

## **POLICY CONCERNING PROFESSIONAL EMPLOYEE COMPENSATION**

---

### **PURPOSE**

The Associated Students Inc., California State University, Fullerton (ASI) is committed to providing a total compensation package that enables the corporation to attract and retain highly skilled and talented employees for all positions. A competitive total compensation package includes an effective salary administration program and a comprehensive benefits plan that serves to:

- Affirm ASI's commitment to Equal Employment Opportunity
- Maintain consistency with the CSU employee classification standards and compensation
- Provide individual choice in selecting benefits
- Recognize the diverse needs of the employee population

The purpose of ASI's Policy on Employee Compensation is to provide equity, incentive, and CSU comparability in the administration of the corporation's compensation program for all employees.

Within the framework of applicable law, and consistent with the judicious expenditure of funds, it is the policy of ASI to employ competent personnel, motivate these employees to perform well, and create inducements both through basic compensation and fringe benefits to retain competent employees for productive periods of service.

Pursuant to Education Code, Section 89900(c) and Title V, Section 42405(a) ASI shall provide salaries, working conditions, and benefits for its full-time employees that are comparable to those provided CSU employees performing substantially similar services. For those full-time employees who perform services that are not substantially similar to those performed by CSU employees, the salaries established will be based on a study of the salaries prevailing at other educational institutions in the area or commercial operations of like nature.

ASI will meet the requirements for comparability by providing its regular, full-time employees with the following:

- Salaries that fall within the corresponding salary range that would be paid to a CSU Fullerton (CSUF) employee in the same CSU classification (if applicable)
- A benefits package (exclusive of educational benefits) that is modeled after that provided by CSUF to its full-time employees
- A personnel management and employee relations system that is within the parameters of that established by the CSU for its full-time employees

<b>PURPOSE .....</b>	<b>1</b>
<b>WHO SHOULD KNOW THIS POLICY .....</b>	<b>3</b>
<b>DEFINITIONS .....</b>	<b>3</b>
<b>STANDARDS .....</b>	<b>4</b>
<b>1. SALARY RANGE.....</b>	<b>4</b>

<b>2. INITIAL COMPENSATION.....</b>	<b>4</b>
a. Appointment Salary.....	4
<b>3. SALARY ADJUSTMENTS .....</b>	<b>5</b>
a. Cost of Living Adjustments.....	5
<b>4. CLASSIFICATION/RECLASSIFICATION.....</b>	<b>5</b>
a. Policy Application.....	6
b. Review.....	6
c. Effective Date .....	6
d. Appeal .....	6
<b>5. PAY AND TIME.....</b>	<b>6</b>
<b>6. BENEFITS .....</b>	<b>8</b>
a. Temporary Appointment (Less than 12 Months) .....	8
b. Health, Vision and Dental Insurance .....	8
c. Long Term Disability (LTD) .....	8
d. Life Insurance .....	9
e. Unemployment Insurance .....	9
f. Disability Insurance.....	9
g. Workers' Compensation Insurance .....	9
h. Tax Deferred Annuities (TSA) 403(b).....	9
i. Flex-Cash Plan .....	9
j. Flexible Compensation Plan .....	9
k. Employee Assistance Program (EAP).....	9
l. Annual Staff Parking Permit.....	10
m. Retirement.....	10
n. Benefits While on Leave of Absence.....	10
o. Termination of Benefits .....	11
<b>7. EDUCATIONAL BENEFITS.....</b>	<b>11</b>
a. Tuition Reimbursement.....	11
b. Job-Required Training .....	12
c. Non-Job-Required Training.....	12
<b>8. VACATION AND LEAVE .....</b>	<b>12</b>
a. Vacation.....	12
b. Leave.....	14

## WHO SHOULD KNOW THIS POLICY

- |  |   |
|--|---|
| <input type="checkbox"/> Budget Area Administrators            | <input type="checkbox"/> Volunteers       |
| <input checked="" type="checkbox"/> Management Personnel       | <input type="checkbox"/> Grant Recipients |
| <input checked="" type="checkbox"/> Supervisors                | <input checked="" type="checkbox"/> Staff |
| <input checked="" type="checkbox"/> Elected/Appointed Officers | <input type="checkbox"/> Students         |

## DEFINITIONS

For Purpose of this policy, the terms used are defined as follows:

Terms	Definitions
<b>Salary Range</b>	Minimum and maximum rate currently authorized for a position classification.
<b>Comp Time</b>	Time off in lieu of payment for overtime.
<b>Classification</b>	Category of a position within the organization (i.e. secretary, office assistant, Director, etc.).
<b>Reclassification</b>	Changing classification of position due to significant changes in job duties placing position requirements, accountability, responsibilities, etc. outside of present classification.
<b>Immediate family member</b>	Spouse, domestic partner, cohabitant, child, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great grandparent, brother, sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin (that is, a child of an aunt or uncle).
<b>Volunteer Civil Service Personnel</b>	Volunteer firefighters, reserve peace officers, and emergency rescue personnel.
<b>Catastrophic illness or injury</b>	Illness or injury which totally incapacitates an employee or member of employee's immediate family if it requires the employee to take time off for an extended period in order to care for the family member and the employee has exhausted all of their available leave credits.
<b>Exempt</b>	Employees primarily performing work that is not subject to overtime provisions of the Fair Labor Standards Act. Overtime pay is not required by FLSA for exempt employees.
<b>Non-exempt</b>	Employees primarily performing work that is subject to the overtime provisions of the Fair Labor Standards Act. Overtime pay is required.
<b>Professional Staff</b>	Non-student regular staff members.
<b>State Disability</b>	Disability payments made for leaves of absence due to personal disability (state paid). Funded by employee deductions.
<b>Paid Family Leave</b>	Payments made for leaves of absence to care for a disabled family member (State Paid). Funded by employee deductions.

