

retaliate or otherwise discriminate against applicants or employees who request a reasonable accommodation for reasons related to disability or religion. Our commitment to equal opportunity employment applies to all persons involved in our operations and prohibits unlawful discrimination and harassment by any employee, including supervisors and co-workers.

Recruitment of Employees

An ASI Human Resources designee will coordinate job announcements and recruitment in coordination with area supervisors for regular and temporary positions. Typically, all positions will be posted for a minimum of two weeks.

The ASI Executive Director or designee will appoint a screening committee and a chair of the committee based on appropriate representation for the vacant position. The screening committee shall typically consist of no less than three representatives, one of which will be an ASI staff member and one student.

The ASI Human Resources staff will screen job applications based on the minimum qualifications criteria identified in the job description. Applicants that meet the minimum qualifications will be forwarded to the chair of the screening committee.

The screening committee will forward a recommendation to the ASI Executive Director who will determine which candidate to hire.

Transfer of Employment from Another Auxiliary

The purpose of this policy is to serve as a guide for transfer of regular and temporary full-time and part-time benefited employees from other local and CSU system-wide auxiliary organizations, including Foundations or Associated Students. This policy does not apply to student or intermittent employees.

Although the ASI Executive Director reserves the right to negotiate all employment packages in regard to vacation and sick leave, below are guidelines for transfer of employment.

When an employee from another auxiliary organization is hired by ASI, the employee's benefits are transferable and assumed by ASI as follows:

Vacation

The transferring employee will not be credited with their accrued vacation balance, but will receive credit for the years of service with another auxiliary for the purpose of determining the appropriate rate of vacation accrual. For other purposes such as seniority, service credit will not be granted for time worked with the original auxiliary organization.

Sick Leave Balance

The transferring employee will retain their sick leave balance upon transfer to ASI and will continue to earn sick leave at the regular ASI employee rate.

Regular or Permanent Status

Regular or permanent employee status, if it existed in the prior auxiliary organization, does not transfer with the employee. Transferring employees are at-will employees with respect to ASI as of their first date of employment with ASI.

CSU and Other Higher Education Employees

University employees hired by ASI are treated like any new hire. Prior university employment will not be taken into consideration in determining seniority or accrued rate of vacation, sick leave, and personal holiday credits.

If, however, the employee is transferring laterally from the CSU due to job elimination, the same policies will apply as to an auxiliary transfer.

Prohibited Harassment

ASI is committed to providing a work environment that is free of illicit harassment based on any protected characteristics. As a result, ASI maintains a strict policy prohibiting sexual harassment and harassment against employees, applicants for employment, individuals providing services in the workplace pursuant to a contract, and/or unpaid interns or volunteers, based on any legally-recognized basis, including, but not limited to, their actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles), religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status (including registered domestic partnership status), sex and gender (including pregnancy, childbirth, lactation and related medical conditions), gender identity and gender expression (including transgender individuals who are transitioning, have transitioned, or are perceived to be transitioning to the gender with which they identify), age (40 or over), sexual orientation, Civil Air Patrol status, military and veteran status, immigration status, or any other consideration protected by federal, state or local law.

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

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

Sexual Harassment Defined

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

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

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

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

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

Other Types of Harassment

Harassment on the basis of any legally protected classification is prohibited, including harassment based on: race, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status (including registered domestic partnership status), age (40 or over), sexual orientation, Civil Air Patrol status, military and veteran status, immigration status, or any other consideration protected by federal, state, or local law. Prohibited harassment may include behavior similar to the illustrations above pertaining to sexual harassment. This includes conduct such as:

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

Abusive Conduct Prevention

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

Protection Against Retaliation

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

Discrimination, Harassment, Retaliation, and Abusive Conduct Complaint Procedure

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

Upon completion of the investigation, ASI will communicate its conclusion as soon as practical. If ASI determines that this policy has been violated, remedial action will be taken, commensurate with the severity of the offense, up to and including termination of employment. Appropriate action will also be taken to deter any such conduct in the future.

The federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) will accept and investigate charges of unlawful discrimination or harassment at no charge to the complaining party. Information may be located by visiting the agency website at [United States Equal Employment Opportunity Commission](https://www.eeoc.gov)¹ or [California Department of Fair Employment and Housing](https://www.dfeh.ca.gov).²

Disability Accommodation

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

Any employee who requires an accommodation in order to perform the essential functions of their job, enjoy an equal employment opportunity, and/or obtain equal job benefits should contact ASI Human Resources to request such an accommodation. ASI Human Resources will communicate with the employee and engage in an interactive process to determine the nature of the issue and what, if any, reasonable accommodation(s) may be appropriate. In some cases, this interactive process may be triggered without a request from the employee, such as when ASI receives notice from its own observation or another source that a medical impairment may be impacting the employee's ability to perform their essential job functions.

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

¹ U.S. Equal Employment Opportunity Commission - <https://www.eeoc.gov>

² California Department of Fair Employment and Housing - <https://www.dfeh.ca.gov>

with this process by providing all necessary documentation supporting the need for accommodation, and being willing to consider alternative accommodations when applicable.

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

Employees who wish to request unpaid time away from work because of a qualifying disability should speak to ASI Human Resources regarding a proposed accommodation.

ASI will not retaliate or otherwise discriminate against an employee or applicant who requests an accommodation in accordance with this policy.

Religious Accommodation

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

ASI has developed an accommodation process to assist employees, management, and ASI Human Resources. Through this process, ASI establishes a system of open communication between employees and ASI to discuss conflicts between religion and work and to take action to provide reasonable accommodation for employees' needs. The intent of this process is to ensure a consistent approach when addressing religious accommodation requests. Any employee who perceives a conflict between job requirements and religious belief, observance, or practice should bring the conflict and their request for accommodation to the attention of ASI Human Resources to initiate the accommodation process. ASI requests that accommodation requests be made in writing, and in the case of schedule adjustments, as far in advance as possible.

ASI will not retaliate or otherwise discriminate against an employee or applicant who requests an accommodation in accordance with this policy

Accommodation for Adult Literacy Programs

ASI provides reasonable accommodation and assistance to an employee who reveals a literacy problem and requests assistance to enroll in an adult literacy education program unless doing so will result in an undue hardship to ASI's business operations. Examples of assistance include providing employees with the location of local literacy programs and arranging for jobsite visits by literacy education providers.

Employees who wish to self-identify as an individual with a literacy problem and request an accommodation should contact ASI Human Resources. ASI will take reasonable steps to safeguard the privacy of any employee who self-identifies. In addition, employees who are performing satisfactorily will not be subject to termination of employment because they have disclosed literacy problems.

While ASI encourages employees to improve their literacy skills, ASI will not reimburse employees for the costs incurred in attending a literacy program. Time off to attend literacy programs may be provided as a reasonable accommodation unless doing so will result in an undue hardship. However, if time off is provided, the time off may be unpaid. If time off is unpaid, employees wishing to take such leave may utilize their existing vacation time or other accrued paid time off.

Accommodation for Victims of Domestic Violence, Sexual Assault, or Stalking

ASI will make reasonable accommodations for any employee who reports that they are the victim of domestic violence, sexual assault, or stalking and requests that ASI accommodate their safety while at work, unless providing the accommodation will impose an undue hardship

on ASI's business operations or violates ASI's duty to provide a safe and healthy working environment for all employees.

Reasonable accommodations may include, but are not limited to, a transfer; reassignment; modified work schedule; change in work telephone number; change in workstation; installed lock; assistance in documenting domestic violence, sexual assault, or stalking that occurs at the workplace; safety procedures; or other adjustments to a job structure, workplace facility, or work requirement in response to a domestic violence, sexual assault, or stalking referral to a victim assistance program.

Employees may also be entitled to a leave of absence under ASI's Domestic Violence, Sexual Assault, or Stalking Victim Leave policy and should consult that policy and/or ASI Human Resources for additional information.

ASI may request that an employee provide a written statement signed by the employee (or an individual acting on behalf of the employee) certifying that the requested accommodation is for the employee's safety while at work. ASI may also require an employee to provide a certification, such as police report, court order, or documentation from a medical professional, that the employee is the victim of domestic violence, sexual assault, or stalking and may request recertification every six (6) months.

Employees must notify ASI if their needs change or if they no longer need an accommodation.

ASI will keep all information submitted in connection with an employee's request for an accommodation confidential to the extent permissible by law. If the law requires disclosure of information, ASI will notify the employee before any information is released.

ASI will not discriminate, harass, or retaliate against any employee because the individual is, or is perceived to be, a victim of domestic violence, sexual assault, or stalking or requests a reasonable accommodation in accordance with this policy.

Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact ASI Human Resources.

Accommodation for Drug or Alcohol Treatment or Rehabilitation

ASI will attempt to reasonably accommodate employees with chemical dependencies (drugs or alcohol), if they voluntarily wish to seek treatment and/or rehabilitation, unless the accommodation imposes an undue hardship on ASI's business operations. ASI's support for treatment and rehabilitation does not obligate ASI to hire or employ any person who violates ASI's drug and alcohol abuse policy or who, because of current use of drugs or alcohol, is unable to perform their duties or cannot perform the duties in a manner that would not endanger their health or safety or the health or safety of others.

ASI will keep all information submitted in connection with an employee's enrollment in a drug or alcohol rehabilitation program confidential to the extent permissible by law. Time off for these purposes is unpaid. However, employees wishing to take such leave may utilize their sick leave or accrued paid time off, if applicable.

Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact ASI Human Resources.

General Employment Practices

Employee Classifications

Employees of ASI are classified as either exempt or non-exempt under federal state and wage hour laws and are further classified for administrative purposes. The following designations are used throughout this Employee Handbook.

Exempt and Non-Exempt

Exempt Employees

Exempt employees are employees whose job assignments meet specific tests established by the federal Fair Labor Standards Act (FLSA) and California wage and hour law and who are exempt from minimum wage and overtime pay requirements. Employees will be informed whether their status is exempt or non-exempt and should consult their supervisor or ASI Human Resources with any questions or concerns regarding this status.

Non-Exempt Employees

Non-exempt employees are employees whose job positions do not meet FLSA or California exemption tests and who are **not** exempt from minimum wage and overtime pay requirements. Non-exempt employees are eligible to receive overtime pay for hours worked in excess of eight hours in any workday and 40 hours in a workweek. Employees will be informed whether their status is exempt or non-exempt and should consult their supervisor or ASI Human Resources with any questions or concerns regarding this status.

Regular

Full-Time

A full-time employee is scheduled to work a minimum of forty (40) hours per week. Regular full-time employees are members of CalPERS and eligible for full benefits.

Part-Time

A part time employee is scheduled to work less than forty (40) hours per week. Regular part-time employees who work at least one thousand (1,000) hours per fiscal year and are members of CalPERS are eligible for a pro-rated level of benefits.

Temporary

A temporary employee is an employee who is hired for a limited period of time.

Temporary employees may be full-time or part-time. Temporary employees who work at least one thousand (1,000) hours per fiscal year and who become members of CalPERS may be eligible for full benefits. Temporary employees are eligible for holiday pay on a pro-rated basis and may be eligible for limited other benefits according to applicable law.

Intermittent

Intermittent employees are hired on a short-term or intermittent basis. These jobs may be the result of special projects, excessive workloads, or emergencies and are not to exceed one thousand (1,000) hours during the fiscal year.

Intermittent employees are paid by the hour and do not receive employee benefits, except for those required under applicable law. Intermittent employees who work over one thousand (1,000) hours during a fiscal year will have their employee status changed to “temporary employee.”

Reassignment

Employees hired prior to July 1, 1998, may be placed on probationary status for a specified period if reassigned or promoted to a different position with ASI. If an employee performs unsatisfactorily in the new position, they may be reinstated to their former position or a similar position. "Similar" will be defined as comparable classification level, if available. Comparable classification level will not be an option in some instances, such as when the transfer is due to a reduction in work force, a demotion, reorganization, or other circumstance where a return to the former or similar position is deemed inappropriate.

Romantic and Family Relationships at Work

ASI discourages any romantic/sexual and family relationships in the workplace. However, ASI will not take any adverse employment action against any employee for engaging in romantic/sexual relationships during nonworking hours away from ASI premises unless it has a negative effect on ASI working relationships, an employee's job performance, or poses a danger of a conflict of interest.

Whenever there is a human resources or other inquiry into a familial or romantic/sexual relationship, employees are expected to tell the truth and must disclose familial or romantic/sexual relationships when asked.

A familial or romantic/sexual relationship among employees can create an actual or at least potential or perceived conflict of interest in the employment setting, especially where one relative, spouse, partner, or member of such a relationship supervises another relative, spouse, partner, or member of such a relationship. To avoid this problem, ASI may refuse to hire or place a relative or other romantically/sexually associated individual in a position where the potential for favoritism or a conflict exists.

The following guidelines apply to all familial or romantic/sexual relationships in the workplace:

- Neither employee may work in the same unit or department; and
- Neither employee may work under the direct or indirect supervision of the employed relative, spouse, partner, or member of a romantic/sexual relationship; and
- The familial or romantic/sexual relationship does not compromise the security, confidential information, or morale of ASI employees.

Background Checks and Criminal Records Check

ASI recognizes the importance of maintaining a safe and productive workplace with honest, trustworthy, qualified, reliable, and non-violent employees who do not present a risk of serious harm to their co-workers or others. For the benefit of all employees and ASI, in furthering these interests and enforcing ASI policies, ASI may perform, or request that third parties perform, "background checks" or other types of investigations. These background checks and investigations may be performed by ASI in whole or in part, at ASI's discretion.

This policy applies to new hires, current employees, volunteers, consultants, outside entities and independent contractors who perform work involving regular or direct contact with minor children or who perform duties that would require a background check if performed by an ASI employee.

ASI will ensure that all background checks are conducted in compliance with applicable federal and state statutes, and that the confidentiality of all background check information is maintained to the extent permitted by law.

Background checks required for all positions include employment verification, education verification, reference checks, and criminal records checks. If job related, additional checks, including credit report history checks, motor vehicle records/licensing checks, sex offender registry checks, and/or professional licensing/credential verification, may be initiated as a part

of the selection process. Job postings for positions that require background checks shall specifically state the requirement.

ASI will comply with the Federal Fair Credit Reporting Act (FCRA) 15 USC § 1681 *et seq.* and the California Investigative Consumer Reporting Agencies Act (ICRA) Civil Code § 1785 *et seq.*

Types of Background Checks

Depending on the status of the applicant (new hire or rehire) and the nature of the position, one or more types of the following background checks will be conducted.

Required Background Checks

Employment Verification

ASI will verify all prior employment within the past five (5) years.

Education Verification

ASI will verify all educational requirements as appropriate to the position, which may include the high school diploma or General Education Development (GED) certificate, and all post-secondary degrees. Official transcripts may be required.

Reference Checks

ASI will contact current and former employers with a standardized inquiry to verify the applicant's work history and skills. ASI may send an inquiry to the applicant's current employer if the applicant specifically consents, or if an offer is made on such condition.

Criminal Records Checks

ASI will perform a criminal records check or will have a third-party agency conduct this check. ASI shall not subscribe to subsequent criminal records updates on applicants or employees, except as required by law.

Fingerprinting

Fingerprinting is required for all employees and volunteers who have direct contact with minor children.

Checks That May Be Done if Job-Related

Credit Report History Check

If determined to be job-related (as defined by CA Labor Code § 1024.5), ASI will review the candidate's credit report, pursuant to credit check regulations. ASI's review of the applicant's credit report will comply with the requirements of the Consumer Credit Reporting Agencies Act (CCRAA).

Motor Vehicle Records/Licensing Check

ASI will verify that applicants have a valid California or other State driver's license for employees who drive as a part of their duties. The license must be appropriate to the vehicle operated (automobile, commercial vehicle, machinery, or equipment). For positions that require employees to routinely transport passengers, ASI may require the applicants to authorize the Department of Motor Vehicles to provide a copy of their past driving record and to authorize ASI to obtain periodic updates.

State/National Sexual Offender Registry Check

For all employment positions with regular or direct contact with minors, ASI will verify if applicants have been included in any state or federal sexual offender registry. ASI may conduct periodic sexual offender registry checks.

Professional Licensing, Certification, and/or Credential Verification

ASI will verify the applicant's professional licenses, certifications, and/or credentials to ensure that they are current and valid for practice. ASI will also assess if any disciplinary action(s) have been taken against the applicant through the licensing board or other appropriate source.

Persons Subject to Background Check Requirements

New Hires

ASI will conduct thorough background checks for all newly hired employees including all temporary, intermittent, and regular employees. Any current CSU or auxiliary employee who transfers from one campus to another will be considered a new hire. Background checks for all final candidate(s) considered for new hire will include employment verification, education verification, reference checks, and a criminal records check.

