
SECTION 6 - HUMAN RESOURCES

Policy Sequence # 6-000

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Section 6 Index

Title	Policy #	Page #
Position Classification	6-000.1 6-5
Recruitment and Selection	6-010.1 6-6
	FTR, PTR and SHR.....	..... 6-7
	Strategies for Effective Interviews.....	..... 6-7
	TEM, STU, GRA and CAS .....	..... 6-8
	Faculty Additional Employment (FAE) .....	..... 6-9
	Staff Additional Employment (SAE) .....	..... 6-9
FICA Exemption	6-020.1	..... 6-9
Employment of Relatives	6-030.1	... 6-10
Compensation	6-040.1	... 6-10
	Pay Periods .....	... 6-10
	Time Cards .....	... 6-10
	Merit Increases .....	... 6-11
	Temporary Employees .....	... 6-11
	Faculty (Additional Employment) .....	... 6-11
	Overtime .....	... 6-11
	Report Time Pay .....	... 6-12
Faculty Reimbursed Payroll	6-050.1 .....	... 6-12
Vacation, OPA, and Holiday Pay	6-060.1 .....	... 6-12
	Vacation .....	... 6-12
	Other Paid Absences (OPA) .....	... 6-13
	Holidays .....	... 6-14
	Leave Without Pay .....	... 6-14
Employee Benefits	6-070.1 .....	... 6-15
Employee Relations	6-080.1 .....	... 6-16
	Equal Opportunity .....	... 6-16
	Unlawful Harassment.....	... 6-16
	Reference Checks.....	... 6-16
	Drug-free Work Place .....	... 6-16
	Performance Reports .....	... 6-17
	Personnel Records.....	... 6-17
Unlawful Harassment	6-083.1 .....	... 6-18
	Sexual Harassment Defined.....	... 6-18
	Prevent Sexual Harassment.....	... 6-19
	Protection Against Retaliation .....	... 6-19

Section 6 Index

Title	Policy #	Page #
	Liability For Sexual Harassment .....	... 6-20
	Additional Enforcement Information .....	... 6-20
	Other Types of Unlawful Harassment .....	... 6-21
Subpoenas	6-085.1 .....	... 6-21
	Definition .....	... 6-21
	Policy .....	... 6-21
	Records .....	... 6-21
Discipline and Termination	6-090.1 .....	... 6-22
	Lay-off Due to Reduction, Suspension, or Withdrawal of Funds.....	... 6-22
	Standards of Conduct and Disciplinary Processes.....	... 6-22
	Workplace Violence .....	... 6-23
	Employee Separation Documentation .....	... 6-24
Employee Medical Monitoring Program	6-100.1 .....	... 6-24
Exposure Control Plan for Occupational Exposure to Blood borne Pathogens	6-105.1 .....	... 6-25
Administrative Review Process	6-110.1 .....	... 6-25
	Application.....	... 6-25
	Time Limits .....	... 6-26
	Scope .....	... 6-26
	Review Procedure .....	... 6-26
	External Review.....	... 6-28
	Conduct of All Meetings .....	... 6-28
	Confidentiality .....	... 6-29
	No Reprisals.....	... 6-29
	Right to Change Administrative Review Process .....	... 6-29
Pre-Employment Inquiry Guidelines	Appendix A .....	.. 6-A-1
Form W-4 (1998)	Appendix B .....	.. 6-B-1
Employment Eligibility Verification (I-9)	Appendix C .....	.. 6-C-1
Employee Medical Monitoring Program –		

Section 6 Index

Title	Policy #	Page #
Exposure Table	Appendix D .....	.. 6-D-1
Chemical Abstracts	Appendix E.....	.. 6-E-1
Exposure Control Plan	Appendix F.....	.. 6-F-1

Policies and Procedures

This section highlights Foundation policies, practices, and procedures for reference purposes. Most of the policies and procedures are based on, or required by, various federal and state regulations. Failure to follow proper personnel practices not only negatively impacts Foundation employees but can also result in legal penalties, including the cancellation of government grants and contracts.

Foundation personnel services are available to project personnel in areas such as position classification, employee recruitment and selection, compensation and benefits, affirmative action, orientation and training, performance evaluation, employee relations, and personnel records. In addition, the University's Divisions of Staff Personnel and Academic Personnel are available to provide services and information regarding all personnel matters for project participants who are University, rather than Foundation, employees. University faculty whose work on Foundation-administered projects is normally accounted for through the additional employment or payroll reimbursement mechanism remain University employees.

Position Classification

Policy # 6-000.1

There are nine appointment classifications utilized by the Foundation to classify employees:

Full-time Regular (FTR). It is anticipated that positions within this category will last longer than six months and that the employee regularly works between 30 and 40 hours per week.

Part-time Regular (PTR). It is anticipated that positions within this category will last longer than six months and that the employee regularly works between 20 and 29 hours per week.

Short-hour Regular (SHR). It is anticipated that positions within this category will last longer than six months and that the employee works under 20 hours per week.

Temporary (TEM). Positions within this category are expected to last less than six months. No minimum or maximum hours per week are expected.

Student Assistant (STU). Positions within this category are limited to 20 hours per week, do not attain "Regular" status, and must be filled by undergraduate students of the University who are enrolled in at least six units of instruction. (See NOTE on GRA.)

Graduate Assistant (GRA). Positions within this category are limited to 20 hours per week, do not attain "Regular" status, and must be filled by graduate students of the University who are enrolled in at least three units of instruction.

(NOTE: Persons employed within the STU and GRA categories may work during the intersession if they are enrolled during the prior regular semester, are enrolled for three or more units during the intersessions, or are accepted for admission to the following regular semester. They may work during summer session if they are enrolled during the summer session, are accepted for admission for the following Fall semester, or were enrolled for the prior Spring semester. Students may work up to 40 hours per week during summer and intersession.)

Casual Labor (CAS). Casual Labor describes individuals whose employment is intermittent and who work on a short-term "as-needed" basis.

Faculty Additional Employment (FAE). Primary employment is a teaching position with the University; receives additional employment payments for work performed on a Foundation project within the guidelines set by the Foundation and the Office of Academic Personnel.

Staff Additional Employment (SAE). Primary employment is a staff position with the University; receives additional employment payments for work performed on a Foundation project within the guidelines set by the Foundation and the Office of Staff Personnel.

When a new salaried position is created, it is reviewed and classified before position recruitment begins. The Foundation Director of Human Resources is the only person with the legal authority to establish compensation or classification levels for a Foundation position. Oral or written statements or promises by the project director or any other person are not binding on the Foundation.