# STANDARDS

---

## 1. SALARY RANGE

ASI bases its salary ranges on the comparable salary ranges published by the California State University Office of the Chancellor. The determination of an appropriate salary range is contingent upon the determination of a position's CSU classification. For positions that cannot be classified according to the CSU standards, salary ranges will be based on periodic surveys of salaries paid for similar positions in the higher education and nonprofit organizations market.

Salary ranges for full-time positions consist of a minimum and a maximum rate as published in the most recent edition of the California State University Salary Schedule.

Revisions to the CSU Salary Schedule will be monitored by the Human Resources Department. Generally, such revisions will have no impact on individual salaries, unless one of the following occurs:

- The revision results in a new minimum rate that is higher than the rate currently paid to an ASI employee in the same classification. In this case, the employee's salary may be increased to the new minimum rate published in the CSU Salary Schedule.
- The revision results in a new maximum rate that is lower than the rate currently paid to an ASI employee in the same classification. In this case, the employee's salary may be approved to be above the established salary maximum for that position.

In both cases, the position in question will be audited to ensure that it is appropriately classified before any action is taken. If the position is correctly classified, the corresponding salary action referenced above will be submitted to the Human Resources Department for approval. If it is determined that the position is not correctly classified, the position description will be referred to Human Resources for consideration of a new classification and corresponding salary range.

## 2. INITIAL COMPENSATION

The initial salary offered to a candidate is based on the candidate's skills and abilities in relation to a number of factors including the position/classification requirements, internal and external considerations, as well as budgetary considerations. Specifically, the following factors shall be considered in determining an appropriate starting salary.

- The salary range or skill level sub-range established for the position
- An assessment of the candidate's knowledge, skills, and abilities against the overall requirements for the position and classification and/or skill level
- An internal assessment of salaries of existing employees in comparable positions
- An analysis of applicable market data, if appropriate

### a. Appointment Salary

Appointment salaries are commensurate with a candidate's experience and capabilities in relation to the salary range established for the position, as well as internal and external considerations. Following are the approved practices for determining a starting salary. The salary range quartiles and mid points referred to for hiring ranges are calculated using the minimum and maximum rates for the classification's salary range or for the skill level sub-range for classifications with skill levels.

### **First Quartile**

Hiring within the first quartile of a salary range is appropriate when the candidate is qualified for the position, but still requires a training period to become fully familiar with the requirements of the position. Hiring managers are given the discretion to hire in the first quartile.

### **Second Quartile**

Highly skilled candidates who need minimal training are most often hired in the second quartile of the range up to the mid-point. This is most common with career level professional positions. Hiring at this level can only occur after:

- The hiring manager meets with the Human Resources Director and provides pertinent information (e.g. level of skills, experience, salary history, pay stubs, budget availability) supporting the salary proposal, and
- The appropriate Division Director reviews the information and approves the final offer.

### **Above Mid-point**

In rare operational circumstances, highly qualified individuals with exceptional expertise may need to be hired in excess of the salary range mid-point. Hiring at this level can only occur after:

- The Human Resources Director reviews the request and provides his/her analysis and recommendations.
- The analysis and recommendations are reviewed by Executive Director who has final decision authority.

An appointment salary above the midpoint of the range will be considered in only the following circumstances:

- Clear recruitment and retention difficulties as demonstrated by prolonged and/or unproductive recruitments and high rates of turnover.
- The exceptional qualifications of a preferred candidate in relation to the applicant pool and classification and/or skill level requirements.
- Prevention of substantial salary loss by the preferred candidate.

For current employees selected through the recruitment process for a position in their same classification but in a different department, the hiring department has the discretion to offer the employee a salary increase, subject to budget availability.

## **3. SALARY ADJUSTMENTS**

It is the policy of ASI to grant merit based salary increases to employees based on budget availability. The amount of the salary increase will be dependent on the employee's performance evaluation and distributed on a yearly basis when funds are available.

### **a. Cost of Living Adjustments**

A cost of living adjustment is a periodic increase made to all current salaries in an effort to offset the effects of external economic factors, such as inflation. The percentage of cost of living adjustment to be made, if any, will be determined annually during the annual budget process by the ASI Board of Directors. If approved, the same percentage increase will be applied to the current rate of all salaried positions currently occupied, including management personnel.

## **4. CLASSIFICATION/RECLASSIFICATION**

At least once a year, job descriptions will be reviewed by supervisors to determine if the duties and responsibilities assigned to each employee are current. Job descriptions maintained by Human

Resources form the basis for the review. If there are changes to the job description, the Human Resources Director will review the position to determine classification.

a. **Policy Application**

The Human Resources Director along with the Executive Director will evaluate and classify ASI positions as either performing or not performing substantially similar responsibilities and duties to campus positions. Such positions are defined as follows:

Comparable Positions – (Performing substantially similar services):

- Positions with similar duties, responsibilities, and minimum qualifications as established classifications in the CSU system.

Non-Comparable Positions – (Not performing substantially similar services):

- Positions with non-similar duties, responsibilities, and minimum qualifications as established classifications in the CSU system.

b. **Review**

Written documentation will be reviewed. Decisions will be based on information derived from a number of factors, including:

- Nature and variety of work
- Nature of controls exercised over employees, either in supervision or in the guidance provided by rules, procedure, interpretation, etc.
- Degree of independence of action; nature and scope of commitments; consequence of error
- Nature and purpose of interpersonal relationships
- Degree of originality or ingenuity required
- Nature and extent of supervisory and administrative responsibilities

If more extensive written documentation is needed, a request will be made.

c. **Effective Date**

The effective date of the reclassification shall be as follows:

- Non-budgeted – Projected New Fiscal Year Budget
- Budgeted – Existing Fiscal Year Budget-first day of pay period following decision.

d. **Appeal**

A decision may be appealed through the initiation of employee complaint with the Human Resources Department.

