

**CABRILLO COLLEGE  
FOUNDATION**

***Personnel Policy Handbook***

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## **ABOUT YOUR PERSONNEL POLICY HANDBOOK**

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This handbook was designed to help you get acquainted with the Cabrillo College Foundation (“Cabrillo College Foundation” or “Foundation”). If you have just joined us, you may have questions about our operation, policies, procedures, and benefits. If you have been employed with us for a while, you may find this new edition to be a useful and handy reference. Not all Foundation policies and procedures are covered; however, we have tried to summarize the more important ones. Nothing in this Personnel Policy Handbook or any other personnel document, including benefit plan descriptions, creates, or is intended to create, a promise or representation of continued employment for any employee. Nor is it intended as a contract, either express or implied. This handbook supersedes and replaces all previous employee handbooks and/or personnel policies, to the extent the specific policy updated is substantially altered or eliminated in this version of the Employee Handbook. No oral statements or representations can in any way change or alter the provisions of this handbook.

The intent of this handbook is to give you a view of the Foundation and those policies that will affect you as an employee. Every attempt has been made to ensure the information in the handbook is accurate. Consult with your supervisor if any of the information in this handbook is unclear. Cabrillo College Foundation’s employees are employed at-will and may be terminated, or the terms and conditions of employment may be changed, with or without cause, for any or no reason at any time. Other than a written agreement signed by the Executive Director of the Cabrillo College Foundation, no one has the authority to make any agreement for employment other than for employment at-will or to make any agreement limiting Cabrillo College Foundation’s discretion to modify the terms and conditions of employment.

Because the Cabrillo College Foundation is an ever-changing organization and because of changes in the law, the Foundation reserves the right to add to, delete, modify, amend or otherwise change this handbook (except for the employment at-will status) or any of our policies, benefits and practices at any time with or without notice (except that future changes to these policies and procedures are not intended to interfere with compensation and benefits that have vested under these policies). The Foundation will do its best to keep you informed in a timely way of any changes affecting your employment. However, you should always check with our Executive Director for the current status of any policy or procedure.

Foundation benefit plans are defined in legal documents, such as insurance contracts, plus official plan-benefit texts and trust agreements. This means that if a question ever arises about the nature and extent of plan benefits or if there is conflicting language, the formal language of the plan documents will govern, not the wording of this handbook.

Except where otherwise noted, this handbook applies to both exempt and non-exempt employees. This Personnel Policy Handbook is the property of the Cabrillo College Foundation.

## **WELCOME ABOARD!**

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It is a pleasure to welcome you as an employee of the Cabrillo College Foundation. You are an important part of this team, for your work directly influences our success in achieving our mission and contributes to the reputation of the Cabrillo College Foundation. We pride ourselves on our openness and respect for others.

The Cabrillo College Foundation is a private philanthropic organization, an auxiliary organization of Cabrillo College, and governed by an independent Board of Directors. The Foundation was established in 1962 as a non-profit, tax-exempt 501(c)(3) organization. The Foundation's mission is to provide aid supplementary to public tax dollars for the support and benefit of Cabrillo College. See the most recent Cabrillo College Foundation Annual Report to see how the Cabrillo College Foundation is ranked among the top community college Foundation's in the nation.

The success of the Foundation depends on extensive teamwork and the cooperation between our staff, the Board of Directors and Cabrillo College. Therefore, it is extremely important for employees to perform their jobs to the utmost level of professionalism and commitment. Our success will largely be due to the cooperation, hard work, and commitment to excellence that we all share.

Please take the time to carefully read this handbook, save it for future reference, sign the Handbook Receipt and Acknowledgment form and return it to your supervisor. Should you have any questions regarding its contents, do not hesitate to ask your supervisor. Your signature confirms receipt of the Handbook but does not create an employment contract.

We are pleased with your decision to join our organization and look forward to a positive and mutually rewarding relationship. We extend to you our personal best wishes for your success. Good luck in your new position and, again, welcome to our team!

# **I. THE WAY WE WORK: OUR POLICIES & PROCEDURES**

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## **WORK LIFE**

Employees are the most valuable resource of the Cabrillo College Foundation. Our success as a leading philanthropic organization is dependent upon the innovative expertise, talent, and dedication of our employees. We value the importance of each individual to the organization and, at the same time, we recognize that our success depends on our ability to work together towards common and shared goals established by the Foundation.

Our objective is to have an open environment that enables employees to work to their full potential. We have worked hard to develop positive employment practices that recognize individual needs, talents, and contributions. While the health and long-term viability of our organization depends on accomplishing our mission, we recognize that the opportunity to do meaningful and satisfying work in a quality environment is important to all of us. In our experience the very best work environment is achieved through direct and open and constructive communication - so let us know what you think.

Employees are encouraged to examine and discuss issues, seek information, offer ideas and explore and resolve problems as they arise. Consider your supervisor as a primary resource for these activities. Your supervisor also learns from you and needs to know about problems that arise while doing your job. Ongoing discussion with your supervisor will produce the kind of communication that helps you find satisfaction and success in your work. In addition, other management team members are always available to talk about issues of importance to you.

## **EMPLOYMENT AT-WILL**

The employment relationship is based on the mutual consent of the employee and the Foundation. Accordingly, the relationship between the employee and the Foundation is for an unspecified term and considered employment at-will. No one other than the Executive Director of the Foundation and the Foundation Board has the right or authority to enter into any agreement on behalf of the Foundation for different terms of employment. Only the Executive Director of the Foundation can enter into an agreement for a specified term or for an employment relationship other than at-will and only if it is done expressly in a written agreement signed both by the Executive Director and the employee. Consequently, the employment relationship with any employee can be terminated at-will, either by the employee, by the Foundation Board of Directors, or by the Executive Director, with or without cause or advance notice. Action by the Executive Director does not require approval by the Foundation Board of Directors. Other than written agreements signed by the Executive Director of the Foundation, this at-will clause supersedes all prior written or oral agreements between the Foundation and any of its employees, directors, or agents and the employee.

## **TERMINATION OF EMPLOYMENT AND AT-WILL EMPLOYMENT RELATIONSHIP**

### **Voluntary Terminations**

If you decide to leave, we ask that you give at least two weeks written notice to the Executive Director. This will give us the opportunity to make the necessary adjustments in our operation. Please return all Foundation property including, but not limited to, computers, keys, and credit cards prior to your departure.

### **Involuntary Terminations**

Employment at Cabrillo College Foundation is for no specified period of time, regardless of length of service. While the decision to commence employment is consensual, the same is not always true when the time comes to terminate the employment relationship. As an at-will employer, the Foundation reserves the right to end the employment relationship at any time, with or without cause or notice. In the event your employment is terminated, you must return all Foundation property to the Executive Director prior to your departure.