Existing positions may be reviewed due to changes caused by reorganization, new equipment or work processes, new programs, or other events which have affected an employee's duties and responsibilities. If a project director or supervisor believes that a position is not properly classified, a request for classification review, in the form of a memorandum, should be sent to the Foundation Human Resources Department (HRD). This request should include a current job description and an organization chart of the project or department. When the classification review request is received, the Foundation will review the job description and, if necessary, conduct a job audit. Comparisons to related positions in the Foundation, other auxiliaries, and/or the University and local firms may be made in order to maintain consistency in the various classification programs.

Before a final decision is made, the Foundation's recommendation is discussed with the employee's supervisor. If a classification change is recommended, it must be approved by the Project Director and the Foundation HRD. Project Directors may not make a commitment to any current or prospective employee concerning classification level or pay step without the prior approval of the Foundation HRD. All questions regarding classification of new positions or reclassification of existing positions should be directed to the Foundation HRD.

Recruitment and Selection

Policy # 6-010.1

The Foundation supports Equal Employment Opportunity and Affirmative Action. Project Directors will be expected to comply with all Foundation policies and procedures which support these important concepts. Before recruiting and selecting employees, prior approval by the Foundation HRD is necessary to ensure that sufficient funds are available and that all legal and governmental mandates are met. Established employment procedures are presented here according to position classifications:

FTR, PTR, and SHR

The following documents needed to initiate the recruiting process are:

- § Employment Opportunities Announcement/Position Description (HR050). This form is used to generate a position announcement which will be circulated on campus and should provide a detailed description of the duties/responsibilities and requirements for the open position (see *Forms Directory*);

This form must be completed, signed by the account signatory and approved by the Foundation HRD prior to the start of any recruitment proceedings. These forms may be obtained in the Foundation HRD.

The minimum recruiting time for any regular position is two weeks. However, the Project Director or Foundation HRD may extend the recruiting period at his/her discretion for positions that are considered hard to fill. Project Directors may wish to include media advertising (newspapers, magazines, trade publications, etc.) as well and should indicate this desire on the Employment Opportunities Announcement form. Costs for all outside advertising will be charged to the applicable account.

All responses that are received by the Foundation HRD prior to the filing deadline and that meet the minimum qualifications for the position will be forwarded to the Project Director. The Project Director will facilitate an interview process of at least the top three candidates ensuring that an equitable interview is given to each. Once a selection has been made, the Project Director will notify the HRD in writing indicating the successful candidate's name and start date

which, upon approval by Foundation HRD, will initiate an appointment letter to the successful individual. Questions regarding the above procedure should be directed to the Foundation HRD.

Although each interview is unique, it is important that the same questions be asked of each candidate. This gives each person interviewed a fair chance to offer relevant information and establishes a base of comparison of the candidates. Criteria used for rating applicants must reflect what is relevant to successful performance of the job. A sample list of acceptable and unacceptable pre-employment inquiries is given in Appendix A.

Strategies For Effective Interviews:

- \$ List as objectively as possible the qualifications necessary for the successful performance of the job;
- \$ Devise questions that are job-related and voiced in a manner which avoids subjective comments or elicits impermissible criteria;
- \$ Ask the same questions of each applicant;
- \$ Because the notes taken during an interview may be used as evidence in a subsequent hearing or trial, do not indicate or include discriminatory information in the notes. Above all, do not use secret codes;
- \$ Do not use Volunteered information that may involve a potential discrimination issue (i.e., "applicant states she is very active in a feminist organization") as the basis of the employment decision, and be sure to state that the employer is an equal opportunity employer;
- \$ Assess non-verbal conduct (i.e, punctuality, posture, demeanor, etc.) if it is job-related and if the same subjective criteria is applied to all candidates. Do such assessments immediately after the interview;
- \$ Indicate in notes any reasons for the rejection of an applicant;
- \$ After a candidate has been chosen, return all application forms and the Project Director's recommendations for hire to the Foundation HRD;
- \$ Do not give an applicant any information about the interview evaluations or tell who is being recommended for hiring.

The Foundation will review the Project Director's recommendations to ensure compliance with appropriate procedures. The Project Director may, upon approval by the Foundation HRD, notify the individual to be hired. The Foundation will notify the successful and all unsuccessful candidates by letter.

To appoint FTR, PTR, or SHR employees, the Project Director must forward to the Foundation HRD an Employment Application, an Employee Confidential Data Sheet, a W-4 Withholding Allowance Form (see Appendix B), an Employee Eligibility Verification Form (I-9, see Appendix C) (all of which are to be completed and signed by the employee) and a completed Employee Status Form. These forms must be received by the Foundation HRD **prior** to the employee's first day of employment. Instructions for completing the employment forms may be found in the *Forms Directory* located at the front of this manual.

TEM, STU, GRA, and CAS:

Periodic short-term staffing needs can be met by hiring within these categories which pay employees at an hourly rate. The full recruitment process need not be followed for these classifications.

The search for appointments of individuals participating in externally funded research projects may be waived by the Foundation upon the written request of the Project Director. The search may also be waived for positions in which the involvement is integral to the execution of the

research project. The request for waiver should indicate the title of the position and a brief statement of the role of the individual in the research project.

With regard to new positions, the Project Director should check with the Foundation HRD to determine the proper classification level and pay scale before a temporary position is advertised.

To appoint in these categories, the Project Director must forward to the Foundation HRD an Employment Application, an Employee Confidential Data Sheet, a W-4 Withholding Allowance Form, an Employee Eligibility Verification Form (I-9) (all of which are to be completed and signed by the employee) and a completed Employee Status Form. These forms must be received by the Foundation HRD **prior** to the employee's first day of employment. Instructions for completing the employment forms may be found in the *Forms Directory* located at the front of this manual.

Faculty Additional Employment (FAE):

University faculty are paid at an hourly rate established by their University rank and step unless the sponsoring agency has approved in advance the use of an alternate rate. To appoint faculty on additional employment, the faculty member must forward a completed Employee Status Form, an Employment Eligibility Verification Form (I-9), and W-4 Withholding Allowance Form (see *Forms Directory*), along with University forms obtained through the college or division Administrative Services Manager (Exempt Employee Foundation Employment Authorization and Exempt Employee Foundation Employment Reporting Form). In order to ensure that the Foundation pays faculty at a correct and current rate, a revised University Form needs to be completed whenever a faculty member receives a step increase, cost of living increase, or promotion. The Project Director must sign this form for all his or her subordinates. The form must be signed by an authorized administrator (ie. Administrative Services Manager, Dean or Division Vice President) who does not report directly to the Project Director.

