hours per week or less) and are subject to lay off during seasonal business closures and slowdowns with no guarantee of being rehired. Part time employees are not eligible for certain employee benefits such as health insurance or paid vacation time. Part time employees are not guaranteed a minimum number of hours of work per day or week. Part time employees are not permitted to work more than 1000 hours in any fiscal year (July 1st through June 30th) per CalPERS regulations.

## TEMPORARY EMPLOYEES

Temporary employees are those who are hired for specific project assignments of limited duration. They are not eligible for health insurance or paid vacation time, and their length of employment shall be specified, generally not to exceed three months and are not guaranteed a minimum number of hours of work per day or week.

## STUDENT EMPLOYEES

Student employees are students who are attending Cal Poly Pomona as undergraduate students enrolled in a minimum of 6.0 units each ~~quarter~~ semester or graduate students enrolled in a minimum of 4.0 units each ~~quarters~~ semester, who may work as a [FoundationEnterprises](#) employee with certain restrictions. Student employee positions are exempt from FICA and therefore do not make contributions to that program.

Student employees generally work a maximum of 20 hours per week while school is in session. If the student has more than one job, the 20-hour rule applies to total hours worked in combination with all jobs on campus.

Student employees are allowed one semester off during the college year (summer through spring). During the time off, student employees may work a maximum of 40 hours per week. Students who are only enrolled with College of Extended University or Open University do not qualify for student employment but may be considered for other employment categories such as part time or temporary employment.

Other restrictions may apply. Please contact Human Resources Department to discuss how the rules may apply to your specific situation.

As with part time temporary employees, student employees are limited to working an absolute maximum of 1000 hours per fiscal year (July 1st through June 30th).

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## WORK STUDY STUDENT EMPLOYEES

Students employed through the Federal College Work-Study Program must also comply with current work-study requirements as outlined by the Financial Aid Office.

## GRANT/CONTRACT EMPLOYEES AND EMPLOYEES FUNDED THROUGH STATE OR UNIVERSITY SOURCES

Those employees hired under the provisions of grants, contracts or other funding sources are employed only to the extent funds are available from the funding source and within the guidelines of the particular grant/contract/source in coordination with [FoundationEnterprises](#) policies, procedures and hiring practices. These employees may be classified as regular benefited, part-time (non-benefited), temporary or student employee and do not guarantee any employee a minimum number of hours of work per day or per week. As stated elsewhere in this Employee Handbook, employment with the [FoundationEnterprises](#) is at-will.

## EMPLOYMENT OF RELATIVES/DATING AND ROMANTIC RELATIONSHIPS

The [FoundationEnterprises](#) will not hire or continue the employment of relatives where actual or potential issues may arise regarding supervision, security, safety, ethics, morale or where potential conflicts of interest exist. An employee may not work under the direct supervision of a relative or another employee with whom they are having a dating or romantic relationship (whether formal or informal). Relatives are defined as spouses, domestic partners, children, sisters, brothers, mothers, fathers or any persons who are closely related by birth, marriage or adoption, or persons with a close personal relationship. Relatives may be employed in the same department, but may not participate in any proceeding, evaluation, recommendation or action that affects the employment status of a relative.

Active employees who marry, who become related by marriage, or who enter into a dating or romantic relationship may be permitted to continue employment only if their employment poses no difficulties for supervision, security, safety, ethics morale or potential conflicts of interest.

If employees who marry, who become related by marriage, or who enter a dating or romantic relationship do pose difficulties for supervision, security, safety, morale or where potential conflicts of interest exist, the [FoundationEnterprises](#) will attempt to reassign one of the employees to another position for which he or she is qualified, if such a position is available. If no such position is available, one or both of the employees may be required to leave the [FoundationEnterprises](#).

## SECTION 3

### JOB DUTIES AND CLASSIFICATIONS

#### POSITION DESCRIPTIONS

The essential duties and responsibilities of each position are described in the respective position description. Employees [should request will receive](#) a copy of their position description when they first begin employment or whenever their work assignment changes.

Job responsibilities may change at any time during employment. From time to time, an employee may be asked to work on special projects, or assist with other work necessary and important to the [FoundationEnterprises](#). Cooperation and assistance from an employee in performing such additional work is expected.

The [FoundationEnterprises](#) reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions or assign additional job responsibilities.

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## CLASSIFICATIONS

All employees are assigned a position classification consistent with their employment status. The position classifications are designed to describe the broad duties and responsibilities of the position.

## RECLASSIFICATIONS

If the duties and responsibilities of a position change significantly, the employee or supervisor may request a position reclassification from the Human Resources Department. This action may result in a change to a higher or lower salary grade or a different classification, or no grade or classification change at all.

## PROMOTIONS

All posted positions are filled on a competitive basis. Employees must meet the specified minimum qualifications in order to be considered for a position involving a promotion to a position in another job family. Promotions to the next higher-level position, within a job family and within an operating unit, do not require posting and may be made by the unit manager subject to review by the Human Resources Department, [the Associate Executive Director/COO](#), and/or the Executive Director/CEO.

## TRANSFERS

Employees for similar positions may request transfers between units when appropriate openings exist. A transferred employee will normally retain the same classification and pay rate.

## DEMOTIONS

A demotion is a change from one classification to a lower one. Demotions may result from classification studies, changes in staffing levels resulting in layoffs, a lack of qualifications for the current position and/or disciplinary action. An employee may request a demotion. A demoted employee will be assigned the rate of the lower classification and shall not receive more than the top-grade maximum of the lower classification.

## IDENTIFYING EXEMPT AND NONEXEMPT POSITIONS

Nonexempt employees are employees whose job positions do not meet FLSA or applicable California exemption tests and who are not exempt from minimum wage and overtime pay requirements. Employees filling nonexempt positions are generally scheduled to work eight hours per day, five days per week and receive overtime for all hours worked in excess of eight hours per day or forty hours per week. Double time is paid for hours worked in excess of twelve hours per day and for all hours worked in excess of eight hours on the seventh consecutive day of work in a workweek. Other wage rules may apply given the specific set of circumstances.

Exempt employees are employees whose job assignments meet specific tests established by the federal Fair Labor Standards Act (FLSA) and California wage and hour laws and who are exempt from minimum wage and overtime pay requirements. Exempt employees are compensated on a salary basis. Employees will be informed whether their status is exempt or nonexempt and should consult their supervisor or another member of management with any questions or concerns regarding this status.

## SECTION 4

### WORKING HOURS AND SCHEDULES

#### WORK SCHEDULES

The [FoundationEnterprises](#) administrative offices are typically open for business between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday, throughout the academic year. Certain employees may have an alternative workweek schedule. The work hours of Enterprise units are determined by the requirements of the respective

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division and department. Some units are operational 24 hours a day, seven days per week, while others are not. Work schedules will reflect business needs.

Employees are expected to report to work on time as scheduled and ready to perform their work upon arrival.

The [FoundationEnterprises](#) reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, alter or change work schedules or assign additional job responsibilities. All employment with the [FoundationEnterprises](#) is at-will and there is no guarantee any employee will receive a minimum number of hours of work per day or per week.

**REST AND MEAL PERIODS**

The Company complies with federal and state legal requirements concerning meal and rest breaks. The Company recognizes that employees perform at their best when they have the rest and nourishment they need. This policy explains when the Company expects employees to take meal and rest breaks.

**Meal Breaks**

The Company provides at least a 30-minute meal period to employees who work more than five hours and a second 30-minute meal period to employees who work more than 10 hours in a workday, unless they have elected to waive a meal period in accordance with the Company’s policy and state law. Employees are relieved of all of their duties during meal periods and are allowed to leave the premises.

The Company provides meal periods as follows:

Number of Actual Hours Worked Per Shift	# Meal Periods	Comments
0 to ≤ 5.0	0	An employee who does not work more than five hours in a workday is not provided with a meal period.
> 5.0 to ≤ 10.0	1	An employee who works more than five hours in a workday, but who does not work more than ten hours in a workday, is provided with a 30-minute meal period available before working more than five hours, subject to any meal period waiver in effect.
> 10.0	2	An employee who works more than ten hours in a workday is provided with a second 30-minute meal period available before working more than ten hours, subject to any meal period waiver in effect. The meal period waiver will be invalidated if the employee works more than 12 hours.

The Company does not pay non-exempt employees for meal periods, and consequently, non-exempt employees must record the start and stop times of their meal periods.

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**Rest Breaks**

Employees are authorized and permitted to take a 10-minute paid rest break for every four hours worked, or major fraction thereof. Employees are relieved of all of their duties during rest periods and are allowed to leave the premises. The Company authorizes and permits rest breaks as follows:

Number of Actual Hours Worked Per Shift	# of 10 Minute Rest Breaks	Comments
0 to < 3.5	0	A non-exempt employee who works less than 3.5 hours in a workday is not entitled to a rest break.
3.5 to ≤ 6	1	A non-exempt employee who works between 3.5 and 6 hours in a workday is entitled to one 10-minute rest break.
> 6.0 to ≤ 10.0	2	A non-exempt employee who works more than 6 hours in a workday but who does not work more than 10 hours in a workday is entitled to two 10minute rest breaks.
> 10.0 to ≤ 14.0	3	A non-exempt employee who works more than 10 hours in a workday but who does not work more than 14 hours in a workday is entitled to three 10minute rest breaks. <sup>1</sup>

Whenever practicable, rest breaks should be taken near the middle of each four-hour work period. Employees may not accumulate rest breaks or use rest breaks as a basis for starting work late, leaving work early, or extending a meal period.

Because rest breaks are paid, non-exempt employees should not clock out for them.

**RESPONSIBILITIES**

Supervisors are responsible for administering their department’s meal and rest breaks.

Any non-exempt employee who is not provided with a meal period or authorized and permitted to take a rest break pursuant to the terms of this Policy is immediately entitled to a meal or rest break premium, that is automatically provided through the timekeeping system. Any supervisor who knows or should reasonably know that a meal or rest period was not provided in accordance with this Policy should arrange for a premium to issue to the employee, if it is not automatically provided for some reason. Employees are responsible for reporting to their supervisor any meal break that was not provided or any rest break not authorized and permitted where the supervisor would have no reason to otherwise know of this fact. Any employee who feels they are owed a premium as a result of this Policy, but have not received the premium should report the missing premium immediately to their supervisor.

<sup>1</sup> Non-exempt employees who work more than 14 hours in a workday may be entitled to additional rest breaks.

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## SECTION 5 COMPENSATION GUIDELINES

### PAY GRADES

~~PAY GRADES~~ We use published pay grades and new employees start employment at the minimum pay grade or above. Compensation increases are never guaranteed and are based on a variety of economic and performance factors, including approval by the Associate Executive Director/COO, the Executive Director/CEO, and/or Board approval of the annual budget.

### PAY PERIODS

Enterprise employees are paid on a bi-weekly basis, every other ~~Thursday-Friday~~ or as otherwise communicated.

### TIMEKEEPING REQUIREMENTS

The Enterprise utilizes a standard timekeeping system for all employees. All employees who have logged time for any work paid through ~~FoundationEnterprises~~ are required to review and approve their time in the timekeeping system no later than 9:00 am on the first Monday of a new pay period.

Nonexempt employees are required to report accurate working hours for each pay period they work (exact arrival and departure times) and when they depart and return from their meal period. "Hours worked" is defined by law as all-time an employee is subject to the control of an employer, and includes all time that an employee is suffered or permitted to work, whether or not required to do so.

Falsifying or making unauthorized changes to any timekeeping record can result in disciplinary action including termination of employment.

At the end of the pay period, employees will be asked to confirm 1) that their time cards are accurate and 2) that they have been relieved of all duty and otherwise provided all of their meal periods and rest breaks during a particular pay period, or in the alternative, to identify any meal periods or rest breaks that they have missed.

At no time may any employee perform off-the-clock work or otherwise alter, falsify or manipulate any aspect of their time-keeping records to inaccurately reflect or hide hours worked, meal periods taken or time spent working during meal periods.

The obligation to accurately record all hours worked does not relieve employees of their obligations to obtain advance approval before working overtime or hours beyond the regular work schedule. Employees who work beyond their regularly scheduled work hours, including overtime or off-schedule hours, without prior authorization are subject to disciplinary action, which may include termination of employment.

All supervisors and employees are responsible for maintaining accurate timekeeping records. All supervisors are required to review and approve the time for their respective employees no later than ~~3:40:030~~ 3:30 PM on the first Monday of each new pay period. Human Resources will communicate variances in this deadline due to holidays, closures or other occasions impacting the ability for supervisors to perform this function.

All time entry problems or errors should be reported immediately to your supervisor.

### Exempt Employees

Employees who are classified as exempt must record absences from work for reasons such as leaves of absence, sick leave or vacation.

Exempt employees are paid on a salary basis. This means the employee regularly receives a predetermined amount of compensation each pay period. In general, an exempt employee will receive their salary for any week in which

the employee performs work. However, an exempt employee will not be paid for days not worked in the following circumstances:

- When an exempt employee takes one or more days off for personal reasons other than sickness or disability, the employee will not be paid for such day(s) of absence, but the employee may use available vacation to make up for the reduction in salary;
- When an exempt employee takes one or more days off from work due to sickness or disability, the employee will not be paid for such day(s) of absence, but the employee may use available sick or vacation time to make up for the reduction in salary;
- When an exempt employee works only part of the week during their first and last week with the Company, the employee will be paid only for the days actually worked;
- When an exempt employee takes unpaid leave under the Family and Medical Leave Act or corresponding laws, the Company will not pay for such days/hours of absence; and
- When an exempt employee receives an unpaid disciplinary suspension of one or more full days, imposed in good faith for a workplace conduct rule infraction, the Company will not pay for such days of suspension.

The Company may require an exempt employee to use available vacation as a replacement for salary, when the employee takes less than a full-day off from work.

An exempt employee's salary will not be reduced when the employee works part of a week and misses part of a week due to service as a juror, as a witness or in the military or for lack of work, though deductions may be made to offset amounts an employee receives as jury or witness fees, or for military pay.

It is Company policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state law. The Company prohibits any deductions from pay that violate the FLSA or applicable state law.

If an exempt employee believes that an improper deduction has been made to their salary, the employee should immediately report this information to Human Resources or a supervisor. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

#### **HOLIDAY PAY**

(Regular Benefited Employees ONLY)

Eligibility for holiday pay begins the first day of hire. The [FoundationEnterprises](#) is a service unit to the campus community, and therefore, the holiday schedule is typically coordinated with the University's operating schedule. Typically, days designated as holidays by the University will also be observed by the [FoundationEnterprises](#). A schedule of paid holidays is issued at the beginning of each calendar year. To be eligible for holiday pay, an employee must be scheduled to work the week on which the holiday is observed and the weeks immediately preceding and immediately following the holiday. Benefited employees on a partial assignment (less than full-time/40 hours per week) immediately preceding a holiday, as in the case of a voluntary or assigned furlough, will receive holiday compensation on a prorated basis dictated by their current full-time equivalency (FTE). FTE is calculated using hours assigned to work as a percent of a full-time/40-hour work week. Benefited employees temporarily on an assignment of 50%, for example, will receive 4.0 hours of pay per eligible holiday. Those assigned to a full-time (1.0 FTE) schedule will received 8.0 hours of pay per eligible holiday. Please refer to the current holiday schedule posted on the [FoundationEnterprises](#)'s website or available in your operating unit.