### **Exit Interview**

Before leaving, you may be asked to participate in a voluntary exit interview. This will provide closure to your employment with the Foundation and will allow us to ensure that we have resolved various administrative matters, answered any questions about continuation of benefits, and listened to any of your comments or ideas about improving our operations. We would like to know your reasons for leaving and your feedback on working here, your supervisor and the Foundation in general. This information will help us to provide the best possible working conditions.

## **EQUAL EMPLOYMENT PRACTICES**

The Cabrillo College Foundation is an equal-opportunity employer. We are committed as an organization to provide an environment free from any type of unlawful discrimination or harassment. This commitment applies to all persons involved in the operations of the Foundation and prohibits unlawful discrimination by any employee of the Cabrillo College Foundation, including supervisors, board members and co-workers. Our business and personnel practices are designed to insure the full realization of equal-employment opportunity. The Cabrillo College Foundation wants to have the best available person in every job. Our decisions are based on merit, and our policy is to comply fully with all applicable Federal, state and local equal-employment-opportunity laws.

The Cabrillo College Foundation will not discriminate against qualified applicants or employees with respect to any terms or conditions of employment, based on race, color, national origin, ancestry, gender, gender identity, gender expression, sexual orientation, age, religion, creed, physical or mental disability, medical condition, marital status, nationality, ethnicity, citizenship status, military-service status, or any other characteristic protected by state or Federal law or local ordinance.

If you believe that you have been subjected to any form of unlawful discrimination, you should report the facts of the incident or incidents, names of the individuals involved, and the names of



any witnesses to the Executive Director or, alternatively, any supervisor or Board member at the Foundation whom you feel comfortable reporting such conduct. The Foundation will promptly and thoroughly investigate all claims of discrimination and attempt to resolve the situation. If the investigation substantiates the allegations of the complaint, effective remedial action will be taken to stop the conduct from occurring and to prevent it from recurring in the future. The Foundation will also take action to address any loss suffered by an employee as a result of discrimination. The Foundation's decision and related action will be communicated to the reporting employee. No action will be taken against any employee in any manner for reporting or opposing any form of unlawful discrimination and/or unlawful harassment. In addition to a strict policy against unlawful discrimination, the Foundation prohibits retaliation related to reports and investigations of unlawful discrimination.

## **NONDISCRIMINATION POLICY AND COMMITMENT TO HARASSMENT-FREE WORKPLACE**

The Cabrillo College Foundation is committed to maintaining a working environment that is free of unlawful discrimination, including discriminatory harassment, intimidation and/or bullying. Foundation employees must treat each other and those with whom they come in contact, with courtesy and professionalism. The Foundation strongly disapproves of and will not tolerate unlawful harassment including but not limited to harassment based on race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, sex, gender, gender identity, gender expression, sexual orientation, age, disability, military and veteran status, genetic information, or other protected categories. This policy has been developed to ensure a work environment free from harassment. Such harassment can be illegal and extremely harmful both to the persons subjected to it and to the achievement of our mission and goals. This policy is being issued to inform all Cabrillo College Foundation employees what the Foundation considers to be harassment and how the Foundation will respond. The Foundation will make every effort to ensure that all personnel are familiar with this policy and understand that the Foundation will investigate thoroughly and resolve appropriately any complaint of harassment received. We welcome any questions, comments, and suggestions as to how this policy may be improved.

In keeping with this commitment, the Cabrillo College Foundation is committed to maintaining a working environment that is free of unlawful discrimination and harassment. In keeping with this commitment, the Foundation has a "zero tolerance" policy regarding unlawful harassment of any sort by and/or against anyone, including any supervisor, grantee, applicant, co-worker, consultant, client or vendor. We expect you to accomplish your work in a businesslike manner and to respect the dignity and well-being of your fellow employees, grantees, applicants, consultants, clients, vendors and the like. Any employee who has committed acts which are found to be in violation of this Nondiscrimination Policy will be subject to disciplinary action, up to and including dismissal.

The Cabrillo College Foundation believes that the elimination of unlawful harassment begins with its prevention and the Foundation remains committed:

- To publicizing this policy to all employees of the Foundation, and to provide new employees with a copy of this policy when they start employment, to ensure their understanding of their rights and obligations under this policy, and the procedures for filing complaints under this policy;

- To developing methods to sensitize all employees to issues of harassment; and
- To maintaining effective procedures for the enforcement of this policy and for the filing of complaints under this policy.

Prohibited harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based upon a person's protected status, such as race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, sex, gender, gender identity, gender expression, sexual orientation, age, disability, military and veteran status, genetic information or other protected status group, or based upon a protected activity (such as filing a discrimination or harassment complaint or opposing discriminatory practices). This policy applies to all persons involved in the operations of the Foundation and prohibits unlawful harassment by any employee, whether committed by supervisory or non-supervisory personnel.

Unwanted or unwelcome harassment includes: (1) slurs, epithets, threats, degrading remarks, jokes, tricks, insults, teasing or gestures; (2) displaying or passing around objects or pictures offensive, for example, to a protected group; and (3) any conduct which has the purpose or effect of substantially interfering with a person's work performance or of creating an intimidating, hostile or offensive work environment.

### **SEXUAL HARASSMENT POLICY**

It is the policy of the Cabrillo College Foundation to recognize that it is a violation of state and Federal law for any employee or student, male or female, to sexually harass an employee or student. The Foundation considers sexual harassment a serious offense and is firmly committed to the philosophy that every employee and student has the right to be treated with courtesy, dignity, and respect. Every employee and student is expected to adhere to a standard of conduct that is respectful to all persons within the work and learning environment.

In keeping with this commitment, the Foundation maintains and follows a strict policy prohibiting sexual harassment, in any form, including verbal, nonverbal, physical and visual conduct, and/or reprisal. Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a gender related nature made against another person of the same or opposite sex under any of the following conditions: (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. This policy prohibits unlawful sexual harassment by any employee, whether committed by supervisory or non-supervisory personnel, as well as by nonemployees.

Sexual harassment may include, but is not limited to:

- **verbal** conduct such as:
  - repeated offensive or unwelcome suggestive comments, flirtations, advances or explicit sexual propositions

- making or using derogatory comments, epithets, slurs, sexually explicit jokes, or comments about an individual's body or dress
  - making or threatening reprisals after a negative response to sexual advances
  - sexual innuendo, sexually-oriented "kidding," "teasing" or "practical jokes" jokes about gender-specific traits, foul or obscene language or gestures
  - continual or repeated verbal abuse or degrading remarks of a sexual nature
  - sexually degrading words to an individual, or suggestive or obscene letters, notes, cards, e-mails or invitations
  - spreading sexual rumors
- **visual** conduct such as the display of foul, obscene or sexually explicit printed or visual material (including e-mail transmissions and material on your computer screen)
  - **physical** conduct of a sexual nature such as, touching, sexual assault or battery, patting, coerced sexual acts, pinching, hugging, brushing against another's body, impeding, crowding or blocking of normal movements, flirtations which are unwelcome, leering or whistling

This behavior is unacceptable in the workplace itself and in other work-related settings, such as business trips and business-related social events.