Staff Additional Employment (SAE):

In general, the same guidelines as those described for FAE are followed for the University staff employees who are appointed to additional employment on a Foundation project. Eligibility for staff additional employment may be restricted to particular positions or bargaining units. Project Directors should consult with the University Office of Staff Personnel to determine eligibility.

Further information concerning additional employment restrictions can be obtained from the University's Offices of Academic Personnel and Staff Personnel.

FICA Exemption

Policy # 6-020.1

Under federal law, full-time students employed by a university or a university auxiliary are exempt from paying social security taxes. To qualify for this exemption, a student employee must:

- \$ Be regularly enrolled in and currently attending classes at the University (including summer term if a summer exemption is sought);
- \$ Be carrying a minimum of twelve (12) units;
- \$ Be paid at a student classification salary rate; and
- \$ Submit a Social Security Exemption Form.

Students who do not meet all these criteria cannot be classified for payroll purposes as students. In addition, a student assistant must normally observe a work schedule of no more than 20 hours per week.

Employment of Relatives

Policy # 6-030.1

The Foundation will not employ close relatives in positions where one individual would work in direct supervision of the other or where either employee would participate in decisions involving direct benefit (initial appointment, promotion, retention, salary, etc.) to the other. "Close relative" includes spouses, parents, children, siblings, brothers- and sisters-in-law, fathers- and mothers-in-law, step-parents, step-siblings, and step-children. Exceptions may be made, under unusual circumstances, by the Foundation Director of Human Resources.

Compensation

Policy # 6-040.1

Pay Periods:

Foundation employees are paid bi-weekly on Fridays. Checks are available in the Foundation Administrative Office between 1:00 and 4:00 p.m. on the designated payday. Employees must show appropriate photo ID when picking up paychecks in person. If employees are unable to pick up their paychecks during those hours, they may authorize (by providing a photo ID and written request) someone to pick up and sign for their check. Any undistributed checks will be mailed to the employee's home address at 4:30 p.m. on payday. Direct deposit of the employee's paycheck to any financial institution accepting electronic transfer may be arranged for Foundation employees by contacting the Foundation Payroll Office for the necessary authorization forms. University employees on additional employment are paid monthly.

Time Cards:

Time cards must be submitted each pay period by all non-exempt employees who have performed services for the Foundation during that pay period. Categories FTR, PTR, and SHR must also differentiate those hours which are "exceptions" to their regular schedules (e.g., vacation, holiday, other paid absences, overtime, etc.). All time cards must have the employee's original signature. The Project Director must approve all time cards for his or her subordinates. In the absence of the Project Director, an Authorized Administrator (Department Chair, Administrative Services Manager, Dean, or Division Vice President) must sign the time card. Time cards for payment to a Project Director must be approved by an Authorized Administrator who does not report directly to the Project Director. All signatures must be original - no stamped signatures are allowed. Project staff and Project Directors who work on more than one grant or project must follow the approval policy for each grant. After the time card is appropriately signed, it is submitted to the foundation by the due date designated on the Foundation Payroll Schedule.

Employees are paid according to position and step set by the Foundation Salary Schedule. The salary ranges for position classifications have min/max point ranges. Most initial appointments are made at the min/mid range of the classified position. Cost of living increases relate to adjustments necessary to sustain salary purchasing power. They are separate and distinct from merit considerations which relate to job performance (discussed below). If budget constraints or contract limitations preclude these upward adjustments in salary, please contact the Foundation HRD to discuss available options.

Merit Increases:

After completion of the initial year of satisfactory service in the same classification, employees are eligible for merit consideration. At that time, the Project Director is given the opportunity to complete a Performance Appraisal (see *Forms Directory*) and, if warranted, recommend a merit award. If funds are available and performance continues to meet or exceed requirements, merit awards (step increases within a job classification) should be granted.

In all cases, the merit recommendation must be consistent with the Performance Appraisal. Normally, merit increases are provided annually thereafter. Cost of living increases are considered annually for Foundation employees by the Foundation Board of Directors and any approved adjustments are added automatically to the salary of employees within the FTR, PTR, SHR, STU, and GRA classifications.

Temporary Employees:

All temporary employees are paid at an hourly rate based upon an appropriate Foundation classification and salary range.

Temporary employees record all hours worked on their time cards. Time cards must be signed by the employee and the Project Director and returned to the Foundation by the due date designated on the Foundation Payroll Schedule.

Faculty (Additional Employment):

Compensable time is limited to twenty-five percent (25% effort) while classes are in session. If adequate funds are available and with appropriate university approval, faculty on nine-month appointments with the University may work full-time with the Foundation during intersession and summer. However, certain sponsors (e.g., the National Science Foundation) limit summer appointments to a maximum of two months. Clarification on sponsor requirements will be provided by your Foundation Grants and Contracts Administrator.

Overtime:

When operating requirements or other needs cannot be met during regular working hours, employees will be given the opportunity to volunteer for overtime work assignments. However, in instances where an insufficient number of employees volunteer, a supervisor may require employees to work overtime. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Exempt employees are not eligible for overtime, compensation is paid to all non-exempt employees at the following rate(s) and in accordance with prevailing federal and state laws:

- § One and one-half times straight-time rate for all hours over 8 in a workday.
- § Two times straight-time rate for all hours over 12 in a workday.
- § One and one-half times straight-time rate for all hours over 40 in a workweek.
- § Two times straight-time rate for all hours over 8 on the 7th consecutive workday

As required by law, overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Employees who work overtime without receiving prior authorization from their supervisor may be subject to disciplinary action up to and including possible discharge.

Report Time Pay:

If an employee is required to report to work but is furnished less than half of a normal day's work, the employee must be paid for at least half of a normal day's pay, but in no case for less than two hours.

The above Overtime and Report Time Pay guidelines should not be construed as all inclusive, but rather are time card errors commonly noted in our Payroll Department. When in doubt, please contact the Foundation Payroll Department or Human Resources Department.

Employees cannot forego Overtime or Report Time Pay, either voluntarily or involuntarily, and the Project Director has the legal responsibility to ensure that extra hours for non-exempt employees are documented and submitted to Foundation payroll. Failure to record all extra hours worked can result in serious and costly legal repercussions to the Project Director as well as to the Foundation.

Faculty Reimbursed Payroll

Policy # 6-050.1

The faculty reimbursed payroll mechanism allows faculty members to be released from a portion of their normal teaching obligation to pursue research or other scholarly activity while continuing their normal university salary. The dollar value of the release time is then reimbursed to the University by the Foundation thus maintaining the faculty member's normal appointment, resulting in no loss of applicable benefits.