#### **PERSONAL HOLIDAY PAY**

(Regular Benefited Employees ONLY)

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Personal holiday pay is paid at the employee's regular rate of pay and granted to employees that are hired between January 1<sup>st</sup> through September 30<sup>th</sup>. Employees hired after September 30<sup>th</sup>, will receive a Personal Holiday the following January. Personal holiday time will not count toward hours used to determine overtime eligibility in the week the personal holiday was taken. Employees must use their personal holiday by the last day of each year. Unused personal holiday will be carried forward to the next year to a maximum cap of two personal holidays.

Employees generally should use their personal holiday in the year in which it was provided. If an employee does not use any of the days no additional personal holidays will be provided until the employee uses some personal holiday time. There will be no retroactive allotment of personal holiday time when an employee is at the maximum cap. Unused personal holiday time will be paid out at the employee's regular rate of pay at the end of employment.

#### **OVERTIME PAY**

The Enterprise provides compensation for all overtime hours worked by nonexempt employees in accordance with state and federal laws. For purposes of determining which hours constitute overtime pay, only actual hours worked in each workday (over eight hours) or workweek (over forty hours) will be counted.

Nonexempt employees will be paid one and one-half times their regular rate of pay for all hours worked in excess of 40 hours in any workweek, for all hours worked in excess of eight hours up to and including 12 hours in any workday and for the first eight hours worked on the seventh consecutive day of work in a workweek. Additionally, employees will be paid double their regular rate of pay for all hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight hours on the seventh consecutive day of work in a workweek.

Alternative schedules, such as a "4/10" workweek, must be approved in advance and will result in differences to overtime pay. These and other situations triggering overtime should be discussed with the Human Resources Department whenever a question arises.

For purposes of defining eligibility for overtime each job classification is either nonexempt or exempt. See Section 3, Identifying Exempt vs. Nonexempt Positions.

All hours recorded in the timekeeping system for pay purposes, such as overtime hours, are reviewed and reports are provided to management for a detail review and analysis. Overtime that appears to be excessive will be reported directly to the respective unit Director and [Associate Executive Director/COO](#) or Executive Director/CEO for further disposition.

Overtime must be approved in advance by an employee's direct supervisor or unit Director. Any employee who works unauthorized overtime is subject to disciplinary actions.

AAll hours recorded in the timekeeping system require approval by the supervisor each pay period including regular hours, overtime hours and all paid time off hours.

All employees are entitled to at least one day of rest every seven days in a workweek unless certain exceptions apply as described in the Company's Day of Rest Policy. An employee may independently and voluntarily choose not to take a day of rest and confirm such choice in writing with the Company.

Exempt employees are expected to work as much of each workday as is necessary to complete their job responsibilities. No overtime or additional compensation is provided to exempt employees.

#### **WORKWEEK AND WORKDAY**

The workweek begins at 12:00 A.M. Sunday morning and continues for seven consecutive 24-hour periods, ending 11:59 P.M. Saturday night. The workday begins at 12:00-A.M. and continues for 24 consecutive hours ending 11:59 P.M.

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**JURY DUTY PAY (Regular Benefitted Employees ONLY)**  
**(Regular Benefitted Employees ONLY)**

The [FoundationEnterprises](#) encourages employees to fulfill their civic responsibilities by serving jury duty when required. Benefitted employees who have completed six months of service may request up to 20 days of paid jury duty in any one 24-month period. Any additional time off for non-exempt employees will be unpaid. An employee should notify their supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. An employee reporting for jury duty is required to provide written verification from the court clerk of having served. If work time remains after any day of jury selection or jury duty, an employee is expected to return to work for the remainder of the work schedule. Part time, temporary and/or student employees do not qualify for jury duty pay.

**ADVANCES**

The [FoundationEnterprises](#) does not permit advances for pay checks.

**SECTION 6**

**EMPLOYEE BENEFITS**

*(Section 6 applies to Regular Benefitted Employees only)*

**BENEFIT ELIGIBILITY**

Eligibility for benefits depends upon employment status. THE RESPECTIVE APPOINTMENT LETTER MUST SPECIFICALLY DENOTE ELIGIBILITY FOR BENEFITS OR THE EMPLOYEE IS NOT CONSIDERED TO BE ELIGIBLE. If an employee believes their status is incorrect, the employee should discuss this issue with their supervisor.

This Handbook only summarizes those benefits programs (e.g., health, dental and eye care) that are maintained pursuant to a benefit plan document. If statements in this Handbook conflict with or are otherwise inconsistent with the provisions of an applicable benefit Plan Document, the provisions of the Plan Document will control. The [FoundationEnterprises](#) reserves the right to modify or eliminate benefits at any time in accordance with applicable law.

**RETIREMENT PLANS**

Benefitted employees are automatically enrolled in the California Public Employees' Retirement System (CalPERS). Both the [FoundationEnterprises](#) and employee contribute to the CalPERS retirement program. The employee's contribution is determined by the applicable benefits formula for the plan in which the employee has been enrolled, as determined primarily by the employee's hire date except when the employee has prior service covered by CalPERS. Employees seeking additional information on retirement benefits should contact Human Resources or CalPERS directly.

To acquire a vested interest in the retirement plan, an employee must have at least five years of membership in CalPERS. Each member receives an annual statement of contributions, interest earned and years of service credit directly from CalPERS.

The minimum age for normal retirement is either 50 or 52 depending on the CalPERS guidelines associated with the plan in which an employee has been enrolled, and only after the employee has at least five years of CalPERS service credit. Applications for retirement or further information on retirement can be obtained from Human Resources or the CalPERS website. Retirement applications must be submitted to CalPERS at least 90 days prior to the planned effective date. CalPERS members may obtain a retirement estimate on the CalPERS web site at [www.calpers.ca.gov](http://www.calpers.ca.gov).

CalPERS also provides death benefits. These benefits are explained in the CalPERS Member Benefits Booklet which is available on the CalPERS website. Please contact Human Resources for additional information.

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Should an employee leave [FoundationEnterprises](#) employment prior to having at least 5 years of service, the employee will have the option to terminate CalPERS membership and withdraw funds, roll-over their contributions and interest to another qualified retirement plan, or leave funds on deposit with CalPERS.

The following positions are excluded from CalPERS membership:

1. Seasonal/temporary staff
2. Part time positions (generally working less than an average of 20 hours per week)
3. On call, intermittent, or employed on an irregular basis
4. Student positions
5. Independent contractors
6. When a person is already a member of CalPERS by prior employment of any covered CalPERS organization, exclusions (1), (2), or (3) may not apply. In that case, please notify Human Resources.

If you believe that your [FoundationEnterprises](#) employment does qualify you for CalPERS membership, please contact Human Resources immediately, or contact the Actuarial & Employer Services Branch at CalPERS.

**MEDICAL, DENTAL, AND VISION COVERAGE**

Coverage for medical, dental and vision insurance is effective the first day of the month following 31 days of fulltime employment. Typically, an employee will learn detailed information about these benefits during employee orientation and will also enroll at that time. A Human Resources Representative is available to assist employees with technical questions about their benefits programs.

**FLEX DOLLARS**

Flex Dollars provides eligible regular benefited employees with a monthly credit that can be applied to subsidize parking fees, increase the amount received through the tuition reimbursement program, or support other selected programs. Unused Flex Dollars are forfeited at the end of each year or at termination of employment.

**GROUP LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE**

Term group life insurance is provided by and paid fully by the [FoundationEnterprises](#). The amount of coverage for each employee is based on the employee's annual basic earnings. The Human Resources Department can provide a copy of the Employee Benefits Insurance Certificate upon request or it can be found in the payroll system.

**VACATION ACCRUAL**

Full time benefited nonexempt employees accrue paid vacation hours for each hour worked. Exempt employees accrue based on each 40-hour work week that is worked. Accruals are earned up to a maximum accrual cap in accordance with the following schedule:

Schedule/Service Time	Annual Amount	Max Accrual Cap	Per Hour	Per Week
Schedule A (01 month to 36 months)	10 Days	34 Days	.03849	1.538
Schedule B (37 months to 72 months)	15 Days	34 Days	.05769	2.307
Schedule C (73 months to 120 months)	17 Days	34 Days	.06538	2.615
Schedule D (121 months to 180 months)	19 Days	48 Days	.07307	2.923
Schedule E (181 months to 240 months)	21 Days	48 Days	.08076	3.23
Schedule F (241 months to 300 months)	23 Days	48 Days	.08846	3.538
Schedule G (301 months and more)	24 Days	48 Days	.0923	3.692

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MCP Employees

24 Days

3.692

Under 10 years is 48  
Days  
Over 10 years is 55  
Days

Nonexempt employees may use vacation time in one-hour increments when approved by their supervisor. Generally, vacations may be requested after six months of active service and when work schedules permit. Vacation schedules must be coordinated with and approved by the employee’s supervisor in advance. It should be recognized that in some cases vacations may have to be temporarily deferred, and in some cases, such as to ensure appropriate staffing levels, the scheduling of vacation may be determined by the employee’s supervisor.

Employees on unpaid leave do not accrue vacation time. Recognized holidays occurring during a vacation period are paid as holidays and are not charged to vacation time.

All available vacation time must be used before any type of unpaid leave will be approved (with exception of leaves that state vacation is cannot be required). An employee who terminates will be paid accrued and unused vacation hours at their then regular rate of pay.

**VACATION ACCRUAL MAXIMUM**

Vacation hours accrue up to a maximum number of hours. If an employee has less than 10 years of service, the maximum accrual limit is 272 hours. If an employee has 10 years or more of service, the maximum accrual limit is 384 hours. Employees under the MCP Plan with fewer than 10 years of service are allowed a maximum accrual of 384 hours while MCP employees with more than 10 years of service are allowed a maximum accrual of 440 hours.

When an employee's vacation accrual reaches their maximum accrual, additional vacation hours will not continue to accrue until the employee uses vacation time to bring the total accruals below the maximum. There is no retroactive granting of vacation accrual for periods of time when accrued vacation was at the maximum.

**SICK LEAVE**

The Company provides paid sick and safe time to eligible employees in compliance with California's Healthy Workplaces Healthy Families Act (HWHFA).

**Eligibility**

Employees (including full-time, part-time and temporary employees) become eligible for paid sick and safe time once they have worked in California for the Company for 30 days within a year from the start of employment.

Employees may begin to use their accrued time beginning on their 90th day of employment. Employees who have been employed by the Company for at least 90 days prior to becoming eligible to accrue paid sick and safe time may use such leave immediately upon accrual.

**Annual Accrual of Paid Sick and Safe Time**

Eligible employees begin to accrue paid sick and safe time on the first day of employment, whichever is later.

- Full time benefited nonexempt employees accrue sick leave credit at .04615 hour for every hour worked and exempt employees accrue 1.846 hours of sick leave credit for every full work week worked (40 hours).
- Part time employees, including seasonal, temporary, and student workers employed for more than 30 days, earn sick leave credits at a rate of one hour for every 30 hours worked. Annual utilization of accrued sick leave is limited to 24 hours and the annual accrual is capped at 48 hours.

The number of hours a nonexempt employee is deemed to work each week will be based on time records and includes all hours worked, including overtime hours. Exempt employees are assumed to work 40 hours per

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workweek, unless their normal workweek is fewer than 40 hours per week, in which case accrued paid sick and safe time is based upon that normal workweek. Once the maximum accrual cap is reached, employees will not accrue additional paid sick and safe time until their accrual balance falls below the cap.

Paid sick and safe time may be used in increments of one hour for the first hour and then 30-minute increments after that or greater to cover all or just part of a work day.

Employees will not accrue paid sick and safe time during unpaid leaves of absence.

Employees are not required to find an employee to cover their work when they take paid sick and safe time.

#### **Reasons Sick and Safe Time May be Used**

Employees may use paid sick and safe time for themselves and their family members:

- For diagnosis, care or treatment of an existing medical condition; or
- [For preventive care; or](#)
- [Bereavement leave](#)

Employees may also use paid sick and safe time if the employee is a victim of domestic violence, sexual assault or stalking and time off is needed to:

- Obtain or attempt to obtain any relief (e.g., a temporary restraining order, restraining order or other injunctive relief) to help ensure the health, safety or welfare of the victim or the victim's child;
- Seek medical attention for injuries caused by domestic violence, sexual assault or stalking;
- Obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault or stalking;
- Obtain psychological counseling related to an experience of domestic violence, sexual assault or stalking; or
- Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault or stalking, including temporary or permanent relocation.

For purposes of this policy, "eligible family members" include a:

- Spouse;
- Biological, adopted or foster child, stepchild, legal ward or a child to whom the employee stands in loco parentis;
- Biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner or a person who stood in loco parentis when the employee was a minor child;
- Sibling;
- Grandparent or grandchild; and
- [Registered domestic partner \(as defined by state or local law\), as well as the child or parent of a registered domestic partner.](#)
- [Designated Person\(s\) - any individual related by blood or whose association with the employee is equivalent of a family relationship.](#)

The definition of "child" applies irrespective of a child's age or dependency status.

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**Requesting Paid Sick and Safe Time**

When the need for paid sick and safe time use is foreseeable, employees must provide reasonable advance oral or written notice to their supervisor for any absence from work. If the need for paid sick and safe time is unforeseeable, employees must provide notice to their supervisor of the need to use the time as soon as practicable. In all circumstances, employees must specify that the requested time off is for sick or safe time reasons (as opposed to, for example, vacation time), so that the absence may be designated accordingly. Failure to obtain approval as soon as possible after determining the need to take such time may result in discipline.

**Rate of Pay for Sick and Safe Time**

For nonexempt employees, pay for sick and safe time is calculated in the same manner as the employee's regular rate of pay for the workweek in which the employee uses sick and safe time, regardless of whether the employee works overtime in that workweek. For exempt employees, payment for sick and safe time is calculated in the same manner as wages are calculated for other forms of paid leave time.

**Carryover**

Accrued but unused paid sick and safe time will carry over from year to year.

**Separation from Employment**

Compensation for accrued and unused sick and safe time is not provided upon separation from employment for any reason. If an employee is rehired by the Company within 12 months of separation from employment, previously accrued but unused sick and safe time will immediately be reinstated (up to the maximum of 48 hours or the equivalent of six days (per the employee's previous work schedule)). Rehired employees will be allowed immediate use of this time and to accrue additional paid sick days upon rehiring, consistent with the use and accrual limitations of this policy.

**Confidentiality**

The Company will keep confidential the health information of the employee or employee's covered family member, as well as information related to domestic violence perpetrated against or sexual assault of the employee or employee's covered family member. Such information will not be disclosed except to the affected employee or as required by law.

**Effect on Other Rights and Policies**

The Company may provide other forms of leave for employees to care for medical conditions or for issues related to domestic violence under certain federal, state and municipal laws. In certain situations, leave under this policy may run at the same time as leave available under another federal, state or municipal law, provided eligibility requirements for that law are met. The Company is committed to complying with all applicable laws. Employees should contact Human Resources for information about other federal, state and municipal domestic violence, medical or family leave rights.

**No Discrimination or Retaliation**

The Company prohibits discrimination and/or retaliation against employees who request or use paid sick and safe time for authorized circumstances or for making a complaint or informing a person about a suspected violation of this policy. Likewise, the Company prohibits discrimination and/or retaliation for cooperating with city or state officials in investigating claimed violations of any paid sick leave law (including the HWHFA), cooperating or participating in any investigation, administrative hearing or judicial action regarding an alleged violation, opposing any policy or practice that is prohibited by any paid sick leave law, or informing any person of their potential rights under the law.