## **HOW TO REPORT VIOLATIONS - OUR COMPLAINT PROCEDURE FOR UNLAWFUL DISCRIMINATION**

Complaints regarding unlawful discrimination, bullying, and/or sexual harassment will be investigated under this policy. The Foundation designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with state and Federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, as well as to investigate and resolve complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying based on race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, sex, gender, gender identity, gender expression, sexual orientation, age, disability, military and veteran status, genetic information or other protected status group, or based upon a protected activity (such as filing a discrimination or harassment complaint or opposing discriminatory practices).The coordinator/compliance officer(s) may be contacted at:

Accounting and Human Resources Manager  
Title or position

Cabrillo College Foundation, 3500 Soquel Dr., Aptos, CA 95003  
Address

(831) 479-6338  
Telephone number

namachad@cabrillo.edu  
Email

The Foundation has established a consistent reporting process to investigate and resolve allegations of unlawful discrimination, including discriminatory harassment, intimidation and/or bullying. If you feel you have witnessed or experienced prohibited harassment, please *immediately* bring it to the attention of your supervisor, the Accounting and Human Resources Manager, the Executive Director, the President of the Board or any supervisor to whom you would feel comfortable reporting the complaint. You are encouraged to give a written or verbal report of such prohibited discrimination or harassment promptly to prevent the conduct from becoming severe and widespread, even though you may be reluctant to report such conduct. Your complaint should be as detailed as possible, including the names of individuals involved, the names of any witnesses, the dates and times of the alleged harassment, direct quotations when language is relevant, and any documentary evidence (notes, pictures, cartoons, *etc.*). A claim of harassment may exist even if the employee has not lost a job or some economic benefit.

All such internal complaints will be investigated promptly, objectively and thoroughly. All investigations will be handled with discretion, sensitivity and concern for the dignity of those involved and will be as thorough as necessary. Anyone who is alleged to have committed acts of harassment will be contacted during the investigation and permitted to respond to the specific allegations. If the investigation substantiates that misconduct has occurred, effective and appropriate remedial action will be taken consistent with the circumstances involved. Any employee whose conduct has been found to violate this policy will be subject to remedial action (such as training or counseling) and/or disciplinary action that could range from a warning and a reprimand, up to termination of employment, depending on the circumstances. Within the limits of individual rights to privacy, all parties involved (including the person reporting the conduct) will be informed of the results of the investigation. In addition, we will follow up on the investigation to ensure that the problem has been resolved, that any inappropriate conduct (if shown) has ended and that no retaliation has occurred. Finally, all documentation concerning the complaint and the investigation will be maintained in a file separate from the personnel file of the person making the complaint.

No employee will suffer retaliation or intimidation as a result of using our internal complaint procedure or voicing a complaint. Retaliation is a serious violation of this policy and should be reported immediately. The Cabrillo College Foundation will not knowingly retaliate against someone who makes a complaint and will not tolerate retaliation against an individual for reporting discrimination/harassment, assisting in making a discrimination/harassment complaint, or cooperating in an investigation. Any person found to have retaliated against another individual for reporting conduct in violation of this policy will be subject to the same disciplinary action provided for individuals whose conduct is found to be a violation of this policy.

In addition to the Foundation's internal complaint procedure, employees should also be aware that the Federal Equal Employment Opportunity Commission (EEOC) and appropriate state agencies (such as the California Department of Fair Employment and Housing (DFEH)) investigate and may prosecute complaints of unlawful discrimination in employment. Employees or applicants who believe that they have been unlawfully discriminated against may file a complaint with either of these agencies.

## **A WORD ABOUT LIABILITY FOR DISCRIMINATION**

Any employee, whether a co-worker or supervisor or manager, who is found to have engaged in prohibited discrimination is subject to disciplinary action, up to and including discharge from employment. Any employee who engages in prohibited discrimination may also be held personally liable for monetary damages in any legal action. Any supervisor of the Cabrillo College Foundation who knows about unlawful discrimination and takes no action to stop it or fails to report the unlawful conduct to the Executive Director or the Foundation Board President may also be subject to discipline up to and including discharge.

We have developed this Policy to ensure that all of our employees can work in an environment free from unlawful discrimination prohibited by Foundation Policies. The Cabrillo College Foundation will make every effort to ensure that all its personnel are familiar with this Policy and know that any complaint will be thoroughly investigated and appropriately resolved.

## **CHILD ABUSE REPORTING**

The law requires that any mandatory reporter to report immediately suspected or known instances of child abuse to the appropriate authorities.

The reporting duties under this law are individual. No supervisor may impede or inhibit the reporting duties, and no employee making a report shall be subject to any sanction for making the report. However, the employee making the report must follow approved procedures for reporting the incident. The reports are confidential, and violation of the confidentiality requirements is punishable as a misdemeanor.

## **PROTECTING CONFIDENTIAL INFORMATION OF THE FOUNDATION**

Information about the Cabrillo College Foundation, its directors, employees, consultants, donors, and vendors is to be kept confidential and released only to individuals within the Cabrillo College Foundation with both a need to receive and authorization to receive the information. If in doubt as to whether information should be released, you should err in favor of not disclosing information and discuss the situation with your supervisor, the Executive Director, or one of the Foundation's officers.

All records and files maintained by the Foundation are confidential and remain the property of the Cabrillo College Foundation. Records and files are not to be disclosed to any outside party without the express permission of Executive Director. Confidential information includes (whether hard copy, stored electronically or otherwise) information not otherwise generally known to the public, such as: financial records; presentation materials, business, marketing, and strategic plans; personnel and payroll records regarding current and former employees; personal information about board or staff, including their home address, cell numbers, personal email address and home telephone number; the identity of, contact information for, and any other account information on program recipients, consultants, and vendors; and any other documents or information regarding Foundation operations, procedures, or practices. Confidential information may not be removed from the offices of the Cabrillo College Foundation without express authorization typically in writing.

Confidential information obtained during or through employment with the Foundation may not be used by any employee for the purpose of furthering current or future outside employment or activities or for obtaining personal gain or profit. The Foundation reserves the right to take any legal action to prevent impermissible use of confidential information and to recover damages incurred as a result of the impermissible use of confidential information. Employees may be required to enter into written confidentiality agreements confirming their understanding of the confidentiality policies of Foundation.

## **CONFIDENTIAL INFORMATION AND MOBILE TECHNOLOGY**

Due to their obvious small size and portability, laptops and tablets (such as an iPad or a Droid tablet) require special care, whether they are equipment issued by the Foundation or equipment personally owned by the employee. Any Cabrillo College Foundation confidential information stored on a laptop (or other portable electronic storage device such as a flash drive or external hard drive) must be protected from disclosure as a result of theft or other loss. Confidential information should not be stored on a laptop in the first place or otherwise copied for the Foundation network. Authorization to store confidential information on a Foundation laptop must always be first obtained from the Executive Director and such information must always be encrypted when authorization is given. Violation of this policy will be dealt with severely and may result in disciplinary action, up to and including termination.