The process begins with the completion of a Faculty Reimbursed Payroll form (see *Forms Directory*) including signatures of the Project Director, department chair, and Dean. The form is then submitted to the Office of Academic Affairs. Once the forms are forwarded to the Foundation Human Resources Department from Academic Affairs, the reimbursable funds will be encumbered and then remitted to the University upon receipt of the invoice.

Vacation, OPA, and Holiday Pay

Policy # 6-060.1

Categories FTR, PTR, and SHR are eligible for holiday pay. Holiday pay is based on the hours normally worked by the employee on that day.

In addition, categories FTR and PTR are eligible for vacation and other paid absences (OPA).

Vacation:

Eligible employees earn vacation at a rate dependent upon their classification, length of service, and level of effort as shown on the following page.

Project Directors should make certain that the employees are given the opportunity to take the time off during the project year. Supervisors may require employees in sensitive positions to take at least one week of vacation per year.

Eligible employees must work a minimum of 40 hours in a pay period to earn vacation. Terminating employees who have accumulated vacation or other paid absences are paid in full at their current rate for all unused leave at the time of termination. This payment will be made automatically upon submission of a final time card (clearly marked "FINAL") and a revised Employee Status Form.

As vacation and other paid absences are earned, the grant or agency account is charged a pooled benefit rate which may be adjusted annually. In order to ensure that earned hours are available to an employee when an account expires, these funds are accumulated in a reserve account in the Foundation. When an employee is on vacation or sick leave status, this central account is charged for such time as reported on the time card. Therefore, the grant or agency account is charged when vacation is **earned**, not when it is used.

CLASSIFIED -- 100% EFFORT		
<u>Employment Period</u>	<u>Days/Year</u>	<u>Hours/Pay Period</u>

First 36 mos. (3 yrs.)	10 days	3.08 hours
37-72 mos. (6 yrs.)	15 days	4.62 hours
73-120 mos. (10 yrs.)	17 days	5.24 hours
121-180 mos. (15 yrs.)	19 days	5.85 hours
181-240 mos. (20 yrs.)	21 days	6.47 hours
241-300 mos. (25 yrs.)	23 days	7.08 hours
301 mos. and over	24 days	7.39 hours

MANAGER/SUPERVISOR -- 100% EFFORT		
<u>Employment Period</u>	<u>Days/Year</u>	<u>Hours/Pay Period</u>
First 36 mos. (3 yrs.)	15 days	4.62 hours
37-72 mos. (6 yrs.)	17 days	5.24 hours
73-120 mos. (10 yrs.)	19 days	5.85 hours
121-180 mos. (15 yrs.)	21 days	6.47 hours
181-240 mos. (20 yrs.)	23 days	7.08 hours
241-300 mos. (25 yrs.)	24 days	7.39 hours
301 mos. and over	25 days	7.70 hours

Other Paid Absences (OPA):

§ FTR and PTR. These categories are provided other paid absence days for the purpose of sick leave, personal time off, medical examinations, dental appointments, etc. Employees earn a maximum of 12 days of OPA each calendar year (based on 100% effort) which are credited on a pro rate basis. Eligible employees must work a minimum of 40 hours in a pay period to earn OPA;

§ Absences. Paid absences are to be authorized in advance by the employee's supervisor. If an employee is unable to attend work as scheduled, the employee's supervisor must be notified within two hours of the employee's scheduled reporting time. The supervisor must also be given the reason for the absence and the date or time the employee expects to return to work. Failure to notify the supervisor at the earliest time may result in disciplinary action. The Foundation or Project Director may require a doctor's certificate for an illness lasting more than two consecutive days;

The Foundation provides to the employee a summary report of accrued and used vacation and other paid absences leave. This report appears on each bi-weekly payroll check stub. Please contact the Foundation HRD immediately if you suspect an error in the report.

Holidays:

The holidays observed by the Foundation are:

- Martin Luther King, Jr., Day (third Monday in January)
- President's Day (third Monday in February)
- Caesar Chavez Day (March 31)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Thanksgiving Day (fourth Thursday in November)
- *Holiday Closure (December 25-January 1)

*Note: Most University offices close between Christmas and New Year's Day.

If a paid holiday falls on a Saturday, the preceding Friday will be observed as the holiday. If a paid holiday falls on a Sunday, the following Monday will be observed as a holiday. If an eligible employee works on a recognized holiday, the employee will be compensated at regular rate for the hours worked, plus holiday pay at one-and-one-half times regular rate for the hours worked.

Leave Without Pay:

Leave without pay may be granted for sufficient reason and must be approved in advance. Project Directors may grant informal leaves of absence of up to 15 working days if the reason for the request is deemed to be in the best interest of the project. Longer periods of leave must have the approval of the Foundation Human Resources Department.

The principal reasons for granting unpaid leaves are pregnancy, illness, military duty, and compelling personal reasons. Additional information on the terms and conditions of leave without pay is available in the Foundation Human Resources Office.

Employee Benefits

Policy # 6-070.1

Employees of the Foundation are provided a wide range of benefits. A number of the programs (such as Social Security, worker's compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law. Benefits eligibility is dependent upon a variety of factors, including employee classification.

The following benefit programs are available to eligible employees:

<u>Benefit Type:</u>	<u>FTR</u>	<u>PTR</u>	<u>SHR</u>	<u>TEM</u>	<u>STU GRA</u>	<u>FOR SOL</u>
Medical Insurance (1,4,5)	X	X				
Dental Insurance (1,4)	X					
Vision Insurance (1,4)	X					
Life Insurance (1,4)	X					
Personal Accidental Death and Dismemberment Insurance (1,4)	X					
Long-term Disability (1,4)	X					
Pension (4)	X	X	X			
CA Unemployment/Disability Insurance (2)	X	X	X	X	X	X
FICA (2) (3)	X	X	X	X	X	X
Worker's Compensation (2)	X	X	X	X	X	X
Vacation (2,4)	X	X				
Other Paid Absences (2,4)	X	X				
Holiday Pay (2,4)	X	X	X			
Educational Assistance (2)	X	X	X			
Employee Identification Card	X	X	X			
American Express Corp. Card (4)	X	X	X			
Tax Shelter Annuity (2)	X	X	X	X	X	X
Direct Deposit (2)	X	X	X	X	X	X
Credit Union Membership (4)	X	X	X	X	X	

Some benefit programs require contributions from the employee, but most are fully paid by the employer.

- (1) These benefits become effective on the first of the month following 30 days of employment within an eligible category.
- (2) These benefits become effective immediately upon employment within an eligible category.
- (3) Full-time students may opt for exemption from FICA.
- (4) Additional information about these benefits can be found in a separate benefits explanation pamphlet available in the Foundation Human Resources Department.