## **5. PAY AND TIME**

a. **Hours of Work**

The standard work week is forty (40) hours. The standard workday is eight hours for nonexempt workers. Workday lengths for exempt employees are determined primarily by their current workloads. General office hours are from 8:00 a.m. to 5:00 p.m. daily. As starting and ending times vary within departments and office locations, the manager of each department will determine the schedule for his/her department. The workweek commences on Sunday morning at 12:01 a.m. and ends the following Saturday evening at Midnight. Employees who work in excess of five hours in a workday are provided with at least a 30-minute unpaid meal period that must begin before the end of the employee's fifth hour of work. Employees who work in excess of 10 hours in a workday are eligible to receive a second meal period of no more than 30 minutes that begins at the start of their 10th hour. Non-exempt employees must also take a ten-minute rest period for each four hours of work or major

portion of each four hours as scheduled by their supervisor. Any rest period is considered time worked. Your work schedule will be determined by your supervisor. The length of the meal period may vary from thirty (30) minutes to one (1) hour according to the needs of the department. Non-exempt employees receive two ten-minute paid break periods for each full workday, one approximately a quarter of the way into the workday and one approximately three quarters into the workday. ASI reserves the right to modify an employee's starting and quitting time as well as the number of hours worked to accommodate business needs.

**b. Payday**

ASI employees are paid semi-monthly on the 15th and the last day of the month.

**c. Shift Differential**

A shift differential is provided to regular full time non-exempt employees as an incentive for working overnight shift hours on a regular basis. The employee must be assigned to work this shift. An overnight shift is defined as a shift beginning at 10:00pm and ending the next morning at or before 8:00am. Shift differential pay is a flat amount of \$0.50 to be added to your hourly rate. This amount will only apply to actual hours worked and not to holidays, vacation or sick time.

**d. Paycheck Distribution**

Paychecks are never to be distributed before their assigned distribution date.

**e. Call-in or Call-back Time**

If a non-exempt employee, whose normal minimum workweek is forty (40) hours, leaves ASI's premises after completing their scheduled shift is called back without advance notice to perform emergency work, the employee is entitled to call back pay for time spent on emergency work. Call back pay will be computed at double the employee's straight-time hourly rate of pay. Call back pay is not required where an employee is asked during their normal shift to work beyond their normal schedule or where an employee is scheduled to work overtime.

**f. Severance Pay**

The ASI does not provide severance pay to employees who terminate employment voluntarily or involuntarily. However, it reserves the right to provide exceptions to this policy should the circumstances warrant such action.

**g. Overtime**

For purposes of overtime compensation, employees are classified as either non-exempt employees entitled to receive overtime pay when they work overtime hours, or exempt employees not entitled to receive overtime compensation. From time to time as necessary, employees may be required to work overtime. Non-exempt employees will be paid one and one-half times their regular rate for all hours worked in excess of the first eight (8) hours in a workday, over 40 hours in a workweek, or for the first eight (8) hours on the seventh consecutive day of work in a workweek. Non-exempt employees will be paid two times their regular rate for all hours worked in excess of twelve (12) hours in a workday or in excess of eight (8) hours on the seventh consecutive day of work in a workweek. For purposes of determining which hours constitute overtime, only actual hours worked in a given workday or workweek will be counted. Exempt employees are not entitled to overtime pay or to compensating time off.

Overtime is to be scheduled and approved only when work cannot be accomplished within normal working hours and only if it has been authorized in advance by the supervisor. Non-exempt employees who work unauthorized overtime may be subject to disciplinary action.

**h. Make-Up Time**

If an employee misses work due to a personal obligation, they may make up the lost time later in the same workweek at straight-time pay even if the employee works more than eight hours on a make-up day. The request must be approved by the supervisor prior to time worked.

**6. BENEFITS**

ASI aims to offer a benefits package comparable to that of the California State University system to eligible employees. Annually, employees receive a summary of benefits.

Benefits are as follows:

Benefit	Paid By			Effective	Termination of Benefit
	Employer	Employer/Employee	Employee		
Health Insurance		X		1st of following month	End following month
Vision Insurance		X		1st of following month	End following month
Dental Insurance	X			1st of following month	End of month
Flex Cash Account	X			January 1	End of CalendarYear or Termination
PERS Retirement		X	X	Immediately	Termination/Retirement
Term Life Insurance/LTD	X			1st of following month	Termination
Unemployment Insurance	X			Immediately	Termination
Workman's Compensation	X			Immediately	Termination
State Disability & Paid Family Leave			X	Immediately	Termination
Supplemental Life Insurance			X	When enroll	Termination
Tax Deferred Annuities			X	When enroll	Termination
Educational Reimbursement	X			When required	Termination

**a. Temporary Appointment (Less than 12 Months)**

There are a variety of medical, dental, and vision plans available to eligible employees. The employee determines which plans best meet his/her needs. The premiums for the plans vary; however, ASI contributes a significant portion to the cost of the plans.

**b. Health, Vision and Dental Insurance**

Employees must enroll within sixty days of their initial appointment or during open enrollment. Payroll deductions for employee's premium commence the pay period following employment. Premiums are paid one month in advance.