Finally, because technology exists to intercept cell phone conversations, employees should always be sensitive to this risk and take proper precautions when discussing confidential or sensitive matters on a cell phone in or outside of the Foundation office.

## **ETHICAL STANDARDS AND COMPLIANCE WITH THE LAW**

The Cabrillo College Foundation has an excellent reputation for conducting its business activities with integrity, fairness and in accordance with the highest ethical standards. The Foundation is committed to maintaining the highest standards of conduct and ethics. The Foundation's policy is to comply with all laws and regulations that apply to its business, regardless of the jurisdiction in which the business is conducted. All Foundation employees contribute to our reputation, one of our most valuable assets. As an employee, you enjoy the benefits of that reputation and are obligated to uphold it in every business activity. If you are ever in doubt whether an activity meets our ethical standards, please discuss it with the Executive Director or the Board President.

## **WHISTLEBLOWER POLICY**

### **Fraudulent or Dishonest Conduct**

This Whistleblower Policy reflects the practices and principles of behavior that support the Foundation's commitment to maintaining the highest standards of conduct and ethics. Every employee is expected to read and understand the Whistleblower Policy and its application to the performance of his or her responsibilities.

The Foundation will investigate any possible fraudulent or dishonest use or misuse of Foundation resources or property by management, staff, or volunteers. The Foundation will take appropriate action against anyone found to have engaged in fraudulent or dishonest conduct, including disciplinary action by the Foundation, or civil or criminal prosecution when warranted.

All employees of the Foundation are encouraged to report possible fraudulent or dishonest conduct (i.e., to act as a “whistleblower”), pursuant to the procedures set forth in the next section.

### **How to Report**

Concerns about possible fraudulent or dishonest use or misuse of resources, information or property should be reported directly to the Executive Director, the Chair of the Audit Committee, the Chair of the Finance Committee, or the Foundation Board President.

Definition of Fraudulent or Dishonest Conduct: a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limit to:

- Forgery or alteration of documents;
- Unauthorized alteration or manipulation of computer files;
- Fraudulent financial reporting;
- Pursuit of a benefit or advantage in violation of the Foundation’s conflict of interest policy;
- Misappropriation or misuse of Foundation resources, such as funds, supplies or other assets;
- Authorizing or receiving compensation for goods not received or services not performed;
- Authorizing or receiving compensation for hours not worked.

### **Whistleblower Protection**

Employees of the Foundation may not retaliate against a whistleblower for informing management about an activity which that person believes to be fraudulent or dishonest. Examples of retaliation include conduct taken with the intent or effect of adversely affecting the term or conditions of the whistleblower’s employment, including but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages. Whistleblowers who believe that they have been retaliated against may file a written complaint with the Executive Director, the Chair of the Audit Committee, the Chair of the Finance Committee, or the Foundation Board President. Any report of retaliatory conduct will be objectively, timely and thoroughly investigated. If a report of retaliation is substantiated, appropriate disciplinary action, up to and including discharge, will be taken. If you have questions on the interpretation of this policy, contact the Executive Director. If your questions relate to the Executive Director you should contact Foundation Board President.

### **CONFLICTS OF INTEREST**

Our employees are expected to devote their best efforts and attention to the full time performance of their jobs. Employees are expected to use good judgment, to adhere to high ethical standards, and to avoid situations that create an actual or potential conflict between the employee's personal interests and the interests of the Cabrillo College Foundation. The Cabrillo College Foundation maintains a high standard of conduct. The integrity of the Foundation is a valuable asset and is determined by the conduct of all employees. A conflict of interest exists when the employee's loyalties or actions are divided between Cabrillo College Foundation's interests and those of another. Both the fact and the appearance of a conflict of interest should be avoided. Employees unsure as to whether a certain transaction, activity, or relationship constitutes a conflict of interest should discuss it with their immediate supervisor, or the Executive Director. Any exceptions to this guideline must be approved in writing by the Executive Director.

This guideline does not attempt to describe all possible conflicts of interest that could develop. Some of the more common conflicts from which employees should refrain, however, include the following:

1. Representing the Foundation in any transaction in which he/she has any undisclosed material connection of undisclosed financial interest. Such interest must always be disclosed.
2. Accepting personal gifts or entertainment from vendors, program grant recipients, or potential vendors.
3. Working for a vendor.
4. Using proprietary or confidential Foundation information for personal gain or to the Cabrillo College Foundation's detriment.
5. Using Foundation property, equipment or labor for personal use.
6. Committing the Foundation to give its financial or other support to any outside activity or organization.
7. Developing a personal relationship with a subordinate employee of Foundation that might interfere with the exercise of impartial judgment in decisions affecting the Foundation or any employees of the Cabrillo College Foundation.

If an employee or someone with whom an employee has a close relationship (a family member or close companion) has a financial or employment relationship with a program grant recipient or potential grant recipient, vendor or potential vendor, the employee must disclose the relationship to the Executive Director. Employees should be aware that if they enter into a personal relationship with a subordinate employee or with an employee of a program grant recipient or potential grant recipient, vendor or potential vendor, and your position may influence a business decision as to that entity, a conflict of interest may exist that requires full disclosure to the Cabrillo College Foundation.

Failure to adhere to this guideline, including failure to disclose any potential or actual conflicts or to seek an exception, may result in discipline, up to and including, termination of employment.

## **NON-FRATERNIZATION**

The Cabrillo College Foundation desires to avoid misunderstandings, actual or potential conflicts of interest, and complaints of favoritism, possible claims of sexual harassment, and the employee morale and dissension problems that can potentially result from romantic relationships between managerial, supervisory and other employees within the Foundation.

Employees, both managerial and non-managerial, are discouraged from becoming romantically involved with other employees. Supervisors are prohibited from dating or pursuing romantic or



sexual relationships with employees whom they supervise, directly or indirectly. In the case of any such relationship, the Foundation, in its sole discretion, may determine that the personal relationship in question creates a conflict of interest, cause legal liability, or present concerns regarding supervision, safety, security or morale. In such a situation, the Foundation may take whatever action it deems appropriate, up to and including transfer or termination.

Any supervisor involved in such a relationship should immediately fully disclose the relevant circumstances to management so that a determination can be made as to the effect of the relationship on the Foundation. Failure to notify can result in disciplinary action, up to and including termination.

### **OUTSIDE EMPLOYMENT**

In general, the Cabrillo College Foundation does not seek to interfere with an employee's off-duty activities. However, the Foundation prohibits outside employment (including self-employment) that conflicts with employment at the Foundation, impacts the employee's work performance or schedule, and/or affects the business interests of the Foundation. If you have any questions about this policy, please contact the Executive Director.