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Our current contract with CalPERS provides an option to eligible employees for converting unused sick leave to service time upon retirement. Additionally, a 457(b) Plan is available where, upon annual [FoundationEnterprises](#) Board approval, permits eligible employees to convert a portion of their unused sick and vacation leave into cash and then deposit that cash into their 457(b) account. Contact Human Resources for additional information.

#### **HOLIDAYS**

Eligibility for holiday pay begins the first day of hire. The [FoundationEnterprises](#) is a service unit to the campus community, and therefore, the holiday schedule is coordinated with the University's operating schedule. Typically, days designated as holidays by the University will also be observed by the [FoundationEnterprises](#). A schedule of paid holidays is issued at the beginning of each calendar year. To be eligible for holiday pay, an employee must be scheduled to work the week on which the holiday is observed and the weeks immediately preceding and immediately following the holiday. Benefited employees on a partial assignment (less than full-time/40 hours per week) immediately preceding a holiday, as in the case of a voluntary or assigned furlough, will receive holiday compensation on a prorated basis dictated by their current full-time equivalency (FTE). FTE is calculated using hours assigned to work as a percent of a full-time/40-hour work week. Benefited employees temporarily on an assignment of 50%, for example, will receive 4.0 hours of pay per eligible holiday. Those assigned to a full-time (1.0 FTE) schedule will receive 8.0 hours of pay per eligible holiday. Please refer to the current holiday schedule posted on the [FoundationEnterprises](#)'s website or available in your operating unit.

#### **CONTINUATION OF MEDICAL, DENTAL AND VISION INSURANCE**

At the beginning of a leave of absence, an Human Resources Representative will explain options for continuance of medical, dental and vision insurance. Refer to Section V, Coordination with Workers' Compensation or State Disability Insurance (SDI) payments. For leaves of absence where the [FoundationEnterprises](#) is required to continue an employee's health insurance benefits during the leave, the [FoundationEnterprises](#) will do so on the same terms as those that existed prior to the leave. Employees will be required to pay their share of the benefits during the leave. For leaves of absence where the [FoundationEnterprises](#) is not required to continue health insurance benefits, employees may elect to discontinue any of the insurance coverage during their leave. The employee will be reinstated to insurance coverage effective the first of the next month upon returning to work.

#### **COBRA**

COBRA provides eligible employees and certain family members the right to continue health care coverage at their expense under the [FoundationEnterprises](#)'s group health plans. The right to continue such coverage will arise when specific events occur that would normally result in the loss of coverage. Such qualifying events include the resignation, termination, divorce or legal separation, end of child dependent status, death of an employee, or a reduction in an employee's hours. Please discuss your specific situation with Human Resources.

### **SECTION 7 EMPLOYEE DEVELOPMENT**

#### **EDUCATIONAL ASSISTANCE PROGRAM**

Employees employed by the [FoundationEnterprises](#) for at least twelve months in a benefited position are eligible to receive benefits under this program. Full time employees paid from contract or grant funds and campus programs are encouraged to participate in the Education Assistance Program if funds can be provided by the sponsoring agency or sufficient funds are available and approved through the respective department.

Any employee who is eligible to receive benefits under this program may transfer their benefit to a qualifying dependent. For additional information please refer to Policy #207 on the [FoundationEnterprises](#)'s website.

#### **SEMINARS, LECTURES AND TRAINING PROGRAMS**

It is often desirable for employees to attend training programs, seminars, conference, lectures, meetings or other outside activities for the benefit of the [FoundationEnterprises](#) and/or the individual employees. Attendance at such

activities may be required by the [FoundationEnterprises](#) or requested by individual employees. However, attendance will not be considered an officially authorized activity unless prior written approval from the respective supervisor has been provided.

To obtain written approval, employees wishing to attend an activity must submit a written request to their supervisor detailing all relevant information, including date, hours, location, cost, expenses, nature, purpose and justification for attendance.

Where attendance is authorized by the Enterprises, customary and reasonable expenses will be reimbursed upon submission of proper receipts. This generally includes registration fees, materials, meals, transportation and parking. Reimbursement policies regarding these expenses should be discussed with your supervisor or Financial Services in advance.

Employee attendance for authorized outside activities will be considered hours worked for nonexempt employees to the extent such hours coincide with normal work schedules, and such hours will be compensated in accordance with normal payroll practices. Attendance at optional social/networking events associated with these activities will not be considered work hours unless approved in advance by an employee's unit director.

While the [FoundationEnterprises](#) encourages employees to improve their job skills and promotional qualifications, such activities are not subject to this program or reimbursement policy unless prior written approval is obtained as discussed above.

## SECTION 8 PERFORMANCE EVALUATIONS

### PERFORMANCE EVALUATIONS

Employees may receive performance evaluations from time to time. Supervisors will prepare evaluations and discuss the contents of those evaluations with the respective employee. However, employees may be asked to submit a self-evaluation to aid the process.

Regular benefited employees may be given their first performance evaluation at the completion of 90 days of service, and the second evaluation may be given at the end of the first year of employment. After one year of employment, performance evaluations will typically be conducted annually, on or about the anniversary date of employment with the Enterprises, or the anniversary date of the most recent reclassification. However, the [FoundationEnterprises](#) does not guarantee to provide a performance evaluation at any set interval and reserves the right to issue disciplinary action before or after a performance evaluation. A positive performance evaluation does not guarantee a compensation increase or even continued employment. All employees remain employed at-will.

Part time and/or Student employees may receive performance evaluations at the end of the fiscal year or 30 days prior to the summer lay off. Temporary employees do not generally receive a performance evaluation due to the nature of their employment.

Positive performance is expected of all [FoundationEnterprises](#) employees.

If an employee disagrees with any aspect of the performance evaluation, the employee is provided the opportunity to place comments on the evaluation form, or request a review of the performance evaluation at the next higher level of supervision within the [FoundationEnterprises](#).

## SECTION 9

### TRAVEL ON FOUNDATIONENTERPRISES BUSINESS

#### TRAVEL

Written approval from the unit manager and concurrence from the [Associate Executive Director/COO or Executive Director/CEO of FoundationEnterprises](#) or their designee is required in order to travel on [FoundationEnterprises](#) business. The Financial Services Department can provide the proper forms for reporting business related expenses or a copy of the Travel Policy. These forms are also conveniently located on the [FoundationEnterprises](#) website.

Travel outside of California requires written prior approval from the Executive Director/CEO or their designee.

#### USE OF PERSONAL VEHICLE

The [FoundationEnterprises](#) insurance policy may not cover damage or liability to personal vehicles used for [FoundationEnterprises](#) business. Whenever personal vehicles are used for [FoundationEnterprises](#) business, the respective employee is required to have automobile insurance in accordance with California state laws and the employee is specifically prohibited from driving their personal vehicle for [FoundationEnterprises](#) business without the required automobile insurance in place. Employees must have a valid driver's license with an acceptable driving record.

#### USE OF FOUNDATIONENTERPRISES VEHICLE

An employee's motor vehicle record must be checked and cleared through the [FoundationEnterprises](#) insurance company prior to operating a [FoundationEnterprises](#) owned vehicle. Employees with a poor driving record and those that have not completed the required training are ineligible to drive [FoundationEnterprises](#) vehicles. State employees may receive authorization to drive [FoundationEnterprises](#) owned vehicles.

#### COMMERCIAL TRANSPORTATION GUIDELINES

Transportation expenses consist of charges for commercial carrier fares, private car mileage allowance, overnight and day parking of vehicle, and necessary tolls plus taxi, rideshare, bus or streetcar fares.

#### MEALS AND LODGING

Actual cost of lodging and no more than the allowable meal allowance as set by the State of California's Board of Control Office will be provided. Lodging must be at an official conference property or other accommodations available at a lower rate/overall cost.

#### EXPENSE/TRIP REPORTS

An employee is eligible to claim appropriate per diem expenses for every 24-hour period of travel status if the travel is more than 25 miles from employee's headquarters. Otherwise, partial day travel allowance will apply according to the [FoundationEnterprises](#) Travel Policy. If an employee is traveling on behalf of a contract or grant and the granting agency specifies in the agreement that their travel policies differ from the [FoundationEnterprises](#)'s, the [FoundationEnterprises](#) will adhere to those policies.

A travel advance must be cleared within thirty days after the traveler's return. No additional advance for travel will be made without the clearance of a prior advance. A travel claim must account for all items of expense by the necessary receipts or support in accordance with the allowance schedule.

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## SECTION 10 LEAVES OF ABSENCE

### BEREAVEMENT LEAVE

~~An employee is eligible for bereavement leave after completion of 30 days of employment and may request up to five days of Foundation paid time off due to the death of an immediate family member. An immediate family member is defined as a spouse, registered domestic partner, the spouse's mother, father, grandmother, grandfather, grandchildren, son, son-in-law, daughter, daughter-in-law, brother, or sister and similar relatives of a registered domestic partner. For an aunt, uncle, niece or nephew, an employee may request up to one day of paid time off. Employees may request additional unpaid time off, sick time or vacation pay from their supervisor. An employee may request up to five days of Foundation paid time off due to the death of an immediate family member. An immediate family member is defined as a spouse, registered domestic partner, the spouse's mother, father, grandmother, grandfather, grandchildren, son, son-in-law, daughter, daughter-in-law, brother, or sister and similar relatives of a registered domestic partner. Additional family members may meet these criteria in certain instances as determined by Human Resources with approval of the Executive Director/CEO or their designee. Employees may request additional unpaid time off from their supervisor.~~

~~The days of bereavement leave do not need to be taken consecutively, but must be taken within three months of the family member's death.~~

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### PREGNANCY AND PREGNANCY-RELATED DISABILITIES LEAVE AND ACCOMMODATION (PDL)

#### Pregnancy Disability Leave

Any employee who is disabled by pregnancy, childbirth or a related medical condition (including medical conditions relating to lactation) is eligible for up to four months of pregnancy disability leave. If an employee is also eligible for leave under the federal Family and Medical Leave Act (Fed-FMLA), the Fed-FMLA leave and the pregnancy disability leave will run concurrently.

For purposes of this policy, employees are "disabled by pregnancy" when, in the opinion of their health care provider, they cannot work at all or are unable to perform any one or more of the essential functions of their job or to perform them without undue risk to themselves, the successful completion of their pregnancy or other persons as determined by a health care provider. The term "disabled" also applies to certain pregnancy-related conditions, such as severe morning sickness or the need to take time off for prenatal or postnatal care, bed rest, post-partum depression and the loss or end of pregnancy (among other pregnancy-related conditions that are considered to be disabling).

#### Reasonable Accommodation for Pregnancy-Related Disabilities

Any employee who is affected by pregnancy may also be eligible for a temporary transfer or another accommodation. Employees are "affected by pregnancy" if they are pregnant or have a related medical condition and their health care provider has certified that it is medically advisable for the employee to temporarily transfer or to receive some other accommodation.

The Company will provide a temporary transfer to a less-strenuous or -hazardous position or duties or other accommodation to an employee affected by pregnancy if:

- The employee requests a transfer or other accommodation;
- The request is based upon the certification of a health care provider as "medically advisable"; and
- The transfer or other requested accommodation can be reasonably accommodated pursuant to applicable law.

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No additional position will be created, and the Company will not terminate another employee, transfer another employee with more seniority, or promote or transfer any employee who is not qualified to perform the new job as a part of the accommodation process.

Examples of reasonable accommodations include: (1) modifying work schedules to provide earlier or later hours; (2) modifying work duties, practices or policies; (3) providing time off; (4) providing furniture (such as stools) and modifying equipment and devices; and (5) providing additional break time for lactation or trips to the restroom. If time off or a reduction in hours is granted as a reasonable accommodation, the Company will consider the reduced hours/time off as pregnancy disability leave and deduct those hours from an employee's four-month leave entitlement.

#### **Advance Notice and Medical Certification**

To be approved for a pregnancy disability leave of absence, a temporary transfer or other reasonable accommodation, employees must provide the Company with:

- 30 days' advance notice before the leave of absence, transfer or reasonable accommodation is to begin, if the need is foreseeable;
- As much notice as is practicable before the leave, transfer or reasonable accommodation when 30 days' notice is not possible; and
- A signed medical certification from their health care provider that states that they are disabled due to pregnancy or that it is medically advisable for them to be temporarily transferred or to receive some other requested accommodation.

The Company may require employees to provide a new certification if they request an extension of time for their leave, transfer or other requested accommodation.

Failure to provide the Company with reasonable advance notice may result in the delay of leave, transfer or other requested accommodation.

#### **Duration**

The Company will provide employees with pregnancy disability leave for a period not to exceed four months. The four months is defined as the number of days (and hours) the employee would normally work within four calendar months or 17.33 workweeks. This leave may be taken intermittently or on a continuous basis, as certified by the employee's health care provider.

The Company may require an employee to temporarily transfer to an available alternative position to meet the medical need of the employee to take intermittent leave or work on a reduced schedule as certified by the employee's health care provider. The employee must be qualified for the alternative position, which will have an equivalent rate of pay and benefits, but not necessarily equivalent job duties.

Any temporary transfer or other reasonable accommodation provided to an employee affected by pregnancy will not reduce the amount of pregnancy disability leave time the employee has available unless the temporary transfer or other reasonable accommodation involves a reduced work schedule or intermittent absences from work.

The length of the transfer or other accommodation will depend upon the period of time for which it is medically advisable.

#### **Benefits**

The Company will maintain an employee's health insurance benefits during an employee's pregnancy disability leave for a period of up to four months (as defined above) on the same terms as they were provided prior to the leave

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time. If employees take additional time off following a pregnancy disability leave that qualifies as leave under the California Family Rights Act (CFRA), the Company will continue their health insurance benefits for up to a maximum of 12 workweeks in a 12-month period.

In some instances, the Company may recover premiums it paid to maintain health insurance benefits if an employee fails to return to work following pregnancy disability leave for reasons other than taking additional leave afforded by law or Company policy or not returning due to circumstances beyond the employee's control.

**Integration With Other Benefits**

Pregnancy disability leaves and accommodations that require employees to work a reduced work schedule or to take time off from work intermittently are unpaid. Employees may use their accrued vacation or sick leave benefits during the unpaid leave of absence, if applicable. However, use of sick leave or vacation benefits will not extend the available leave of absence time. Sick leave or vacation leave hours will not accrue during any unpaid portion of the leave of absence, and employees will not receive pay for official holidays that are observed during their leave of absence except during those periods when they are substituting vacation or sick leave for unpaid leave.

Any State Disability Insurance for which employees are eligible may be integrated with accrued vacation or sick leave benefits so that they do not receive more than 100 percent of their regular pay.

**Reinstatement**

If the employee and the Company have agreed upon a definite date of return from the leave of absence or transfer, the employee will be reinstated on that date if they notify the Company that they are able to return on that date. If the length of the leave of absence or transfer has not been established, or if it differs from the original agreement, the employee will be returned to work within two business days, where feasible, after notifying the Company of their readiness to return.

Before employees will be allowed to return to work in their regular job following a leave of absence or transfer, they must provide Human Resources with a certification from their health care provider that they can perform safely all of the essential duties of the position, with or without reasonable accommodation. If employees do not provide such a release prior to or upon reporting for work, they will be sent home until a release is provided. This time before the release is provided will be unpaid.