Rehires

Any former employee (including a rehired annuitant) who is re-appointed to an ASI position after a break in service of twelve (12) months or more and who has not had an ASI background check within the past twelve (12) months will be subject to background check requirements appropriate to the new position.

Current Employees Who Must Undergo Background Checks

Individuals who are under voluntary consideration for positions in which a background check is required by law, or who are under voluntary consideration for positions that ASI has designated as sensitive are required to undergo background checks. This provision applies to current employees unless they have successfully completed an ASI background check within the past twelve (12) months.

The background check requirement will also apply to current ASI employees in positions for which new laws require such background checks.

A list of sensitive positions requiring background checks is maintained by ASI Human Resources. Sensitive positions are those designated by ASI as requiring heightened scrutiny of individuals holding the position based on potential harm to children; concerns for the safety and security of people, animals, or property; or heightened rights of financial loss to ASI or individuals in the university community. Please contact ASI Human Resources for more information.

Student Workers Who Must Undergo Background Checks

ASI is required to conduct a background check on student workers only if they are being considered for a position in which a background check is required by law. These student workers will be required to have background checks if they have not had checks within the past 12 months at Cal Poly.

Employees and Volunteers Who Work with Minor Children

In an effort to provide the safest possible environment for minor children, ASI will conduct a background check, including a criminal records check and sexual offender registry check for all ASI employees, volunteers, and consultants who perform work involving direct contact with minor children.

Volunteers and consultants are responsible for ensuring that the appropriate background checks are completed for its volunteers and employees. ASI may provide background check services for a fee; otherwise, these volunteers and consultants must provide confirmation of completed and cleared background checks.

The Education Code § 10911.5 requires the submission of fingerprints to the Department of Justice for any employee or volunteer who will have direct contact with minor children to

submit the fingerprints to the Department of Justice. ASI policy requires fingerprinting for any employee or volunteer who will have direct contact with minor children.

Employees of Independent Contractors

As part of the agreement to operate under ASI's name or on ASI property, independent contractors are responsible for attesting that the appropriate background check has been completed. This includes entities that employ individuals who are in positions subject to legal background check requirements and/or perform work or services at ASI-hosted camps or clinics (e.g., youth activities) where minor children participate. ASI may provide background check services for a fee; otherwise, these outside entities must provide confirmation of completed and cleared background checks.

Refusal to Undergo a Required Background Check

If a new hire or current employee who is required to undergo a background check refuses to do so, ASI reserves the right to disqualify the person from consideration. In the case of a current employee, a refusal to undergo a background check as required by this policy may result in disciplinary action up to and including dismissal.

Persons Exempt from Background Check Requirements

Current Employees

Current ASI employees are exempt from the requirement for background checks, unless under voluntary consideration for a position in which a background check is required by law.

Student Workers

A student worker is exempt from the requirement for a background check, unless being considered for a position with duties that a background check is required by law. If that is the case, only the specific checks required by law must be performed.

Employees Re-appointed to the Same Class & Campus within Twelve (12) Months

Former employees who are re-appointed to the same ASI position within twelve (12) months after the end of the previous appointment shall not be treated as a rehire and therefore will not be required to undergo a background check.

Volunteers

ASI volunteers are exempt from background checks unless performing duties for which a background check is required by law. If that is the case, only the specific checks required by law must be performed.

Administration of Background Checks

Certification of Information on ASI Application

ASI will review the information provided on the employment application to determine that it is accurate and does not disqualify the applicant from employment. The applicant is required to certify that the information provided in the official employment application is true and correct. Misrepresentation, falsification, or omission of facts provided to ASI may be considered cause for rescinding an offer of employment, termination of employment, and/or denial of consideration for future employment.

Pre-Appointment Completion of Background Checks and Criminal Records Checks

ASI will initiate background checks and criminal records checks (if required) on the final candidate(s) before extending an offer of employment. The offer of employment is contingent upon successful completion of the background check, and/or the criminal records check and may be rescinded if the background check and/or criminal records checks reveals disqualifying information and/or it is discovered that the candidate knowingly withheld or falsified information. All background checks and/or the criminal records checks must be

completed before an appointment is finalized and the candidate, including one who is a current employee, begins work in the new position.

Guidelines for Conducting Criminal Records Checks

Conducting Criminal Records Checks

ASI will not consider a conviction unless the candidate was convicted of the crime, released from prison, or released from parole within seven (7) years before the assessment. ASI may only consider felony and misdemeanor convictions, active arrests, or pending criminal cases (where the candidate is the subject of a current warrant for arrest or is awaiting trial on criminal charges). A conviction includes a plea, verdict, or finding of guilt, regardless of whether a sentence was imposed by the court, unless otherwise accepted by law.

California law prohibits employers: (1) from asking about an arrest or detention that did not result in a conviction (Labor Code § 432.7(a)) and (2) from considering convictions for certain minor marijuana-related offenses after two years from the date of conviction (Labor Code § 432.8). Additionally, ASI will not consider a plea or conviction that has been expunged, judicially dismissed, or ordered sealed, pursuant to Labor Code § 432.7, unless otherwise required by law.

Confidentiality

ASI will maintain the confidentiality of criminal record check results, unless otherwise required by law. Only the appropriate HR personnel, decision maker(s), and records custodian will be notified of the specific results of the criminal records check. The hiring department and current department of the applicant/employee (if applicable) will not be notified of the specific results of the criminal records check. The criminal records check results are confidential and will be kept by the designated custodian of records in a location that is secure and separate from the employee's official personnel file.

Guidelines for Considering Adverse Criminal Records Check

Results

A felony or misdemeanor conviction that is job-related may disqualify a candidate from employment and may disqualify a current employee from assuming a new position. Once the results of the criminal records check are obtained, ASI determines whether the results of the background check disqualify the candidate from consideration for the position for which they applied.

Notice and Right to Appeal Adverse Results

If any information in the criminal records check is utilized to make an adverse action regarding an employment decision, ASI shall notify the applicant and provide a copy of the results **before** making a final determination. The applicant shall be given five (5) business days to request, in writing, clarification or further review of the decision.

Effect of Conviction on Current Employee's Continued Employment

The results of a criminal records check may subject a current employee to disciplinary action up to and including termination under the following circumstances:

- The employee was asked and failed to disclose a conviction on their job application(s) for employment with ASI; or
- The criminal records check reveals a conviction that was of such a nature as to impact the employee's ability to continue in their current position because of concerns over the safety or security of ASI employees or property.

Guidelines for Conducting Credit Checks

Persons Subject to Credit Check Requirements

The California Consumer Credit Reporting Agencies Act (CCRAA) Civil Code § 1785.1, *et seq.* governs the use of consumer credit agencies to obtain credit checks. California Labor Code § 1024.5 limits an employer's use of consumer credit reports in connection with hiring and personnel decisions. ASI may only obtain the credit history report of a candidate for a position that, on the basis of duties, responsibilities, or access, could affect the organization financially and the individual is applying for or will work in one of the following positions:

- Managerial position
- Positions for which the information contained in the credit report is required by law to be disclosed or obtained
- Positions that involve regular access to all of the following types of personal information of any one person: bank or credit card account information, social security number, and date of birth
- Positions in which the person is, or would be a named signatory on the bank or credit card account of ASI, authorized to transfer money on behalf ASI, or authorized to enter into financial contracts on behalf of ASI
- Positions that involve access to confidential or proprietary information, including a formula, pattern, compilation, program, device, method, technique, process, or trade secret that (1) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who may obtain economic value from the disclosure or use of the information, and (2) is the subject of an effort that is reasonable under the circumstances to maintain secrecy of the information
- Positions that involve regular access to cash totaling \$10,000 or more of the employer, a customer, or client, during the workday

Notice and Right to Appeal Adverse Results

ASI will advise any individual applicant or current employee if they are disqualified due to results obtained from a credit history. ASI shall give the applicant an opportunity to provide additional information. If the applicant disagrees with the accuracy of any information in the report, the applicant must notify ASI within five (5) days of the receipt of the report that the applicant is challenging information in the report. ASI will not make a final decision on the applicant's employment status until the applicant has had a reasonable opportunity to address the information contained in the report. ASI must wait five (5) business days after notice is given and consider the applicant's appeal before making a final decision.

Confidentiality

ASI will maintain the confidentiality of the credit check results, unless otherwise required by law. Only the appropriate HR personnel, the background check coordinator, decision maker(s), and records custodian will be notified of the specific results of the credit check. The hiring department and current department of the employee (if applicable) will not be notified of the specific results of the credit check. The credit check results are confidential and will be kept by the designated custodian of records in a location that is secure and separate from the employee's official personnel file.

Records Retention

All background check results for applicants should be kept up to two years past the position filled date pursuant to Equal Employment Opportunity Commission (EEOC) Regulation 29 CFR § 1602.49. Records pertaining to the new hire should be kept in accordance with EEOC regulations and kept separate from the employee's personnel file. Access to these records should be restricted to a designated Records Custodian, the person authorized to conduct the unauthorized individuals can result in civil fines and criminal penalties under California Penal Code § 11142 and 11143.

CSU HR 2016-08 provides additional information regarding this policy.

Retaliation is any conduct that would reasonably dissuade an employee from raising, reporting, or communicating about good faith concerns through ASI's internal reporting channels or with any governmental authority (e.g., the Securities and Exchange Commission, EEOC, or Department of Labor), or from participating in or cooperating with an investigation or legal proceeding raising such concerns.

Retaliation may occur through conduct or written communication and may take many forms, including actual or implied threats, verbal or nonverbal behaviors, changes to the terms or conditions of employment, coercion, bullying, intimidation, or deliberate exclusionary behaviors.

The following are examples of potential retaliation ASI prohibits:

- Adverse employment action affecting an employee's salary or compensation;
- Demotion, suspension, or termination of employment;
- Taking away opportunities for advancement;
- Excluding an employee from important meetings;
- Threatening an employee who has made a report;
- Directing an employee who has made a report not to report to outside regulators;
- Deliberately rude or hostile behaviors or speech; and
- Creating or allowing the creation of a work atmosphere that is hostile toward an employee who has reported a concern.

It is ASI's policy to adhere to all applicable laws protecting ASI employees against unlawful retaliation or discrimination as a result of their raising good faith questions or concerns. If you are ever aware of an instance or threat of retaliation, please immediately report it.³

How to Raise Questions and Concerns

Employees can submit their good faith questions or concerns about conduct they believe may violate ASI Standards, policies, or the laws and regulations under which ASI does business to:

- Their supervisor or manager
- Any ASI leader
- ASI Human Resources

When an employee raises a concern, ASI will maintain confidentiality to the fullest extent possible, consistent with applicable legal requirements and the need to conduct an adequate investigation or review.

When raising concerns, ASI asks that employees provide as much detailed information as possible, including the background and history of the concern, names, dates, and places where possible, and the reasons why the situation is cause for concern. This is especially important for concerns raised anonymously, so that ASI may conduct an appropriate review and if necessary, begin an investigation.

Please note as well that ASI does not prohibit anyone from electing to report concerns to, make lawful disclosures, provide documents or other information to or communicate with the Equal Employment Opportunity Commission ("EEOC"), National Labor Relations Board ("NLRB"), Securities and Exchange Commission ("SEC") or any other federal, state, or local agency about conduct believed to violate laws or regulations. ASI also does not prohibit

³ Nothing in this policy prevents ASI from taking appropriate disciplinary or other legitimate employment action consistent with its usual disciplinary practices and the law. In addition, this policy prohibits and does not protect employees who knowingly and intentionally raise false concerns or reports.

Equity reviews shall be addressed independently from performance-based increases (merit pay) and cost-of-living adjustments (COLA).

Discussion of Wages

No employee is prohibited from disclosing the amount of their wages. ASI will not terminate, demote, suspend, or otherwise discriminate or retaliate against an employee who makes such a disclosure or because an employee exercises their rights, or aids or encourages other employees in exercising their rights, under California's Equal Pay Law.

This policy does not require the disclosure of wages.

Employee Time Records

ASI uses an electronic timekeeping system to assist in keeping an accurate record of an employee's time. Non-exempt employees must record their time on a daily basis including recording any overtime worked. Additionally, all time off requests and actual record of time off must be entered into the timekeeping system in order to be submitted to payroll. Non-exempt employees must approve their timecard on a bi-weekly basis.

For exempt employees, all time off requests and actual record of time off must be entered into the timekeeping system in order to be submitted to payroll.

Under no circumstances may an employee record another person's time or make any notations on another employee's time record. Altering, falsifying, or tampering with a time record may result in disciplinary action up to and including dismissal.

Rest and Meal Periods

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

ASI's standard workweek for most employees begins at 12:01 a.m. Saturday and ends at 12:00 a.m. the following Friday. Standard workdays begin at 12:01 a.m. on each scheduled workday and end at midnight that same day. Normal office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. Each employee's supervisor will advise the employee regarding their specific working hours or shift.

"Work time" is all time during a work shift that must be spent engaged in ASI business. Work time does not include required rest or meal periods. "Non-work time" is all time during a workday, when an employee should not be working, such as rest and meal periods.

All employees will be provided the opportunity to take a paid rest period of 10 minutes as follows: 1 rest period if you work 3 and ½ up to 6 hours; two rest periods if you work 6-10 hours. The scheduled time of these rest periods varies from department to department but should occur near the midpoint of each four-hour work period. A rest period is non-work time and cannot be used to make up for tardiness, to extend a meal period, or to leave early. For non-exempt employees, rest periods are paid.

Employees should take their rest period as scheduled. If there are any issues regarding rest periods, employees should inform their supervisor and ASI Human Resources so that they can work with the employee's schedule to ensure breaks can be taken.

All employees are scheduled for a meal period without pay. ASI provides at least a 30-minute meal period to employees who work more than five hours. Employees are relieved of all of their duties during meal periods and are allowed to leave the premises. No employee can work more than five (5) hours without a meal period, unless six hours of work will complete the day's work and the employee voluntarily elects not to take the meal period. A second meal

period of not less than 30 minutes will be scheduled no later than the end of an employee's 10th hour of work.

Employees who are required to carry a radio as part of their essential job functions are not required to retain possession of the radio or remain "on call" during meal and rest periods.

Responsibilities

Supervisors are responsible for administering their department's meal and rest periods.

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

Lactation Accommodation

ASI will provide a reasonable amount of break time to accommodate an employee who wants to express breast milk for the employee's child. Employees needing breaks for lactation purposes may use ordinary paid rest periods or may take other reasonable break time when needed. If possible, the lactation break time should run concurrently with scheduled meal and rest periods already provided to the employees. If the lactation break time cannot run concurrently with meal and rest periods already provided or additional time is needed, the lactation break time will be unpaid for non-exempt employees.

Employees will be relieved of all work-related duties during any unpaid breaks. When unpaid breaks or additional time are required, employees should work with their supervisor or ASI Human Resources regarding scheduling and reporting the extra break time. The time an employee spends walking to and from the designated lactation location and/or refrigerator or sink will not be counted as part of the employee's break time.

All exempt employees who need lactation accommodation breaks do not need to report any extra break time as "unpaid".

ASI will provide employees with the use of a room or a private area, other than a bathroom or toilet stall, in close proximity to their work area that is shielded from view and free from intrusion from co-workers and the public (the "Lactation Location"). The Lactation Location may be the employee's normal work area, if suitable. The Lactation Location will: be safe, clean, and free from toxic or hazardous materials; contain a surface (e.g., a table or shelf) to place a breast pump and other personal items; contain a place to sit' and have access to electricity. ASI will also provide access to a refrigerator where employees can store breast milk and access to a sink with running water.

Employees have a right to request lactation accommodation. To request a lactation accommodation, employees should speak to their supervisors or ASI Human Resources. ASI will respond to a request for accommodation within five business days and will engage in an interactive process with the employee to determine the appropriate break periods and the Lactation Location for the employee. If ASI denies a request for lactation accommodation, it will provide a written statement identifying the reason(s) for doing so.

ASI prohibits retaliation against employees who request a lactation accommodation, file a complaint, or otherwise report an alleged violation of the LWO, cooperate in an investigation of an alleged violation of the LWO or inform another person about their rights under the LWO.

Lactation is considered a pregnancy-related condition under California law. ASI will otherwise treat lactation as a pregnancy-related medical condition and address lactation-related needs in the same manner that it addresses other non-incapacitating medical conditions, including requested time off for medical appointments, requested changes in schedules, and other requested accommodations.

Differential Pay

Full-time or part-time regular or temporary supervising employees shall generally receive compensation 5% higher than that of their highest paid subordinate employee.