### **USE OF FOUNDATION EQUIPMENT**

The Foundation's equipment, such as telephone, postage, facsimile and copier, is intended to be used for business purposes. An employee may only use this equipment for non-business purpose in an emergency and only with the permission of his or her supervisor. Personal usage, in an emergency, of these or other equipment that results in a charge to the Foundation (such as personal long distance telephone calls) should be reported immediately to the Accounting office so that reimbursement can be made.

#### **Telephone Use**

Personal telephone calls during work time (whether on Foundation phones or personal cell phones) should be kept to a minimum. Personal telephone calls disrupt the employee's work, and also the work of other employees in the vicinity. Use common sense, tact, and good judgment. Employees should make personal telephone calls on breaks or during their lunch hour.

The Foundation understands that there may be rare occasions when an employee may need to take care of emergency personal business using a cell phone and permits such very limited interruptions as explained above. Use of a cell phone, however, for personal business must be kept to a minimum. The Foundation reserves the right to ban cell phone use in the work area when the privilege is abused as determined by the employee's supervisor.

### **USE OF ELECTRONIC INFORMATION SYSTEMS**

The Cabrillo College Foundation provides various Electronic Information Systems to authorized employees to assist them in performing their job duties for the Foundation. Each employee has a responsibility to use the Foundation's Electronic Information Systems in a manner that increases productivity, enhances the Foundation's public image, and is respectful of other employees. Failure to follow the Foundation's policies regarding Electronic Information Systems may lead to loss of access and/or disciplinary measures, up to and including termination of employment.

Moreover, the Foundation reserves the right to advise appropriate legal authorities of any violation of law by an employee.

Cabrillo College Foundation Electronic Information Systems consists of all electronic devices, software, and means of electronic communication including, but not limited to, the following: telephones; email, fax machines, modems, copiers, voicemail systems, personal computers, external hard drives, flash drives, cellular phones/PDAs (such as iPhones, Droid-based cell phones and Blackberries *etc.*); personal organizers; pagers, laptops, netbooks, tablets, Foundation-run networks, and network servers; computer software applications and associated files and data, including software that grants access to external services, such as the Internet; email and instant messaging (IM).

**PLEASE NOTE: All persons using the Foundation's Electronic Information Systems are on notice that the Foundation reserves the right to access, search, review, and copy all information on its Electronic Information Systems (including information that the user might consider personal). Employees should expect that any information placed on the system may be read or reviewed without notice to the employee.**

Employees shall not:

- Misrepresent their identity, position or responsibilities when accessing, composing, sending or receiving communications or information on the systems;
- Bypass the virus scanning software and procedures established by the IT Department.
- Use the systems for personal gain or to solicit, proselytize or promote any matters not related to the business of Cabrillo College Foundation including, without limitation, commercial matters, religious or political causes or outside organizations;
- Use the systems to transmit Foundation confidential business information, copyrighted materials, trade secrets, proprietary financial information or privileged information, whether or not it has been designated as such, without prior authorization;
- Use the systems to send, receive, store, copy or utilize copyrighted materials, trade secrets, proprietary financial information, or similar materials belonging to any other person or entity without their written authorization;
- Access or attempt to access any communication or information that is not sent to or intended for them;
- Use another employee's password or code without prior approval of the employee and/or Foundation management;
- Use the systems in a manner that unnecessarily increases the cost of operating the systems, such as unnecessarily attaching documents or files to email and Internet communications;
- Use the systems for any purpose or in any manner otherwise inconsistent with Foundation's policies, nor shall employees use the systems in a manner or for a purpose which is fraudulent, deceptive or which violates any laws, rules or regulations.

While the Foundation permits its employees to engage in occasional personal use of the Foundation's Electronic Information Systems, employees using the Foundation's systems for personal use should do so with the understanding that such use:

- must not in any way interfere with or impede the Foundation's business;
- be undertaken on personal time, be occasional and minor;
- not interfere with the employee's, or another employee's, job responsibilities;
- not interfere with use of or damage the Foundation Electronic Information Systems;
- must be promptly discontinued at the request of the Foundation's management; and
- is expressly subject to all of the provisions of this Guideline (as well as all other applicable Foundation Policies and Guidelines).

In particular, employees are expected to exercise good judgment and restraint in their personal use of the Internet. Cabrillo College Foundation assumes no liability for loss, damage, destruction, alteration, disclosure, or misuse of any personal data or communications transmitted over or stored on the Electronic Information Systems. The Foundation accepts no responsibility or liability for the loss or non-delivery of any personal electronic mail or voicemail communications or any personal data stored on any Foundation property. The Foundation strongly discourages employees from storing any personal data on any of the Foundation's Electronic Information Systems.

### **Prohibited Uses:**

Foundation electronics systems *shall not* be used for any of the following unacceptable practices:

- Viewing, storing, downloading or forwarding pornographic or sexually explicit images or other obscene material.
- Sending email that is obscene, racist, harassing, abusive, intimidating, or otherwise offensive or unlawfully discriminatory.
- Any form of hacking, including attempting to gain access to restricted resources inside or outside the Foundation's network; impersonating another user; and/or damaging or depleting the file of another user.
- Downloading, installing or using unlicensed or unauthorized software.

### **Acts that might create a "hostile environment"**

Use of the systems in a way that violates the Foundation's Policy against unlawful discrimination including harassment or to circulate or intentionally access material that is obscene, pornographic, offensive, threatening, defamatory, objectionable or unwelcome to coworkers is expressly prohibited.

### **E-Mail Policy**

Every Foundation employee is responsible for using the electronic mail (e-mail) system properly and in accordance with this policy. Employees have no right of personal privacy in any matter stored in, created, received, or sent over the Foundation e-mail system. Any questions about this policy should be addressed to the Executive Director.

The e-mail system is the property of the Cabrillo College Foundation. The Foundation provides e-mail access for use in conducting Foundation business. All communications and information transmitted by, received from, or stored in this system are Foundation records and property of the Foundation.

The Foundation, in its sole discretion as owner of the e-mail system, reserves and may exercise the right to monitor, access, retrieve, and delete any matter stored in, created, received, or sent over the e-mail system, for any reason and without the permission of any employee. Even if employees use a password to access the e-mail system, there is no confidentiality of any message stored in, created, received, or sent from the Foundation e-mail system. Use of passwords or other security measures does not change in any way the Foundation's rights to access materials on its system, or create any privacy rights of employees in the messages and files on the system. Any password used by employees must be revealed to Foundation management as e-mail files may need, for example, to be accessed by the Foundation in an employee's absence. Employees do not have a right or expectation of privacy in their use of the Foundation's e-mail system, internet or equipment.

Employees should be aware that deletion of any e-mail messages or files may not truly eliminate the messages from the system. All e-mail messages are stored on a central back-up system in the normal course of data management. Even though Foundation has the right to retrieve and read any e-mail messages, those messages should still be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to independently retrieve or read any e-mail messages that are not sent to them.