Employees will be returned to the same position upon the conclusion of their leave of absence or transfer unless the position ceases to exist. In cases where the employee's position no longer exists, the Company will provide a comparable position on the scheduled return date or within 60 calendar days of that return date. However, employees will not be entitled to any greater right to reinstatement than if they had not taken the leave.

To the extent required by law, some extensions beyond an employee's pregnancy disability leave entitlement may be granted when the leave is necessitated by an employee's injury, illness or "disability" as defined under the Americans with Disabilities Act and/or applicable state or local law.

The Company will not discriminate or retaliate against employees because they request or make use of leave, a transfer or other accommodations in accordance with this policy. This policy does not limit a pregnant employee's rights under any other policy or laws protecting gender, pregnancy and childbirth, or health conditions related to pregnancy or childbirth.

Employees who have questions about this policy or who wish to request leave, transfer or other reasonable accommodation under this policy should contact Human Resources.

**LACTATION ACCOMODATION**

Employees have the right to request lactation accomodation. The Company will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child each time

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the employee has need to express milk. If possible, the lactation break time should run concurrently with scheduled meal and rest breaks already provided to the employee. If the lactation break time cannot run concurrently with meal and rest breaks already provided or additional time is needed, the lactation break time will be unpaid for nonexempt employees.

Employees will be relieved of all work-related duties during any unpaid break. When unpaid breaks or additional time are required, employees should work with their supervisor regarding scheduling and reporting the extra break time.

Because exempt employees receive their full salary during weeks in which they work, all exempt employees who need lactation accommodation breaks do not need to report any extra break time as "unpaid."

The Company will provide employees with the use of a room or other location to express milk in private. The lactation room or other location will not be a bathroom and will be safe, clean, free from hazardous materials, in close proximity to the employee's work area, shielded from view and free from intrusion by co-workers and/or the public. This location may be the place where the employee normally works, if applicable. The lactation room or other location will include a surface on which to place a breast pump or other personal items, a place to sit and electricity or alternative devices (e.g., an extension cord or charging station) needed to operate an electric or battery-powered breast pump. Lactating employees who pump breastmilk will also have access to a sink with running water and a refrigerator or alternative cooling device suitable for storing milk in close proximity to their workspace.

A room or other location identified for lactation may also be used for other purposes. However, during times when an employee is using the location for lactation purposes, that use will take precedence over all other uses. Employees who have questions or concerns related to lactation room scheduling conflicts should contact their supervisor or a Human Resources representative. Any non-exempt employee who is not provided with a break as requested to express milk, should immediately contact Human Resources.

Lactation is considered a pregnancy-related condition under California law.

Employees who wish to request lactation accommodation should contact Human Resources. If the Company cannot provide break time or a location that complies with this Lactation Accommodation policy, the employee requesting the accommodation will be notified in writing.

The Company will not discriminate or retaliate against an employee who requests or uses a lactation accommodation in accordance with this policy or otherwise exercises their rights under California's lactation accommodation law. Employees who feel their lactation accommodation rights have been violated can file a complaint with the California Labor Commissioner's Office.

## **FAMILY LEAVE (FMLA AND CFRA)**

### **Family and Medical Leave**

The Company will grant family and medical leave in accordance with the requirements of applicable federal and state law in effect at the time the leave is granted. Although the federal and state laws have different names, the Company refers to the federal Family and Medical Leave Act (Fed-FMLA) and the California Family Rights Act (CFRA) collectively as "FMLA Leave." In any case, employees will be eligible for the most generous benefits available under applicable law.

#### ***Employee Eligibility***

To be eligible for FMLA Leave, employees must: (1) have been employed by the Company for a total of at least 12 months (not necessarily consecutive); (2) have worked at least 1,250 hours during the previous 12 months immediately prior to the start of the leave; and (3) (Fed-FMLA only) have worked at a location where at least 50 employees are employed by the Company within 75 miles of the employee's worksite, as of the date the leave is

requested. Eligibility requirements may differ for employees who have been on a protected military leave of absence. If employees are unsure whether they qualify for FMLA Leave, they should contact Human Resources.

### **Reasons for Leave**

Federal and state laws allow FMLA Leave for various reasons. Because employees' legal rights and obligations may vary depending upon the reason for the FMLA Leave, it is important to identify the purpose or reason for the leave. Fed-FMLA leave and CFRA leave run concurrently except for the following reasons: to care for a child without regard to age or dependency status, registered domestic partner, a child of a registered domestic partner, grandparent, grandchild, parent-in-law, ~~or sibling~~ or designated person(s) (CFRA only), incapacity due to pregnancy or prenatal care as a serious health condition (Fed-FMLA only), qualifying exigency leave as defined under the FMLA (Fed-FMLA only), qualifying exigency leave as defined under the CFRA (CFRA only) and military caregiver leave (Fed-FMLA only). Additionally, CFRA coverage for an employee's own serious health condition that also constitutes a disability under the California's

Fair Employment and Housing Act (FEHA) is separate and distinct from FEHA protections. If the employee cannot return to work at the expiration of the CFRA leave, the Company will engage the employee in the interactive process to determine whether an extension of the leave would be a reasonable accommodation under the FEHA.

FMLA Leave may be used for one of the following reasons:

- The birth, adoption or foster care of an employee's child within 12 months following birth or placement of the child (Bonding Leave);
- To care for an immediate family member (spouse, child, parent and for CFRA Leave: registered domestic partner, child of a registered domestic partner, grandparent, grandchild, or sibling) with a serious health condition (Family Care Leave);
- An employee's inability to work because of a serious health condition (Serious Health Condition Leave);
- A "qualifying exigency," as defined under the FMLA, arising from a spouse's, child's or parent's "covered active duty" as a member of the military reserves, National Guard or Armed Forces or as defined under the CFRA, related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States (Qualifying Exigency Leave); or
- To care for a spouse, child, parent or next of kin (nearest blood relative) who is a "Covered Servicemember" (Military Caregiver Leave).

### **Definitions**

"**Child**," for purposes of Bonding Leave and Family Care Leave, means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, and for Fed-FMLA only, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability, at the time that FMLA Leave is to commence. "Child," for purposes of Qualifying Exigency Leave and Military Caregiver Leave, means a biological, adopted or foster child; stepchild; legal ward; or a child for whom the person stood in loco parentis, and who is of any age.

"**Parent**," for purposes of this policy, means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the person. This term includes a parent-in-law for CFRA leave only. For Qualifying Exigency Leave taken to provide care to a parent of a deployed military member, the parent must be incapable of self-care as defined by the FMLA.

"**Covered Active Duty**" means (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a

foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as defined by applicable law.

**"Covered Servicemember"** means (1) a member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is undergoing medical treatment, recuperation or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty while on active duty that may render the individual medically unfit to perform his or her military duties; or (2) a person who, during the five years prior to the treatment necessitating the leave, served in the active military, Naval or Air Service, and who was discharged or released under conditions other than dishonorable (a "veteran" as defined by the Department of Veteran Affairs), and who has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran. For purposes of determining the five-year period for covered veteran status, the period between October 28, 2009, and March 8, 2013, is excluded.

**"Spouse"** means a husband or wife. Husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state. For purposes of CFRA leave, a spouse includes a registered domestic partner or same-sex partners in marriage.

**"Key employee"** means a salaried Fed-FMLA Leave eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite at the time of the FedFMLA leave request.

**"Designated Person(s)"** means any individual related by blood or whose association with the employee is equivalent of a family relationship.

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**"Serious health condition"** means an illness, injury, impairment or physical or mental condition that involves either:

- Inpatient care (including, but not limited to, substance abuse treatment) in a hospital, hospice or residential medical care facility, including any period of incapacity (that is, inability to work, attend school or perform other regular daily activities) or any subsequent treatment in connection with this inpatient care; or
- Continuing treatment (including, but not limited to, substance abuse treatment) by a health care provider that includes one or more of the following:
  - o A period of incapacity (that is, inability to work, attend school or perform other regular daily activities due to a serious health condition, its treatment or the recovery that it requires) of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves treatment two or more times via an in-person visit to a health care provider, or at least one visit to a health care provider that results in a regimen of continuing treatment under the supervision of the health care provider.
  - o Any period of incapacity due to pregnancy or prenatal care (under the Fed-FMLA, but not the CFRA).
  - o Any period of incapacity or treatment for incapacity due to a chronic serious health condition that requires periodic visits to a health care provider, continues over an extended period of time and may cause episodic incapacity.
  - o A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective, such as Alzheimer's, a severe stroke and the terminal stages of a disease.

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- o Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider either for (a) restorative surgery after an accident or other injury; or (b) a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

**"Serious injury or illness"** in the case of a current member of the Armed Forces, National Guard or Reserves is an injury or illness incurred by a covered servicemember in the line of duty on active duty (or that preexisted the member's active duty and was aggravated by service in the line of duty on active duty) in the Armed Forces that may render him or her medically unfit to perform the duties of his or her office, grade, rank or rating. In the case of a covered veteran, "serious injury or illness" means an injury or illness that was incurred in the line of duty on active duty (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty) and that manifested itself before or after the member became a veteran.

**"Qualifying exigency"** for Fed-FMLA is defined by the Department of Labor and for CFRA is defined by the California Unemployment Insurance Code and generally includes events related to short-notice deployment, military ceremonies, support and assistance programs, changes in childcare, school activities, financial and legal arrangements, counseling and post-deployment activities. Qualifying Exigency Leave may also be used to spend up to 15 days with military members who are on short-term, temporary, rest and recuperation leave during their period of deployment.

***Length of Leave***

If the reason for leave is common to both Fed-FMLA and CFRA and, therefore, running concurrently, the maximum amount of FMLA Leave will be 12 workweeks in any 12-month period. If the reason for leave is not common to both Fed-FMLA and CFRA and, therefore, not running concurrently, then an eligible employee may be entitled to additional leave under applicable law.

The applicable "12-month period" utilized by the Company is the rolling 12-month period measured backward from the date an employee uses his/her FMLA leave. Under this method the 12-month period is measured backward from the day the employee uses any FMLA leave.

The maximum amount of Fed-FMLA Leave for an employee wishing to take Military Caregiver Leave will be a combined leave total of 26 workweeks in a single 12-month period. A "single 12-month period" begins on the date of the employee's first use of such leave and ends 12 months after that date.

If both spouses work for the Company and are eligible for leave under this policy, under the Fed-FMLA, the spouses will be limited to a total of 26 workweeks off between the two when the leave is for Military Caregiver Leave only or is for a combination of Military Caregiver Leave, Bonding Leave and/or Family Care Leave taken to care for a parent.

When CFRA leave is for the birth or placement of a child and both parents work for the Company, they will each be allowed up to 12 weeks of CFRA leave within 12 months of the child's birth or placement.

To the extent required by law, leave beyond an employee's FMLA Leave entitlement will be granted when the leave is necessitated by an employee's work-related injury or illness, a pregnancy-related disability or a "disability" as defined under the Americans with Disabilities Act (ADA) and/or the Fair Employment and Housing Act (FEHA). When the reason for CFRA leave was the employee's serious health condition, which also constitutes a "disability" under the FEHA and the employee cannot return to work at the conclusion of the CFRA leave, the Company will engage in an interactive process to determine whether an extension of leave would constitute a reasonable accommodation under the FEHA.

***Intermittent or Reduced Schedule Leave***

Under some circumstances, employees may take FMLA Leave intermittently, which means taking leave in blocks of time or reducing the employee's normal weekly or daily work schedule. An employee may take leave intermittently

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or on a reduced schedule whenever it is medically necessary to care for the employee's child, parent or spouse with a serious health condition or because the employee has a serious health condition. The medical necessity of the leave must be determined by the health care provider of the person with the serious health condition.

Intermittent or reduced schedule leave may also be taken for absences where the employee or his or her family member is incapacitated or unable to perform the essential functions of the job because of a chronic serious health condition, even if the person does not receive treatment by a health care provider.

Leave due to military exigencies may also be taken on an intermittent basis.

Leave taken intermittently may be taken in increments of no less than one hour. Employees who take leave intermittently or on a reduced work schedule basis for planned medical treatment must make a reasonable effort to schedule the leave so as not to unduly disrupt the Company's operations. Please contact Human Resources prior to scheduling medical treatment. If FMLA Leave is taken intermittently or on a reduced schedule basis due to planned medical treatment, we may require employees to transfer temporarily to an available alternative position with an equivalent pay rate and benefits, including a part-time position, to better accommodate recurring periods of leave.

If an employee using intermittent leave or working a reduced schedule finds it physically impossible to start or stop work mid-way through a shift in order to take CFRA leave and is therefore forced to be absent for the entire shift, the entire period will be counted against the employee's CFRA entitlement. However, if there are other aspects of work that the employee is able to perform that are not physically impossible, then the employee will be permitted to return to work, thereby reducing the amount of time to be charged to the employee's CFRA entitlement.

CFRA leave for Bonding Leave does not have to be taken in one continuous period of time, but the minimum duration is two weeks. However, the Company will grant a request for CFRA leave lasting less than two weeks' twice during the 12 week period. Additional requests for Bonding Leave lasting less than two weeks may be directed to Human Resources and will be considered on a case-by-case basis depending on the needs of the Company. If the request is granted, the Company may require the employee to transfer temporarily to an available alternative position. Bonding Leave must be concluded within one year of the birth or placement of the child.

If employees have been approved for intermittent leave and they request leave time that is unforeseeable, they must specifically reference either the qualifying reason for leave or the need for FMLA Leave at the time they call off.

#### **Notice and Certification**

##### **Bonding, Family Care, Serious Health Condition and Military Caregiver Leave Requirements**

Employees are required to provide:

- When the need for the leave is foreseeable, 30 days' advance notice or such notice as is both possible and practical if the leave must begin in fewer than 30 days (normally this would be the same day the employee becomes aware of the need for leave or the next business day);
- When the need for leave is not foreseeable, notice within the time prescribed by the Company's normal absence reporting policy, unless unusual circumstances prevent compliance, in which case notice is required as soon as is otherwise possible and practical;
- When the leave relates to medical issues, a completed Certification of Health Care Provider form within 15 calendar days (for Military Caregiver Leave, an invitational travel order or invitational travel authorization may be submitted in lieu of a Certification of Health Care Provider form); • Periodic recertification (as allowed by law); and
- Periodic reports during the leave.

In addition to other notice provisions, employees requesting leave for CFRA qualifying reasons must respond to any questions designed to determine whether an absence is potentially qualifying for leave under this policy. Failure to

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respond to permissible inquiries regarding the leave request may result in denial of CFRA leave protections. Similarly, an employee or the employee's spokesperson may be required to provide additional information needed to determine whether a requested leave qualifies for Fed-FMLA protections. An employee's failure to adequately explain the reason for the leave may result in the denial of Fed-FMLA protections.

Certification forms are available from Human Resources. At the Company's expense, we may require a second or third medical opinion regarding the employee's own serious health condition for Fed-FMLA purposes and, for CFRA purposes, the employee's own serious health condition or the serious health condition of an employee's family member. In limited cases, we may require a second or third opinion regarding the injury or illness of a Covered Servicemember. Employees are expected to cooperate with the Company in obtaining additional medical opinions that we may require.