**c. Long Term Disability (LTD)**

Long term disability provides the employee with income protection if they become disabled from a covered sickness, accidental bodily injury, or pregnancy. The elimination or waiting period is ninety days. Contact Human Resources for more information.



d. *Life Insurance*

Upon receipt of due proof that a currently insured employee has died, the ASI-sponsored life insurance policy will provide a maximum lump sum payment to the employee's beneficiaries of \$50,000. The actual amount of the payment may vary depending on the age of the employee at the time of death. This benefit is provided at no cost to employees. Limitations and exclusions apply. Employees must consult their Group Insurance Plan booklet for further information.

e. *Unemployment Insurance*

Employees whose employment is terminated may be eligible to receive unemployment insurance benefits. Unemployment claims are filed with the claimant's local Office of California Employment Development Department, which will determine eligibility for benefits.

f. *Disability Insurance*

Disability insurance is payable when an employee cannot work because of sickness or injury not caused by the job, or when the employee is entitled to temporary Worker's Compensation at a rate less than the daily benefit amount. The amount of benefits paid to an employee depends upon the wages paid to the employee during a twelve-month base period.

g. *Workers' Compensation Insurance*

All employees are covered by ASI's Workers' Compensation Insurance. The cost of the insurance is paid by ASI with no cost to the employee. The purpose of Workers' Compensation is to assist employees who have suffered a job-related injury or illness. If an employee is injured on the job or incur a work-related illness, they must immediately contact their supervisor and the Human Resources office to make a written report in addition to seeking medical treatment with follow-up care as required.

h. *Tax Deferred Annuities (TSA) 403(b)*

An employee who is in a full-time position is eligible for enrollment in a tax-deferred annuity program 403(b). A tax-deferred annuity may permit the deferment of taxes on a portion of an employee's monthly income. For more information contact the Human Resources office.

i. *Flex-Cash Plan*

The ASI offers a Flex-Cash plan to help employees tailor their benefits package needs. Flex-Cash is an optional benefit plan that allows the waiver of ASI medical and/or dental coverage in exchange for cash, provided the employee has other non-ASI coverage.

j. *Flexible Compensation Plan*

This plan allows a salary reduction and income tax-free reimbursement of certain un-reimbursed medical costs and child care expenses that qualify. Employees are eligible for enrollment at the time of hire or during annual open enrollment.

k. *Employee Assistance Program (EAP)*

The Employee Assistance Program provides confidential counseling and referral services to all regular employees and members of their household twenty-four hours a day. This benefit is available through an external provider to assist employees and their families in dealing with a wide variety of concerns such as those involving relationships, parenting, drug/alcohol abuse, depression, communication, stress, and concerns related to their job. All services are kept strictly confidential.

l. Annual Staff Parking Permit

Annual parking permits are available to employees at their own expense through payroll deduction and are valid year-round. Semester permits may be purchased at the Parking & Transportation Services Department. Parking regulations are enforced by Parking and Transportation Services. Disputes or complaints about university-issued citations are to be directed to the Parking and Transportation office. Parking regulations and procedures can be found at [www.parking.fullerton.edu](http://www.parking.fullerton.edu).

m. Retirement

Regular, full-time employees of ASI become members of the Public Employees Retirement System (PERS) on the first day of employment. In addition to a contribution made by ASI, employees are required to contribute a percentage of their monthly salary. Employee contributions are paid through automatic payroll deduction.

PERS also provides for disability retirement as well as service retirement, death benefits, and survivor benefits.

At least four months prior to the anticipated date of retirement, the employee should make an appointment with CalPERS and notify Human Resources of the decided date of retirement. Retirement income may be delayed if the employee does not provide PERS sufficient time to process the required documents. The minimum retirement age is 50 provided the employee has at least five years of service. If the employee has unused sick leave when retiring, the unused leave will be credited as service as provided in the PERS contract in place at that time.

ASI provides full-time employees post-retirement medical vesting plans and post-retirement dental insurance coverage. Plan eligibility is based on specific requirements determined by the employee's date of full-time employment, years of service, date of retirement, and any applicable crossover provisions between medical plans.

Unused accumulated sick leave is converted to additional service credit after employee retires, which may increase his/her PERS retirement allowance. However, retirement must occur within 120 days of separation from employment.

n. Benefits While on Leave of Absence

**Health, Vision and Dental Insurance (See Policy on applicable leave for details)**

An employee is entitled to continuation of health, vision, and dental benefits at the same level he/she had before leave began. An employee is required to continue to pay their portion of the benefits. Insurance premiums are pre-paid for the following month for health and vision.

An employee on an approved informal/formal leave of absence without pay, who does not return to work after the end of the leave, shall reimburse the ASI both the employer and employee portion of the pre-paid health insurance premium.

**Term Life Insurance**

ASI will retain term life insurance coverage for an employee on leave for a period of up to four months at which time coverage will be terminated. Coverage will commence upon employee's return to pay status.

**Retirement**

Employee's retirement contributions cannot be withdrawn and are retained with PERS during the period of leave. Contributions will continue to earn interest during this period. If employee chooses not to return upon expiration of leave, termination procedures from the plan will be initiated.

**o. Termination of Benefits**

**Health, Vision and Dental Insurance**

Dental insurance coverage expires on the last day of the month employee worked. Health and Vision insurance coverage will terminate on the last day of the following month. Employees and dependents are eligible for COBRA benefits upon termination of coverage.

**Parking Permits**

Parking permits must be returned at termination.

**Retirement**

The minimum retirement age is 50 with at least five years of ASI service.

Terminating employees with at least five years of service credit may be refunded by PERS their retirement contribution, plus interest through the preceding June 30, or leave it on deposit for retirement allowance.

A permanently separating employee with less than five years employment may leave their retirement contributions on deposit for up to one year, or withdraw them from the plan. The refund an employee receives is subject to Federal Income tax withholding unless the employee elects not to have withholding applied.

## **7. EDUCATIONAL BENEFITS**

**a. Tuition Reimbursement**

ASI is committed to helping employees make the most of the educational opportunities available at California State University, Fullerton ("CSUF") or another accredited higher education institution. The purpose of this policy is to encourage and assist ASI employees to enroll in degree programs to increase their efficiency and effectiveness in their current position and to provide opportunities to acquire knowledge to perform other higher-level positions within ASI.

**Eligibility**

- Completion of one full year of employment. An employee's part-time service will be used for service time for eligibility.
- The employee is a regular, full-time individual.
- Part-time employees and temporary employee are not eligible for this benefit.