The Foundation's policies against unlawful discrimination including sexual or other harassment apply fully to the e-mail system, and any violation of those policies is grounds for discipline up to and including discharge. Therefore, no e-mail messages should be created, sent, or received if they contain intimidating, hostile, defamatory or offensive material concerning race, color, religion, sex, age, national origin, disability or any other classification protected by law.

The e-mail system may not be used to solicit for religious or political causes, commercial enterprises, outside organizations, or other non-job related solicitations. The e-mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary business and financial information, or similar materials without prior authorization from Foundation management. Employees, if uncertain about whether certain information is copyrighted, proprietary, or otherwise inappropriate for transfer, should resolve all doubts in favor of not transferring the information and consult the Executive Director.

Users should routinely delete outdated or otherwise unnecessary e-mails and computer files. These deletions will help keep the system running smoothly and effectively, as well as minimize maintenance costs. Employees are reminded to be courteous to other users of the system and always to conduct themselves in a professional manner. E-mails are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. E-mail records and computer files may be subject to discovery in litigation; users should write e-mail communications with no less care, judgment and responsibility than they would use for letters or internal memoranda written on Foundation letterhead.

Any employee who discovers misuse of the e-mail system should immediately contact your supervisor or the Executive Director. Violations of the Foundation's e-mail policy may result in disciplinary action up to and including termination.

As noted above, the Foundation reserves the right to modify this policy at any time, with or without notice.

### **Sending or Receiving Unsolicited E-mail (spamming)**

Employees may not utilize the e-mail system to send unsolicited bulk e-mails (“spam”), without the express permission of their supervisors. Employees should not respond to unsolicited e-mails, including responding to unsolicited e-mails to request to be removed from a mailing list. Responding to spam may inform the spammer that they reached a real e-mail address and may result in even more spam being sent. Any employee who sends unsolicited e-mail without the express permission of their supervisors may be subject to disciplinary action up to and including termination. Any employee who receives unsolicited e-mail should immediately contact their supervisor or the Executive Director.

### **Internet Policy**

The Cabrillo College Foundation recognizes that the Internet can be a valuable source of information and research to the Foundation’s business. Certain employees may be provided with access to the Internet to assist them in performing their jobs. In addition, e-mail can provide excellent means of communicating with other employees, our program grant recipients, members of our giving community, outside vendors, and other businesses. Use of the Internet, however, must be tempered with common sense and good judgment. Employees are expected to use good judgment in Internet use.

### **Disclaimer of Liability for Use of Internet**

The Cabrillo College Foundation is not responsible for material viewed or downloaded by users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.

Management approval is required before anyone can post any information on commercial on-line systems or the Internet. Any approved material that is posted should obtain all proper copyright and trademark notices. Absent prior approval from the Foundation to act as an official representative of the Foundation, employees posting information must include a disclaimer in that information stating, "Views expressed by the author do not necessarily represent those of the Cabrillo College Foundation."

### **Duty to Not Waste Computer Resources**

Employees must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others or that interfere with the ability of the Foundation to do its work. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic.

Because audio, video and picture files require significant storage space, files of this or any other sort may not be downloaded unless they are business-related.

### **Monitoring Computer Usage**

Cabrillo College Foundation has the right, but not the duty, to monitor any and all of the aspects of its computer system, including, but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users as noted above in the Email Policy Section. Monitoring includes the review, copying or deletion of e-mail messages, or the disclosure of such messages or files to other authorized persons.

### **Blocking of Inappropriate Content**

The Foundation may use software to identify inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by Foundation networks. In the event you nonetheless encounter inappropriate or sexually explicit material while using the Internet, immediately disconnect from the site, regardless of whether the site was subject to Foundation blocking software.

### **Games and Entertainment Software**

Employees may not use the Foundation's Internet connection to download games or other entertainment software, or to play games over the Internet.

### **Accessing the Internet/Virus Protection**

Files obtained from sources outside the Foundation, including disks brought from home; files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to e-mail; and files provided by customers or vendors may contain dangerous computer viruses that may damage the Foundation's computer network. Employees should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-Foundation sources, without first scanning the material with Foundation-approved virus checking software. If you suspect that a virus has been introduced into the Foundation's network, notify the Executive Director immediately.

Under no circumstances are employees permitted to use the Foundation's Electronic Information Systems to access, download, or contribute to Internet sites that contain inappropriate content such as gross, indecent, or sexually-oriented materials; gambling; and information related to illegal drugs. Additionally, employees may not use the Foundation's Electronic Information Systems to sign guest books at Web sites or to post information to any Web sites, including posting messages to Internet news groups or discussion groups at Web sites. These actions will generate junk electronic mail and may expose the Foundation to liability or unwanted attention because of comments that employees may make. Employees who wish to access the Internet for non-work-related activities are expected to obtain their own personal Internet access accounts.

### **Blogging/Social Media (e.g. Facebook, Pinterest, Google+)**

The Cabrillo College Foundation respects the right of its employees to have personal blogs or engage in blogging or social media on their own time using their personal computers. Employees posting information relating to the business and activities of the Foundation that have not been

authorized by the Foundation to be posted must include a disclaimer in that information stating, "Views expressed by the author are not made on behalf of the Foundation and do not necessarily represent those of the Cabrillo College Foundation." Some common sense tips to avoid problems:

***Don't Release Confidential Information.*** Common sense at work here; it's perfectly OK to talk about your work and have a dialog with the community, but it's **not** acceptable to publish the confidential information of the Foundation. Do not disclose personal information about other individuals. There's an official policy on protecting the Foundation's confidential information, but there are still going to be judgment calls. If the judgment call is tough, you should have the Executive Director sign-off before you publish.

***Think About Consequences.*** It's all about judgment: using your weblog or social media to disparage or embarrass the Foundation, its program recipients, donors or your co-workers, is not acceptable. You are expected to uphold Foundation's reputation for integrity. In particular, ensure that your comments are truthful, accurate, fair and can be substantiated, and avoid disparaging or defamatory comments about individuals. If you have concerns about the Foundation, its operation or staff, you need to bring those concerns to the attention of the Foundation (Executive Director or Foundation Board President) so that they may be addressed in a constructive manner.

***Disclaimers.*** As noted above, depending on what you are blogging or communicating in social media, a disclaimer may be required by the Foundation. Many bloggers put a disclaimer on their front page saying who they work for, but that they're not speaking officially. This is good practice, but don't count on it to avoid trouble; it may have limited legal effect.

## **LICENSE RESTRICTIONS AND ILLEGAL COPYING**

All software in use on the Foundation's Electronic Information Systems is officially licensed software. No software is to be installed or used that has not been duly paid for and licensed appropriately for the use to which it is being put. No employee may load any software on the Foundation's computers, by any means of transmission, unless authorized in writing in advance by your supervisor. Authorization for loading software onto the Foundation's computers should not be given until the software to be loaded has been thoroughly scanned for viruses.