When leave is for planned medical treatment, employees must try to schedule treatment so as not to unduly disrupt the Company's operation. Please contact Human Resources prior to scheduling planned medical treatment.

If an employee does not produce the certification as requested, the FMLA leave will not be protected.

***Recertification After Grant of Leave***

In addition to the requirements listed above, if an employee's Fed-FMLA leave is certified, the Company may later require medical recertification in connection with an absence that the employee reports as qualifying for Fed-FMLA leave. For example, the Company may request recertification if (1) the employee requests an extension of leave; (2) the circumstances of the employee's condition as described by the previous certification change significantly (e.g., employee absences deviate from the duration or frequency set forth in the previous certification; employee's condition becomes more severe than indicated in the original certification; employee encounters complications); or (3) the Company receives information that casts doubt upon the employee's stated reason for the absence. In addition, the Company may request recertification in connection with an absence after six months have passed since the employee's original certification, regardless of the estimated duration of the serious health condition necessitating the need for leave. Any recertification requested by the Company will be at the employee's expense.

In addition to the requirement listed above, a recertification under the CFRA may only be requested at the expiration of the time period in the original certification for time off for the employee's own serious health condition.

If an employee does not produce the recertification as requested, the leave will not be CFRA protected.

***Qualifying Exigency Leave Requirements***

Employees are required to provide:

- As much advance notice as is reasonable and practicable under the circumstances;
- A copy of the covered servicemember's active duty orders when the employee requests leave and/or documentation (such as Rest and Recuperation leave orders) issued by the military setting forth the dates of the servicemember's leave; and
- A completed Certification of Qualifying Exigency form within 15 calendar days, unless unusual circumstances exist to justify providing the form at a later date.

Certification forms are available from Human Resources.

***Failure to Provide Notice or Certification and to Return From Leave***

Absent unusual circumstances, failure to comply with these notice and certification requirements may result in a delay or denial of the leave. If an employee fails to return to work at the leave's expiration and has not obtained an extension of the leave, the Company may presume that the employee does not plan to return to work and has voluntarily terminated his or her employment.

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### **Compensation During Leave**

Generally, FMLA Leave is unpaid. However, employees may be eligible to receive benefits through state-sponsored programs or the Company's sponsored wage-replacement benefit programs. Employees may also choose to use accrued vacation and sick leave, to the extent permitted by law and the Company's policy. If employees elect to have wage-replacement benefits and accrued paid leave integrated, the integration will be arranged such that employees will receive no greater compensation than their regular compensation during this period. The use of paid benefits will not extend the length of FMLA Leave.

### **Benefits During Leave**

The Company will continue making contributions to employees' group health benefits during their leave on the same terms as if the employees had continued to actively work. This means that if employees want their benefits coverage to continue during their leave, they must also continue to make the same premium payments that they are now required to make for themselves or their dependents. Employees taking leave for a reason that is common to both Fed-FMLA and CFRA and, therefore, leave is running concurrently, will generally be provided with group health benefits for a 12-workweek period. When employees take leave for a reason that is not common to both Fed-FMLA and CFRA and, therefore, leave is running consecutively, the Company will continue the employee's health insurance benefits for up to a maximum of 12 workweeks in a 12-month period during each applicable leave. Employees taking Military Caregiver Leave may be eligible to receive group health benefits coverage for up to a maximum of 26 workweeks. In some instances, the Company may recover premiums it paid on an employee's behalf to maintain health coverage if the employee fails to return to work following FMLA Leave.

An employee's length of service will remain intact, but benefits such as vacation and sick leave may not accrue while on an unpaid FMLA Leave.

### **Job Reinstatement**

Under most circumstances, employees will be reinstated to the same position they held at the time of the leave or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. If an employee becomes unqualified during CFRA leave as a result of not attending a necessary course, or renewing a license, the employee will be given a reasonable opportunity to fulfill those conditions upon returning to work. Further, the Company may grant an employee's request to work a different shift, in a different or better position, or in a different location, that is better suited to the employee's personal needs upon returning from CFRA leave. The Company will also consider a reasonable accommodation under the FEHA if the employee is returning from CFRA leave for his or her own serious health condition. However, employees have no greater right to reinstatement than if they had been continuously employed rather than taken leave. For example, if an employee would have been laid off or his or her position would have been eliminated even if he or she had not gone on leave, then the employee will not be entitled to reinstatement. However, if an employee has been replaced or the employee's position was restructured to accommodate the employee absence, the employee is entitled to reinstatement.

Prior to being allowed to return to work, an employee wishing to return from a Serious Health Condition Leave must submit an acceptable release from a health care provider that certifies the employee is able to resume work. For an employee on intermittent or reduced schedule FMLA Leave, such a release may be required up to once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took the intermittent or reduced schedule leave.

For Fed-FMLA purposes only, key employees may be subject to reinstatement limitations in some circumstances. If employees are considered a "key employee," those employees will be notified of the possible limitations on reinstatement at the time the employee requests a leave of absence, or when leave begins, if earlier.

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**Confidentiality**

Documents relating to medical certifications, recertifications or medical histories of employees or employees' family members will be maintained separately and treated as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel or government officials.

**Fraudulent Use of FMLA Leave Prohibited**

An employee who fraudulently obtains FMLA Leave from the Company is not protected by the Fed-FMLA's or the CFRA's job restoration or maintenance of health benefits provisions. In addition, the Company will take all available appropriate disciplinary action against an employee due to such fraud.

**Nondiscrimination**

The Company takes its FMLA Leave obligations very seriously and will not interfere with, restrain or deny the exercise of any rights provided by the Fed-FMLA or the CFRA. We will not terminate or discriminate against any individual for opposing any practice or because of involvement in any proceeding related to the Fed-FMLA or CFRA. If an employee believes that his or her Fed-FMLA or CFRA rights have been violated in any way, he or she should immediately report the matter to Human Resources.

**Additional Documentation**

The Company's "Employee Rights and Responsibilities" notice provides additional details regarding employees' rights and responsibilities under the Fed-FMLA. Employees may obtain a copy of the "Employee Rights and Responsibilities" notice from Human Resources.

Employees should contact Human Resources as to any Fed-FMLA or CFRA questions they may have.

**PAID FAMILY LEAVE (PFL)**

Employees may be eligible for up to eight weeks of state-provided paid family leave (PFL) insurance benefits when they take time off for one of the following purposes:

- To bond with a child during the first 12 months after the child's birth or after the placement of a child for adoption or foster care with the employee;
- To care for an immediate family member (spouse, registered domestic partner, child, parent, grandparent, grandchild, sibling and parent-in-law defined by the PFL law) who is seriously ill and requires care; or
- To participate in a qualifying exigency related to the covered active duty or call to covered active duty of the employee's spouse, domestic partner, child or parent in the U.S. Armed Forces.

The PFL benefits described in this policy are a state-provided partial wage replacement benefit, not a protected leave of absence. To obtain approval for a leave of absence for the reasons set forth above, employees must contact their supervisor or Human Resources and comply with applicable eligibility, notice, and certification requirements when required by state or federal law

**Amount and Duration of Benefits**

The weekly benefit amount is generally 60 or 70 percent of the employee's earnings (depending upon the employee's income), with benefits capped according to a state-imposed maximum weekly benefits amount. Employees may receive up to eight weeks of PFL benefits during a 12-month period, but may not receive more benefits than earned in wages during the base period for calculating benefits (generally, the 12 months prior to the quarter in which the claim is made).

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When applicable, PFL benefits will run concurrently with leave time available under the California Family Rights Act and the federal Family and Medical Leave Act. Employees may use any accrued but unused sick leave prior to receiving PFL benefits.

#### CRIME VICTIM LEAVE

The [FoundationEnterprises](#) will provide time off to any employee who is a victim, as that term is defined in this policy, so that the employee may obtain or attempt to obtain relief and to help ensure the health, safety or welfare of the employee or the employee's child. For purposes of this policy, "victim" includes a victim of stalking, domestic violence, or sexual assault; a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury; or a person whose immediate family member is deceased as the direct result of a crime.

"Relief" includes, but is not limited to, a temporary restraining order, restraining order or other injunctive relief. "Immediate family member" includes the employee's:

- Child, regardless of age (including a biological, adopted, step-, or foster child; legal ward; child of a domestic partner; child to whom the employee stands in loco parentis; or person to whom the employee stood in loco parentis when the person was a minor);
- Parent (including a biological, adoptive, step-, foster parent or legal guardian of the employee or the employee's spouse or domestic partner or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child);
- Sibling (including a biological, foster, step-, half- or adoptive sibling);
- Spouse or registered domestic partner; or
- Any other individual whose close association with the employee is the equivalent of such family relationships.

Any employee against whom any crime has been committed will also be permitted time off to appear in court to comply with a subpoena or other court order as a witness in a judicial proceeding.

Employees should give the Company reasonable notice of the need for leave, unless advance notice is not feasible. When an unscheduled absence occurs, the Company may require the employee to provide written certification of the need for time off. Any of the following will be considered sufficient certification: a police report indicating the employee was a victim; a court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court; documentation from a licensed medical professional, domestic violence counselor, sexual assault counselor, victim advocate, licensed health care provider or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse; or any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the absence is for an authorized purpose.

Additionally, an employee who is a victim may take time off for any of the following reasons: (1) to seek medical attention for injuries caused by the crime or abuse; (2) to obtain services from a domestic violence shelter, program, rape crisis center or victim services organization or agency as a result of the crime or abuse; (3) to obtain psychological counseling or mental health services related to an experience of crime or abuse; and (4) to participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation.

If the reason for the leave is also covered by the federal Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA), the leave pursuant to this policy and FMLA/CFRA will run concurrently. Additionally, the length of leave under this policy is limited to that provided under the FMLA. For example, an employee is not entitled to time off due to reasons in this policy if they have already exhausted the maximum 12 weeks of leave under the FMLA.

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Employees may use accrued vacation in order to receive compensation during the leave of absence.

Employees may also be entitled to a reasonable accommodation under the Company's Accommodation for Victims of Domestic Violence, Sexual Assault or Stalking policy and to additional leave under the Company's Leave to Attend Court Proceedings Related to Certain Felonies policy and Leave to Attend Court Proceedings for Serious Crimes policy. Employees should consult those policies and/or Human Resources for additional information. The Company will keep all information submitted in connection with an employee's request for leave confidential to the extent permissible by law. If the law requires disclosure of information, the Company will notify the employee before any information is released.

The Company will not discriminate or retaliate against any employee because of the employee's status as a victim of crime or abuse, if the employee provides the Company notice of such status, the Company has actual knowledge of such status, or the employee takes or requests leave in accordance with this policy.

Employees who have questions about this policy or who wish to request a leave of absence under this policy should contact their Human Resources representative.

#### **LEAVE TO ATTEND JUDICIAL PROCEEDINGS RELATED TO CERTAIN FELONIES**

The Company prohibits discrimination against an employee who wishes to take time off from work to attend judicial proceedings related to certain violent, serious or theft/embezzlement related felonies committed against the employee, the employee's immediate family member, the employee's registered domestic partner or a child of the employee's registered domestic partner.

"Immediate family member" is defined as an employee's spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather.

Before an employee may be absent from work to attend a judicial proceeding, the employee must give the employer a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee must provide within reasonable time documentation evidencing the judicial proceeding from (1) the court or government agency setting the hearing; (2) the district attorney or prosecuting attorney's office; or (3) the victim/witness office that is advocating on behalf of the victim.

Confidentiality of the situation, including an employee's request for the time off, will be maintained to the greatest extent possible.

Employees may use accrued benefits, such as vacation time or sick leave, in order to receive compensation during the time taken off from work.

#### **LEAVE TO ATTEND COURT PROCEEDINGS FOR SERIOUS CRIMES**

The Company prohibits discrimination against an employee who is a victim of certain serious criminal offenses and wishes to take time off to appear in court to be heard at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, or post-conviction release decision or any proceeding in which a right of the victim is at issue.

A "victim" means any employee who suffers direct or threatened physical, psychological or financial harm as a result of the commission or attempted commission of a serious criminal offense. The term "victim" also includes the employee's spouse, registered domestic partner, parent, child, sibling or guardian.

Before employees may take time off under this policy, they must provide the Company with reasonable advance notice of their intention to take time off, unless the advance notice is not feasible. If an employee must take an unscheduled absence due to victimization from a serious criminal offense, the employee must provide the Company with a certification within a reasonable time. The types of certification to account for an unscheduled absence

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include: a police report indicating the employee was a victim of one of the specified serious criminal offenses; a court order protecting or separating the employee from the perpetrator of one or more of the specified offenses, or other evidence from the court or prosecuting attorney that the employee has appeared in court; or documentation from a medical professional, domestic violence counselor or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries resulting in victimization from one of the specific serious criminal offenses.

Confidentiality of the situation, including an employee's request for the time off, will be maintained to the greatest extent possible.

Employees may use accrued benefits, such as vacation time or sick leave, in order to receive compensation during the time taken off from work.

#### **WITNESS SUBPOENA**

If an employee is subpoenaed as a witness for The California State University System or the Cal Poly Pomona Enterprises, Inc., the employee is paid their regular salary. All court fees (except travel and/or subsistence) received by the employee are to be reimbursed to the [FoundationEnterprises](#). When an employee is requested to appear in court for personal reasons, vacation leave must be used for the time off.

#### **MILITARY LEAVE**

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) provides rights to military personnel including the right to take military leave, and reemployment and benefit related rights. To verify eligibility under this program, an employee should provide a copy of the military orders and verification the active duty was served. Please contact [FoundationEnterprises](#) Human Resources for complete information related to employer and employee requirements for military leave.

#### **PERSONAL LEAVE**

A request for an unpaid personal (non-medical or non-work related) leave may be submitted in written form to the respective unit manager for consideration. The [FoundationEnterprises](#) has sole discretion to grant or deny the request. Length of employment, and needs of the department, among other factors, will be considered on a case-by-case basis in determining approval or denial of such requests. A completion of a "Request for Leave of Absence" form is required and all available vacation time must be used before any type of unpaid leave will be approved. Reinstatement following personal leave is not guaranteed.

#### **MEDICAL LEAVE**

Employees who believe they need a medical leave should request one. Determinations regarding to grant the leave, the length of leave, reinstatement following the leave and continuation of benefits will be made in accordance with applicable law. Medical certification of the need for leave may be required. Leave under this policy runs concurrently with leave under applicable local, state or federal law.

#### **ORGAN OR BONE MARROW DONOR**

##### **Bone Marrow Donor Leave**

Eligible employees who undergo a medically necessary procedure to donate bone marrow to another person will be provided with five workdays off in any one-year period, without a loss in pay. For purposes of this policy, a "one year period" is 12 consecutive months from the date the employee begins leave. Employees may take leave in one or more periods, as long as the leave does not exceed five days in any one-year period.

Employees are eligible for leave if they have worked for the Company for at least 90 continuous days prior to the start of their leave.

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Employees who seek leave under this policy must provide verification from a physician detailing the purpose and length of leave, including the medical necessity for the donation.

Employees must use all available accrued sick or vacation concurrently with this time off. If an employee does not have enough earned sick leave or vacation time to cover the leave period, the remaining days of leave will be paid by the Company. Use of this leave will not be counted against any available leave under the federal Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), if applicable. Leave under this policy is also not considered a break in service for purposes of, salary adjustments, sick leave, vacation, annual leave or seniority.