Courses taken must be for a degree program related to the employee's job function or other position within ASI. Courses can be taken at California State University, Fullerton or another accredited higher education institution. The course must be approved by submitting an Educational Approval Application approved by the employee's supervisor, department director, and the Human Resources Director prior to the beginning of the course. The program shall reimburse for tuition only. Employees eligible for allowances from other sources including financial aid, military education allowances, scholarships, etc., may participate to the extent that the tuition fees exceeds such allowances from those sources and are within the provisions of this policy.

**Reimbursement Amount**

The maximum reimbursement shall be tied directly to the cost of the six-unit undergraduate equivalency at CSUF per semester for a maximum of two semesters per fiscal year. Reimbursement will be made for tuition only. Tuition payment will be made only for courses where a minimum grade point average is achieved.

- For courses taken for an undergraduate degree program, employees must maintain a 2.0 for both their term and cumulative grade point average to receive reimbursement.
- For courses taken for a graduate degree program, employees must maintain a 3.0 for both their term and cumulative grade point average to receive reimbursement.
- No reimbursement will be given for classes taken for no credit and classes in which an unsatisfactory or fail is received.

Educational refunds will be made only upon receipt of proof of payment, unofficial transcript and Request for Refund Application.

ASI reserves the right to modify or discontinue this policy at any time with or without notice.

**b. Job-Required Training**

Specialized training is defined as one in which specific skills or knowledge are needed due to changing technology, new legislation, or new job duties. The intent of specialized training is to help an employee perform current duties and not to prepare an employee for a future position. The decision to require an employee to attend specialized training shall be based upon the supervisor's evaluation of the employee's present skills, previous work experience and training, and the requirements of the present position.

**Release Time**

Release time will be granted to attend specialized training during working hours and considered time on-the-job. Release time need not be documented.

**c. Non-Job-Required Training**

Full-time employees may enroll in one non-job-required course not to exceed a maximum of three units per semester during working hours with prior supervisor approval, as long as they meet the release time requirements.

**Release Time & Attendance Reporting**

While an employee may not be granted time off with pay to attend a class intended primarily for self-development, employee may attend a non-job related class during working hours provided employee:

- makes up time lost, or
- uses accumulated vacation leave credits, or
- takes leave without pay; and
- the time off does not interfere with the operations of ASI; and
- the supervisor has approved the request.

## **8. VACATION AND LEAVE**

**a. Vacation**

Staff employees are entitled to vacation credits accruable in accordance with the vacation schedule listed below. Part-time employees earn vacation credits on a pro-rata basis in accordance with the vacation schedule for full-time employees.

**Vacation Credits per Month**

<b>Service Requirements</b>	<b>Days per Year</b>	<b>Hours per Month</b>
1-month to 36 Months	10	6 2/3
37 Month to 72 Months	15	10
73 Months to 120 Months	17	11 1/3

121-months to 180 Months	19	12 2/3
181-months to 240 Months	21	14
241-months to 300 Months	23	15 1/3
301-months and Over	24	16

An employee must be paid for eleven consecutive workdays per month to qualify for monthly credits for vacation. Vacation time may not be used until completion of one month of employment. At no time can vacation leave be used before the date it is earned or used in units of less than one-half hour.

**Vacation credit balance carries over to new calendar year**

- 10 or less years of service - not more than thirty-four days (272 hours)
- 10 or more years of service – not more that forty-eight days (384 hours)

**Positions identified as Executive and Management**

- 10 or less years of service – not more than forty-eight days (384 hours).
- 10 or more years of service – not more that fifty-five days (440 hours)

The following positions are considered Executive or Management:

- Executive Director
- Associate Executive Director
- Director of Administration
- Human Resources Director
- Financial Services Director
- Titan Recreation Director
- Children's Center Director
- Chief Building Engineer
- Marketing & Design Associate Director
- Titan Student Union Associate Director
- Leader and Program Development Director
- Titan Recreation Associate Director
- Children's Center Assistant Director
- Systems Administrator

Vacation hours may not accrue over the employee's cap listed above. Once an employee has reached their designated cap on vacation hours they will no longer be eligible to accrue additional vacation hours.

**Holiday**

The following paid holidays shall be observed on the day specified unless they fall on a weekend, or classes have been scheduled on campus. If classes are scheduled on these holidays, ASI will continue in operation and employees are expected to work unless excused by the supervisor. The President of the University may, at his/her discretion, reschedule the holiday observance to another day consistent with the needs of the campus.

- January 1 (New Year's Day)
- Third Monday in January (Martin Luther King, Jr. Day)
- Third Monday in February (President's Day)
- March 31 (Cesar Chavez Day)
- Last Monday in May (Memorial Day)

- July 4 (Independence Day)
- First Monday in September (Labor Day)
- November 11 (Veteran's Day )
- Fourth Thursday in November (Thanksgiving Day)
- Fourth Friday in November (rescheduled Lincoln's Birthday)
- December 25 (Christmas)
- One day between Christmas and New Year (rescheduled Admission's Day)
- One day between Christmas and New Year (rescheduled Columbus Day)
- Any other day designated by the California Governor for a public holiday

A benefited employee on the payroll on the day a holiday is officially observed shall be entitled to the holiday. An employee on a leave of absence without pay or in other non-pay status on a day a holiday is officially observed shall not be entitled to the holiday.

If a holiday falls on a scheduled workday during the employee's vacation or within a period of absence chargeable to sick leave, the holiday will not be charged to sick leave or vacation time.

### **Personal Holiday**

ASI's Personal Holiday Policy provides regular full-time exempt and non-exempt professional staff with 8 hours of time off and part-time professional staff employees receive time off on a pro-rata basis according to their weekly scheduled working hours. The Personal Holiday is assigned to the last working day of the year.

If the employee fails to take the Personal Holiday on the assigned day, the unused personal holiday hours will not carry over into the new calendar year. There is no payment of the personal holiday upon termination.