Employees may not illegally copy material protected under copyright law or make that material available to others for copying. You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material you wish to download or copy. You may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of the Executive Director.

## **DRIVING ON FOUNDATION BUSINESS**

The Foundation will reimburse at the rate established by the Internal Revenue Service for mileage on Foundation business. If you drive your own personal vehicle on Foundation business, you need to:

- Possess and carry a current, valid California driver's license.
- Carry proof of auto insurance in the car at all times.
- Practice defensive driving techniques at all times to guard your safety and the safety of others. Abide by all safety regulations, such as wearing a seat belt, and abide by all traffic regulations, laws and ordinances.
- Promptly and properly report all accidents, including personal injury, to your immediate supervisor regardless of whether there is apparent damage and/or injury.
- Never operate a Foundation vehicle or a personal vehicle on Foundation business when you are under the influence of alcohol or drugs.
- The Foundation's insurer may make periodic checks of the driving records of employees whose duties include driving on Foundation business. Please contact the Executive Director immediately if you have more than two points on your driving record and/or are convicted of driving under the influence of alcohol or drugs.

If your position with the Foundation requires the use of a personal vehicle in order to perform an essential function of your job, you must supply the Foundation with proof of insurance which provides for the following minimum levels of coverage:

- Bodily injury coverage of \$100,000 per person and \$300,000 each accident and property damage coverage of \$50,000 per accident; or
- \$300,000 combined single limit.

Staff who have a minimum of \$300,000 combined single limit are allowed to drive and transport passengers on Foundation business. Staff members who do not meet the minimum of \$300,000 combined single limit are not allowed to drive on Foundation business.

Failure to comply with our policy on the use of a Foundation or personal motor vehicle will result in disciplinary action up to and including termination.

### **Safe Practices When Driving**

In the course of daily operations, employees may find themselves traveling or needing to place a business call while out on the road. Safety must be the first priority while driving on Foundation business. Employees should wear safety belts, follow all posted signs and speed limits and take sufficient breaks when driving for extended periods of time. Many driving accidents are attributed to “driver inattention.” Anything --- drinking coffee, reading a map, changing the radio station or talking on a cell phone --- that distracts the driver from this focus, is a concern. Drivers should make every effort to minimize distractions. Drive responsibly.

### **Cell Phones & Driving**

The Cabrillo College Foundation encourages the safe use of cellular telephones by employees who use such telephones to conduct Foundation business. Use of cellular phones by employees while driving on Foundation business should be kept to an absolute minimum and any use while driving must be in strict compliance with any legal requirements. Effective July 1, 2008, California law prohibits any cell phone use while driving unless the driver’s hands are freed up through a hands-free device (such as Blue Tooth, a headset or a cell phone integrated with the vehicle’s speaker



system). As a result, try to plan your cell phone calls so they can be made before you start driving. The following are some common sense rules to guide you:

- Use extreme care when using cellular phones while driving; avoid making unnecessary calls; personal, non-business phone calls are to be avoided;
- Keep the phone where it is easy to reach and see in order to avoid looking away from the road while driving;
- Familiarize yourself with your cell phone's operations before use;
- Try to avoid dialing while driving: have a passenger dial the number for you; pull to the side of the road to a safe area and stop the vehicle, then make the call; use a cell phone with programmable dialing for frequently used numbers or voice-activated dialing;
- Let the party you are speaking to know that you are on a cell phone;
- Keep conversations to a minimum.
- Be ready to end your conversation if driving conditions become hazardous or if safety is compromised;
- Don't read or take notes while driving;
- Let your cell phone voicemail pick up incoming calls when you are driving.

Finally, because technology exists to intercept cell phone conversations, employees should always be sensitive to this risk and take proper precautions when discussing confidential or sensitive matters.

Employees who are found to have violated this policy may be subject to disciplinary action up to and including termination from employment.

## **EXTERNAL COMMUNICATIONS**

Occasionally, employees may be contacted by outside sources requesting information about Foundation matters, including information regarding current or former employees, Foundation projects, or other workplace issues. In order to avoid providing inaccurate or incomplete information to outside sources, any employee contacted by any outside source regarding the Foundation should not share information and immediately contact the Executive Director.

### **Media Inquiries**

All media inquiries regarding the Foundation and its operations must be referred to the Executive Director. Only the Executive Director is authorized to make or approve public statements pertaining to the Foundation or its operations. No employee, unless specifically designated by the Foundation Executive Director, is authorized to make those statements. Any employee wishing to write, publish, post, blog or communicate through social media an article, paper, or other publication on behalf of the Cabrillo College Foundation must first obtain approval from the Executive Director before publication.

## **II. COMPENSATION AND WORK HOURS**

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### **CATEGORIES OF EMPLOYEES**

There are four (4) general payroll classifications of employment as shown below:

#### **Full-Time**

Full-time employees are defined as those employees who are hired to work on a regular basis for forty (40) or more hours per week. They are eligible for the following benefits in addition to the government-administered benefits (i.e., social security, worker's compensation, unemployment insurance, and state disability).

Holidays

Paid Time Off (PTO)

Group Medical and Dental Insurance

Life Insurance

Short term and Long term Disability

Administrator Retiree Medical and Dental Benefits for those hired prior to August 20, 2009

Retirement:

CalPERS

403(b)

457(b) for Executive Director only

Section 125 Flexible Benefits Program

#### **Part-Time Eligible Employees**

Part-time eligible employees are those scheduled to work fewer than 40 hours per week and 20 hours or more per week on a regular basis. Part-time employees scheduled for at least 20 hours per week on a regular basis (commonly referred to in these policies as "eligible" employees) are entitled to the same benefits as full-time employees on a prorated basis. For example, an employee scheduled for 20 hours per week is entitled to 50% of the benefits allowed a full-time employee.

#### **Part-Time Non-Eligible Employees**

Part-time non-eligible employees scheduled to work fewer than 20 hours per week, receive government-administered benefits such as applicable workers compensation and social security. Participation in CalPERS is required if they are already a member of the CalPERS retirement system and may participate in the 403(b) plan.

#### **Temporary Employees**

Temporary employees are defined as those employees holding jobs of limited duration such as seasonal positions, usually not to exceed 39 consecutive weeks in one year. A temporary employee will not change from temporary status to another status unless specifically informed of such change, in writing, by the Executive Director. Temporary employees receive government-administered benefits and will participate in CalPERS if they are already a member of the CalPERS retirement system.

## **WORK WEEK/BUSINESS HOURS**

Our standard work week consists of 40 hours scheduled within seven consecutive days. For accounting purposes, your pay covers time worked from 12:01 a.m. Monday through midnight on Sunday. Standard office hours are from 8:30 a.m. to 5:00 p.m., with a half-hour unpaid lunch, Monday through Friday, and the payroll week for computing overtime ends at midnight Sunday. Your specific hours of employment will be reviewed with you prior to employment or reassignment. The standard workweek may change from time to time because of operational needs and business requirements. Although the Foundation will work with an employee to arrange a convenient work schedule, the Foundation reserves the right to establish the final schedule.