Exceptions to this policy include, but are not limited to:

- Subordinate's or supervisor's rate of pay is "red circled."
- Subordinate's years of service exceeds supervisor's by ten (10) or more years.
- Subordinate's position is technical in nature, requires certain licensure, and/or requires specialized skills.
- Competitive job market pay for the subordinate's position is higher than that of the supervisor.

Shift Differential Pay

An eligible employee may be entitled to a shift differential pay at a rate of \$.50 per hour.

To be eligible for shift differential pay, employees must meet the following criteria:

- Be a full-time or part-time regular or temporary employee
- Be non-exempt; and
- Work shifts other than 6:00am - 6:00pm

For employees whose shift requires them to work four or more hours other than 6:00am-6:00pm, the shift differential will be applied to all hours in that shift.

For employees whose shift requires them to work less than four hours other than 6:00am-6:00pm, the shift differential will be applied to only the hours worked other than 6:00am-6:00pm.

Hazardous Material Handling Differential Pay

Whenever a trained and certified employee is assigned to perform any asbestos-related or hazardous material handling duties, including but not limited to, removing or repairing asbestos lagging, performing any asbestos abatement, or cleaning up of asbestos, the employee shall receive a pay differential. The differential will be equivalent to the amount outlined in CSU Policy. "Hazardous Material Handling Duties" are defined as follows:

- Any work that requires, by law, that an employee be trained and certified to work with the specific material; AND
- Any work that requires an employee to use protective equipment and extra precautions to ensure their safety and health.

Employees shall be paid an allowance comparable to that of the CSU system upon successful completion of certification training.

Further, training in either asbestos abatement and handling, or in hazardous materials handling must be either EPA certified or CAL-OSHA approved.

(Refer to CSU Hazardous Material Handling Policy on the ASI website for more details.)

New Hire Classification and Salary Rate

ASI positions are compensated at an equitable and competitive rate of pay based on job responsibility and scope of the position. Comparability guidelines are defined below.

To determine comparability as outlined by Title V of the California Education Code, ASI will determine if the ASI position is comparable to the classification categories established by the CSU system. Comparability and appropriate salary range are based on minimum qualifications, preferred qualifications, and essential functions of the position description.

If no comparability can be determined within the CSU system, ASI will determine the classification and salary range based on CSU auxiliary organizations of comparable size, positions at other higher education institutions, and the local labor market.

When a new employee is appointed to a position, the employee shall generally be compensated at the minimum salary range. Exceptions must be negotiated and approved in writing by the ASI Executive Director or designee.

Temporary Pay Increase – Interim Appointment

Occasionally, ASI may require staff to assume temporary responsibilities when a vacancy occurs. This may result in an “interim” appointment.

If an employee is assuming full “interim” status for more than sixty (60) days, the employee may be eligible for a temporary pay increase, retroactive to the first day of the official appointment. The temporary rate begins at the beginning of the interim position’s salary range or 5% of the employee’s current salary, whichever is higher.

Typically, an “interim” position may not exceed three (3) years. Upon completion of the “interim” appointment, the employee will automatically revert back to their previous classification and pay level. Merit adjustments, if any, will be made based on performance evaluation ratings.

Interim appointments will be memorialized in writing when an employee assumes more than 75% of the essential functions of the vacant position, as confirmed by the ASI Executive Director or a Human Resources designee. In the event the “interim” status is less than sixty (60) days, but more than thirty (30) days, a bonus may be provided to the employee. The bonus will be payable at the end of the interim appointment.

Overtime

There may be occasions when workflow is such that ASI may ask employees to work beyond their scheduled shift. ASI will provide non-exempt employees with overtime pay according to applicable law.

Paid time off or non-productive work time (vacation, holidays, sick time, jury duty, etc.) is not considered in the calculation of overtime. Employees are expected to cooperate with requests to work overtime.

Overtime for non-exempt student employees must be approved by the Area Director prior to the overtime occurring.

Overtime for non-exempt staff employees must be approved in writing by the ASI Executive Director prior to the overtime occurring.

ASI recognizes that there may be unforeseen circumstances, such as an emergency or other critical business need, that prevent obtaining prior approval for overtime. In these circumstances, the Area Director or ASI Executive Director must approve an exception to this policy in writing prior to the end of the following pay period.

Call-Back Time

When a non-exempt ASI employee is ordered back to work during off-duty hours, that employee will be paid at least a minimum of two hours.

Make-Up Time

ASI allows the use of make-up time when non-exempt employees need time off to tend to personal obligations. Make-up time worked will not be paid at an overtime rate.

Non-exempt employees may take time off and then make up the time later in the same workweek, or may work extra hours earlier in the workweek to make up for time that will be taken off later in the workweek. All make-up time must be worked in the same workweek as the time taken off.

Make-up time requests must be documented and approved by your supervisor in the electronic timekeeping system prior to taking the requested time off or working make-up time, whichever is first.

If you request time off which you will make up later in the week, you must submit your request at least 24 hours in advance of the desired time off. If you request to work make-up time first in order to take time off later in the week, you must submit your request at least 24 hours before working the make-up time.

All make-up time must be worked in the same workweek as the time taken off. ASI's seven-day workweek is Saturday through Friday. Employees may not work more than 11 hours in a day or 40 hours in a workweek as a result of making up time that was or would be lost due to a personal obligation.

If you take time off and are unable to work the scheduled makeup time for any reason, the hours missed will normally be unpaid. However, your supervisor may arrange with you another day to make up the time if possible, based on scheduling needs. If you work make-up time in advance of time you plan to take off, you must take that time off, even if you no longer need the time off for any reason.

An employee's use of make-up time is completely voluntary and subject to ASI's approval in its sole discretion. ASI does not encourage, discourage, or solicit the use of make-up time.

Red Circle Rates

An employee's salary may be red circled if employee has reached the maximum of their salary range. If this is the case, the employee is only eligible for cost-of-living related increases, if any.

If determined by the ASI Equity Policy, a classification review, revision of CSU comparable classification's salary, or other circumstances, the red circle may be lifted, and the employee shall be eligible for future merit and service-related salary increases.

The ASI Executive Director has the sole discretion to grant a non-recurring bonus to employees who are red circled. Non-recurring bonuses will not increase the employee's base pay.

Holiday Pay

For the purpose of calculating holiday pay, each holiday will be treated as a regular, eight (8) hour workday for full-time employees. Part-time employees will receive holiday pay on a pro-rated basis determined by their normal schedule. For example, half-time employees will receive four (4) hours of holiday pay. Non-exempt employees shall be paid for holidays based on their regular hourly rate. When a holiday falls on an employee's regular day off, the employee will still receive holiday pay for that day. Non-exempt employees who are required to work on an observed holiday will receive holiday pay in addition to pay for hours worked or

they may opt to take an alternate day off in the same pay week of the holiday, subject to supervisor approval.

See also Holidays Policy on page 35.

Benefits

Health Insurance

Several medical plans are offered to regular employees as well as temporary employees with full benefits. All plans provide comprehensive medical protection. Plan benefits and premiums are subject to change with notice and may be terminated entirely. ASI contribution toward payment of premiums is substantial but varies with the number of family members enrolled. Premiums that exceed ASI's contribution are the employee's responsibility.

All eligible employees must apply for medical insurance prior to completion of sixty (60) days of employment. Coverage will start the first of the month following date of hire. After enrolling, an employee must maintain an employment time base of half time or greater to receive continuous coverage. A decrease to a lesser time base will result in cancellation of coverage.

During annual open enrollment periods, eligible employees may alter plans, enroll, or add eligible dependents. Eligible dependents consist of a) an employee's spouse or registered domestic partner and b) biological, adopted children, or stepchildren of the member up to age 26. A change in employee or dependent status must be reported to ASI Human Resources within sixty (60) days. This includes birth of a child, death of a dependent, marriage, registered domestic partnership, or divorce. Late notification could result in ineligibility for coverage.

Health Coverage for Domestic Partners

Domestic Partnerships, as outlined in Division 2.5, Section 297 of the Family Code, are recognized by ASI. Medical, vision, and dental benefits will be extended to registered domestic partners and eligible dependents of those employees who may request such coverage.

A Domestic Partnership is established when persons meet the requirements specified in the Code.

Those requirements are as follows:

- The partners share a common residence.
- The partners agree to be jointly responsible for each other's basic living expenses incurred during domestic partnership.
- Neither partner is married or a member of another domestic partnership.
- Partners are not related by blood in a way that would prevent them from being married to each other in this state.
- Both partners are at least 18 years of age.
- Both partners are capable of consenting to the domestic partnership.
- Neither partner has previously filed a Declaration of Domestic Partnership with the Secretary of State pursuant to Division 2.5 of the Family Code that has not been terminated under Section 299 of the Family Code.

Domestic partners' children will be eligible for health, dental and vision benefits if they:

- Are qualified and claimed as an IRS-defined dependent by the domestic partner.
- Are less than 26 years of age.

Employees must register their domestic partnership with the California Secretary of State's office and provide copy to ASI Human Resources. A Declaration of Domestic Partnership form is available in the ASI Human Resources office.

Upon dissolution of a domestic partnership, a Notice of Termination of Domestic Partnership form must be completed and submitted to the California Secretary of State. This document is also available in the ASI Human Resources office.

Insurance and Retirement Plans

Regular and temporary employees with full benefits are eligible to take part in the following insurance plans:

- Health Insurance
- Dental Insurance
- Vision Insurance
- Life Insurance
- Long-Term Disability Insurance
- Medical and Dependent Care Reimbursement Accounts (Cafeteria Plan)
- Public Employees Retirement System (PERS) Retirement Contributions

Contact ASI Human Resources for more information regarding any benefit plan.

Flex Cash

Flex Cash is an optional benefit plan which allows employees who have other non-ASI coverage to receive a cash payment in exchange for waiving ASI medical, dental, and/or vision insurance coverage.

COBRA – Group Continuation Insurance Plan

Employees and/or their dependents that lose health, dental, or vision insurance coverage due to certain qualifying events are eligible to purchase continued insurance coverage for a certain period 18 or 36 months after loss of coverage. Qualifying events include:

- Termination of employment for reasons other than gross misconduct.
- Employee reduction in time base.
- Death of employee.
- Divorce.
- Dependent child reaching age 26.

Workers' Compensation Insurance

All ASI employees (including student assistants and volunteers who have signed an official volunteer appointment form) are covered by workers' compensation insurance. Determination of eligibility for workers' compensation benefits is made by the ASI workers' compensation insurance company carrier. Program benefits for approved claims include medical care required to treat an on-the-job injury or illness and disability benefit payments if an injury results in the inability to work for more than three calendar days. All work-related injuries must be reported to the supervisor immediately. Supervisor will provide the injured employee with a Claim for Workers' Compensation Benefits form within 24 hours, which the employee should complete and return to supervisor as quickly as possible.

All initial medical care required to treat a work-related injury will be provided by MedStop, the Family and Industrial Medical Center, Sierra Vista Hospital Emergency Room, or the provider selected and pre-designated by the employee.

Any other initial medical treatment will be considered self-procured and payment will be the employee's responsibility unless prior authorization has been obtained from ASI Human Resources or designation of a personal physician is on file in the ASI Human Resources office prior to the injury or illness.

Unemployment Insurance

If an employee becomes unemployed and applies for benefits through the California Employment Development Department (EDD), they may be eligible for unemployment compensation. Eligibility is determined by the EDD and depends on the circumstances of each individual case. Further information may be obtained from the nearest EDD office.

Cal Poly Recreation Center Membership

All employees that work for ASI, whether full-time, part-time, temporary, intermittent, or otherwise, and regardless of location, are considered members of the Cal Poly Recreation Center. Employee memberships to the Cal Poly Recreation Center are at no charge. This includes student employees who work one quarter after graduation. Spouses/Registered Domestic Partners of the employee are eligible to purchase a membership to the Cal Poly Recreation Center. Dependents ages 16 and over may purchase memberships during low impact periods.

Emeritus Status

If upon completion of service, an employee of ASI meets the guidelines of eligibility to be considered for Emeritus Status at Cal Poly (CAP 550.1), ASI Human Resources will inform the employee of their eligibility and submit a request to the Office of the President to be considered for Emeritus Status. If Emeritus Status is granted, the former employee will be notified by ASI Human Resources.

Leaves and Holidays

Absences

Regular attendance is a critical indication of an employee's satisfactory, reliable, and dependable performance and an essential function of every job classification. Absences place a burden on the entire organization, particularly on those who must directly cover for an employee's absence. Tardiness or absenteeism will subject employees to disciplinary action.

If an employee knows in advance that they will be tardy or absent, they must notify their supervisor as far in advance as possible. For all absences, an employee must notify their supervisor no later than one (1) hour after the start of work shift. An absence of one (1) day without proper notification to the employee's supervisor will result in disciplinary action.

If an employee is absent and does not notify their supervisor for three (3) consecutive workdays, ASI will assume the employee has abandoned their job and termination papers will be processed accordingly. Any employee, who has taken unauthorized leave for three (3) consecutive workdays, even with notice to ASI, will automatically be deemed to have resigned and termination will be processed.

Sick Leave

All full-time, part-time, and temporary ASI employees receiving full benefits will accrue paid sick leave at the rate of one workday (8 hours) per month and no less than one hour for every 30 hours worked. Eligible part-time (benefited) employees will accrue sick leave on a pro rata basis, though no less than one hour for every 30 hours worked. There is no limit to the number of sick leave hours a full-time, part-time, or temporary benefitted employee can accrue.

Student and intermittent ASI employees will accrue paid sick leave at the rate of one hour of leave for every 30 hours worked. Student and intermittent employees can accrue up to a maximum of 48 hours which will be carried over from year-to-year.

Accrual begins on the first day of employment. Sick leave may not be used during an employee's first 30 days of employment, nor in advance of being accrued. Employees must use sick leave in increments of .25 hours (15 minutes).

Sick leave may not be used for vacation or any reason other than illness or doctor's appointments. An employee can take paid leave for themselves or a family member for the diagnosis, care, or treatment of an existing health condition, for preventive care, or for specified purposes relating to an employee who is a victim of domestic violence, sexual assault, or stalking (CLC230, 230.1). A family member includes, among other things: spouse, registered domestic partner, children, stepchildren, foster children, registered domestic partner's children, parents, parents-in-law, legal guardian, grandparents, grandchildren, and siblings.

Employees are required to provide reasonable advance notification if the need for paid sick leave is foreseeable (i.e., doctor's appointments). Where the need for sick leave is unforeseeable, the employee shall provide notice of the need for leave as soon as practicable. An employee may request paid sick leave in writing or verbally. If the employee is physically unable to make a written sick leave request or call their supervisor, a designee may contact the supervisor on the employee's behalf. If the immediate supervisor is not available, the employee (or designee) must speak to an available area supervisor or a member of management. However, if no supervisor can be reached, the employee (or designee) should leave a message with the ASI Business Office (805-756-1281).

ASI will not deny an employee the right to use accrued sick leave hours.

Full-time, part-time (benefitted), and temporary employees requesting time off due to illness that have exhausted all accrued sick leave must use any available vacation or personal holiday time prior to being placed on unpaid leave status unless otherwise stated in state or federal law.

Employees will not accrue paid sick leave during unpaid leaves of absence.

Employees are not required to find an employee to cover their work when they take sick leave.

Unused sick leave will not be paid out upon termination of employment.

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

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

Holidays

All full-time, part-time, and temporary employees with benefits shall receive approximately 13 paid holidays during the course of each calendar year. All benefitted part-time employees will receive holiday benefits on a pro rata basis. The ASI holiday schedule will mirror that of the University. Employees who wish to observe religious holidays occurring on scheduled workdays must charge the absence to vacation or take a personal holiday. An employee on a leave of absence without pay or on other unpaid status on a day a holiday is officially observed shall not be entitled to the holiday. An employee on a leave of absence with pay on a day a holiday is officially observed shall be entitled to the holiday.

See also Holiday Pay Policy on page 30.

Personal Holiday

In addition to paid holidays, all full-time, part-time, and temporary employees with benefits will be allowed one workday during the calendar year as a "personal holiday."

The personal holiday is credited to each employee on the first day of each year, or first day of employment. The unused personal holiday may be carried over into the following service year. However, at no time will any employee accrue a total balance of a personal holiday in excess of 16.0 hours or the equivalent pro-rated amount for part-time and temporary employees. A supervisor must approve personal holidays in advance. A personal holiday must be used in a full 8.0-hour increment or the equivalent pro-rated amount for part-time employees.

Unused but accrued personal holidays will be paid out upon termination of employees.

Birthday

All full-time, part-time, and temporary employees with benefits are entitled to a birthday holiday. An employee has a thirty (30) day period before and following the birthday to take time off. Birthday time off must be approved in advance by a supervisor and cannot be carried over from one year to the next. A Birthday Holiday must be used in a full 8.0-hour increment or the equivalent pro-rated amount for part-time employees.