### **b. Leave**

#### **Leave of Absence**

It is ASI's policy to grant a leave of absence to all eligible employees on a non-discriminatory basis. Leaves of absence will be considered in cases of medical disabilities and in cases of personal emergency, military duty, jury duty, witness duty, victims of violent crime, school activities, volunteer civil service duties, leave to vote, or bereavement. Unless specifically provided otherwise, all leaves of absence are available on an unpaid basis only. This chart serves as a summary of policies only.

Type of Leave	Eligibility Required	Duration Up To	Paid by employer	Unpaid	Type of Payment An Employee May Apply
Jury Duty	Jury Summons	10 days per year	X		Jury Duty
Subpoenaed	Subpoena	Time required	If interest of ASI	Not ASI related	Vacation
Victims of Violent Crime	Documentation of hearing	Time required		X	Vacation/Sick
Bereavement - local	Death of Relative	3 days	X		Bereavement
Bereavement - out of area (500 miles)	Death of Relative	5 days	X		Bereavement
Bereavement	Death of ASI Staff	4 hours	X		Bereavement

Sick Days	1-month employment	Sick Balance Accrued	X		Sick Accrued @ 4-8 hours/month
School Activities	Parent, guardian, grandparent	Up to 8 hrs month 40 hrs year		X	Vacation
Military Leave	Written verification	Length of service		X	Vacation
Military Family Leaves	Immediate Family is member of Military	12 week to 12 months		X	Vacation/Sick
Volunteer Civil Service Personnel	Written verification	14 days per year		X	Vacation
Voting	Unable to vote outside of working hours	2 hours		X	Vacation
Informal & Unpaid Leaves	Emergency	15 Workdays		X	Vacation/Sick
Family and Medical Leave Act (FMLA)	1250 Hours 12 Months	12 weeks		X	Vacation/Sick/SDI/ PFL
California Family Rights Act (CFRA)	1250 Hours 12 Months	12 weeks		X	Vacation/Sick/SDI/ PFL
Pregnancy Disability Leave (PDL)	Disabled due to pregnancy	Length of disability due to pregnancy or childbirth up to 88 days		X	Vacation/Sick/SDI/ PFL

### **Sick Leave**

Sick leave is accrued at the rate of eight hours per month for regular benefited full-time employees and on a pro-rata basis for regular benefited part-time employees. Sick leave is provided so employees will be protected from loss of income when unable to work. There is no limit to the amount of sick leave employees may accumulate. Absences must be reported to a supervisor as soon as possible recorded on the employee's timecard. Accrued sick leave, if any, is not paid at time of termination.

Sick leave must be used for the following purposes: Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or their family member. An Employee may also use sick leave if an employee is a victim of domestic violence, sexual assault, or stalking.

"Family member" includes:

- A child, which means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom an employee stand in loco parentis. This definition of a child is applicable regardless of age or dependency status.
- The biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or their spouse or registered domestic partner, or a person who stood in loco parentis when an employee was a minor child.
- Spouse
- Registered domestic partner
- Grandparents
- Grandchildren
- Sibling

If the need for paid sick leave is foreseeable, an employee must provide reasonable advance notice to their supervisor. If the need for paid sick leave is unforeseeable, an employee must provide notice to their supervisor as soon as practicable.

Paid sick leave is available only for days on which an employee would have been scheduled to work, but were unable to work because of one of the purposes described above.

Unused sick accruals are carried over from one year to the next. Under no circumstances will unused paid sick leave be converted to cash or payment of any kind. Unused sick leave is not paid out upon termination.

#### **Informal Leave of Absence without Pay**

The Executive Director may approve an informal leave of absence without pay for benefited employees up to a maximum of 15 workdays. Such absence shall not constitute a break in employment. Requests for such leaves generally are approved when an emergency situation arises and vacation leave credits are not available, or when an employee is ill or injured and sick leave credits are not available.

#### **Unpaid Personal Leave**

Benefited Employees who have completed one year of continuous service and have exhausted all accrued vacation, sick, and other leaves available, may, upon review and approval of the Executive Director be granted an extended unpaid personal leave of absence for 30 day intervals for a period not to exceed one year from the original leave date.

The organization will review such requests on a case-by-case basis in order to determine whether it can reasonably accommodate such a request, and after a review of all aspects of employee's work performance and current employment record.

When an employee is placed on a leave of absence, an effort will be made to hold the employee's position open for the period of the approved leave. However, due to business needs, there will be times when positions cannot be held open. Accordingly, reinstatement of employment is not guaranteed. If an employee's former position is unavailable when the employee is available to return from an approved leave, ASI will attempt to place the employee in a comparable and available position for which the employee is qualified. If no such position is available, the employee may be offered the next suitable position that becomes available within the following 90 days for which the employee is qualified at a salary within the position's salary range. In addition, the employer will attempt to reasonably accommodate employees who are released for partial or modified duty. An employee who does not accept a position offered by the employer will be considered to have voluntarily terminated employment, effective the day such refusal is made. Employees will be eligible to continue health benefits under COBRA while on this extended leave, and will be required to pay the total COBRA cost of their health benefits if they chose to continue benefits.

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

- Failure to advise ASI of availability to work
- Application for unemployment benefits
- Obtaining another position
- Engaging in another business
- Failure to return to work when notified
- Continued absence from work beyond the time approved by ASI

#### **Military Leave**

Military leaves of absence are granted without pay in accordance with applicable federal laws. An employee may use accumulated vacation credits in lieu of leave without pay. The employee should submit a request as soon as he/she learns of the need for military leave. The organization will



reinstate those employees returning from military leave to their same position or one of comparable seniority, pay, status, and benefit rights they would have had if they had worked continuously in compliance with state and federal regulations.