The Foundation HRD assists Project Directors with a wide range of employee relations processes, such as affirmative action, lay-off procedures, staff development, administrative action review procedures (grievances), and disciplinary action. Any needs in the area of employee relations should be brought to the attention of a Foundation Human Resources Representative immediately.

Equal Opportunity:

The Foundation is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available persons in every job. Foundation policy prohibits unlawful discrimination based on genetic characteristics or information, race, color, creed, sex, gender, marital status, age, national origin or ancestry, physical or mental disability, medical condition, veteran status, sexual orientation or any other consideration made unlawful by federal, state or local laws. All such discrimination is unlawful.

The Foundation is committed to complying with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the Foundation and prohibits unlawful discrimination by any employee of the Foundation, including supervisors and co-workers.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with disabilities, the Foundation will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the Foundation Director of Human Resources and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. The Foundation then will conduct an investigation to identify the barriers that make it difficult for the applicant or employee to have an equal opportunity to perform his or her job. The Foundation will identify possible accommodations, if any, which will help eliminate the limitation. If the accommodation is reasonable and will not impose an undue hardship, the Foundation will make the accommodation.

Unlawful Harassment:

It is Foundation policy that employees be afforded a working environment free from all illegal and discriminatory harassment or intimidation. Unlawful harassment is grounds for disciplinary action which may include verbal or written warning, denial of merit increase, suspension, demotion, or dismissal. For the complete policy regarding Unlawful Harassment, see policy #6-083.1.

Reference Checks:

Requests from outside individuals or organizations to verify employment or obtain information about a past or present employee must not be handled by project staff. All such requests are to be referred to the Foundation HRD.

Drug-free Work Place:

In accordance with the Drug-Free Work Place Act of 1988 (DFWA), the California State University, Long Beach Foundation, has established the following policy:

"Due to the prevalent use of illegal drugs in our country and the hazards they pose in the work place, not only to the abuser but to the general population as well, it is the policy of the Foundation to strictly prohibit the manufacture, distribution, use, dispensation, or possession of illegal drugs in the work place."

It will be the responsibility of any Foundation employee convicted of a criminal drug offense occurring in the work place to notify the Foundation Human Resources Department within five (5) calendar days of the conviction.

Appropriate action may be taken against any Foundation employee convicted of a criminal drug offense occurring in the work place, which action may include disciplinary action up to and including termination, and/or the requirement of satisfactory participation in a drug treatment program as deemed necessary by the Foundation Director of Human Resources.

To further enhance this effort, a drug-free awareness program has been established to inform Foundation employees of the dangers of drug abuse in the work place and the availability of drug counseling and rehabilitation programs. This program is designed to assist all Foundation employees. Any employee who desires further information should contact the Foundation HRD.

Physician-prescribed medications are permitted provided they do not adversely affect job performance or the safety of the employee or other individuals in the work place.

Performance Reports:

FTR, PTR, SHR, STU, and GRA employees may be recommended for a merit salary review annually until the top of the salary range is achieved. Merit awards are made only upon recommendation of the supervisor in recognition of good or excellent performance and are subject to project budgetary constraints. During the performance review, the supervisor and the employee have an opportunity to discuss strengths, weaknesses, and expectations for the coming year. Criteria for performance must be objective and job-related. The employee receives a copy before the report becomes a permanent part of the employee's personnel record. In addition, the employee has the opportunity to provide response on the form, which also becomes a part of the permanent file. The completed form should be signed both by the supervisor and the employee prior to forwarding to the Foundation.

Personnel Records:

Official records concerning employment of an individual are kept in the Foundation. Employees are responsible for notifying the Foundation of any information that affects their records, including change in dependents or marital status, change in address or telephone number, and additional education. It is important that an employee's file contain up-to-date information regarding the person to contact in case of an emergency, dependents or beneficiaries under insurance plans, and similar items.

It is the policy of the Foundation that salary information, records concerning performance, and other personal information be treated confidentially. Confirmation of employment status and dates of employment are provided in answer to telephone or written inquiries from organizations to which employees have applied for credit. This same information is normally all that is provided to prospective employers to whom past employees are applying for jobs. Salary information is provided only when an employee has explicitly authorized its release.

Foundation employees have access to their employment records and may review them, request copies, and request corrections.

The Foundation, as your employer, must take all reasonable steps to prevent discrimination and harassment from occurring. Sexual harassment in employment violates the Foundation's policy and is prohibited under Title VII of the federal Civil Rights Act and the California Fair Employment and Housing Act.

Sexual Harassment Defined

Federal Law defines sexual harassment as unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment; or (2) submission to or rejection of such conduct is used as basis for employment decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile offensive working environment.

California law defines sexual harassment as unwanted sexual advances or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior. 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 of sexually suggestive objects or pictures, cartoons or posters;
- § Verbal conduct: making or using derogatory comments, epithets, slurs, sexually explicit jokes, 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.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful whether it involves co-worker harassment, harassment by a supervisor or manager, or by persons doing business with or for the Foundation.

Prevent Sexual Harassment

A program to eliminate sexual harassment from the workplace is not only required by law but is the most practical way to prevent incidents from occurring, or to avoid or limit damages if harassment should occur despite preventive efforts.

The Foundation=s Complaint Procedure:

- § The Foundation=s complaint procedure provides for an immediate, thorough and objective investigation of any sexual harassment claim, appropriate disciplinary action against one found to have engaged in prohibited sexual harassment, and appropriate remedies to any victim of harassment.
- § Employees who believe they have been sexually harassed on the job, including by persons doing business with or for the Foundation should provide a written or verbal complaint to Director of Human Resources or Executive Director of the Foundation as soon as possible. The complaint should include details of the incident(s), names of individuals involved, and the names of any witnesses. Supervisors and managers must immediately refer all harassment complaints to the Director of Human Resources or Executive Director of the Foundation.
- § All incidents of sexual harassment that are reported must be investigated. The Director of Human Resources or the Executive Director of the Foundation will immediately undertake or direct an effective, thorough and objective investigation of the harassment allegations. The investigation will be completed and a determination regarding the harassment alleged will be made and communicated to the employee(s) who complained and the accused harasser(s). If the Foundation determines that sexual harassment has occurred, the Foundation will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a complaint of sexual harassment is substantiated, appropriate disciplinary action, up to and including discharge, will be taken. Whatever action is taken against the harasser will be communicated to the employee who complained, and the Foundation will take appropriate action to remedy any loss to the employee resulting from the sexual harassment.

Protection Against Retaliation

The Foundation=s policy and California law prohibit retaliation against any employee by another employee or by the Foundation for using this complaint procedure or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by a federal or state enforcement agency. Prohibited retaliation includes, but is not limited to, 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 benefits.