Vacation

Regular and temporary full-time and part-time employees with full benefits begin vacation accrual on the first day of employment. Vacation leave may not be used during an employee's first month of employment, nor in advance of being accrued. Although an effort is made to accommodate the preferences of individuals, ASI needs are of primary consideration when vacations are scheduled.

Before employees may take time off for vacation, it is necessary to first obtain a supervisor's approval. The rate of vacation accrual is determined by length of service as follows:

Employee Years of Service	Vacation Days Earned Per Year
Less than 3 years	10 workdays/80 hours
3 to 6 years	15 workdays/120 hours
6 to 10 years	17 workdays/136 hours
10 to 15 years	19 workdays/152 hours
15 to 20 years	21 workdays/168 hours
20 to 25 years	23 workdays/184 hours
Over 25 years	24 workdays/192 hours

For the purpose of calculating vacation time accrual for eligible regular and temporary full-time employees, one workday consists of eight hours. Eligible part-time employees will accrue workdays of paid vacation in proportion to the number of their regularly scheduled hours per week, excluding overtime. For example, an employee regularly scheduled to work 30 hours per week would accrue each vacation day at three-fourths the full-time rate, (i.e., 10 six-hour workdays per year). Employees do not accrue any vacation time while on unpaid leave.

Employees holding Administrator (MPP) classified positions (e.g., Executive Director, or other Director position) will earn vacation at the rate of 24 days per year, independent of length of service.

Unused vacation time may be carried over into the following service year. However, at no time will any employee accrue a total balance of vacation in excess of 34 workdays (272 hours) for employees with less than ten years of service, or 55 work days (440 hours) for employees with 10 or more years of service. Once an employee has earned the maximum amount they can accrue, no additional vacation time will be earned until previously earned vacation time is used. Vacation may not be taken in advance of being earned.

All unused accrued vacation time is paid out at time of separation.

Vacation Cash Out

All full-time, part-time, and temporary employees with benefits who accrue vacation time are eligible to cash-out vacation time according to the following criteria: employees may cash-out 40.0 hours of vacation time provided that they also take off 40.0 hours of vacation time within the pay period immediately preceding the cash-out or the pay period immediately following the cash-out. Part-time employees may pro-rate the cash-out allowances according to their time base. Each cash-out must total an equivalent of five workdays. ASI Human Resources must certify that the employee has enough accrued vacation time to cover the cash-out as well as the time off.

Leave Without Pay

Employees who have exhausted all vacation, sick, and personal time may be eligible to take time off without pay, subject to supervisor approval. Leave without pay will not be granted if the employee has any accrued time available unless this leave is specifically covered under applicable law.

Pregnancy Disability Leave

ASI will grant an unpaid pregnancy disability leave to employees disabled on account of their pregnancy, childbirth, or related medical conditions. Employees who are affected by pregnancy or a related medical condition are also eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if such a transfer is medically advisable and certified as such by an attending physician.

An employee disabled due to pregnancy, childbirth, or related medical conditions may take up to a maximum of four months leave. As an alternative, ASI may transfer the employee to a less strenuous or hazardous position if the employee so requests, with the advice of their physician, if the transfer can be reasonably accommodated. Employees may take pregnancy disability leave on an as needed basis and in small increments if recommended by a health care provider. Leave taken under the Pregnancy Disability Leave Policy runs concurrently with Family and Medical Leave under federal law, but not with Family and Medical Leave under California law.

Employees requesting to take a pregnancy disability leave must provide ASI with a certification from a health care provider stating the date of disability and time needed off work.

Pregnancy Disability Leaves are without pay. However, employees may utilize accrued vacation time and any other accrued paid time off during the leave. All such payments will be coordinated with any state disability or other wage reimbursement benefits for which you may be eligible. At no time shall an employee receive a greater total payment than the employee's regular salary.

ASI will maintain group health insurance coverage for the duration of pregnancy disability leave up to a maximum of four months if such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. ASI may recover premiums it paid to maintain health coverage for an employee who fails to return to work following pregnancy disability leave for reasons other than taking additional leave afforded under the California Family Rights Act. (e.g., Bonding Leave) and the reason for not returning was within the employee's control. Employees should contact ASI Human Resources for more information.

Upon the submission of the medical certification from a health care provider that an employee is able to return to work, the employee will, in most circumstances, be offered the same position held at the time of the leave or an equivalent position. However, an employee is not entitled to any greater right to reinstatement than if the employee had been employed continuously rather than on leave. For example, if the employee would have been laid off if they had not been on leave, then the employee would not be entitled to reinstatement. Similarly, if the employee's position had been filled in order to avoid undermining ASI's ability to operate safely and efficiently while the employee was on leave, and there is no equivalent position available, then reinstatement would be denied.

Parental Leave

All full-time, part-time and temporary employees with benefits may take five (5) days off with pay to care for their child after the child's birth or placement with the employee for adoption. Part-time employees will be paid on a pro-rated basis. Parental leave must be taken within one (1) year of the qualifying event.

For the birth mother, parental leave pay and State Disability benefits may be integrated during the month after the birth of the child. Vacation, sick or personal holiday pay may be used to supplement State Disability before the birth or after parental leave pay is exhausted. Benefits plus leave wages cannot exceed the regular bi-weekly rate.

Nothing in this policy is meant to contradict or interfere with anyone's rights under the FMLA or CFRA.

Family and Medical Leave

ASI will grant Family and Medical leave in accordance with the requirements of applicable state and federal law in effect at the time that the leave is granted. Although the federal and state laws sometimes have different names, ASI refers to these types of leaves collectively as "FMLA Leave". No lesser leave benefits will be granted than those set forth in such state or federal laws. In certain situations, the federal law requires that provisions of state law apply. In any case, employees will be eligible for the most generous benefits available under applicable law.

Please contact your supervisor as soon as you become aware of the need for an FMLA leave. Employees are expected to provide prompt notice to ASI of any change(s) to an employee's return to work date. Accepting or continuing other employment while on leave that is contrary to the restrictions indicated by your FMLA certification, or filing for unemployment insurance benefits while on leave may be treated as a voluntary resignation from employment.

FMLA Eligibility

To be eligible for FMLA benefits, you must:

- have worked for ASI for a total of at least twelve months;
- have worked at least 1250 hours over the previous twelve months as of the start of the leave; and

Reasons for Leave

State and federal laws allow FMLA leave for various reasons. Because an employee's rights and obligations may vary depending on the reason for the FMLA leave, it is important to identify the purpose or reason for the leave.

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

- 1) the birth, adoption, or foster care of an employee's child within twelve months following birth or placement of the child ("Bonding Leave");
- 2) to care for an immediate family member (spouse, domestic partner, parent, minor child, adult child, dependent adult child, child of domestic partner, grandparent, grandchild, or sibling) with a serious health condition ("Family Care Leave");
- 3) an employee's ability to work because of a serious health condition ("Serious Health Condition Leave");
- 4) a "qualifying exigency," as defined under the FMLA, arising from the fact that a spouse, domestic partner, child, or parent
 - a) who is a reservist that deployed to a foreign country on active duty as; or
 - b) a member of the Armed Forces who is on - or is called to - active duty in a foreign country ("Military Emergency Leave") (or otherwise as regulations may develop); or
- 5) to care for a spouse, child, parent, or next of kin (nearest blood relative) - who is
 - a) an Armed Forces member (including the military reserves and National Guard) undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability retired list - with a serious injury or illness incurred or aggravated in the line of duty while on active duty that may render the individual medically unfit to perform their military duties;
 - b) a person who, during the five (5) years prior to the treatment necessitating the leave, served in the active military, Naval, or Air Service, and who was discharged or released therefrom under conditions other than dishonorable (a "veteran" as defined by the Department of Veteran Affairs) and who has a serious injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran ("Military Caregiver Leave").

Length of Leave

The maximum amount of FMLA leave will be twelve (12) workweeks in any twelve-month period when the leave is taken for; Bonding Leave; Family Care Leave; Serious Health Condition Leave; and/or Military Emergency Leave. However, if both spouses work for ASI and are eligible for leave under this policy, the spouses will be limited to a total of twelve workweeks off between the two of them when the leave is to care for a parent using Family Care Leave. A twelve-month period begins on the date of your first use of FMLA leave. Successive twelve-month periods commence on the date of your first use of such leave after the proceeding twelve-month period has ended.

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

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

Under some circumstances, you may take FMLA leave intermittently - which means taking leave in blocks of time, or by reducing your normal weekly or daily work schedule. Leave taken intermittently may be taken in increments no less than 15 minutes.

To the extent required by law, some extensions to leave beyond an employee's FMLA entitlement may be granted when the leave is necessitated by an employee's work-related injury/illness or a "disability" as defined under the Americans with Disabilities Act and/or applicable state or local law. Certain restrictions on these benefits may apply.

Employee Responsibility

For Bonding, Family Care, Serious Health Condition, and Military Caregiver Leave, employees are required to provide: when the need for the leave is foreseeable, 30 days advance notice or such notice as is both possible and practical if the leave must begin in less than 30 days normally this would be the same day the employee becomes aware of the need for leave or the next business day; when the need for leave is not foreseeable, notice within the time prescribed by ASI's normal absence reporting policy, unless unusual circumstances prevent compliance, in which case notice is required as soon as is otherwise possible and practical; when the leave relates to medical issues, a completed Certification of Healthcare Provider form within 15 calendar days (for Military Caregiver Leave, and invitational travel order or invitational travel authorization may be submitted in lieu of a Certification of Healthcare Provider form); periodic recertification (upon request); and periodic reports during the leave.

Certification forms are available from ASI Human Resources. At ASI's expense, ASI may also require a second or third medical opinion regarding your own serious health condition. Employees are expected to cooperate with ASI in obtaining additional medical opinions that ASI may require.

When leave is for planned medical treatment, you must try to schedule treatment so as not to unduly disrupt ASI's operations. Please contact ASI Human Resources prior to scheduling planned medical treatment.

Employees are required to provide:

- 1) as much advance notice as is reasonable and practicable under the circumstances;
- 2) a copy of the covered military member's active duty orders when the employee requests leave; and

- 3) a completed Certification of Qualifying Exigency Form within 15 calendar days, unless unusual circumstances exist to justify providing the form at a later date. Certification forms are available from ASI Human Resources.

Absent unusual circumstances, failure to comply with these notice and certification requirements may result in a delay or denial of the leave. If you fail to return to work at your leave's expiration and have not obtained an extension of the leave, ASI may presume that you do not plan to return to work and may voluntarily terminate your employment.

Other

Generally, FMLA leave is unpaid. However, you may be eligible to receive benefits through state-sponsored wage-replacement program. If you are eligible to receive these benefits, you may also choose to supplement these benefits with the use of accrued vacation and sick leave, to the extent permitted by law and ASI policy. All such payments will be integrated so that you will receive no more than your regular compensation during this period. If you are not eligible to receive any of these wage-replacement benefits, ASI may require you to use accrued vacation and sick leave to cover some or all of the FMLA leave. The use of paid benefits will not extend the length of a FMLA leave.

ASI will continue making contributions for your group health benefits during your leave on the same terms as if you had continued to work. This means that if you want your benefits coverage to continue during your leave, you must also continue to make any premium payments that you are now required to make for yourself or your dependents. Employees taking Bonding Leave, Family Care Leave, Serious Health Condition, and Military Emergency Leave will generally be provided with group health benefits for a 12-workweek period. Employees taking Military Caregiver Leave may be eligible to receive group health care coverage for up to a maximum of 26 workweeks. In some instances, ASI may recover premiums it paid to maintain health coverage if you fail to return to work following a FMLA leave.

If you are on a FMLA leave but are not entitled to continued paid group health insurance coverage, you may continue your coverage through ASI in conjunction with federal/or state COBRA guidelines by making monthly payments to ASI for the amount of the relevant premium. Please contact ASI Human Resources for more information.

Your length of service as of the leave will remain intact but accrued benefits such as vacation and sick leave will not accrue while on an unpaid FMLA leave.

Under most circumstances, you will be reinstated to the same position held at the time of leave or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off if you had not been on leave, or if your position has been eliminated during the leave, then you will not be entitled to reinstatement.

Prior to being allowed to return to work, an employee wishing to return from a Serious Health Condition Leave must submit an acceptable release from a healthcare provider that certifies the employee can perform the essential functions of the job as those essential functions relate to the employee's serious health condition. For an employee on intermittent FMLA leave, such a release may be required if reasonable safety concerns exist regarding the employee's ability to perform their duties, based on the serious health condition for which the employee took the intermittent leave.

Spousal/Domestic Partner Military Leave

Qualified employees, who are spouses or registered domestic partners of a qualified member of the Armed Forces, National Guard, or Reserves (“member”), may take an unpaid leave of up to 10 days during a qualified leave period of the member.

To be eligible for this leave, the employee must:

- 1) be the spouse or registered domestic partner of the member;
- 2) work an average of 20 or more hours per week;
- 3) provide ASI with notice within 2 business days of receiving official notice that the member will be on leave from deployment that the employee intends to take leave under this policy;
- 4) submit written documentation certifying that the member will be on leave from deployment during the period the leave is requested.

This policy does not affect an employee’s rights with respect to any other employee benefit provided by law and does not affect or prevent ASI from allowing an employee to take a leave that the employee is otherwise entitled to take. ASI will not retaliate against any employee for requesting or taking leave under this policy.

From purposes of this policy the following definitions apply: “Qualified member” means a person who is a member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or zone by the President; or a member of the National Guard or the Reserves who has been deployed during a period of military conflict regardless of area.

“Period of military conflict” means either:

- 1) a period of war declared by the United State Congress;
- 2) a period of deployment for which a member of a reserve component is ordered to active duty pursuant to either U.S. Code Title 10, Sections 12301 and 12302 or Title 32.

“Qualified leave period” means the period during which the qualified member is on leave from deployment during a period of military conflict.

Family Temporary Disability Insurance (FTDI) or Paid Family Leave (PFL) Employment Development Department

FTDI (PFL) gives workers at companies of any size partial reimbursement of their pay for up to six weeks in any 12-month period. The law does not create a new right to a leave of absence, but rather provides pay for the time an employee is off work for a covered reason such as to bond with a new child (by birth, adoption, or foster care) or for a seriously ill parent, child, spouse, registered domestic partner, or child of a register domestic partner. There is no guarantee of reinstatement after taking Paid Family Leave. For more information, contact ASI Human Resources for a brochure or visit the [State of California Employment Development Department](http://edd.ca.gov)⁴ website.

Workers’ Compensation Disability Leave

ASI will grant a workers’ compensation disability leave to employees with occupational illnesses or injuries in accordance with state law. ASI will attempt to reasonably accommodate such employees with modified work. Leave taken under the workers’ compensation disability policy runs concurrently with family and medical leave under both federal and state law.

⁴ State of California Employee Development Department – <http://edd.ca.gov>

Employees must report all accidents, injuries, and illnesses no matter how small to their immediate supervisor. In addition, employees must provide ASI with a certification from a health-care provider.

Employees must use accrued sick leave during disability leave. All such payments will be coordinated with workers' compensation or other wage reimbursement benefits for which they may be eligible. At no time shall an employee receive a greater total payment than an employee's regular salary.

If an employee taking workers' compensation disability leave is eligible for leave under federal or state family and medical leave laws, ASI will maintain group health insurance coverage up to a maximum of 12 workweeks, if such insurance was provided before leave was taken and on the same terms as if the employee had continued to work. In some instances, ASI may recover premiums paid to maintain health coverage for an employee who fails to return to work following worker's compensation disability leave. If ineligible under federal and state family and medical leave laws, employees on worker's compensation disability leave will receive continued coverage on the same basis as employees taking other leaves.

Employees on workers' compensation disability, who do not receive continued paid coverage, or whose paid coverage ceases after 12 work weeks, may continue group health insurance coverage through ASI, in conjunction with federal COBRA guidelines by making monthly payments to ASI for the amount of the relevant premium. Employees should contact ASI Human Resources for further information.

Under most circumstances, upon submission of a medical certification stating that an employee is able to return to work from a workers' compensation leave, the employee will be reinstated to the same position held at the time leave began or to an equivalent position, if available. If the same position is not available, an employee's return to work will depend on qualifications for any job opening existing at the time of scheduled return. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers' compensation leave had been laid off if they had not gone on leave, or if the employee's position had been eliminated or filled in order to avoid undermining ASI's ability to operate safely and efficiently during the leave, and there were no equivalent positions available, then employee would not be entitled to reinstatement.