Benefits coverage will continue for 31 days as long as employees pay their normal portion of the cost of benefits. For leaves lasting longer than 31 days, employees will be eligible to continue health benefits under COBRA for up to 18 months while on military leave, and will be required to pay the COBRA rate of their health benefits if they wish to continue benefits.

If employees are reservists in any branch of the Armed Forces or members of the National Guard, they will be granted time off for military training. Such time off will not be considered vacation time. However, employees may elect to have their reserve duty period be considered as vacation time to the extent they have such time available.

### **Military Spouse Leave**

An unpaid leave provided for military personnel spouses who work an average of 20 hours or more per week who have a spouse in the US Armed Forces, National Guard or Army Reserve who was deployed during a period of military conflict. Employees can be allowed to use accrued sick, vacation or PTO during this leave but will not be required to do so. The leave lasts for up to 10 days. The employee must provide the employer with notice within two business days of receiving official notice that their spouse will be on leave from deployment.

### **Volunteer Civil Service and Training Leave**

An unpaid leave provided for employees who are required to perform emergency duty. This leave is extended to volunteer firefighters, reserve police officers and emergency rescue personnel.

Emergency rescue personnel is defined as any person who is:

- An officer, employee or member of a fire department, fire protection or firefighting agency of the federal government, California state government, local government, special district or other corporation or political subdivision of California
- An officer of a sheriff's department, police department or private fire department
- An officer, employee or member of a disaster medical response team sponsored or requested by the state.

The leave lasts for the duration of the emergency duty.

Time off for Civil Service Training-an employee in the category above may take an unpaid leave of up to 14 days per calendar year to engage in fire, law enforcement or emergency rescue training.

### **Civil Air Patrol Leave**

An unpaid leave of up to 10 days provided to employees who participate in Civil Air Patrol duty. The employee must be employed for at least 90 days before the start of the leave.

### **Family Medical Leave**

The federal Family and Medical Leave Act ("FMLA") and the California Family Rights Act ("CFRA") provide for overlapping as well as separate leaves, eligible employees are entitled to take medical leave and family care leave up to a combined total of 12 weeks in any 12-month period.

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

*Reasons For Leave* - Eligible employees may take medical leave or family care leave for the following reasons:

- The employee's own serious health
- A qualifying exigency relating to a close family members military service-Up to 26 weeks per 12 month period to care for an ill or injured military service member.
- Pregnancy-related Disability
- Bonding with a newborn, an adopted child or child placed in foster care with an employee
- Caring for a family member with a serious health condition
- Caring for a registered domestic partner with a serious health condition
- Birth, adoption or foster placement of a child
- Care of a spouse, domestic partner, child, or parent with a serious health condition
- Employee's own serious health condition if the employee is unable to perform the essential functions of their job.

*Duration Of Leave* - Eligible employees are entitled to take family care and medical leave of absence up to a combined total of 12 weeks in a rolling 12-month period, which is measured backward from the date the leave is taken. Leave for the birth, adoption or foster placement of a child must conclude within one calendar year of the actual birth, adoption or placement. If both parents work for ASI, the parents' combined leave for the birth or placement of a child may not exceed 12 weeks during any 12 month period.

An eligible employee may take intermittent leave or may work a reduced work schedule for a serious health condition of the employee or the employee's child, parent, or spouse when medically necessary and if certified by a health care provider. If the need for the leave or intermittent leave is foreseeable, the employee should consult with ASI and make a reasonable effort to schedule any planned treatment in cooperation, if possible, in order to minimize disruption to the workplace.

*Benefits During Leave* - Group health insurance coverage will continue for eligible employees taking family care or medical leave under this policy under the same terms and conditions that applied before the leave commenced. To continue health insurance coverage, the employee must continue to make any premium contributions made prior to taking leave. Premium payments are due monthly and should be made payable to ASI and delivered to the Human Resources department. If an employee fails to pay his or her portion within 30 days of the due date of a premium, his or her health insurance coverage may be canceled. In such cases, employees will be notified at least 15 days before coverage terminates.

Employees on family care or medical leave do not accrue seniority, vacation or sick pay or benefits including holiday pay, while on unpaid leave. Vacation and sick pay will begin accruing when the employee returns to work. An employee who takes a family or medical care leave of absence will not lose any seniority earned prior to the commencement of family care or medical leave.

*Coordination Of Benefits* - Family care and medical leaves are unpaid. An employee who is granted a family or medical care leave of absence must utilize any accrued but unused paid time off benefits (*i.e.*, vacation and sick leave) during the period of the leave. Any portion of a leave that occurs after all paid time off benefits have been exhausted will be without pay.

Any unpaid or paid portions of this policy shall be added together and will not exceed the 12 week total leave period limitation allowed under the family leave and medical leave policy.

*Notice Requirements* - Employees who need to take family care or medical leave should contact the Human Resources Director as soon as they learn of the need for leave, even when they do not know the precise dates that leave will begin. If leave is foreseeable, at least 30 days' notice is required. For events that are not foreseeable 30 days in advance, but are not emergencies, the employee must give notice within 2 working

days of learning of the need for the leave. If ASI determines that the notice was inadequate and that the employee knew of the need for leave in advance of the request, it may require the employee to delay his or her leave. If circumstances of the leave change and the employee is able to return to work earlier than indicated, the employee is required to notify Human Resources at least 2 working days prior to the intended return to work date. Similarly, if an employee learns they will be unable to return to work on the date previously indicated, the employee is responsible for applying for an extension and furnishing a medical recertification for an extension, prior to the date that the leave expires.

*Medical Certification* - An employee taking leave for their own serious health condition or that of a family member must provide ASI with certification from a health care provider within 15 calendar days of ASI's request. Failure to provide a satisfactory medical certification may result in the denial of leave.

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

If an employee requests an extension of leave beyond the time estimated by the health care provider, ASI will require recertification of the employee's or the family member's serious health condition. ASI also requires employees taking leave for their own serious health condition to present a fitness-for-duty certification before return to work.