While on bone marrow donor leave, the Company will maintain all group health insurance benefits as if the employee was still at work. In most circumstances, upon return from this leave, an employee will be reinstated to their original job or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. However, an employee has no greater right to reinstatement than if they did not take a leave. For example, if an employee on bone marrow donor leave would have been laid off had they not taken a leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

The Company will not retaliate or tolerate retaliation against any employee for requesting or taking bone marrow donor leave in accordance with this policy.

#### **ORGAN DONOR LEAVE**

Eligible employees who undergo a medically necessary procedure to donate an organ to another person will be provided with up to 30 workdays off, without a loss in pay, and an additional 30 workdays off without pay, in any one-year period. For purposes of this policy, a "one-year period" is 12 consecutive months from the date the employee begins leave. Employees may take leave in one or more periods, as long as the leave does not exceed 60 days in any one-year period.

Employees are eligible for leave if they have worked for the Company for at least 90 continuous days prior to the start of their leave.

Employees who seek leave under this policy must provide verification from a physician detailing the purpose and length of leave, including the medical necessity for the donation.

Employees must use all available accrued sick leave or vacation concurrently with this time off for up to two weeks of the 30-workday paid leave period. If an employee does not have enough earned sick leave or vacation time to cover the two-week period, then any remaining days of paid leave will be paid by the Company, up to 30 workdays. Use of this leave will not be counted against any available leave under the federal Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), if applicable. Leave under this policy is also not considered a break in service for purposes of, salary adjustments, sick leave, vacation, annual leave or seniority.

While on organ donor leave, the Company will maintain all group health insurance benefits as if the employee was still at work. In most circumstances, upon return from this leave, an employee will be reinstated to their original job or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. However, an employee has no greater right to reinstatement than if they did not take a leave. For example, if an employee on organ donor leave would have been laid off had they not taken a leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement.

The Company will not retaliate or tolerate retaliation against any employee for requesting or taking organ donor leave in accordance with this policy.

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**TIME OFF TO VOTE**

The Company encourages all employees to fulfill their civic responsibilities and to vote in official public elections. Most employees' schedules provide sufficient time to vote either before or after working hours.

Any employees who do not have sufficient time outside of working hours to vote in a statewide public election, while the polls are open, may take up to two hours off from work, without loss of pay. Any additional time off will be without pay. Employees must take the time off at the beginning or end of their regular work schedule, whichever allows the most free time for voting and the least amount of time off from work, unless mutually agreed otherwise.

Employees must provide at least two working days' notice of the need for leave when, on the third working day prior to the election day, the employee knows or has reason to believe they will need time off to vote on election day. Otherwise, employees must give reasonable notice of the need to have time off to vote.

**ELECTION OFFICER LEAVE**

The Company will not terminate, suspend or otherwise discriminate against employees who miss work to serve as an election officer on Election Day.

Time off under this policy will be unpaid.

The Company asks that employees provide reasonable advance notice of the need for time off to serve as an election official, so that the time off can be scheduled to minimize disruption to normal work schedules.

Proof of having served as an election official may be required.

**CIVIL AIR PATROL LEAVE**

The Company will not terminate or discriminate against an employee who is a volunteer member of the Civil Air Patrol or prevent a member from performing service as part of the California Wing of the Civil Air Patrol during an emergency operational mission. Additionally, the Company will not retaliate against an employee for requesting or taking Civil Air Patrol leave in accordance with this policy.

The Company will provide eligible employees with up to 10 days per year of leave, but no more than three days at a time, unless the emergency is extended by the entity in charge of the operation and the Company approves the extension. To be eligible for leave, employees must have been employed by the Company for at least 90 days immediately preceding the start of the leave, and must be duly directed and authorized by a political entity that has the authority to authorize an emergency operational mission of the California Wing of the Civil Air Patrol.

Employees must request leave with as much notice as possible. The Company may require certification from the proper Civil Air Patrol authority to verify an employee's eligibility for leave. The Company may deny leave if the employee fails to provide the required certification.

Leave taken under this policy is unpaid except that exempt employees will be paid when required by applicable law. Employees will not be required to exhaust accrued vacation or sick leave or any other type of accrued leave prior to taking unpaid civil air patrol leave, but may choose to use such benefits during leave to receive pay.

Following leave, an employee must return to work as soon as practicable and must provide evidence of the satisfactory completion of Civil Air Patrol service. If the employee complies with these requirements, the employee will be restored to their prior position without loss of status, pay or other benefits.

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## SECTION 11

### TERMINATIONS AND REDUCTIONS IN WORK FORCE

All employment with the [FoundationEnterprises](#) is at-will and can be terminated at any time, with or without cause or prior notice by either the employee or the [FoundationEnterprises](#).

#### LAYOFF (REDUCTIONS IN WORK FORCE)

Under some circumstances the [FoundationEnterprises](#) may need to restructure or reduce its work force. If it becomes necessary to restructure our operations or reduce the number of employees, the [FoundationEnterprises](#) will provide advance notice, if possible, to help minimize the impact on those affected. Generally, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff.

In determining which employees will be subject to layoff, the [FoundationEnterprises](#) will consider, among other things, unit operational requirements, the skill of each individual impacted, their respective productivity, ability/knowledge, and past work performance and, where feasible, the employee's length of service.

The [FoundationEnterprises](#)'s Layoff Policy, Policy #208, outlines specific procedures to be followed. The Policy is designed to help provide stability of employment within the limits of projected financial resources and the service needs of the campus community. Complete information to this policy may be obtained from the Human Resources Department.

#### SEASONAL/TEMPORARY LAYOFF

During the summer, extended break periods and other times employees may be placed on "temporary layoff". These layoffs are based on work available, the skills and qualifications needed for the available work and length of service.

Those employees eligible for medical, dental and vision benefits will continue to be eligible for group coverage under the [FoundationEnterprises](#)'s programs during the seasonal/temporary layoff. Employees are required to continue to pay their portion of any monthly premiums for continued coverage. An employee's accrued vacation time and personal holiday will be used during periods of temporary layoff. Vacation time or sick leave does not accrue during periods of layoff.

#### JOB ABANDONMENT

Failure to report to work on any scheduled day or during any scheduled period is unacceptable, and unless later excused, will result in disciplinary action. An absence of three scheduled workdays or more constitutes job abandonment and is considered a voluntary resignation.

All [FoundationEnterprises](#) owned property, keys, uniforms, identification badges, parking permits, etc. must be returned immediately upon separation of employment.

#### RESIGNATIONS

As at "at-will" employer, employees can determine when/if they wish to resign from employment. At-will employment means that the employee is free to leave their jobs at any time and employers are likewise free to terminate the employee at any time for any lawful reason—or even for no reason. Written notice of resignation would be appreciated.

All [FoundationEnterprises](#) owned property, keys, uniforms, identification badges, parking permits, etc., must be returned on the last day of employment or sooner if requested by the [FoundationEnterprises](#). A "Separation" Form should be completed and signed during the exit interview with the Human Resources Department.

## SECTION 12 WORKPLACE CONSIDERATIONS

### SMOKE FREE WORKPLACE

Smoking is prohibited on all university property, indoors and outdoors, as well as in all [FoundationEnterprises](#) facilities and vehicles. Violation will result in disciplinary action up to and including citation and/or termination. For purposes of this policy, smoking includes the use of electronic smoking devices, such as electronic cigarettes, cigars, pipes or hookahs, that create an aerosol or vapor. Employees that observe other individuals smoking in the workplace have a right to object and should report the violation to their supervisor or to another member of management. Employees will not be disciplined or retaliated against for reporting smoking that violates this policy.

### SAFE PRACTICES

It is the policy of the Enterprise to protect employees from injury and illness in the workplace, to provide a safe and healthy work environment for all employees. It is the duty of each employee to comply with all safety rules and standards. The following may not contain every rule of safe practice but is a general guideline of what is expected for safe conduct and behavior. If in doubt about how to perform a job safely, ask a qualified person or contact Human Resources.

Supervisors and Managers will enforce safe practices and will insist that employees follow all Enterprise, State, and Federal safety standards and take action as necessary to ensure compliance. Employees who fail to follow safe practices will be subject to disciplinary action, up to and including termination.

- Employees should immediately report all on the job injuries, accidents or near misses, no matter how slight.
- Employees should cooperate with and assist in investigation of accidents to identify the causes and to help prevent reoccurrence.
- Employees should promptly report to a manager or supervisor all observed unsafe acts, practices, or conditions and inspect all equipment prior to use and report any unsafe conditions to a manager.
- Employees are expected to keep work areas clean and orderly at all times.
- Employees may not engage in any horseplay or distract other employees while working.
- Employees must obey all safety rules, work instructions, and follow the motor vehicle law if driving a company vehicle.
- Employees are expected to wear personal protective equipment (PPE) when working in hazardous areas, and/or as required by a supervisor.

### ILLNESS AND INJURY PREVENTION PROGRAM

Every employee is responsible for the safety of him/herself as well as others in the workplace. To achieve our goal of maintaining a safe workplace, everyone must always stay vigilant and follow policy. To help promote the concept of a safe workplace, the [FoundationEnterprises](#) maintains an Injury and Illness Prevention Program (IIPP). The IIPP is available for review in each work location and is posted under the Human Resources section of the [FoundationEnterprises](#)'s website.

Any work-related injury, illness, or unsafe condition must be reported to the employee's supervisor immediately. Unless it is an emergency, a "Medical Service Order" signed by the supervisor must be taken to the medical facility in order to receive treatment.

To return to work the employee must have a release from a physician and must follow any work restrictions until authorized to return to full duty. The employee is expected to keep the Human Resources Department informed of the progress of the injury.

## **DRUG AND ALCOHOL ABUSE PROGRAM**

The Company strives to provide a safe environment for employees and others and to minimize the risk of accidents and injuries. Accordingly, each employee has a responsibility to co-workers and the public to deliver services in a safe and conscientious manner. Continuing research and practical experience have proven that even limited quantities of illegal drugs, abused prescription drugs or alcohol can impair reflexes and judgment. This impairment, even when not readily apparent, can have catastrophic consequences. Moreover, studies have shown that impairment by controlled substances may last long after the user believes the effects to have worn off. For these reasons, the Company has adopted a policy that all employees must report to work and remain completely free of illegal drugs, abused or nonprescribed prescription drugs and alcohol.

### **Drug Use/Distribution/Possession/Impairment**

The Company strictly prohibits the use, sale, attempted sale, conveyance, distribution, manufacture, purchase, attempted purchase, possession, cultivation and/or transfer of illegal drugs or other unlawful intoxicants at any time, and in any amount or any manner, regardless of occasion. "Illegal drugs" means all drugs whose use or possession is regulated or prohibited by federal, state or local law. These include prescription medication that is used in a manner inconsistent with the prescription or for which the individual does not have a valid prescription. To the extent permitted by state and local law, this policy also prohibits the use of marijuana and marijuana products. The Company will accommodate individuals who are medically certified to use marijuana by their home state where required to do so by law, but in no case may an employee use or possess marijuana or marijuana products at work or during work time or work while impaired."

Employees are also prohibited from having any such illegal or unauthorized controlled substances in their system while at work.

Included within this prohibition are lawful controlled substances that have been illegally or improperly obtained.

### **Alcohol Use/Distribution/Possession/Impairment**

All employees are prohibited from coming onto company premises or reporting to work with alcohol in their systems. Additionally, employees may not distribute, dispense or consume alcohol while at work without an appropriate business purpose. Furthermore, lawful off-duty alcohol use, while generally not prohibited by this policy, must not interfere with an employee's job performance.

### **Prescription and Over-the-Counter Drugs**

This policy does not prohibit the possession and proper use of lawfully prescribed or over-the-counter drugs. However, an employee taking medication should consult with a health care professional or review dosing directions for information about the medication's effect on the employee's ability to work safely, and promptly disclose any work restrictions to a supervisor or Human Resources. Employees are not required to reveal the name of the medication or the underlying medical condition.

The Company reserves the right to transfer, reassign, place on leave of absence or take other appropriate action regarding any employee during the time the employee uses medication that may affect the ability to perform safely. The Company will comply with all requirements pertaining to providing reasonable accommodations to the extent required by applicable law.

The Company's general prohibition against the possession or use of marijuana at work applies regardless of whether an employee is certified to use marijuana for medical reasons under state law. Unless otherwise required by law, the Company will not accommodate the use or possession of marijuana by individuals who are medically authorized to use marijuana as a matter of state law but will offer such individuals alternative accommodations related to any underlying disability. Employees who have any questions regarding the Company's position concerning medical marijuana in a particular location should contact Human Resources.

### Counseling and Rehabilitation

Employees who voluntarily seek help for substance abuse (self-referral) by contacting the Company will be provided an opportunity to pursue counseling and rehabilitation. The Company will make available to these employees information about counseling and rehabilitation services. An employee who is receiving counseling and/or treatment for substance abuse may use available vacation, sick leave, or, if eligible, family and medical leave. Health insurance often covers the costs of such services, but costs not covered must be paid by the employee. The employee cannot return to work until released by a treatment provider to do so, and upon receiving a negative result on a return-to-work drug and/or alcohol test (as appropriate for that individual). In addition, the employee may be asked to submit to follow-up testing for a period following the return to work.

An employee's decision to seek help voluntarily will not be used as a basis for disciplinary action, although the individual may be transferred, given work restrictions or placed on leave, as appropriate. A request for help is considered voluntary only if it is made before the employee is asked to submit to any drug or alcohol test or is discovered to have otherwise violated this policy.

### SOLICITATION AND DISTRIBUTION OF LITERATURE

The Company has established the following rules applicable to all employees and nonemployees that govern solicitation, distribution of written material and access to Company property:

- Employees may engage in solicitation activities only during nonworking times. No employee may engage in solicitation during their own working time or during the working time of the employee or the employees at whom such activity is directed;
- Employees may distribute or circulate any written or printed material only in non-work areas, during nonworking times. No employee may distribute or circulate any written or printed material in work areas at any time, or during their own working time or the working time of the employee or employees at whom such activity is directed;
- Nonemployees are not permitted to solicit or to distribute written material for any purpose on Company property; and
- Off-duty employees are not permitted in work areas.

Strict compliance with these rules is required.

As used in this policy, "working time" includes all time for which an employee is paid and/or is scheduled to be performing services for the Company; it does not include break periods, meal periods, or periods in which an employee is not performing and is not scheduled to be performing services or work for the Company.

### KEYS

Employees must follow security policies and procedures regarding all keys issued to them. The loss or misplacement of a key must be reported immediately.

On the last day of employment, an employee must return all keys to the Human Resources Department.

### PHOTO IDENTIFICATION

Unless otherwise notified, all employees are required to have a Cal Poly Bronco ID Card. ID cards are useful for borrowing books or other materials from the library, purchasing discount tickets for various venues, utilizing a meal plan, and spending available Bronco Bucks ID cards are issued by the Admissions and Outreach Department (Enrollment Services). Please contact Enrollment Services at [fdnhr@cpp.edu](mailto:fdnhr@cpp.edu) or extension 4811 for a current schedule. On the last day of employment, an employee must return their Bronco I.D. to the Human Resources Department or reporting manager.