Once the Foundation knows of the occurrence of sexual harassment, no further harassment will knowingly be permitted, and the Foundation will not knowingly permit any retaliation against any employee who complains of sexual harassment or who participates in an investigation. Foundation policy and California law prohibit retaliation against any employee who opposes sexual harassment. Opposition includes, but is not limited to: seeking advice or assisting or advising any person in seeking advice of an enforcement agency regardless of whether a complaint is filed or, if filed, substantiated; opposing employment practices that an employee reasonably believes to be unlawful; participating in an activity perceived to be opposition to discrimination by an employer covered by the law; or contacting, communicating with or participating in any federal, state, or local human rights or civil rights agency proceedings.

Any report of retaliation by the one accused of harassment, or by co-workers, supervisors or managers, will also be immediately, effectively and thoroughly investigated in accordance with the Foundation=s investigation procedures outlined above. If a complaint of retaliation is substantiated, appropriate disciplinary action, up to and including discharge, will be taken.

Liability For Sexual Harassment

Any employee of the Foundation whether co-workers, supervisor or manager, who is found to have engaged in unlawful sexual harassment is subject to disciplinary action up to and including discharge from employment. An employee who engages in sexual harassment, including any manager who knew about the harassment and took no action to stop it, may be held personally liable for monetary damages. The Foundation will not pay damages assessed personally against any employee.

Additional Enforcement Information

In addition to the Foundation internal complaint procedure, employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate and prosecute complaints of sexual harassment in employment. Employees who believe that they have been sexually harassed may file a complaint with the EEOC within 300 days of the harassment or with the DFEH within one year of the harassment. Both the EEOC and the DFEH serve as neutral fact finders and attempt to help the parties voluntarily resolve disputes.

If the EEOC finds a complaint is justified, it may bring a lawsuit in federal court seeking an order to prevent further unlawful activity, as well as orders to pay large fines and damages, and remedies such as hiring, reinstatement, back pay, promotion and changes in the employer=s policies and/or practices. If the DFEH finds evidence of sexual harassment, and settlement efforts fail, the DFEH may file formal accusations against the employer and the harasser. The accusation will lead either to a public hearing before the Fair Employment and Housing Commission or a lawsuit on the complainant=s behalf by the DFEH. If the Commission finds that harassment occurred, it can order remedies, including damages and/or fines from each employer and harasser charged. In addition, the Commission may order hiring or reinstatement, back pay, promotions and changes in the policies or practices of the involved employer. A court may order unlimited damages.

Other Types of Unlawful Harassment

In addition to sexual harassment, the Foundation=s policy prohibits all types of harassment which are based on an employee=s race, ethnicity, age, physical or mental disability, sexual orientation or any other basis prohibited by federal, state or local law. All such harassment is prohibited. The policies and procedures described above apply to all types of unlawful harassment and employees should feel free, without fear of retaliation, to follow the procedures set forth above if they believe they have been unlawfully harassed.

For more information, contact the Director of Human Resources or Executive Director. You may also contact the nearest office of the EEOC or DFEH.

Subpoenas

Policy # 6-085.1

Definition

A subpoena is a form order issued from a court or an administrative agency, which compels the attendance of a witness and/or production of documents, at a particular time and location. There are many different kinds of subpoenas, and their requirements vary depending on the nature of the underlying proceedings in which they are issued.

Policy

Witness - In the event that a subpoena calls for the appearance of a Foundation employee in connection with their work, it must be served upon that witness personally. Immediately upon receipt of the subpoena, the employee must notify the Foundation Human Resources Department. The employee will be asked to forward a copy of the document to the Director of Human Resources. ~~If the Director of Human Resources determines that legal counsel is~~

necessary, an attorney will be provided at no cost to the employee. Employees shall never contact any legal counsel without the express permission of the Director of Human Resources. Foundation employees who must appear as a witness in connection with their Foundation employment will continue to receive their regular rate of pay during the period of witness service.

Records

In the event that a subpoena calls for the production of documents, the subpoena shall be delivered to the Human Resources Department. If a subpoena is inadvertently accepted by a department, the department must immediately contact the Human Resources Department and deliver the original document to the Human Resources Department no later than the end of the same business day.

If the subpoena requests the production of employment records, the Human Resources Department will have responsibility for responding to the subpoena. If the subpoena requests the production of documents other than employment records, the Director of Human Resources will coordinate the response to the subpoena in concert with the appropriate custodian of record.

Discipline and Termination

Policy # 6-090.1

Project Directors are expected to monitor the work efforts of support personnel and provide appropriate guidance to assist employees in attaining satisfactory performance levels. Should it become necessary to recommend separation of an employee, Project Directors must contact the Foundation HRD for additional information.

Please note that the Foundation Director of Human Resources (or designee) is the only individual with the legal authority to terminate a Foundation employee.

Lay-off Due to Reduction, Suspension, or Withdrawal of Funds:

It is the responsibility of the Project Director, in consultation with the Foundation HRD, to decide which positions are most necessary for the continuation of a project which must operate within a reduced work scope or budget. The employee(s) filling the position(s) to be eliminated will be the individuals laid off. If there is more than one employee in the same classification performing the same tasks, lay-off may be determined by performance.

All lay-off of salaried employees must be approved by the Foundation Director of Human Resources prior to the action.

Standards of Conduct and Disciplinary Processes:

Any Foundation employee, regardless of employment status, may be dismissed, demoted, or suspended for the following causes:

- \$ immoral conduct;
- \$ unprofessional conduct;
- \$ dishonesty;
- \$ incompetency;
- \$ manufacture, distribution, use, dispensation, or possession of illegal drugs in the work place;
- \$ failure or refusal to perform the normal and reasonable duties of the position;
- \$ conviction of a felony or conviction of any misdemeanor involving moral turpitude;
- \$ fraud in securing employment;
- \$ drunkenness on duty.

The above list is for example only and should not be construed as all-inclusive.

Notice of dismissal, demotion, or suspension for cause will be issued in writing, signed by the Foundation Director of Human Resources or designee, and delivered to the affected employee. **Please note that only the Foundation Director of Human Resources or designee may issue a notice of dismissal, demotion, or suspension.** Thus, Project Directors must contact the Foundation HRD immediately if they believe that employee conduct leading to disciplinary action is occurring within their areas of supervision.

Any Foundation employee dismissed, demoted, or suspended may have the action reviewed by submitting a written request no later than 20 days after receipt of the disciplinary action. Any request for review must be directed to the Foundation Director of Human Resources.