*Outside Employment* – An employee may not be employed with any employer other than ASI during an employee's leave of absence. Outside employment during an employee's leave may result in immediate termination.

*Reinstatement* - When an employee is able to return to work, they should give ASI at least two weeks' notice. It is important that the employee's return to work be properly scheduled. Under most circumstances, ASI will reinstate employees to their former or equivalent position if they return from leave within 12 weeks. Exceptions may occur as permitted by law. For example, ASI cannot guarantee reinstatement if the employee is a salaried employee and among the highest paid ten percent of all employees within a 75 mile radius and reinstatement would cause substantial and grievous economic injury, or if the employee would have been subject to lay off or job elimination had the employee not taken leave. Employees should also understand that they have no greater right to reinstatement or to other benefits of employment than if they had continued to work during their leave. Employees who do not return to work immediately upon the expiration of an approved leave of absence or within the maximum period allowed for the family and medical leave will be considered to have voluntarily left their position terminated from ASI.

*Other Information* - The policies and guidelines stated in this policy shall be subject to such other terms and conditions as are provided in the Family and Medical Leave Act of 1993 and applicable California leave laws. The FMLA and CFRA make it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA or CFRA; or to discharge or discriminate against any person for opposing any practice made unlawful by FMLA or CFRA, or for involvement in any proceeding under or relating to the FMLA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law that provides greater family or medical leave rights. If employees have any questions about the exercise of FMLA rights, please contact Human Resources.

### **School and Child Care Activities Leave**

Leave is provided for an employee who is the parent, guardian, step-parent, foster parent, grandparent or a person who stands in loco parentis to a child who is in grades K-12 or who is with a licensed day-care provider. Up to 40 hours off per calendar year of leave is provided. This is an unpaid leave and employees can use accrued sick time for this time off. An employee can take this time off to:

- Find, enroll or re-enroll in a school or licensed provider
- Participate in activities of the school or licensed provider
- Address a child care or school emergency (illness, discipline/behavioral problems, unexpected closure, and natural disaster)

Employee should provide reasonable prior notice if activity is planned.

### **Pregnancy Disability Leave**

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

*Duration Of Leave* - Pregnancy-related disability begins when the health care provider determines the individual to be disabled by pregnancy, childbirth or related medical conditions. PDL covers the actual period of disability up to four months. The four months leave is the number of days or hours the employee would normally work in four calendar months. At the end of PDL CFRA will provide a separate leave for bonding with a newborn that can last up to twelve weeks.

*Transfer and Accommodation* - An employee is also entitled to a temporary transfer to another position or other reasonable accommodation based on the pregnancy-related disability so long as (1) the employee requests the transfer or reasonable accommodation and the request is based on the medical certification of a health care provider that a transfer or reasonable accommodation is medically advisable, and (2) the request can be reasonably accommodated by ASI. Employees who are transferred to accommodate a pregnancy-related disability possess the same reinstatement and other rights described below with respect to pregnancy-related disability leaves.

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

*Benefits During Leave* - Employees on a pregnancy-related disability leave do not accrue seniority or benefits including holiday pay, vacation and sick accrual, while on unpaid leave. Vacation and sick pay will begin accruing when the employee returns to work. An employee who takes a pregnancy-related disability leave of absence will not lose any seniority earned prior to the commencement of her leave.

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

*Medical Certification* - An employee requesting pregnancy-related disability leave must provide medical certification of the disability. Medical certification is required under the same conditions as is required for family care and medical leaves of absence, as described above. An employee taking a pregnancy-related disability leave must present a fitness for duty certification before returning to work.

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

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

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

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

*Outside Employment* – An employee may not be employed with any employer, other than ASI, during an employee's leave of absence. Outside employment during an employee's leave may result in immediate termination.

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

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

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

### **Voting Leave**

As required by law (See California Elections Code Section 14001), all employees are provided up to 2 hours of time off with pay on Election Day to vote in city, county, state and national elections if it cannot be done outside of normal working hours. Advanced notice must be given to supervisors before time-off for voting can be approved.

### **Crime Victims Leave**

All employees are provided unpaid time off if they are a victim of a serious or violent felony to attend judicial proceedings related to the crime. The term "crime victim" applies to an employee who is a victim, the immediate family member of a victim, the registered domestic partner of a victim or the child of a registered domestic partner of a victim (See California Labor Code Section 230.2).

**Leave for Victims of Domestic Violence, Sexual Assault or Stalking**

ASI is prohibited from discharging, discriminating or retaliating against an employee who is the victim of domestic violence, a victim of sexual assault or a victim of stalking, and who takes time off from work to obtain or attempt to obtain any relief, such as a restraining order. Employees are provided unpaid time off if they are a victims of domestic violence, as defined by Family Code Section 6211, to seek medical attention for injuries caused by domestic violence or sexual assault, to obtain services from a domestic violence shelter, program or rape crisis center, to obtain psychological counseling or to participate in safety planning or other actions as a result of domestic violence or sexual assault (See California Labor Code Section 230).

**Organ Donor/Bone Marrow Donor Leave**

The employee must take the leave to donate an organ or bone marrow to another person. The employee must provide written verification of the need for donation leave. The verification must state that the donation is medically necessary. The employee must have also been employed for at least 90 days prior to taking the leave. Employees are permitted to take a leave of absence with pay for up to 30 days for the purpose of organ donation and up to five days for bone marrow donation (See California Labor Code 1510). Employees must use up to five days of paid sick leave for bone marrow donation and two weeks of paid sick leave for organ donation.

**Accrued Leave after Separation**

Upon separation from service, an employee is entitled to a lump sum payment at the time of separation for unused or accumulated vacation and Personal Holiday only.

---

<b>DATE APPROVED:</b>	<b>11/29/2016</b>
<b>DATE REVISED:</b>	<b>04/25/2017</b>
	<b>11/05/2019</b>