Leave Donation Program

ASI's Leave Donation Program is a voluntary program that provides a means for certain employees to assist other employees when they or an immediate family member experience a medical emergency and have exhausted their accrued sick and vacation time, and as a result are experiencing financial hardship. The program allows certain employees to voluntarily donate accrued sick and/or vacation time that can be used by another employee, who meets the criteria of the program. Such donations are made by employees on an as needed basis by the transfer of hours which ASI will pay to the recipient employee as wages.

Eligible employees must meet all of the following criteria:

- Has suffered a medical emergency or must care for an immediate family member, who has suffered a medical emergency.
- Has exhausted all their accrued sick and vacation time and is not otherwise receiving compensation through ASI, or other sources, such as private or public insurance (i.e., SDI) or disability benefits. In the event the employee is receiving payments from such

other sources, leave donations are limited to the difference between the employee's regular weekly earnings and benefits received.

- Has worked for ASI for 180 continuous days.
- Is classified as a regular full-time or part-time employee.

Employees must complete the Application for Leave Donation Program, which is available from and should be submitted to ASI Human Resources. If an employee is unable to complete the form, a family member or a designee may do so on behalf of the employee. Applications will be confidential, and an applicant's personal circumstances will be confidential.

A medical emergency is a medical condition of the employee or a family member that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the program. Intermittent absences following prolonged absences will not be considered to be continuous medical emergencies. With respect to any medical emergency, ASI reserves the right to request proof of such emergency.

ASI Human Resources will evaluate each case individually and make a recommendation to the Executive Director for final approval.

A Family Member is the employee's spouse or registered domestic partner, child, parent, or "in loco-parentis". The family member must require the employee's direct care or live in the same household.

Qualifying employees are eligible to receive a donation once every six (6) months, not to exceed 90 days per calendar year.

All donations will be considered taxable wages and are subject to authorized required deductions.

Donated time will be distributed on an hour for hour basis and paid on the recipient's regular payday(s).

The minimum donation is one (1) hour and all donations are made in whole hour increments. No employee may donate more than forty (40) hours in a calendar year period.

Federal tax law prohibits designating a specific beneficiary. When an employee applies, donations will be solicited for contributions to a pool to meet the projected need. If donations offered exceed need, individual donations will be adjusted so an individual donor's leave banks will be charged proportional to overall offered donations. All donations are voluntary and confidential.

Donations are not considered taxable income for donors. Likewise, the dollar equivalent for these hours is not counted as wages for calculation of any wage-based benefit for either the recipient or the donor.

The cash equivalent of a donation is not tax deductible.

This program is not an additional leave entitlement or benefit, but rather a means of allowing employees to help colleagues in need. Recipients must continue to adhere to all leave of absence provisions. ASI may change or revoke this policy without notice. Participation in the program is strictly voluntary. ASI cannot guarantee that donated time will be available. Any employee who participates in the program, either as a donor or a recipient, agrees to hold ASI, its representatives, and its employees harmless if their application is denied in full or in part.

Bereavement Leave

Regular full-time and part-time employees and temporary employees with full benefits are eligible for bereavement leave.

In the event of a death of a significantly close person or pregnancy loss, eligible employees may apply for bereavement leave for a maximum of five (5) paid days. Additional days may be taken using vacation or unpaid time with approval from immediate supervisor.

“Significantly close person” shall generally include:

- The employee’s spouse or domestic partner
- The employee, spouse, or domestic partner’s:
 - parent
 - step-parent
 - grandparent
 - great grandparent
 - sibling (including foster, adopted, and step)
 - child or grandchild (including foster, adopted, and step)
 - aunt or uncle
- The employee’s son-in-law or daughter-in-law
- The employee’s fiancé
- A person living in the immediate household of the employee, except domestic employees, roomers, boarders, and/or roommates

Jury Duty

Employees called for jury duty are expected to fulfill their civic responsibility. Employees must provide a copy of their summons to ASI Human Resources and their immediate supervisor, as soon as possible, in order to arrange for time off.

ASI pays the employee’s regular wage for up to ten (10) workdays of jury duty for regular and temporary full-time and part-time benefitted employees. Employees on a leave of absence are not eligible for jury duty pay. Student and Intermittent employees are not eligible for jury duty pay. Jury duty pay, exclusive of travel reimbursement, should be remitted to ASI Human Resources. Benefits will be continued while on jury duty.

If an employee is dismissed early at any time during jury duty, they must telephone their supervisor, who may request that they report to work.

ASI requires a certificate from the court verifying the days of jury service in order to receive jury duty pay.

Military Leave

Both state and federal law provide employees with the right to take leave in order to serve in the military. At the federal level, military leave rights are governed by the Uniformed Services Employment and Reemployment Rights Act of 1994, commonly referred to as USERRA. This policy first discusses military leave under USERRA and then describes additional military leave rights provided under California law.

If an employee plans to request leave based on military service, they should contact ASI Human Resources for information on any additional rights or requirements, if applicable, under state law.

Eligibility for Leave—USERRA

ASI provides unpaid military leaves of absence to employees who serve in the uniformed services as required by USERRA. The uniformed services are defined as the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned

Corps of the Public Health Service, and any other category of persons designated by the President of the United States in time of war or national emergency. The uniformed services also include participants in the National Disaster Medical System when activated to provide assistance in response to a public health emergency, to be present for a short period of time when there is a risk of a public health emergency or when they are participants in authorized training.

Service consists of performing any of the following on a voluntary or involuntary basis: active duty, active duty for training, initial active duty, inactive duty training, full-time National Guard duty, absence from work for an examination to determine fitness for such duty, and absence to perform funeral honors duty. Total military leave time may not exceed five years during employment, except in certain, defined circumstances.

Notice of Leave—USERRA

Advance notice of leave is required, preferably in writing, unless giving notice is impossible or unreasonable or notice is prohibited by military necessity (which is defined by the United States Department of Defense). When notice is required, employees must provide their supervisor with as much advance notice as possible of any anticipated leave of absence for military service.

Compensation and Benefits During Leave—USERRA

Accrued, unused vacation or other paid time off will be paid during military leave at the employee's request. After 30 days of continuous military leave, employees may elect to continue their health plan coverage at their own expense for up to 24 months or during the remaining period of service, whichever is shorter.

Reinstatement—USERRA

In order to be eligible for reinstatement, an employee must have provided advance notice of the need for military leave (where required) and have completed their service on a basis that is not dishonorable or otherwise prohibited under USERRA.

Employees whose military service will be for fewer than 31 days must report back to work at the beginning of the first full, regularly scheduled workday following completion of service, after allowing for a period of safe travel home and 8 hours of rest.

Employees, whose military service will be for more than 30 days, but fewer than 181 days, must apply for reemployment within 14 days after completing service.

Employees whose service is greater than 180 days must apply for reemployment within 90 days after completing service.

As with other leaves of absence, failure to return to work or to reapply within applicable time limits may result in loss of reemployment rights. Full details regarding reinstatement are available from ASI Human Resources.

In general, an employee returning from military leave will be re-employed in the position and seniority level that the employee would have attained had there been no military leave of absence. If necessary, ASI will provide training to assist the employee in the transition back to the workforce.

Vacation and paid time off benefits do not continue to accrue during a military leave of absence. An employee returning from military leave is entitled to any unused, accrued vacation and paid time off benefits the employee had at the time the military leave began minus any vacation and/or paid time off benefits the employee chose to use during the leave. Upon reinstatement, the employee will begin to accrue vacation and paid time off benefits at the rate they would have attained if no military leave had been taken.

California Military Leave

Employees who are members of the National Guard or United States Reserve will be granted a temporary leave of absence without pay while engaged in military duty ordered for purposes of military training, drills, encampment, naval cruises, and special exercises or like activities. This leave is not to exceed 17 calendar days annually, including time involved in going to and returning from such duty. Collateral benefits will not be restricted or terminated because of an employee's temporary incapacity as a result of the employee's duty in the National Guard, Naval Militia, State Military Reserve, or federal reserve components of the United States Armed Forces, if the employee is ordered to duty or training for 52 weeks or less. Similarly, employees who are members of the state Military Reserve will be granted a temporary leave of absence without pay while engaged in military duty for purposes of military training, drills, unit-training assemblies, or similar inactive duty training. This leave is not to exceed 15 calendar days annually, including time involved in going to and returning from that duty.

Employees who are members of California's National Guard or the national guards of other states will be entitled to reinstatement upon return from a military leave for active service, so long as certain conditions are met. Employees returning from leave who were full-time employees will be restored to the same position or to a position of similar seniority, status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so and part-time employees will be restored to the same position or to a position of similar seniority, status and pay, if any exists, so long as:

- The employee is an officer or enlisted member of the National Guard of any state;
- The employee was called to active duty by the Governor of the state in which they serve in the National Guard or by the President of the United States;
- The employee received a certificate of satisfactory service in the National Guard;
- The employee is still qualified to perform the duties of the position;
- If the employee left a full-time position, they made application for reemployment within 40 days of being released from service; if the employee left part-time employment, they made application for reemployment within 5 days of being released from service; and
- The employee's position was not temporary.

For 1 year following reemployment, ASI will not discharge the employee without cause.

ASI will not discriminate against members of the military or naval services of California or the federal reserve component of the United States Armed Forces.

Personal Leave of Absence

(For Reasons Not Covered by the FMLA/CFRA or for Persons Not Eligible for FMLA/CFRA Leave)

A personal leave of absence will be approved only for good cause and only for duration of up to one year. Leaves beyond one year must be approved and renewed on at least an annual basis. Requests for a personal leave of absence must be made in writing to the Executive Director, including justification for the request and written approval of an employee's supervisor.

A personal leave of absence may be granted at ASI's discretion. Request for a personal leave of absence must be submitted at least thirty (30) days in advance, if possible. All requests must state the reason for leave and expected date of return. The leave of absence must be used for the purpose stated.

If an employee has accrued vacation and/or a personal holiday, they must be used during the leave before an employee is placed on unpaid status. Use of personal holiday and/or vacation will not extend the length of absence authorized.

An employee returning from a personal leave will be offered the same position held at the time of leaving, if available. If this position is not available, a comparable position will be offered, if available. If neither the same nor a comparable position is available, return to work will depend on job openings existing at the time of scheduled return, if any. There are no guarantees of reinstatement and return to work will depend on qualifications for existing openings, if any.

Employees must pay the entire cost of group insurance, plus a percentage for administrative costs for the period of any unpaid leave. Failure to do so may result in lapse of coverage. Employees should arrange for all necessary payments before leave commences. Other benefits are also affected; for example, sick leave, vacation and retirement benefits do not accrue during unpaid leave of absence.

Time Off for Voting

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two hours combined. Under these circumstances, an employee will be allowed a maximum of two hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give their supervisor at least two days' notice.

Time Off for School or Child Care Activities

An employee who is a parent to 1 or more children who are of the age to attend a licensed childcare provider, kindergarten or grades 1 through 12 may take up to 40 hours of leave per school year to participate in any of the following:

- Finding, enrolling, or reenrolling the child in a school or with a licensed childcare provider;
- Participating in school or childcare-related activities; or
- Addressing a childcare provider or school emergency.
- "Parent" includes parent, guardian, stepparent, foster parent, grandparent, and persons who stand *in loco parentis* (in place of a parent) to a child.

Time off for reasons other than a childcare provider or school emergency is limited to 8 hours per calendar month. Childcare provider or school emergencies occur when the child cannot remain in school or with a childcare provider due to one of the following:

- The school or childcare provider has requested that the child be picked up or has an attendance policy (excluding planned holidays) that prohibits the child from attending or requires that the child be picked up from school or childcare.
- Behavioral or discipline problems;
- Closure or unexpected unavailability of the school or childcare provider (excluding planned holidays);
- A natural disaster (e.g., fire, earthquake or flood).

Employees wishing to take time off for a planned absence (e.g., to participate in scheduled school or childcare provider activities or enroll a child in school or with a childcare provider) must provide reasonable advance notice to their supervisor. Employees needing time off to address a childcare provider or school emergency must provide notice to their supervisor as soon as practicable. If the supervisor is not available, please contact ASI Human Resources.

ASI may require employees to provide documentation from the school or childcare provider verifying that the employee participated in the school or childcare activity, including the date and time of the activity.

If both parents of a child work for ASI, only one parent - the first to provide notice - may take the time off, unless ASI approves both parents taking time off simultaneously.

Employees must substitute any existing vacation or paid time off for any part of this leave. Employees who do not have vacation or other paid time off available will be allowed time off without pay.

Time Off for School Leave (Suspension)

Employees who are the parent or custodial guardian of a child in kindergarten or grades 1 through 12 may take time off to attend a school conference involving the possible suspension of their child.

To be eligible for leave, the child must be living with the employee, and the employee must provide advance notice that their appearance at the school has been requested.

ASI may require employees to provide documentation, including a copy of the school's notice or some other certification stating that the employee's presence at the school is mandatory.

Employees wishing to take such leave must utilize their existing vacation or other accrued paid time off.

Time Off for Adult Literacy Programs

ASI will make reasonable accommodations for any employee who reveals a literacy problem and requests that ASI assist them in enrolling in an adult literacy program, unless undue hardship to ASI would result.

ASI will also assist employees who wish to seek literacy education training by providing employees with the location of local literacy programs.

ASI will take reasonable steps to safeguard the privacy of any employee who identifies themselves as an individual with a literacy problem. An employee who wishes to identify themselves as such an individual can contact ASI Human Resources. Further, individuals who are performing satisfactorily will not be subject to termination of employment because they have disclosed literacy problems.

While ASI generally encourages employees to improve their literacy skills, ASI will not reimburse employees for the costs incurred in attending a literacy program. Non-exempt employees may use vacation pay to make up for work that is missed to attend literacy classes.

Emergency Responder Leave

ASI will not terminate or discipline any employee who is a volunteer firefighter, reserve peace officer, or emergency rescue personnel because the employee takes time off to perform emergency duty or engages in fire, law enforcement, or emergency rescue training. In the event you need to take time off for this type of emergency duty, please alert your supervisor and ASI Human Resources before leaving ASI's premises.

A "volunteer firefighter" includes any person registered as a volunteer member of a regularly organized fire department of a city, county, city and county, or district having official recognition of the government of the city, county, or district in which the department is located; or a regularly organized fire department of an unincorporated town.

"Emergency rescue personnel" includes any volunteer or paid officers, employees, or members of a fire department or fire protection or firefighting agency who perform first aid and medical services, rescue procedures, and transportation or other related activities necessary to insure the health or safety of a person in immediate danger. Such personnel include those who work for the: (1) federal or state government; (2) city, county, city *and* county, district, or other public or municipal corporation or political subdivision of this state; (3) sheriff's department, police department, or private fire department; or (4) disaster medical response entity sponsored or requested by the state.

Employees who are health care providers must promptly notify ASI if they become designated as emergency response personnel and when they are notified that they will be deployed in their capacity as emergency response personnel.

For employees who are providers of emergency medical services, ASI reserves the right to deny leave under this policy when the employee's absence would hinder the availability of public safety or emergency medical services.

Employees will also be allowed up to 14 calendar days of leave per year to engage in fire, law enforcement, or emergency rescue training.

All time off taken under this policy is unpaid, except that exempt employees will be paid when required under applicable law.

Civil Air Patrol Leave

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

ASI will provide eligible employees with up to 10 days per year of leave, but no more than 3 days at a time, unless the emergency is extended by the entity in charge of the operation and ASI approves the extension. To be eligible for leave, employees must have been employed by ASI for at least 90 days immediately preceding the start of the leave, and must be duly directed and authorized by a political entity that has the authority to authorize an emergency operational mission of the California Wing of the Civil Air Patrol.

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

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

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

Time Off for Victims of Sexual Assault, Domestic Violence, or Stalking

ASI will provide time off to any employee who is:

- a) a victim of domestic violence, sexual assault, or stalking;
- b) a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury;

- c) a person whose immediate family member is deceased as the direct result of a crime; or
- d) any person against whom any crime has been committed

so that the employee may obtain or attempt to obtain relief and to help ensure the health, safety, or welfare of the employee or the employee's child. "Relief" includes, but is not limited to, a temporary restraining order, restraining order, or other injunctive relief. Employees should give ASI reasonable notice of the need for leave, unless advance notice is not feasible. ASI also may require the employee to provide written verification of the need for the time off, such as a police report, court order, or documentation from a medical professional.

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

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

Employees may use accrued paid time off, such as vacation time, in order to receive compensation during the leave of absence.

Employees may also be entitled to a reasonable accommodation under ASI's Accommodation for Victims of Domestic Violence, Sexual Assault, or Stalking policy and should consult that policy and/or ASI Human Resources for additional information.

ASI will keep all information submitted in connection with an employee's request for leave confidential to the extent permissible by law. If the law requires disclosure of information, ASI will notify the employee before any information is released.