Inappropriate employee conduct which does not warrant immediate disciplinary action should initially be addressed by the Project Director or the employee's immediate supervisor. In most cases, the appropriate course of action in response to such issue would be (a) informal oral counseling followed by (b) a written counseling memorandum and, if necessary, (c) a written reprimand to be placed in the employee's personnel file. Project Directors are urged to contact the Foundation HRD whenever informal counseling does not correct a situation in order to discuss the appropriate action to follow. All documentation should be forwarded to the Foundation Director of Human Resources.

Workplace Violence

The California State University, Long Beach Foundation ("Foundation") is committed to providing a work environment that is free of violence. Any acts or threatened acts of violence will not be tolerated. Anyone engaging in such acts will be subject to corrective action, up to and including immediate termination, and may also be personally subject to other civil or criminal liability.

The Foundation has formed a management team to implement and monitor policies dealing with the security of the workplace. This team consists of the Foundation Executive Director, Director of Human Resources, and Director of Information Systems and Technologies.

For purposes of this policy, violent behavior shall include, but is not limited to:

- § The actual or implied threat of harm to an individual, group of individuals, or relatives of those individuals.
- § The possession on Foundation or university property of a firearm (unless specifically authorized in writing by the Foundation Director of Human Resources, in concert with the University Police Department), or the brandishing of any object that could reasonably be construed as a firearm. The term "property" shall include any Foundation or university work site regardless of ownership, or any location where the individual is engaged in Foundation or university business.
- § The possession on Foundation or university property of weapons of any kind (unless specifically authorized in writing by the Foundation Director of Human Resources, in concert with the University Police Department), or the brandishing of any object that could reasonably be construed as a weapon. The term "property" shall include any Foundation or university work site regardless of ownership, or any location where the individual is engaged in Foundation or university business.
- § Loud, angry or disruptive behavior that is clearly not a part of the typical work environment.
- § Callous or intentional disregard for the physical safety or well-being of others.
- § Willful destruction of Foundation, university, or employee property.
- § Commission of a violent felony or misdemeanor on Foundation or university property. The term "property" shall include any Foundation or university work site regardless of

ownership, or any location where the individual is engaged in Foundation or university business.

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

This policy will apply to employees engaging in any violent behavior regardless of whether or not the behavior is exhibited during the employees' regular work schedule.

Any employee who is subjected to, witnesses or has knowledge of actions that could be perceived as violent acts, or has reason to believe that such actions may occur, is required to report it promptly to his or her manager or to the Foundation Director of Human Resources. Employees can raise concerns and make reports without fear of reprisal.

Employee Separation Documentation

Whenever an employee's service is terminated for any reason, voluntarily or involuntarily, it is critical that the Foundation be promptly notified in writing. The final day worked and the reason for separation should be indicated. This facilitates fiscal control by assuring that no further payment will be made to the employee.

Employee Medical Monitoring Program

Policy # 6-100.1

The University Employee Medical Monitoring Program has been adopted for use by the Foundation. This program was developed to assist Project Directors in identifying those employees who, because of their exposure to certain health hazards on the job, are required by federal and state regulations to receive specific and periodic medical examinations. These examinations are to insure that the employees' health and safety are not adversely affected by their work environments.

It is the responsibility of each Project Director to identify those employees who meet the criteria listed in this section and to direct them to receive medical examinations as appropriate. The Foundation HRD can assist in identifying affected employees.

The identification process should take place annually for existing employees and should be in the form of a memorandum to the Foundation HRD with the employee's name and suspected exposure. The Employee Medical Monitoring Program Exposure Table and Chemical Abstract may be found respectively in Appendices B and C of this section. Identification should also be done immediately upon the appointment of a new employee or the transfer of an existing employee into a position that contains suspected exposure.

Failure to identify such employees is a serious violation of the law. More importantly, failure to provide appropriate medical monitoring could result in the serious illness or even death of an employee.

Failure or refusal of an employee to submit to a medical examination as directed shall constitute a failure or refusal to perform the normal and reasonable duties of the position and may lead to disciplinary action up to and including dismissal. The cost of this program is assumed by direct cost to project accounts.

Any questions concerning this program should be directed to the Foundation HRD.

Exposure Control Plan for Occupational Exposure to Blood borne Pathogens

Policy # 6-105.1

The California State University, Long Beach Foundation ("Foundation") Exposure Control Plan for Occupational Exposure to Blood borne Pathogens is designed to protect employees from infectious disease resulting from exposure to potentially infectious materials (see Appendix D).

Administrative Review Process

Policy # 6-110.1

The management of the California State University, Long Beach Foundation (Foundation) understands that concerns or conflicts may periodically arise within any work environment. It is the desire of management to cultivate and maintain a work environment in which employees may resolve work-related concerns or conflicts quickly and without fear of reprisal. The purpose of the Administrative Review Process is to provide Foundation employees with a formal means for review and resolution of such work-related concerns or conflicts.

Application:

This process will apply to:

- § all current employees of the Foundation; or
- § any group of current Foundation employees who have concerns or conflicts over the same or a similar issue, provided that each such concerned employee, separately or jointly, requests a review in writing. The Director of Human Resources may, in his/her sole discretion, combine requests for review that (s)he considers similar, and may separate requests that (s)he considers dissimilar.

Persons who are not actively employed by the Foundation may not use this process; unless both of the following conditions are met:

- § the request is filed within fourteen (14) calendar days of the date of the Requesting Party's termination of Foundation employment; and
- § the request is approved for review by the Director of Human Resources or his/her designee.

Time Limits:

Certain steps within this process carry specific time limits. When a stated time limit expires on a weekend, holiday, or any other period of closure for the Foundation Administrative Offices, the time limit shall automatically be extended to the next business day. All time periods specified herein may be extended by mutual agreement of the employee(s) requesting review and the Director of Human Resources. Otherwise, an Administrative Review Process shall be considered complete upon performance of the last timely step or upon expiration of the stated time limit.

Scope:

The Administrative Review Process may be used when a Foundation employee believes (s)he has been personally adversely affected as an employee through the action or inaction of another employee or agent of either the Foundation or of California State University, Long Beach.

Review Procedure:

Action on a Request for Administrative Review shall not commence until the employee has submitted a fully-completed request form to the Director of Human Resources (see *Forms Directory*). The request must be submitted within thirty (30) calendar days of the date the employee(s) knew, or reasonably should have known of the alleged adverse action. Request for Administrative Review forms are available in the Foundation Human Resources office. All completed forms submitted to the Foundation Human Resources Department shall be date stamped, with a copy provided to the Requesting Party. However, the failure to date stamp a submitted form upon receipt by the Human Resources Department shall not constitute a violation of these procedures, nor shall it be deemed a waiver of any applicable timelines for action.