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**PROPERTY, SECURITY, PRIVACY AND SEARCHES POLICY**

Desks, storage areas, work areas, lockers, file cabinets, credenzas, all computer systems/hardware, office telephones, certain cell phones such as those provided by Enterprises, transmission radios, fax machines, copiers, [FoundationEnterprises](#) owned vehicles, and all other [FoundationEnterprises](#) property must be used and maintained according to this policy. All such areas and items must be kept clean and are to be used only for work purposes except as provided in this policy. The [FoundationEnterprises](#) reserves the right, at all times, and without prior notice, to inspect and search any and all [FoundationEnterprises](#) property for the purpose of determining whether this policy or any other [FoundationEnterprises](#) policy has been violated or whether such inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. Such inspections may be conducted during or after business hours and in the presence or absence of the employee. At least two employees must be present during any inspection.

The [FoundationEnterprises](#)'s computer systems and other technical resources, including any voicemail, E-mail, or Internet access, cell phones, printers, tablets, smart devices and the like, are provided for the use in the pursuit of the [FoundationEnterprises](#)'s business and are to be reviewed, monitored and used primarily in that pursuit, except as provided in this policy. As a result, computer data, voicemail and E-mail are readily available to numerous persons. If, during this course of your employment, you perform or transmit work on the [FoundationEnterprises](#)'s computer systems or other technical resources, your work may be subject to the investigation, search and review of others in accordance with this policy. In addition, any electronically stored communications that you either send to or receive from others may be retrieved and reviewed where such investigation serves the legitimate business interests and obligations of the [FoundationEnterprises](#).

The [FoundationEnterprises](#) recognizes that employees may occasionally find it necessary to use the [FoundationEnterprises](#)'s telephones for personal business. Such calls must be kept to a minimum and must be made only during break or lunch periods. All personal calls out of the local zone area and out-of-state telephone calls must be reported to your supervisor in a timely manner and charges remitted promptly. Each individual unit may have more specific policies or procedures in addition to this general policy.

Employees of the [FoundationEnterprises](#) are not permitted to use [FoundationEnterprises](#)'s equipment for non-[FoundationEnterprises](#) purposes without permission from their direct supervisors or as set forth herein. The employee has no right of privacy as to any information or file maintained in or on the [FoundationEnterprises](#)'s property or transmitted or stored through the [FoundationEnterprises](#)'s computer systems, voice mail, E-mail, Internet access or other technical resources. For purposes of inspecting, investigating or searching employee's computerized files or transmissions, voice mail, or E-mail, Internet access or any other technical resources, the [FoundationEnterprises](#) may override any applicable passwords or codes in accordance with the best interests of the Enterprises, its employees, its clients, customers and visitors, all [FoundationEnterprises](#) documents and communications are the property of the [FoundationEnterprises](#) and may be reviewed and used for purposes that the [FoundationEnterprises](#) considers appropriate.

Only [FoundationEnterprises](#) employees may access files or programs, whether computerized or not, that they have permission to enter. Prior authorization must be obtained before any [FoundationEnterprises](#) property may be removed from the premises. Unauthorized review, duplication, dissemination, removal, damage or alteration of files, passwords, computer systems or programs, or other property of the Enterprises, or improper use of information obtained by authorized or unauthorized means, may be grounds for disciplinary action, up to and including discharge.

**SECURITY CAMERAS**

Security cameras will be limited to uses that do not violate the reasonable expectation of privacy as defined by law. Security cameras are placed in various locations throughout [FoundationEnterprises](#) and serve three main objectives:

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1. **Personal Safety:** We capture video and store it on a remote device so that if something unsafe or inappropriate occurs, the video may capture details of the event and thereby assist toward understanding what transpired and/or to assist in an investigation.
2. **Property Protection:** We will capture video and store it on a remote device so that if property is reported stolen or damaged, the video may provide a record of events to assist in the investigation.
3. Common examples of where security cameras will be placed include seating areas for customers, entryways, sales areas and where cash is handled.
4. **Routine monitoring:** There may be live video stream in areas which may be monitored by an authorized staff member during operating hours.

Guidelines:

- Information obtained from the cameras will be used for law enforcement purposes, University judicial functions and customer insight and analytics.
- Cameras will be located to limit intrusions to personal privacy. No audio shall be recorded.
- Bathrooms, lactation areas and/or dressing rooms will not be monitored by security cameras.
- Cameras may be used to monitor cashiers and sales transactions.
- Typically, video camera installations will be visible.
- All recording or monitoring of activities of individuals or groups will be conducted in a manner consistent with University policy, and state and federal law.
- All individuals with access to security cameras must be pre-approved and shall only utilize the system for work purposes. All applicable legal, ethical, and policy rules must be followed when using monitoring equipment
- Requests for video footage, and questions about this policy, should be directed to the respective unit Director.
- Breaches of this policy may result in disciplinary action, in accordance with applicable employment standards.

**VOICEMAIL, E-MAIL, WEB CONFERENCING, AND COMPUTER DATA STORAGE SYSTEMS**

The following are guidelines for all computer equipment including voicemail, E-mail, web conferencing services, computer systems usage and other electronic equipment, as well as an advisory concerning [FoundationEnterprises](#)'s access to and disclosure of messages and information stored on these systems.

All above listed equipment used by the [FoundationEnterprises](#) are provided solely to further the [FoundationEnterprises](#)'s business operations in conjunction with California State Polytechnic University, Pomona. These systems and the information stored thereon are owned and belong to the [FoundationEnterprises](#). Although employee passwords may be used for company-oriented security reasons, the use of such passwords is not intended to assure employees that communications generated by or stored on these systems will be kept confidential. The [FoundationEnterprises](#) maintains the right to access these systems and to retrieve information stored thereon at any time, and all employee passwords must be made known to the [FoundationEnterprises](#) upon demand. Passwords/pass codes are the property of the [FoundationEnterprises](#) and should be kept to work-appropriate language. These systems should not be used for personal communications.

Once again, employees should keep in mind that messages and all other data stored on the [FoundationEnterprises](#)'s voicemail, E-mail, web conferencing, and computer systems are subject to access by the [FoundationEnterprises](#) at any time, and is not to be considered confidential or private. We ask you to exercise good judgment in using these systems.

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The appropriate use of the [FoundationEnterprises](#)'s voicemail, E-mail, web conferencing, computer systems and other electronic equipment are as follows:

- Voicemail, E-mail messages, web conference recordings, and other computer-stored data are considered business records and can be subpoenaed (and electronically retrieved, even after you "delete" them). Therefore, nothing should be included that you would not consider putting in a memo format.
- Employees should delete unwanted voicemail 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 addresses and unnecessary or frivolous messages should not be sent, thereby cluttering up user screens.

Although it is not possible to provide an exhaustive list of all types of misuse of company property, the following are some examples in which company property **must not** be used:

- Any illegal, discriminatory, threatening, harassing, abusive or offensive comments.
- Anything in conjunction with an employee's outside business endeavors or sales of any product or outside service (home products, cosmetics, etc.) or any activity that violates [FoundationEnterprises](#) rules or applicable law.
- Anything relating to such materials considered obscene, harassing, discriminatory, violent or threatening, including downloading or forwarding of same.
- Messages or other communications violating a company policy or contrary to supervisory instructions.

Any violations of these guidelines for use or other provisions of this policy may result in disciplinary actions, up to and including possible termination.

As previously noted, the [FoundationEnterprises](#)'s voicemail, E-mail, computer systems and other electronic equipment 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 voicemail, E-mail, and/or computer systems should understand that information stored on these systems cannot be considered confidential or private. The [FoundationEnterprises](#) reserves the right to access any voicemail, E-mail and other computer-stored information at any time in the service of its legitimate business interests.

Employees should understand that the "delete" function of the [FoundationEnterprises](#)'s voicemail, E-mail and/or computer systems does not necessarily "make the message or other information disappear." While deletions may occur at the user level, copies may remain on one of the system back-up files.

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

#### **UNIFORM AND EQUIPMENT ISSUANCE AGREEMENT**

Uniforms (i.e., specific hats, shirts, aprons, etc.) or equipment items may be provided by the [FoundationEnterprises](#) to employees in certain working areas. Uniforms of a selected type may be provided at no cost to the employee when the employee is required to wear such specific items. Other company or departmental dress code requirements will be the responsibility of the employee.

It is also, the employee's responsibility for the maintenance, laundry and/or care of uniforms. Uniforms must always be kept neat and clean, and all equipment must be kept in working order.

For employees who are CalPERS Classic members, \$4.50 will be reported to CalPERS as "Special Compensation" on a pay period basis. For additional information please contact Human Resources.

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Employee will be asked to review and sign the Uniform and Equipment Issuance Agreement upon receipt of uniform and/or equipment items. This Issuance Agreement explains procedures for replacement of lost, destroyed or damaged uniforms or equipment, replacing of normal wear and tear items, cleaning and caring of articles and returning of items upon separation where applicable.

### SECTION 13 STANDARDS OF CONDUCT

#### PERSONAL STANDARDS

Each employee is a representative of the [FoundationEnterprises](#). It is important for employees to use common sense in their dress and appearance as they are expected to always present a positive and professional image. Each employee must report to work properly groomed and wearing appropriate business clothing in a manner that is consistent with their job duties. Avoid clothing that might create a safety hazard, is a distraction in the workplace, or is offensive to others.

Divisional Directors may develop specific Unit Standards related to their operations (i.e., uniforms, customer service, electronic devices, grooming, etc.). These standards are an addition to [FoundationEnterprises](#) Standards that govern all divisions. Divisional management will communicate these standards to new employees during the orientation process. Employees are required to follow with the Unit Standards established for their division/department and may not begin working until fully compliant. Management may allow employees to begin work after they have rectified any compliance issues. An employee's repeated failure to meet [FoundationEnterprises](#) or Unit Standards is cause for disciplinary action, up to and including termination.

If an employee is in dispute with the unit manager's determination, the employee may appeal to the Chief Human Resources Officer, Executive Director/CEO, or his/her designee for a final determination.

Nothing in this policy is intended to prevent employees from wearing a hair or facial hair style that is consistent with their cultural, ethnic or racial heritage or identity. This policy will be interpreted to comply with applicable local, state or federal law.

#### Religious, Medical and Disability Accommodations

The Company will reasonably accommodate exceptions to this policy if required due to an employee's religious beliefs, medical condition or disability. Employees who need such an accommodation should contact their supervisor or Human Resources.

#### CUSTOMER RELATIONS

The [FoundationEnterprises](#) exists to provide services to campus customers. All employees are expected to be ethical, act with integrity and be courteous, prompt and attentive to every customer.

Our customers are defined as students, employees of the University, the general public and co-workers of the [FoundationEnterprises](#). When a situation arises where the employee does not feel comfortable or capable of handling any problems that might arise, the supervisor should be contacted immediately.

#### REPORTING ABSENCES OR TARDINESS

If an employee is unable to report to work, or when an employee expects to be more than 15-minutes late, that employee must notify their supervisor or designee. Such notice should be given as far in advance as possible so that the supervisor can obtain a replacement or reschedule the department's work.

Employees must also inform their supervisor of expected duration of any absence. In those rare cases when an employee is unable to reach their immediate supervisor, they should contact their next level supervisor, designated manager on duty, or director.

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Unforeseen absences due to emergencies or other uncontrollable circumstances must be reported as soon as possible along with an estimate on when the employee expects to return to work. In cases, where more than one day absence occurs, an employee is required to provide a daily status to their supervisor.

Planned absences must be arranged in advance and approved by your supervisor. All absences are subject to supervisory approval.

Instances of failure to call-in may be grounds for corrective discipline and can result in termination of employment. If an employee fails to report for work without any notification to the employee's supervisor for a period of three consecutive working days, the [FoundationEnterprises](#) will consider that employee as resigned without notice as of the close of the business on the third day.

An employee's supervisor may provide more detailed Unit Standards for reporting absences according to procedures established by the respective department/division. Employees will be provided with these standards for reporting absences or tardiness during their unit orientation.

#### **ATTENDANCE AND PUNCTUALITY**

Employees are expected to be punctual and adhere to their schedule. Tardiness and unplanned absences are problematic for co-workers and often negatively impact the services we provide to our customers.

Employees are expected to report to work fully prepared for their job duties by the beginning of their scheduled shift. Employees are also expected to remain at work for their entire work schedule, except for meal and rest periods or when required to leave on authorized [FoundationEnterprises](#) business. Late arrival, early departure or other absences from scheduled hours are disruptive and must be avoided. Tardiness may not be "made up" by adding time onto the end of a scheduled shift or onto another day. Excessive absenteeism (unexcused) may be grounds for corrective discipline and/or up to and including termination of employment. Each situation of excessive absenteeism or tardiness shall be evaluated on a case-by-case basis.

An employee's supervisor may provide more detailed Unit Standards regarding attendance and punctuality according to procedures established by the respective division/department. Employees will be provided with the Unit Standard for attendance and punctuality during their unit orientation process.

#### **CHILDREN IN THE WORKPLACE**

Employees are welcome to bring their children to visit their worksite, provided that the visits are infrequent, brief planned in a fashion that limits disruption to the workplace and takes place in public areas. While children are in the workplace, they must always be directly supervised by the host/parent. Employees are not permitted to bring ill children to work. This policy is not to be utilized as a backup childcare arrangement. If frequency, length or nature of visits become problematic, the employee will be advised of the situation and will be expected to take corrective action.

#### **CONFIDENTIALITY/TRADE SECRETS**

The Company's confidential and proprietary information is vital to its current operations and future success. Each employee should use all reasonable care to protect or otherwise prevent the unauthorized disclosure of such information.

In no event should employees disclose or reveal confidential information within or outside the Company without proper authorization or purpose.

"Confidential Information" refers to a piece of information, or a compilation of information, in any form (on paper, in an electronic file, or otherwise), related to the Company's business that the Company has not made public or authorized to be made public, and that is not generally known to the public through proper means.

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By way of example, confidential or proprietary information includes, but is not limited to, nonpublic information regarding the Company's business methods and plans, databases, systems, technology, intellectual property, knowhow, marketing plans, business development, products, services, research, development, inventions, financial statements, financial projections, financing methods, pricing strategies, customer sources, employee health/medical records, system designs, customer lists and methods of competing. Additionally, employees who by virtue of their performance of their job responsibilities have the following information, should not disclose such information for any reason, except as required to complete job duties, without the permission of the employee at issue: social security numbers, driver's license or resident identification numbers, financial account, credit or debit card numbers, security and access codes or passwords that would permit access to medical, financial or other legally protected information.

Confidential Information does not include information lawfully acquired by non-management employees about wages, hours or other terms and conditions of employment, if used by them for purposes protected by §7 of the National Labor Relations Act such as joining or forming a union, engaging in collective bargaining, or engaging in other concerted activity for their mutual aid or protection. Nothing in this Employee Handbook prohibits an employee from communicating with any governmental authority or making a report in good faith and with a reasonable belief of any violations of law or regulation to a governmental authority, or disclosing Confidential Information which the employee acquired through lawful means in the course of employment to a governmental authority in connection with any communication or report, or from filing, testifying or participating in a legal proceeding relating to any violations, including making other disclosures protected or required by any whistleblower law or regulation to the Securities and Exchange Commission, the Department of Labor, or any other appropriate government authority.