ASI will not discriminate, harass, or retaliate against any employee because the individual is, or is perceived to be, a victim of domestic violence, sexual assault, or stalking, or takes or requests leave in accordance with this policy.

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

Crime Victim Leave for Certain Felonies

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

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

Before an employee may be absent from work to attend a judicial proceeding, the employee must give the employer a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee

must provide within reasonable time documentation evidencing the judicial proceeding from (1) the court or government agency setting the hearing; (2) the district attorney or prosecuting attorney's office; or (3) the victim/witness office that is advocating on behalf of the victim.

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

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

Time Off to Attend Court Proceedings for Serious Crimes

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

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

Before employees may take time off under this policy, they must provide ASI with reasonable advance notice of their intention to take time off, unless the advance notice is not feasible. If an employee must take an unscheduled absence due to victimization from a serious criminal offense, the employee must provide ASI with a certification within a reasonable time. The types of certification to account for an unscheduled absence include: a police report indicating the employee was a victim of one of the specified serious criminal offenses; a court order protecting or separating the employee from the perpetrator of one or more of the specified offenses, or other evidence from the court or prosecuting attorney that the employee has appeared in court; or documentation from a medical professional, domestic violence counselor or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries resulting in victimization from one of the specific serious criminal offenses.

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

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

Time Off for Bone Marrow Donation

Eligible employees who undergo a medically necessary procedure to donate bone marrow to another person will be provided with 5 workdays off in any 1-year period, without a loss in pay. For purposes of this policy, a "1-year period" is 12 consecutive months from the date the employee begins their leave. Employees may take leave in 1 or more periods, as long as the leave does not exceed 5 days in any 1-year period.

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

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

Employees must use all available accrued sick, vacation, or paid time off concurrently with this time off. If an employee does not have enough earned vacation or other paid time off to cover

the leave period, the remaining days of leave will be paid by ASI. Use of this leave will not be counted against any available leave under the federal Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), if applicable. Leave under this policy is also not considered a break in service for purposes of, salary adjustments, vacation, other paid time off, annual leave, or seniority.

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

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

Time Off for Organ Donors

Eligible employees who undergo a medically necessary procedure to donate an organ to another person will be provided with up to 30 workdays off in any 1-year period, without a loss in pay. For purposes of this policy, a "1-year period" is 12 consecutive months from the date the employee begins their leave. Employees may take leave in 1 or more periods, as long as the leave does not exceed 30 days in any 1-year period. Employees will be granted an additional unpaid leave of 30 days, if needed and documented, for the purpose of organ donation.

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

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

Employees must use all available accrued sick, vacation, or paid time off concurrently with this time off for up to 2 weeks of the 30-workday paid or unpaid leave period. If an employee does not have enough earned vacation or paid time off to cover the two-week period, then any remaining days of leave will be paid by ASI, up to 30 workdays. Use of this paid or unpaid leave will not be counted against any available leave under the federal Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), if applicable. Leave under this policy is also not considered a break in service for purposes of, salary adjustments, vacation, paid time off, annual leave, or seniority.

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

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

Educational Assistance

ASI supports employees seeking to develop valuable new career skills. The Educational Assistance Program is used to assist in the professional development of staff. Regular, full-time

employees who have been employed by ASI a minimum of two (2) years are eligible to apply for the program. The annual application period is during summer quarter. ASI Directors will review all applications and recommend candidates to the ASI Executive Director for final approval. Acceptance to the program is limited based upon available funding and assessment of the candidates' overall objectives, benefit to ASI, and prior participation in the program. The completion of courses does not guarantee a reassignment or promotion.

Once accepted into the program, participants may enroll in up to six (6) units per quarter in undergraduate or graduate coursework approved by the ASI Executive Director.

ASI will allow participants time off during working hours to attend one class per quarter taken at Cal Poly, subject to supervisor approval and business needs.

Continued eligibility is dependent on the grade of "C" or better for undergraduate coursework and the grade of "B" or better for graduate coursework. The participant must provide an official grade report no later than three weeks after course completion to ASI Human Resources. Eligibility for the Educational Assistance Program will be suspended for the following term if the grade requirement is not met.

Inter-campus fee reimbursement will be considered for enrollment in other qualified educational institutions (i.e., Cuesta College or other accredited universities). No release time will be granted for courses taken at institutions other than Cal Poly.

Reimbursement for courses at other institutions must not exceed the fees required for six (6) or fewer units at Cal Poly.

For institutions that are on the semester system, the maximum semester equivalent reimbursement is determined by using the cost for six (6) or fewer units over three quarters (fall, winter, spring) at Cal Poly divided by two. Summer semester fees must not exceed the Cal Poly summer quarter amounts for six (6) or fewer units.

For institutions that are on the trimester system, the maximum trimester equivalent reimbursement is determined by using the cost for six (6) or fewer units over three quarters (fall, winter, spring) at Cal Poly plus Cal Poly summer quarter amounts for six (6) or fewer units divided by three.

Types of Courses Which May Be Taken

Work-Related Courses

Work-related courses are taken for the purpose of improving the level of skills and knowledge needed to perform existing duties and responsibilities of the participant's current position, or acquiring skills and knowledge needed to perform newly assigned duties and responsibilities of the current position. Enrollment may be voluntary or at the direction of the supervisor.

Career Development Courses

Career development courses are taken to meet the educational or equivalent experience requirement of a job within ASI.

Professional Development

ASI offers employees various training and development opportunities to strengthen existing job skills or acquire new skills needed to prepare for future work assignments. These training periods may include time off with pay to attend seminars, workshops, or specialized training programs for individuals or groups of employees. The responsibility for identifying training needs and taking the steps necessary to satisfy those needs is shared by the employee and the supervisor. The granting of time off to participate in training and development opportunities is contingent on the needs of ASI and the approval of the supervisor.

Working Conditions

PolyCard

The PolyCard is the official identification card for students, faculty, and staff and is properly encoded with identifying information to allow use or access specific services on campus. In order to get a PolyCard, ASI employees must take a picture ID and a completed ID Card Request form to the Customer Service Office, and a letter from ASI Human Resources verifying employment status.

ASI provides the first PolyCard at no cost to the employee. Replacement card costs are the responsibility of the employee.

Keys

University keys are distributed at Facility Services (Bldg. 70) from 7:30 a.m. – 4:30 p.m. Monday-Friday. Employees must pick up keys in person and present an authorization card signed by the ASI Executive Director or their supervisor and a valid identification card.

All keys are the property of the State of California and are issued to employees so they may carry out the responsibilities of their assignment. Employees are responsible for all keys checked out to them and must notify ASI, Public Safety and Facility Services if a key is lost.

Upon separation, transfer, or leave from the University (excluding full vacation or sick leave), keys must be returned to the Facility Services Department, at which time Facility Services will complete the appropriate form indicating receipt of university property.

Mail

The use of the University mail system is reserved solely for conducting ASI business. Employees may not use the mail system, ASI letterhead, or stamps for personal purposes.

Parking

Employees who wish to park on campus must purchase a parking permit. Parking permit rates are determined by the University and are subject to change without notice. Parking permits may be purchased at the University Cashier's Office, Administration Building, Room 131E. Monthly payroll deduction authorizations can be arranged upon request from ASI Human Resources. For detailed parking information, please contact Parking and Commuter Services at 756-6654.

Telephone Use During Working Hours

Personal telephone calls on ASI landlines and personal cell phones are not permitted during work hours except in cases of emergency. Personal calls must be made during rest and meal periods. Should an employee make a personal long distance phone call on an ASI telephone, ASI must receive reimbursement for the full amount of the call.

Work Schedules

Normally full-time employees observe a minimum 40-hour workweek. Work schedules are subject to change to accommodate ASI needs; employees will be given reasonable notice about any material change in an employee's regular work schedule.

Additional and Outside Employment

Employment Within the CalPERS System

"Additional Employment" is the term used to describe any employment for employers within the CalPERS system, regardless of the source of funding, that is in addition to the primary or normal work assignment for which the ASI employee is hired. Additional employment limitations are based on periods of time, not salary. As an ASI employee, you may engage in

additional employment up to a maximum of 125% time-base is allowed without impacting your CalPERS benefits under certain circumstances.

Employees that are “exempt” from the overtime provisions of the Fair Labor Standards Act do not receive additional compensation for work that is considered to be a part of their primary work assignment. However, exempt employees may be assigned additional employment equivalent to twenty-five (25%) percent above a 1.00 full-time equivalent time base if the additional assignment is unrelated to their primary work assignment.

Non-exempt employees are eligible for overtime pay in accordance with applicable law.

Employment Outside of ASI

Any outside employment must not interfere with hours of work assigned by ASI or job performance.

Dress Code

All employees are expected to dress appropriately for the position in which they are employed. ASI requires clothing that is neat, clean, and in good taste. For all positions, excessive use of cologne, cosmetics, or jewelry will be considered inappropriate. ASI does not permit employees to wear transparent or revealing clothing, torn clothing, overly tight clothing, or pants and skirts that are particularly short or high cut.

ASI reserves the right to request changes in clothing or grooming that may be inappropriate. Employees may be sent home from work, without pay, to change into appropriate attire.

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

Attendance and Punctuality

Employees are expected to be regular in attendance and to be punctual. If employees are absent, their work generally must be performed by others or go undone. To limit problems caused by employees’ unapproved absences, we have adopted the following policy.

Employees are expected to report to work as scheduled, be on time, and be prepared to start work. Employees are also expected to remain at work for their entire work schedule, except for meal or break periods, or when required to leave on authorized ASI business or other authorized reason. Unapproved late arrivals, early departures, or other absences from scheduled hours are disruptive and must be avoided.

If an employee is unable to report for work on any particular day, they must call their supervisor at least one hour in advance of the time the employee is scheduled to begin working for that day (unless it is impossible to do so, in which case the employee must call as soon as possible thereafter). Employees who need to leave early must notify their supervisor as soon as they learn that they will not be able to complete their scheduled shift. ASI may inquire about the general reason for an absence, tardiness, or early departure. Unless extenuating circumstances exist, employees must call in on each and every scheduled day on which they will not report to work, unless they are on an approved leave of absence.

Excessive absenteeism or tardiness may result in disciplinary action, up to and including termination of employment, unless the absence or tardiness is excused or approved. The following are examples of types of time off that will not be considered grounds for disciplinary action under this policy:

- Time off that was previously approved, including vacation;

- Paid sick and safe time provided under a mandatory sick and safe time leave law;
- Approved state and federal leaves of absence, including but not limited to jury duty leave, military leave, leave protected under the Family and Medical Leave Act or similar state laws, and time off or leave specifically approved by ASI as an accommodation under the Americans with Disabilities Act or similar state laws; and/or
- Time off due to a work-related injury that is covered by workers' compensation.

Each situation of absenteeism, tardiness, or early departure will be evaluated on a case-by-case basis. Even one unexcused absence or tardiness may be considered excessive, depending upon the circumstances. However, ASI will not subject employees to disciplinary action or retaliation for an absence, tardiness, or early departure for which discipline may not be imposed under applicable law. If the employee believes that their absence, tardiness, or early departure is (or should be) excused pursuant to applicable law, the employee should notify their manager of this fact as soon as possible, but no later than at the time of the absence, tardiness, or early departure. (For the required timing of an employee's notice of the need for a foreseeable leave of absence, see the applicable leave policy). If an employee believes they have been mistakenly subject to disciplinary action for an absence, tardiness, or early departure that the employee believes is or should be excused/approved, the employee should promptly discuss the matter with their manager or ASI Human Resources. ASI will investigate the situation and any errors will be corrected. Employees who fail to report for work without any notification to their supervisor and whose absence continues for a period of three days (No Call / No Show) will be considered to have abandoned and voluntarily terminated their employment, absent extraordinary circumstances.

Social Media

Scope

This policy applies to social media activity when on or off duty, while using ASI's or personal electronic resources, and whether or not the employee posts anonymously or using a pseudonym. Employees who are expressly authorized to engage in social media activity on ASI's behalf are required to comply with any separate guidelines. Unless specifically authorized, employees are prohibited from using ASI's electronic resources to engage in social media activity or from otherwise engaging in social media activity during working time.

Social Media Guidelines

ASI values its established reputation and good will relationships. These are important assets. When you engage in social media activity that identifies you as an ASI employee, or in any way relates to ASI, you should bear that in mind and follow the guidelines listed below:

- Limit personal use. You may use ASI's electronic resources to engage in social media activity for non-business purposes as long as that activity takes place only during nonworking time, does not interfere with your co-workers' job responsibilities, and complies fully with all ASI policies. You may not maintain an open connection to, or stream, any social media site unless it is in connection with your job responsibilities. Such non-business use is subject to all ASI policies and is a privilege that may be withdrawn if abused.
- Know and follow the rules. Your social media activity is subject to all pertinent ASI policies, including, but not limited to, policies regarding standards of conduct, confidential information, harassment and discrimination, and electronic resource use.
- Express only your personal opinions. Unless you have received prior authorization to speak on ASI's behalf, you should not represent or suggest in any social media activity that you are authorized to speak for ASI, or that ASI has reviewed or approved your content. If that will not be obvious from the content or context of your post, you should

specifically state, *“The views expressed in this post are my own. They have not been reviewed or approved any by ASI entity.”*

- Identify yourself in endorsements. If your social media activity endorses ASI's products or services, *i.e.*, expresses opinions, beliefs, findings, or experiences concerning ASI's products or services, you must disclose your name and position with ASI. Unless ASI has approved any such endorsement in writing and in advance, you should specifically state, *“The views expressed in this post are my own. They have not been reviewed or approved by any ASI entity.”*
- Use privacy settings. You should consider using available privacy filters or settings to block any overly personal information about you from co-workers, customers, vendors, or competitors who may have access to your social media activity.
- Be respectful. You should not post content about, or any image of, ASI, management, co-workers, or customers that is vulgar, obscene, threatening, intimidating, knowingly or recklessly false, harassing, or a violation of ASI's policies against discrimination, harassment, or hostility on account of a protected characteristic, such as race, age, or disability. You should not make knowingly or recklessly false statements about ASI's products or services, or the products or services of its customers, vendors or competitors. This includes refraining from taking jabs at competitors, even if the statement is made in jest. You should not post any content, image, or video of yourself that identifies you as an ASI employee and depicts your engaging in illegal conduct, such as acts of violence or the illegal use of drugs, or in conduct that violates any ASI policy.
- Respect intellectual property rights. Respect the intellectual property (IP) rights of ASI and others. You should not use, copy, publish, or post ASI's or someone else's IP unless you have the legal right to do so. Examples of IP include trademarks, written articles, merchandise information, and music. ASI cannot and will not provide employees with legal advice about intellectual property laws unless the inquiry relates to ASI's own business interests.
- Use of ASI logo. You should not use ASI's logo, trademark, or proprietary graphics without the express prior authorization from the ASI Executive Director.
- Protect confidential business information. You should not disclose, or post images or video of, any of ASI's trade secrets or confidential business information or of any confidential business or creative processes.
- Safeguard sensitive personal information. To reduce the risk of identity theft, stalking, and similar criminal conduct, you should not disclose personally identifying information (such as Social Security numbers, credit or debit card numbers, or financial account numbers) of yourself or of ASI's employees, customers, or vendors. Consider your own safety and the safety of others before revealing your own or another's location, flight numbers, or travel plans. Consider disabling the geolocation feature on any social media channels. You should not mention customers, vendors, or competitors in your social media activity without ASI's prior written approval.
- Enable two-factor authentication. Most social media platforms allow the use of two-factor authentication to add a second level of authentication/security –typically via a text message or a unique PIN. Consider enabling this feature to further protect your social media activity.
- Create unique passwords and do not reuse them. Use strong passwords that are at least eight characters in length and that include capital letters, numbers, and alternate characters. Refrain from reusing passwords from other accounts. Change passwords periodically.
- Media contacts. Only authorized employees may speak to the media on ASI's behalf. To ensure that ASI communicates with the media in a consistent, timely, and professional manner about matters related to ASI, you should notify your manager and/or ASI Human Resources that you have been contacted by the media so that ASI knows that a media inquiry has been made. If ASI has not authorized you to speak to the media on

ASI's behalf, you should make it clear when responding to any media inquiry that you are not speaking for ASI.

- Internal contact. Anyone concerned about social media activity relating to ASI that may require a response may contact ASI Human Resources.