Any reference to the Director of Human Resources, the Executive Director, or the Assistant Treasurer of the CSULB Board of Directors shall be deemed to include reference to that official's

designee. Any action that is to be taken by the Director of Human Resources, the Executive Director, or the Assistant Treasurer under these procedures may be taken by that official's designee, and any action(s) taken by any designee pursuant to this Process shall be deemed to be the action of the appointing official.

The Director of Human Resources in his/her sole discretion, may indefinitely suspend or terminate the Administrative Review Process at any stage if (s)he believes that the Requesting Party, after reasonable notice, is not being cooperative, is causing unnecessary delay, or is not acting in good faith. The suspension or termination of an Administrative Review Request by the Director of Human Resources may be appealed to the Executive Director within ten (10) calendar days of notice to the Requesting Party of a notice of suspension or termination. The decision of the Executive Director regarding the appeal of the suspension or termination of the Administrative Review Process shall be final for all purposes.

The following steps have been established in order to facilitate an orderly, timely, and objective review of all matters referred to this process:

Step I It is generally most efficient to resolve issues of concern or conflict at the lowest possible level. An employee who believes (s)he has cause to use this Administrative Review Process shall first discuss the matter informally with his/her immediate supervisor. If, after discussion with the immediate supervisor, the employee believes the matter has not been resolved, (s)he may submit a Request for Administrative Review form to his/her immediate supervisor with a copy to the Director of Human Resources. A written decision on the matter shall be rendered by the supervisor to the Requesting Party, with a copy to the Director of Human Resources, within ten (10) calendar days after receipt of the written Request for Administrative Review. If no written decision is issued by the immediate supervisor within the requested time period, the requested relief, if any, shall be deemed denied.

Please Note - Employees may bypass Step I and proceed to Step II of this process when the concern or conflict is directly related to their immediate supervisor.

Step II If the Requesting Party is not satisfied with the response received at Step I, the Requesting Party may then pursue the matter by resubmitting the Request for Administrative Review, through Step I, along with all documentation to that point, to Director of Human Resources within ten (10) calendar days after receipt by the Requesting Party of the Step I decision. Within five (5) calendar days of his/her receipt of the Request for Administrative Review, the Director of Human Resources shall notify the requesting party in writing of his/her intent to either (1) personally, or through the appointment of another person or persons conduct the review, OR (2) decline review.

The reviewer(s) of Step II proceedings may use any information developed thus far through Step I, and shall determine what additional information (if any) may be needed. Additional information may be gathered through the collection of written materials or through the conduct of individual or group interviews/conferences. The Step II reviewer(s), if not the Director of Human Resources shall submit a written recommendation to the Director of Human Resources within ten (10) calendar days after filing of the Step II appeal. The Director of Human Resources shall issue a written decision to the Requesting Party within five (5) calendar days of receipt of the written recommendation if any. If the Director of Human Resources conducts the Step II review, s(he) shall issue his/her written decision within ten (10) calendar days after filing of the Step II appeal. If the Director of Human Resources declines review, or if s(he) does not issue a written decision within the required time period, the requested relief shall be deemed declined.

Please Note - Employees may bypass Steps I and II, and proceed to Step III of this process when the concern or conflict is directly related to the Director of Human Resources.

Step III If the Requesting Party is still not satisfied with the response received at Step II, the Requesting Party may then pursue the matter by resubmitting the Request for Administrative Review through Step II, along with all documentation to that point, to the Executive Director within ten (10) calendar days of receipt of the Step II decision. Within five (5) calendar days of his/her receipt of the Request for Administrative Review, the Executive Director shall notify the Requesting Party in writing of his/her intent to either (1) personally, or through the appointment of another person or persons conduct the review, OR (2) decline review. If the Executive Director declines review, the decision shall be final for all purposes, and the Administrative Review Process shall be deemed concluded.

The reviewer(s) of Step III proceedings may use any information developed thus far through Steps I and II, and will determine what additional information (if any) may be needed. Additional information may be gathered through the collection of written materials or through the conduct of individual or group interviews/conferences. The Step III reviewer(s) shall submit a written recommendation to the Executive Director within ten (10) calendar days after the filing of the Step III appeal. The Executive Director shall issue a written decision to the Requesting Party within five (5) calendar days of receipt of the written recommendation, if any. If the Executive Director conducts the Step III review, s(he) shall issue his/her written decision within ten (10) calendar days after filing of the Step III appeal. If no written decision is issued within the required time period, the requested relief shall be deemed denied. The decision of the Executive Director shall be final for all purposes, and the Administrative Review Process shall be deemed concluded.

Please Note - Employees may bypass Steps I, II, and III of this process when the concern or conflict is directly related to the Executive Director. In this instance, an External Request for Administrative Review shall be made directly to the Assistant Treasurer of the CSULB Foundation Board of Directors.

External Review:

The Assistant Treasurer shall follow the review procedure as set forth in Step III. The decision of the Assistant Treasurer shall be final and may not be appealed.

Conduct of All Meetings:

The Director of Human Resources (in a Step II review); the Executive Director (in a Step III review); and the Assistant Treasurer of the CSULB Foundation Board of Directors (in an External Review) may personally or through the appointment of an individual or small panel conduct an Administrative Review. Reviewers appointed by either the Director of Human Resources, the Executive Director, or the Assistant Treasurer need not be employees of the Foundation. Upon appointment of a panel, the appointing party will select a chairperson. Any relevant information may be permitted, providing it is the kind of information on which responsible persons can rely in order to arrive at fair and objective decisions. The Reviewer/Chairperson may limit the presentation of information to that which is necessary to establish the facts.

The Reviewer/Chairperson is responsible for conducting the review; however, questions regarding procedure may be referred by the Reviewer/Chairperson or the Requesting Party to the Director of Human Resources, the Executive Director, or Assistant Treasurer as appropriate to the Step of this Administrative Review Process.

The Requesting Party may be accompanied by an advisor of his/her choice so long as the advisor is not an attorney, does not attempt to act as a representative or advocate, and is not disruptive.

Confidentiality:

All "evidence", proceedings, findings, recommendations and decisions in this process are confidential and as such, may not be made public by any person involved in the process. This does not preclude making information available, as necessary, to those who have a legitimate need to know. However, the inadvertent or non-deliberate breach of this provision shall not be deemed a violation of these procedures.

No Reprisals:

No employee shall be discriminated against in his/her employment because of the employee's utilization of this process. Complaints regarding allegations of reprisals shall be submitted to the Director of Human Resources, Executive Director, or Assistant Treasurer, as appropriate.

Right to Change Administrative Review Process:

The Foundation reserves the right, in its sole discretion and at any time, to change, disregard, augment, or supersede any portion or all of the Administrative Review Process.