Further, employees are hereby notified that under the 2016 Defend Trade Secrets Act (DTSA): (1) no individual will be held criminally or civilly liable under Federal or State trade secret law for the disclosure of a trade secret (as defined in the Economic Espionage Act) that: (A) is made in confidence to a Federal, State, or local government official, either directly or indirectly, or to an attorney; and made solely for the purpose of reporting or investigating a suspected violation of law; or, (B) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal so that it is not made public; and, (2) an individual who pursues a lawsuit for retaliation by an employer for reporting a suspected violation of the law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court or arbitration proceeding, if the individual files any document containing the trade secret under seal, and does not disclose the trade secret, except as permitted by order in that proceeding.

#### **CONFLICT OF INTEREST**

All employees must conduct themselves in such a way as to avoid actual or potential conflicts of interest. The following are examples of prohibited conflicts of interest in any aspect of their jobs:

- Acting as a director, officer, consultant, agent or employee of a supplier, customer, competitor or any entity that engages in business with the Company;
- Owning a material interest in or being a creditor of or having other financial interest in a supplier, customer, competitor or any entity that engages in business with the Company;
- Receiving from or giving to any supplier, customer or competitor gifts, gratuities, special allowances, discounts or other advantages not generally available to employees of the Company;
- Having any significant direct or indirect personal interest in a business transaction involving the Company;
- Conducting outside activities that materially detract from or interfere with the full and timely performance of an employee's job duties for the Company;
- Influencing commercial transactions involving purchases, contracts or leases in a way that would have a negative impact on the Company or its business.

If an employee has, or is considering the assumption of, a financial interest or outside employment relationship that might involve a conflict of interest, or if the employee is in doubt concerning the proper application of this policy, they should promptly discuss the matter with Human Resources and refrain from exercising responsibility on the Company's behalf in any manner that might reasonably be considered to be affected by any adverse interest.

Failure to disclose the fact of a conflict or potential conflict may constitute grounds for disciplinary action.

This policy in no way prohibits employee affiliations or activities that are protected under applicable state and federal laws, including but not limited to any activity that is protected under Section 7 of the National Labor Relations Act, which includes the right of employees to organize collectively and to speak with others about their terms and conditions of employment.

#### PROHIBITED CONDUCT

Like all organizations, the [FoundationEnterprises](#) wants to provide a safe and secure work environment. For this reason, it may be helpful to identify some further examples of types of conduct that are impermissible and that may lead to disciplinary action, including termination of employment. Although it is not possible to provide an exhaustive list of all types of impermissible conduct and performance, the following are some common examples:

- Theft, dishonesty, including fraudulent or destructive use of [FoundationEnterprises](#) or University property.
- Fraud in securing [FoundationEnterprises](#) employment.
- Falsification of time records.
- Falsification of individual's application required by the [FoundationEnterprises](#).
- Unlawful conduct during working time or on [FoundationEnterprises](#) premises.
- Conviction of any felony the prohibits employment on campus or around minors.
- Unsatisfactory performance.
- Violation of the Attendance Policy.
- Failure to comply with management directions regarding job duties.
- Physical fighting, intimidating, threatening other persons or provoking such action.
- Unsafe or hazardous work actions.
- Violation of unit or [FoundationEnterprises](#) policies or procedures.
- Bearing of firearms or other weapons while on campus.
- Making threats or engaging in violent activities.
- Any action that affects the welfare of other employees or the service of the [FoundationEnterprises](#).
- Frequent or repetitive non-compliance with [FoundationEnterprises](#) or Unit (divisional/departmental) Standards.

It should be remembered that employment continues only upon the mutual consent of the employee and the [FoundationEnterprises](#). Accordingly, either the employee or the [FoundationEnterprises](#) can terminate the employment relationship at will, at any time, either with or without cause or advance notice. Nothing in this policy is intended or should be construed to alter at-will employment.

#### DISCIPLINARY ACTION

Disciplinary action may consist of verbal warning, written warning, suspension and/or immediate discharge, or any combination of these steps, depending on the specific situation, in any order in the [FoundationEnterprises](#)'s sole

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discretion. For example, in one situation a verbal warning is appropriate and given to the employee, while in another situation, no verbal warning is given but instead, the employee is immediately suspended.

#### **BUSINESS CONDUCT AND ETHICS**

No employee may accept a personal gift or gratuity having a value of more than \$25 from any vendor, supplier or other person doing business with the [FoundationEnterprises](#) as it may give the appearance of influence regarding their business decision, transaction or service. Employees who may receive premiums, samples or free specials as a result of buying or business activities is required to turn such items over to their unit manager for disposition.

Expenses paid by such persons, vendors or suppliers for business trips or any other item of value must be discussed with [FoundationEnterprises](#) senior management in advance of receipt. Vendors, suppliers and all other persons doing business with the [FoundationEnterprises](#) should be advised of this policy against the receipt of gifts or gratuities.

The [FoundationEnterprises](#)'s Ethics Policy is based on three fundamental elements: (1) to create and maintain a culture of honesty and high ethics, (2) to evaluate the risks of fraud and implement the processes, procedures and controls needed to eliminate or reduce the opportunities for fraud, and (3) to develop an appropriate oversight process. It is the responsibility of the entire [FoundationEnterprises](#) management team to implement and monitor these activities. A complete copy of the [FoundationEnterprises](#)'s Ethics Policy may be obtained by viewing it on the [FoundationEnterprises](#)'s website.

#### **WORKPLACE VIOLENCE**

*(Zero Tolerance)*

The [FoundationEnterprises](#) is dedicated in providing a safe workplace for all employees and the campus community. The [FoundationEnterprises](#) and the University have a zero tolerance for all threats or acts of violence. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy. The complete policy is available on the [FoundationEnterprises](#)'s website.

Any potentially dangerous situations must be reported immediately to a supervisor or the Human Resources Department. Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. The [FoundationEnterprises](#) will actively intervene at any indication of a possibly hostile or violent situation.

Human Resources takes reasonable risk reduction measures by conducting background investigations and reference checks on new full-time employees and those in sensitive positions to help reduce the risk of hiring individuals with a history of violent behavior.

The [FoundationEnterprises](#) participates in the University's proactive program in establishing a climate in which individuals know how and when to respond to the threat of violence.

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination of employment, expulsion from the University or civil or criminal prosecution, as appropriate. Non-employees engaged in violent acts on the campus will be reported to the proper authorities and fully prosecuted.

#### **PAY TRANSPARENCY NONDISCRIMINATION PROVISION**

[FoundationEnterprises](#) will not discharge or in any other manner discriminate against current employees or applicants because they have inquired about, discussed or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other [FoundationEnterprises](#) employees or applicants as a part of their essential job functions (such as those employees who have administrative privileges in the payroll system, or any employee working in Human Resources) cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation

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information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing or action, including an investigation conducted by the Enterprises, or (c) consistent with the [FoundationEnterprises](#)'s legal duty to furnish information.

**Employees who believe they have been subject to harassment or discrimination under any of the above areas should contact the Chief Human Resources Officer, 909-869-2948, or the [FoundationEnterprises](#) Executive Director/CEO.**

#### **WHISTLE BLOWER PROTECTION**

[FoundationEnterprises](#) employees are prohibited from engaging in any improper governmental activities or activities that create significant threats to the health and/or safety of the campus community in the performance of their work duties. [FoundationEnterprises](#) employees and applicants for [FoundationEnterprises](#) employment should be free to report waste, fraud, abuse of authority, violation of law or threat to public health at the [FoundationEnterprises](#) without fear of retribution. No individual who makes a protected disclosure or participates in an investigation concerning allegations of improper governmental activity or the existence of a condition that may significantly threaten the health or safety of employees or the public shall for that reason be subjected to personnel action in addition to any penalty or civil liability provided by law. Employees or applicants for employment who believe that they have suffered reprisal, retaliation, threats, coercion or similar acts for having made a protected disclosure may file a written retaliation complaint with their supervisor, manager or directly with the [FoundationEnterprises](#) Human Resources Department at extension 2958, 2953 or 4378. The complaint alleging retaliation must be signed by the complainant and contain a sworn statement that the contents of the written complaint are true or believed by the complainant to be true, under penalty of perjury.

[https://cppfoundationEnterprises.formstack.com/forms/covid\\_safety\\_inquiry\\_reporting](https://cppfoundationEnterprises.formstack.com/forms/covid_safety_inquiry_reporting)

#### **COOPERATION DURING AN INVESTIGATION**

Although uncommon, it can become necessary for any employee to become involved in an internal investigation regarding a suspected policy violation. You must cooperate fully during any investigation or fact-finding we conduct unless you are informed that cooperation is voluntary. In any investigation, we expect honesty above all. This is true whether you are the complaining party, the accused party, or potential witness.

#### **NON-RETALIATION**

The [FoundationEnterprises](#) encourages reporting of all perceived incidents. It is the policy of the [FoundationEnterprises](#) to promptly and thoroughly investigate such reports. [FoundationEnterprises](#) prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports or provide cooperation during an investigation. Retaliation is a violation of this policy and may result in discipline, up to and including termination. No employee will be discriminated against, or discharged, because of bringing a good faith complaint forward or assisting in an investigation.

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 Chief Human Resources Officer. Retaliation includes any threat, discipline, discharge, demotion, suspension, reduction in employee hours, or any other adverse employment action against an employee for exercising their rights or participating in an investigation.

#### **SECTION 14 CONFLICT RESOLUTION**

The Conflict Resolution Policy, Policy #206 as posted on the [FoundationEnterprises](#)'s website, provides employees with a formal procedure for the resolution of problems arising in the course of their employment in a fair and orderly fashion if such problems cannot be resolved informally. Conflict Resolution Steps:

1. The employee should first discuss the problem with their immediate supervisor.

2. If the meeting does not resolve the problem, the problem should be stated in writing to the immediate supervisor. The supervisor will respond in writing.
3. If the employee is not satisfied with the supervisors written response, the employee may appeal in writing to the next level of authority up to and including the Executive Director/CEO.

## SECTION 15 PERSONNEL RECORDS

### RIGHT TO REVIEW

Employees have a right to inspect certain documents in their personnel file - in the presence of a [FoundationEnterprises](#) Human Resources Representative at a mutually convenient time. A written request should be presented to a representative of the Human Resources Department to review records. Copies of documents are not permitted with the exception of documents that have been previously signed by the employee. An employee may add their version of any disputed item to the personnel file.

### EMPLOYEE REFERENCES OR VERIFICATIONS

All official requests for references or employment verifications on behalf of the [FoundationEnterprises](#) must be directed to the Human Resources Department. No other manager, supervisor or employee is authorized to release references or employment verifications for current or former employees.

Generally, the [FoundationEnterprises](#)'s practice relating to references or employment verification for current or present employees is to confirm the employee's name, position title, dates of employment, rate of pay (with employee authorization) and whether or not the employee is eligible for re-hire.

This policy is not intended to interfere with the ability of a unit manager to issue letters of reference when requested by individual current or former employees. Letters of reference, if so written, are voluntary and should not be written on [FoundationEnterprises](#) letterhead unless approved to do so by the Executive Director/CEO.

### CHANGE OF PERSONAL RECORD INFORMATION

It is each employee's responsibility to update their personal information whenever a change of address, telephone number or other important personal information has been changed. All active employees may access the payroll system to update their personal information.

## SECTION 16

### MISCELLANEOUS PROGRAMS AND RECREATIONAL ACTIVITIES

The [FoundationEnterprises](#) or its insurer will not be liable for the payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social or athletic activity that is not part of the employee's work-related duties.

### 403(B) TAX DEFERRED ANNUITIES

Employees may participate in the [FoundationEnterprises](#)'s 403(b) plan. Funds withheld in a 403(b) are not taxed as income until it is withdrawn (usually at retirement). If an employee is interested in participating in a 403(b) or would like more information, please contact Human Resources or visit the [FoundationEnterprises](#) website.

### 457(B) PLANS

All employees (except student employees) are permitted to elect pre-tax payroll contributions at their discretion as soon as they become employed with [FoundationEnterprises](#). If an employee is interested in participating in a 457(b) or would like more information, please contact Human Resources or visit the [FoundationEnterprises](#) website.

## AFLAC

(Regular Benefited Employees ONLY)

The AFLAC program allows eligible employees to enroll in two Flexible Spending Accounts and a variety of supplemental employee benefits plans. AFLAC's Flex One cafeteria plan (un-reimbursed medical expenses) allows an employee to set aside pre-tax dollars to use for specific un-reimbursed medical, dental and vision expenses. Additionally, the Flex Spending Account provides for a dependent care account to permit an employee to set aside pre-tax dollars to use for dependent care expenses.

AFLAC also offers eligible employees other supplemental plans including Personal Accident Expense Plan, Personal Short-Term Disability Plan, Personal Cancer Indemnity as well as other plans. For a complete description of AFLAC Plans, please contact the Human Resources Department. Open enrollment is held during the month of November each year and plans are effective January through December.

## USE OF CAMPUS FACILITIES

Employees may use any public campus dining facilities including Campus Center Marketplace, Bronco Student Center, CenterPointe Dining Commons, Innovation Brew Works, various Cafés, and Kellogg West Restaurant (discounts may apply). Kellogg West Hotel & Conference Center, the Bronco Bookstore, and all other public-facing services are also available (discounts may apply).

The University's physical education facilities are primarily used for instructional purposes, however, they are available for use by employees, as designated by the Health, Physical Education and Recreation Department. Library services are also available to all employees who provide appropriate identification.

## EMPLOYEE HANDBOOK ACKNOWLEDGMENT AND RECEIPT

I hereby acknowledge receipt of the employee handbook of Cal Poly Pomona Enterprises. I understand and agree that it is my responsibility to read and comply with the policies in the handbook. I understand that the [FoundationEnterprises](#) has provided me various alternative channels [including anonymous and confidential channels,] to raise concerns of violations of this handbook and company policies and encourages me to do so promptly so that the [FoundationEnterprises](#) may effectively address such situations, and I understand that nothing herein interferes with any right to report concerns, make lawful disclosures, or communicate with any governmental authority regarding potential violations of laws or regulations

I understand that the handbook and all other written and oral materials provided to me are intended for informational purposes only. The handbook does not create an employment contract for continued employment. I understand that the policies and benefits, both in the handbook and those communicated to me in any other fashion, are subject to interpretation, review, removal, and change by management at any time without notice.

I further understand that I am an at-will employee. I understand that no representative of the company has any authority to enter into any agreement for employment for any specified period of time or to assure any other personnel action or to assure any benefits or terms or conditions of employment or make any agreement contrary to the foregoing.

I also understand and agree that this agreement may not be modified orally and that only the Executive Director/CEO of the Enterprise or an authorized representative may make a commitment for employment. I also understand that if such an agreement is made, it must be in writing and signed by the Executive Director/CEO or an authorized representative.

I understand and acknowledge that nothing in this Employee Handbook or in any other document or policy is intended to prohibit me from reporting concerns to, filing a charge or complaint with, making lawful disclosures to, providing documents or other information to or participating in an investigation or hearing conducted by the Equal

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Employment Opportunity Commission (“EEOC”), National Labor Relations Board (“NLRB”), Securities and Exchange Commission (“SEC”) or any other federal, state or local agency charged with the enforcement of any laws.

I also understand and acknowledge that nothing about the policies and procedures set forth in this Handbook should be construed to interfere with any employee rights provided under state or federal law, including Section 7 of the National Labor Relations Act.

By writing my name I (a) agree to the terms and conditions of the Employee Handbook and (b) agree that my writing my name is my electronic signature. An electronic signature is as legally binding as an ink signature.

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