The following guidelines also apply to your social media activity:

- **Connecting in Social Media.** Managers should use caution when gaining access to the restricted social media page of a subordinate — for example, by sending or accepting a “friend” request — unless there is a valid ASI business purpose for doing so. Any such access to a subordinate’s restricted social media page should be limited to that which is necessary to accomplish ASI’s business purposes and in compliance with applicable law. Any employee may reject, without fear of retaliation, any request from any other employee, including your manager that, if accepted, would permit access to a restricted social media page— such as a friend or connection request. Managers should avoid situations that may compromise their ability to lead or make objective management decisions or that might undermine the culture within the location(s); keep this in mind when making or responding to friend requests or similar requests to connect in social media. Any employee may reject a friend request from any other employee without fear of retaliation.
- **Personal Profiles.** If you identify yourself as affiliated with ASI (for example, while posting a professional profile on a site such as LinkedIn), make sure that you accurately describe your position and your dates of employment and that your profile is consistent with the way that you want to present yourself to colleagues, customers, and others with whom you interact for business purposes. Do not post any information concerning your job responsibilities that is confidential information (defined above). Upon termination of your employment with ASI, you should stop representing yourself as a current ASI employee, for example, by promptly posting the end date of your employment with ASI.
- **Posting On ASI-Sponsored Sites.** Employees may not use ASI-sponsored sites directed to current or prospective customers, vendors, or investors to solicit for or promote, or engage in other activities on behalf of, unrelated organizations, including but not limited to, personal business ventures, charities, political campaigns, religious groups, or other membership organizations.
- **Restriction On Use of Corporate E-Mail Address.** Employees may not use their ASI e-mail address to register for any external social media account or site, or as an identifier needed to participate in any external social media activity, except to engage in social media activity authorized by ASI and for ASI’s business purposes.
- **Restriction On Use of Social Media to Conduct ASI Business.** Employees should use only approved social media channels — and not personal social media accounts, profiles, or pages — to conduct ASI business. Without prior ASI approval, social media should not be used to arrange business meetings, communicate with customers about specific transactions, or to search for information about current or prospective employees for purposes of making an employment decision.
- **Responding to Requests for References.** All requests for references or recommendations received through social media activity (but not LinkedIn “endorsement”) must be handled in accordance with ASI’s policy on responding to these requests. This policy does not apply to LinkedIn endorsements. In addition, unless specifically authorized by ASI, employees are prohibited from using social media to conduct background searches on candidates or as a way to “disqualify” them or for any other reason.

Addressing Concerns

If you decide to express concerns on social media, avoid posting any content that reasonably could be viewed as malicious, obscene, threatening, or intimidating; that includes recklessly or

knowingly false statements about employees, customers, or vendors; that might constitute harassment or bullying; or that would reveal trade secrets, confidential business information, or other intellectual property.

Retaliation Prohibited

ASI prohibits taking adverse action against any employee for reporting a possible violation of this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible violation of this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination of employment.

Enforcement

If you need clarification of any aspect of this policy, contact ASI Human Resources.

Non-Smoking Campus

In accordance with the CSU policy that the Cal Poly campus is 100% smoke free and tobacco free, all products containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff are prohibited. Additionally, any electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah are also prohibited. The use of nicotine cessation products regulated by the United States Food and Drug administration are permitted.

Privacy Rights and Personnel Files

ASI Personnel Records are confidential due to employee rights of privacy and ASI enforces strict policies regarding release of personnel information. Unless authorized to do so or mandated by law, ASI will only provide verification of job title and employment dates.

Any telephone call or other inquiry from a prospective employer or any other individual asking for a personal reference or employment verification regarding a current or former employee must be directed to ASI Human Resources without any comment to the caller. No employee other than the Executive Director and ASI Human Resources is authorized to provide personnel information or references.

Personnel files contain information regarding payroll, promotions, work performance evaluations, disciplinary actions, and other personnel actions. Every ASI employee has the right to access, review, and have reproduced materials contained in their own personnel file, subject to restrictions and under applicable law.

All personnel files are confidential and are available only to the employee and those designated by the employee in writing, as well as to supervisors or managers on a need-to-know basis. If it is believed that the records are not accurate, relevant, timely, or complete, an employee may request in writing that a correction or amendment be submitted.

ASI personnel files are generally not public documents and therefore are subject to strict confidentiality. As a result, access to ASI personnel files is restricted to authorized ASI Human Resources staff, ASI Supervisors, the ASI Management Team and ASI Auditors as approved by the ASI Executive Director. If ASI receives a request from the University for access to an ASI personnel file, the request must be submitted in writing to ASI Human Resources who must obtain written approval from at least two of the ASI Officers. Once approval has been granted, the requested ASI personnel file will be made available to be reviewed on site in the ASI Human Resources Office. At no time, will any ASI personnel file be authorized to be removed from the premises.

Public Records Requests

The California Public Records Act (CPRA) provides that members of the general public may request an auxiliary to disclose its “public records”.

Any employee of ASI who receives a request for public records, written or otherwise, is to immediately forward the request to the attention of ASI Human Resources **and** the Director – Business Services. Once the request is received, ASI Human Resources will coordinate with appropriate departments, including the campus Public Records Act (PRA) officer, to ensure timely and legal responses to these requests. Additionally, ASI Human Resources will immediately forward a copy of the request to the Vice President of Student Affairs and provide updates to confirm response and compliance. ASI, as an auxiliary of a California State University campus, has a legal obligation to respond within ten (10) days of receipt of the request.

It is important to note that public records requests may not always be formalized in writing. Informal requests may constitute requests under the CPRA and require a response in the same manner as those submitted in formal format (i.e., some form of writing). Questions regarding how to handle public records requests are to be directed to ASI Human Resources.

Mandated Reporters

California law requires certain employees, known as “Mandated Reporters”, to report known or suspected child abuse or neglect. ASI has identified specific positions that are classified as either General Reporters or Limited Reporters. ASI Human Resources maintains a list of these positions and notes this requirement on applicable job descriptions and job postings. Individuals hired into these positions must sign a written acknowledgment of legal responsibility to report abuse as a condition of employment or continuing employment, with the exception of employees hired before January 1, 1985 (although such employees are encouraged to report suspected abuse or neglect).

General Reporters

General Reporters, whenever in their professional capacity or within the scope of their employment has knowledge of or observes a person under the age of 18 years whom they know or reasonably suspect has been the victim of child abuse or neglect, must report the suspected incident, no matter where it occurred.

Limited Reporters

Limited Reporters, whenever in their professional capacity or within the scope of their employment has knowledge of or observes a person under the age of 18 years whom they know or reasonably suspect has been the victim of child abuse or neglect on CSU premises or at an official activity of, or program conducted by ASI or the CSU, must report the suspected incident.

Procedure for Reporting

To make a report, employees must do the following:

- Immediately, or as soon as practically possible, contact by phone one of the following: police or sheriff’s department (including campus police but not including a school district police or security department); a county probation department (if designated by the county to receive mandated reports); or the county welfare department (Child Protective Services or CPS).
- Within 36 hours of receiving the information concerning the incident: complete the California Form SS 8572 [Suspected Child Abuse Report form](#)⁵ using the following

⁵ Suspected Child Abuse Report form - http://ag.ca.gov/childabuse/pdf/ss_8572.pdf

instructions, [Definitions and General Instructions for Completion of Form SS8572⁶](#); and send, fax or electronically transmit it to the agency that was contacted by phone.

Abuse and Neglect That Must Be Reported

The types of abuse and neglect that must be reported include:

- Physical Abuse, meaning physical injury other than by accidental means inflicted on a child.
- Sexual assault, including sex acts with a child, intentional masturbation in the presence of a child, child molestation, and lewd or lascivious acts with a child under 14 years of age or with a child under 16 years of age if the other person is at least ten years older than the child.
- Sexual exploitation, including acts relating to child pornography, child prostitution, or performances involving obscene sexual conduct by a child.
- Statutory rape, involving sexual intercourse between a child under 16 years of age and a person 21 years of age or older, which is also a form of “sexual assault”.
- Neglect, meaning the negligent treatment or maltreatment of a child by a parent, guardian, or caretaker under circumstances indicating harm or threatened harm to the child’s health or welfare.
- Willful harming or injuring or endangering a child, meaning a situation in which any person inflicts, or willfully causes or permits a child to suffer, unjustifiable physical pain or mental suffering, or causes or permits a child to be placed in a situation in which the child or child’s health is endangered.
- Unlawful corporal punishment, meaning a situation in which any person willfully inflicts upon a child cruel or inhuman corporal punishment or physical injury.

What is Not Child Abuse or Neglect?

The law does not consider the following child abuse or neglect for reporting purposes:

- Injuries caused by two children fighting during a mutual altercation.
- An injury cause by reasonable and necessary force used by a peace officer acting within the course and scope of their employment.
- Reasonable and necessary force used by public school officials to quell a disturbance threatening physical injury to a person or damage to property, for self-defense, or to obtain possession of weapons or other dangerous objects under a child’s control.
- Corporal punishment, unless it is cruel or inhumane or willfully inflicts a physical injury.
- Not receiving medical treatment for religious reasons.
- Acts performed for a valid medical purpose.
- An informed and appropriate medical decision made by a parent or guardian or caretaker after consultation with a physician who has examined the child.

Immunity and Confidentiality of Reporter

Mandated Reporters cannot be held civilly or criminally liable for their reports. Instead, they enjoy immunity from prosecution for their reporting of suspected child abuse. Both the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.

Penalty for Failure to Report Abuse or Impeding Report

A Mandated Reporter who fails to make a required report of abuse, or any administrator or supervisor who impedes or inhibits a report, is guilty of a misdemeanor punishable by up to six months in jail, a fine of \$1,000, or both. Where the abuse results in death or great bodily injury, the Mandated Reporter who fails to make a required report or administrator or supervisor who

⁶ Definitions and General Instructions for Completion of Form SS8572 - http://ag.ca.gov/childabuse/pdf/8572_instruct.pdf

impeded or inhibited the report is subject to punishment of up to one year in jail, a fine of \$5,000 or both.

Allegations of Child Abuse

If an employee of ASI Children's Programs is accused of Child Abuse, the Children's Center Director will immediately conduct a preliminary investigation as to the validity of the accusation and simultaneously notify ASI Human Resources, the ASI Executive Director, and Community Care Licensing. Community Care Licensing will guide further investigation of the situation, and the counsel of the ASI Attorney will be sought.

If a child abuse allegation is made, the employee will be removed from contact with children and may be suspended or assigned to other duties during the investigation. Guilt will not be assumed, and there will be no retaliation toward the employee on the part of the Children's Center or ASI regarding an unsubstantiated allegation. However, if a complaint is substantiated by authorities the employee will be terminated.

All employees will be obliged to cooperate in the investigation process; disciplinary action may be taken against employees who do not cooperate or who interfere with carrying out these procedures, which have the purpose of protecting children from abuse.

Whistle Blower Protection and Non-Retaliation Policy and Procedure for Reporting Complaints

ASI will not adopt or enforce any rule, regulation or policy preventing an employee from disclosing information to ASI or to a governmental or law enforcement agency if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of, or non-compliance with a state or federal rule or regulation.

If any ASI employee wishes to make a report regarding suspected unlawful activity, they should report the activity immediately to ASI Human Resources who will initiate a prompt, thorough, and objective investigation. Reports should be in writing with as much detail as possible. Oral and anonymous reports will also be accepted and investigated.

ASI will not:

- Retaliate against an employee for disclosing information about suspected unlawful activity as defined above to a governmental or law enforcement agency.
- Retaliate against an employee for refusing to participate in an activity that would result in a violation of state or federal statute, or a violation of, or non-compliance with a state or federal rule or regulation.
- Retaliate against an employee for having exercised their rights in their present or former employment.

If an employee elects not to report suspected unlawful activity, as defined above, to ASI Human Resources, they may contact the California Office of the Attorney General's whistleblower hotline at (800) 952-5225. The Attorney General shall refer calls received on the whistleblower hotline to the appropriate governmental authority for review and possible investigation.

Electronic Resources Policy

This policy describes ASI's general guidelines for using its electronic resources, including electronic mail (email), voicemail, internet access, and computer systems. ASI operates on the Cal Poly network and therefore, all network traffic and computer usage is subject to the rules and regulations imposed by the campus and CSU policy.

Employees should use ASI's electronic resources with the understanding that these resources are provided for the benefit of ASI's business. Employees may use ASI electronic resources for personal use, during nonworking times, as long as such use complies with ASI rules and applicable law. Employees should never use ASI's electronic resources for personal use in a manner that interferes with their work duties or any responsibilities to customers.

Sending, saving, accessing, or viewing obscene or similarly offensive material on ASI's electronic resources is prohibited. Messages stored and/or transmitted by ASI's electronic resources, including the computer, voicemail, email, or the telephone system, must not contain content that may reasonably be considered to be obscene or other patently offensive material. Prohibited material includes, but is not limited to, sexual comments, jokes or images, racial slurs, gender-specific comments, or any comments, jokes, or images that would discriminate against or harass someone on the basis of their race, color, sex, age, national origin or ancestry, disability, or any other category protected by federal, state, or local law. Likewise, any use of the internet, email, or any other electronic resource to engage in harassment or discrimination prohibited by ASI policies is unlawful and strictly prohibited. Violators may be subject to discipline, up to and including termination of employment.

Unless otherwise noted, all software on the internet should be considered copyrighted work. Therefore, employees are prohibited from downloading software and/or modifying any such files without permission from the copyright holder.

No Solicitation

ASI's electronic resources must not be used for solicitation purposes during working time. ASI's no solicitation rule applies to the use of electronic resources.

Software Code of Ethics

Employees may not duplicate any licenses, software, or related documentation for use either on ASI's premises or elsewhere unless ASI is expressly authorized to do so by agreement with the licensor. Unauthorized duplication of software may subject users and/or ASI to both civil and criminal penalties under the United States Copyright Act. Employees may not give software to any outsiders including contractors, customers, or others. Employees may use software on local area networks or on multiple machines only in accordance with applicable license agreements. Employees may not download software from the internet and install it on their computers.

ASI reserves the right to audit any ASI computer to determine what software is installed on the local drive(s).

Employee Responsibility

Each employee is responsible for the content of all text, audio, or images that they place or send using ASI's electronic resources. The same standards should be utilized for the creation of email messages in connection with an employee's work as would be utilized for other ASI correspondence or memoranda.

Computer and Systems Security

All computers and the data stored on them are, and remain at all times, the property of ASI. As such, all messages created, sent, or retrieved over the internet or ASI's electronic mail systems are the property of ASI, and should be considered ASI information. ASI reserves the right to retrieve and read any message composed, sent, or received using ASI's electronic resources, including all computer equipment and the electronic mail system, for any business reason, including but not limited to, ensuring compliance with this and all ASI policies.

Employees should be aware that even when a message is deleted or erased, it is still possible to recreate the message; therefore, ultimate privacy of a message cannot be ensured to anyone. Accordingly, internet and email messages are not private. Furthermore, all

communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

Employees should also be aware that duplicates of email transmitted through a personal, web-based email account using ASI equipment could be stored on that equipment; likewise, information regarding internet sites that an employee has accessed may also be stored.

Email Content Screening

ASI maintains the right to screen all inbound and outbound email content. Email messages or attachments that contain obscene or similarly offensive material may be quarantined and held from transmission or receipt until the sender or recipient can verify the message or attached document is work related.

ASI may, in its discretion, review communications to and from a personal account, subject to state laws regarding attorney-client communications.

If an employee wants to communicate with an attorney or send an otherwise confidential piece of communication that they do not want ASI to monitor, the employee should consider using a personal email address and personal computer equipment. If an employee does use ASI equipment, they consent to any monitoring by ASI and should understand that they have no right to privacy with respect to such communications, to the extent permissible under applicable law.

Virus Protection

To prevent computer viruses from being transmitted through the system, employees are not authorized to download any software from the internet onto their computer or any drive in that computer. All installed software or usage of any online programs or services that transmit electronic data must be reviewed and authorized by ASI.

ASI maintains virus protection software on all network servers and filters all inbound and outbound email for virus attachments. Email containing a virus will be quarantined and both the sender and recipient will be informed. If the virus can be removed, the message will be forwarded to the recipient.

PLEASE NOTE: THIS POLICY IS NOT MEANT TO INTERFERE WITH YOUR RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT OR THE FREEDOM TO ENGAGE IN CONVERSATIONS OR ACTIVITIES RELATED TO YOUR WAGES, BENEFITS OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT.

Safety and Health

Drug-Free Workplace

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

Drug Use/Distribution/Possession/Impairment

ASI strictly prohibits the use, sale, attempted sale, conveyance, distribution, manufacture, purchase, attempted purchase, possession, cultivation, and/or transfer of illegal drugs or other unlawful intoxicants at any time, and in any amount or any manner, regardless of occasion. "Illegal drugs" means all drugs whose use or possession is regulated or prohibited by federal, state, or local law. These include prescription medication that is used in a manner inconsistent with the prescription or for which the individual does not have a valid prescription.

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

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

Alcohol Use/Distribution/Possession/Impairment

All employees are prohibited from distributing, dispensing, possessing, or using any beverage or medicine containing alcohol while at work or on duty and from coming onto ASI premises, reporting to work, or working with alcohol in their systems. Furthermore, lawful off-duty alcohol use, while generally not prohibited by this policy, must not interfere with an employee's job performance.

Prescription and Over-the-Counter Drugs

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

Marijuana remains illegal as a matter of federal law and therefore the use of marijuana or marijuana products is prohibited by this policy. ASI will accommodate individuals who are medically certified to use marijuana by their home state where required to do so by law, but in no case may an employee use or possess marijuana or marijuana products at work or during work time or work while impaired.

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

Counseling and Rehabilitation

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

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

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

Legal Sanctions

All cases involving potential criminal activity with regard to alcohol or illegal drugs will be forwarded to the University Police Department for investigation. When appropriate, cases may be referred to the District Attorney's Office for criminal prosecution.

Safe Practices

ASI maintains an Illness and Injury Prevention Program, Emergency Action Procedures, Risk Management Plan, and Hazard Communication Standards (if required), which may be reviewed in the ASI Human Resources Office.

ASI is concerned about employee health and safety. Proper safety equipment must be used and worn in performance of job functions. In addition to any safety equipment, employees must follow other safety rules and be safety conscious at all times. Please refer to the ASI Safety Manual, found in all program areas, for general safety policies and procedures. Employees should notify their supervisor or a member of the Safety Committee of any unsafe conditions or practices. Help avoid accidents by eliminating hazards when possible.

Should an unsafe condition or accident occur, even though no one is injured, employees must report any incident to their supervisor as soon as possible. All work-incurred injuries must be reported to a supervisor and ASI Human Resources immediately.

Employees must not lift or push objects that are too heavy or awkward to handle. Employees should inform their supervisor of any task that is unsafe or where assistance is needed to perform the task safely. Operation of any equipment should not occur unless employees are authorized and trained to handle such equipment.

The above safety rules are intended to protect all employees. Violating a safety rule may result in discipline, up to and including termination of employment. The above safety rules are only a partial list and are not intended to replace sound judgment, nor do they include all the instances in which disciplinary action may be taken.

Recovery/Cool-Down Periods

ASI permits employees who work outside to spend not fewer than 5 minutes in the shade to cool down when necessary to avoid heat illness, during which they are relieved of all duties. There is no set schedule for recovery/cool-down periods and there is no limit on how many recovery/cool-down periods employees may take when performing work outside. Any employee experiencing any signs or symptoms of heat illness must immediately contact their supervisor and ASI Human Resources.

Time spent taking a recovery/cool-down period in compliance with this policy is considered "hours worked" and will be paid. Any nonexempt employee who is required to work through some or all of a cool-down period should complete a "California Cool-Down Premium Request Form" and submit it to their supervisor no later than the end of the pay period (Premium Request Forms are provided upon request). ASI will assume that any nonexempt employee who fails to record a missed cool-down period missed the cool-down period voluntarily.

Use of Cell Phones/Text Messaging While Driving

Employees whose job responsibilities include regular or occasional driving and who are issued an ASI cell phone (including smartphones and other mobile electronic devices) or use their personal cell phone for business-related work are expected to put safety first. Therefore, personal and ASI-supplied cell phones are not to be used while driving unless the cell phone can be connected via hands-free device that is consistent with California law as described below.

Employees should also be aware that driving while holding and operating a handheld wireless telephone or electronic wireless communications device is a violation of California law unless the device is specifically designed and configured to allow hands-free operation and is used in that manner while driving. Under California law, such handheld devices can only be operated while driving in a manner requiring use of the driver's hand if: the device is mounted on the vehicle's windshield or affixed to the dashboard or center console in a manner that does not hinder the driver's view of the road; and the driver uses their hand to activate or deactivate a feature of the device with a single swipe or tap of the driver's finger.

If an employee receives a call on a cell phone while driving, they must pull over safely, park and then either answer the phone or return the call. Furthermore, if an employee needs to make a call, they must also pull over safely, park and then place the call. Employees also may not send or review text messages while driving as part of their job responsibilities.

The purpose of this policy is to ensure the safety of employees, other motorists and ASI property. Employees who are charged with traffic violations or cause accidents or injuries resulting from their use of personal or ASI-issued cell phones while driving will be solely responsible for all liabilities, fines, etc., that result, to the extent permissible under the law.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued an ASI-provided cellular telephone for business use or who use their personal cellular telephone for business use, are also expected to abide by the provisions of this policy.

Work-Related Accidents or Illnesses

All work-related injuries or illnesses, no matter how slight, must be reported to the employee's supervisor and ASI Human Resources immediately following the injury or onset of illness, so that they may arrange for any necessary medical attention and prepare required reports.

Appropriate workers' compensation claim forms must be completed by the employee and supervisor in a timely manner to be eligible for benefits. Workers' compensation claim forms can be obtained in the ASI Human Resources office.

All ASI employees and volunteers are covered by workers' compensation insurance. Limited medical, hospital, and disability pay is provided should the employee become ill or injured in a work-related accident or illness. If an employee is not hospitalized, insurance payments will be supplemented by sick leave, up to the employee's normal full pay to the extent of leave accrued. If the employee is hospitalized, disability payments and sick leave benefits begin on the date of hospitalization.

All employees or volunteers may designate their personal physician for treatment required for job-related injury/illness if the designation is made in advance on forms available in the ASI Human Resources office. There is a three (3) day waiting period before a person can collect compensation for wages lost from the insurance company.

Any recreational activities sponsored by ASI, such as picnics, softball games, and other social gatherings, are purely voluntary and not related to any person's work duties. Participation or non-participation in those activities will have no effect on any employee's job terms and conditions. An employee who participates in such activities does so at their own risk.

Specific questions concerning worker's compensation should be referred to ASI Human Resources.

Violence in the Workplace

ASI recognizes that violence in the workplace is a growing nationwide problem necessitating a firm, considered response by employers. The costs of workplace violence are great, both in human and financial terms.

The safety and security of employees is of vital importance. Acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect ASI or which occur on ASI property will *not* be tolerated.

This prohibition against threats and acts of violence applies to all persons involved in operation of ASI including, but not limited to, ASI personnel, contract and temporary workers and anyone else on ASI property. Violations of this policy, by any individual on ASI properties, by any individual acting as a representative of ASI while off ASI property or by any individual acting off of ASI property when their actions affect the business interests of the ASI, will lead to disciplinary and/or legal action as appropriate.

Definitions

Workplace violence is any intentional conduct which is sufficiently severe, offensive, or intimidating enough to cause an individual to reasonably fear for their personal safety or the safety of their family, friends, and/or property to the extent that employment conditions are altered, or a hostile, abusive intimidating work environment is created for one or several ASI employees. Examples of workplace violence include, but are not limited to, the following:

- Threats or acts of violence occurring on ASI premises, regardless of the relationship between ASI and the parties involved in the incident.
- Threats or acts of violence occurring off ASI premises involving someone who is acting in the capacity of a representative of ASI.
- Threats or acts of violence occurring off university premises involving an employee of ASI, if the threats or acts affect the business interests of ASI.
- Threats or acts of violence occurring off university premises in which an employee of ASI is a victim, if ASI determines that the incident may lead to an incident of violence on university premises.
- Threats or acts resulting in the conviction of an employee or agent of ASI, or of an individual performing service for ASI on a contract or temporary basis, under any

criminal code provision relating to violence or threats of violence which adversely affect the legitimate business interests of ASI.

Specific examples of conduct which may be considered threats or acts of violence under this policy include, but are not limited to the following:

- Threatening physical or aggressive contact directed toward another individual.
- Threatening an individual or their family, friends, associates, or property with physical harm.
- The intentional destruction or threat of destruction of ASI or another's property.
- Harassing or threatening phone calls.
- Surveillance.
- Stalking.
- Veiled threats of physical harm or like intimidation.

Workplace violence does not refer to occasional comments of a socially acceptable nature. Such comments may include references to legitimate sporting activities, popular entertainment, or current events. Rather, it refers to behavior that is personally offensive, threatening, or intimidating.

Enforcement

Any person who engages in a threat or violent action on ASI property may be removed from the premises as quickly as safety permits and may be required, at ASI's discretion, to remain off premises pending the outcome of an investigation into the incident.

When threats are made or acts of violence are committed by an ASI employee, a judgment will be made by ASI as to what actions are appropriate, including possible medical evaluation and/or possible disciplinary action.

Once a threat has been substantiated, it is ASI's policy to put the threat maker on notice that they will be held accountable for their actions and then follow through with the implementation of a decisive and appropriate response.

Under this ASI policy, decisions may be needed to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. No existing ASI policy or procedures should be interpreted in a manner that prevents the above from occurring.

Temporary and Permanent Restraining Orders

Any employee who applies for a temporary or permanent protective or restraining order, or any employee against which a temporary or permanent protective or restraining order has been issued, which lists any ASI location as a protected area must provide to ASI Human Resources a copy of the petition and declarations used to apply for the order.

Any employee who obtains a temporary or permanent protective or restraining order, or any employee against which a temporary or permanent protective or restraining order has been issued, which lists any ASI location as a protected area must provide ASI Human Resources a copy of the order. Such information will be kept confidential to the extent possible without compromising the safety and security of ASI employees and ASI.

Important Note: ASI will make the sole determination of whether, and to what extent, threats or acts of violence will be acted upon by ASI. In making this determination ASI may undertake a case-by-case analysis in order to ascertain whether there is a reasonable basis to believe that workplace violence has occurred. No provision of this policy shall alter ASI's at-will nature of employment.

Personnel Actions

Disciplinary Process

With the exception of regular full-time and part-time employees hired before July 1, 1998, all employees, regardless of classification, are at “at will.” This means the employment relationship may be terminated “at will” by ASI or the employee, with or without cause or notice and without following any formal system of discipline or warnings. However, ASI may exercise its discretion to use forms of discipline that are less severe than dismissal in some cases. The following types of counseling steps may be taken in connection with a particular situation. However, no formal steps of counseling or any type of discipline is required before ASI may impose any form of discipline, including dismissal.

Disciplinary action may take the form of any of the following steps: oral or written warning, probation, suspension, demotion, or dismissal.

Any recommendation for probation, suspension, demotion, or dismissal must be approved by the ASI Executive Director in consultation with the supervisor and ASI Human Resources. A copy of written documentation shall be placed in the employee’s personnel file.

Nothing in this policy alters the at-will relationship of ASI employees.

Reduction in Staff

It may be necessary or appropriate from time to time for ASI to reduce its staff due to such factors as lack of work, budget constraints or reorganization to improve efficiency, or other reasons. ASI reserves the right to transfer and reassign any and all employees in order to accomplish a net reduction in staff.

If a reduction in staff is determined to be necessary, it will be ASI’s highest concern to assure productivity and the ongoing viability of the organization. If possible, ASI will provide thirty (30) days’ notice of reduction in staff to regular employees and two (2) week notice to intermittent and temporary employees or otherwise pursuant to applicable law. Employees will be selected for reduction in staff based on a combination of factors including, but not necessarily limited to, job performance, productivity, skills and education, qualifications, the ability to perform the work remaining, flexibility to perform a variety of tasks, attendance, and disciplinary record, in order to best serve the business interests of ASI. Any single factor or a combination of factors may be determinative in a particular case.

Resignation

All ASI employees who intend to resign their positions are requested to notify their respective supervisor in writing at least two (2) weeks prior to the effective date of resignation.

The supervisor of a resigning employee will promptly issue a memorandum and forward it to the Executive Director and ASI Human Resources for final processing.

Vacation, Birthday Holiday, and Personal Holiday time accrued and not yet taken will be cashed-out at the time of separation. Sick leave benefits are not payable in the event of separation.

External Committee Involvement

ASI encourages involvement on external committees such as with the University, auxiliaries, higher education affiliations, and professional affiliations as appropriate for job responsibilities. Any involvement with external committees should not, however, interfere with ASI responsibilities.

Open Door Policy

ASI hopes that the time employees spend on the job will be pleasant and personally rewarding. If employees have a problem that is affecting them or their performance, they should discuss it with ASI Human Resources. Although this may occasionally require an appointment, ASI's "open door" policy is a very important part of the team environment that is encouraged within ASI.

Examples of the types of work-related concerns appropriately brought to ASI Human Resources are: management practices/styles; working conditions (i.e., pay, benefits, performance appraisals, transfers, terminations); perceived unfair treatment; understanding and interpreting personnel decisions and policies and ethical concerns (i.e., fraud, waste, and abuse).

A formal written complaint regarding terms and conditions of employment may be filed with ASI Human Resources within ten (10) working days from the event giving rise to the complaint. ASI Human Resources will undertake or direct a thorough and objective investigation of the complaint. The investigation will be completed and a determination regarding the complaint will be made and communicated to the employee(s) who complained. The decision of ASI Human Resources is final.

Complaints may not be filed to appeal a procedural or final decision in the following matters: policies or procedures approved by the ASI Board of Directors; job classification, job classification adjustment, or reclassification of positions; lateral transfers; a procedural or final decision of a problem; termination or non-retention of temporary or intermittent employees; or termination due to absence without leave.

Performance Management

An employee evaluation program has been developed to improve employee performance, to improve supervisor/employee relationships, and to establish clearly understood duties and responsibilities expected of each employee based upon performance standards and goals. It is the responsibility of each supervisor to assure that all performance evaluations are completed in a timely fashion and in full recognition of their importance to both the employee and employer.

Annual Performance Evaluation

Performance evaluations will be conducted annually, usually at the end of the fiscal year.

Employee Handbook Acknowledgement and Receipt

(Employees Hired After July 1, 1998)

I acknowledge that I have received and read a copy of the Employee Handbook of Associated Students, Inc., Cal Poly (“ASI”). I understand that the Handbook sets forth the terms and conditions of my employment with ASI as well as the duties, responsibilities, and obligations of employment with ASI. I understand that ASI has provided me various alternative channels, anonymous and confidential channels, to raise concerns of violations of this handbook and ASI policies and encourages me to do so promptly so that ASI may effectively address such situations, and I understand that nothing herein interferes with any right to report concerns, make lawful disclosures, or communicate with any governmental authority regarding potential violations of laws or regulations. I agree to abide by and be bound by the rules, policies, and standards set forth in the Handbook.

I acknowledge that, except where required otherwise by applicable state law, my employment with ASI is at-will, meaning that it is not for a specified period of time and that the employment relationship may be terminated at any time for any reason, with or without cause or notice, by me or ASI. **I further acknowledge that only the ASI Executive Director or their authorized representative has the authority to enter into an agreement that alters the at-will relationship. Any such agreement must be in writing and signed by the ASI Executive Director or their authorized representative.**

I further acknowledge that ASI reserves the right to revise, delete, and add to the provisions of the Handbook, but that all such revisions, deletions, or additions must be in writing. No oral statements or representations can change the provisions of the Handbook. Furthermore, ASI's policy of at-will employment may only be changed as stated in the prior paragraph.

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

I have read and understand the above statements.

Employee Signature

Print Name

Date

Employee Handbook Acknowledgement and Receipt

(Employees hired before July 1, 1998)

I acknowledge that I have received and read a copy of the Employee Handbook of Associated Students, Inc., Cal Poly (“ASI”). I understand that the Handbook sets forth the terms and conditions of my employment with ASI as well as the duties, responsibilities, and obligations of employment with ASI. I understand that ASI has provided me various alternative channels, anonymous and confidential channels, to raise concerns of violations of this Handbook and ASI policies and encourages me to do so promptly so that ASI may effectively address such situations, and I understand that nothing herein interferes with any right to report concerns, make lawful disclosures, or communicate with any governmental authority regarding potential violations of laws or regulations. I agree to abide by and be bound by the rules, policies, and standards set forth in the Handbook.

I further acknowledge that ASI reserves the right to revise, delete, and add to the provisions of the Handbook, but that all such revisions, deletions, or additions must be in writing. No oral statements or representations can change the provisions of the Handbook.

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

I have read and understand the above statements.

Employee Signature

Print Name

Date

Employee Notifications

Employee Rights and Responsibilities under the Family and Medical Leave Act

Leave Entitlements

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

Benefits and Protections

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

Eligibility Requirements

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; * and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirement apply to airline flight crew employees.

Requesting Leave

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform their job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Employer Responsibilities

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if they are eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Enforcement

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Law Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

For additional information or to file a complaint:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

[United States Department of Labor⁷](https://www.dol.gov)

U.S. Department of Labor / Wage and Hour Division

⁷ United States Department of Labor - <https://www.dol.gov/whd>