## **REST PERIODS AND MEAL PERIODS**

### **Rest Periods**

It is express Foundation policy to authorize and permit all employees to take paid rest periods in accordance with the law and/or regulation. Insofar as practicable a rest period shall be scheduled in the middle of each four hour work period. The authorized rest period time shall be based on the total hours worked daily at the rate of ten (10) minutes net rest time per four (4) hours of work, or major fraction thereof. A person working 8 hours per day will receive two (2) breaks of ten (10) minutes each. Rest periods may not be combined with meal periods or added onto meal periods, even at an employee's request. Rest periods may not be used to shorten the work day (beginning or end time).

### **Meal Periods**

Employees will be provided an unpaid meal period of at least 30 minutes if working more than five hours in accordance with applicable law and/or regulation. Meal periods are mandatory. It is express Foundation policy that during meal periods, employees are to be relieved of all duty, cannot perform any work and are free to leave the office. Employees are required to record "beginning and ending" times on their time cards for each meal period.

### **Compliance**

The Foundation will assume that employees are taking their meal and rest periods, unless the employee indicates otherwise. Any employee who believes that he or she is not being given rest periods or meal periods, or is being pressured or asked not to take his or her meal or rest periods by a supervisor should immediately contact the Executive Director. The Foundation will make any premium pay payments required by law for denied rest or meal periods. There will be no retaliation against any employee who comes forward with a complaint or concern as to meal or rest periods.

### **Expressing Milk**

The Foundation will provide a reasonable amount of break time to reasonably accommodate employees desiring to express breast milk for the employee's infant child. Such break time should be taken as concurrently with the employee's rest period as possible.

## **PAY PERIODS**

Paydays are once a month. Generally payday is on the last day of each month unless the last of the month is on a holiday, Saturday or Sunday in which case the payday is the last working day of the month. A service available to our employees is direct deposit via an automatic payroll deposit. If

you have a checking or savings account at any bank we encourage you to use this service. Please contact your supervisor for details. The Cabrillo College Foundation reserves the right to discontinue the service at any time for any reason.

## **OVERTIME**

Cabrillo College Foundation provides compensation for all overtime hours worked by non-exempt employees in accordance with California and Federal law. For purposes of determining which hours constitute overtime, only actual hours worked in a given workday or workweek will be counted. We will attempt to distribute overtime evenly and accommodate individual schedules. Only those hours that are actually worked are added together to determine an employee's overtime eligibility and pay. Compensated holidays and use of paid leave time, for example, are not hours worked and, therefore, are not counted in making overtime calculations.

Some employees, due to the nature of the position they work, in are exempt from the overtime pay requirements of the law. Exempt employees are paid on a salary basis and are in executive, administrative, or professional positions. Deductions from the compensation of exempt employees will be made in accordance with the law. Employees exempt from overtime pay are informed of their status upon employment, transfer or promotion.

From time to time, you may be required to work overtime. Overtime may occur before or after the regular workday, on the weekend or on a holiday. You are expected to be flexible and available for overtime work when requested.

You may not work overtime unless you are authorized to do so in advance by your supervisor. If you continuously work overtime without permission, you may be disciplined, up to and including termination.

## **TIME CARDS**

Non-exempt employees must record their actual time worked for payroll and benefit purposes for the current pay period. Non-exempt employees shall record the time work begins and ends, as well as the beginning and ending time of each meal period. Non-exempt employees must also record any departure from work for any non-work-related reason. It is your responsibility to accurately record time on your time card and to certify the accuracy of all time recorded. Any errors in your timecard should be reported immediately to the Foundation's Accounting Department, who will correct confirmed errors.

All time worked by non-exempt employees, whether scheduled or unscheduled, overtime or straight time, authorized or unauthorized, must always be recorded exactly as it occurred. Working "off the clock" is expressly prohibited. An employee should immediately report to the Executive Director, any request/instruction by a supervisor to not record all time worked and work off the clock. Such conduct by a Foundation manager or supervisor is a violation of Foundation policy and will be dealt with severely.

Time cards must show hours worked during the current pay period. Sign the time cards in ink. No employee (except supervisors) can write on another employee's time card. Altering, falsifying, and/or tampering with time records, or recording time on another employee's time record, or

encouraging such activity is prohibited, and all such activity is subject to disciplinary action, up to and including termination of employment. Any employee found falsifying time worked will be subject to disciplinary action, up to and including immediate dismissal.

## **SALARY**

### **Salary Schedule**

Employee compensation shall be determined from the Foundation Employee Salary Schedules for the fiscal year. Salary schedules can be found on the Foundation's website. The Executive Committee approves Foundation Employee Salary Schedule annually.

### **Salary Advances**

The Cabrillo College Foundation does not give salary advances to employees. Any questions relating to this matter should be discussed with the Executive Director.

## **DEDUCTIONS FROM PAY FOR EXEMPT EMPLOYEES**

### **Circumstances in Which the Employer May Make Deductions from Pay**

Deductions from pay are permissible when an exempt employee:

- Is absent from work for one or more full days and PTO is not used or is not available;
- To offset amounts employees receive as jury or witness fees, or for military pay; or
- For unpaid disciplinary suspensions of one or more full days.

Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave. In these circumstances, either partial day or full day deductions may be made.

### **Deductions from Salaries of Exempt Employees**

It is our policy to comply with the salary basis requirements of California law. Therefore, we prohibit all Foundation supervisors from making any improper deductions from the salaries of exempt employees.

### **What to Do If an Improper Deduction Occurs**

If you believe that an improper deduction has been made to your salary, you should immediately report this information to the Accounting and Human Resources Manager or your supervisor. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

## **III. BENEFITS**

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### **PAID TIME OFF**

#### **Holidays**

The Foundation will observe all paid holidays declared by the Cabrillo College Governing Board. Full-time employees will receive full holiday pay, while eligible part-timers will receive prorated holiday pay for the College holidays. Part-time non-eligible and temporary employees do not receive holiday pay.

You will not be paid for holidays falling during an unpaid leave of absence. If a holiday falls during your approved PTO, you will be paid for the holiday and the day will not be charged as PTO.

#### **Paid Time Off**

We recognize the need for everyone to have time away from work to rest and relax. Vacations are therefore encouraged and paid time off (PTO) for full-time employees and eligible part-time employees is provided for this purpose. PTO is leave with pay and covers time used for vacation, sick or personal leave days. Full-time employees and eligible part-time employees begin to accrue PTO at their hire date but are not eligible to use PTO until after completing 90 days of service.

PTO may be used for any reason, but must be approved in advance for scheduling purposes, except in the case of an emergency or unexpected illness. Unused PTO becomes a bank of paid time off for the employee's use. All absences except jury duty are charged against accrued PTO.

Accrual of PTO begins with the first day of employment. The amount of each employee's PTO is calculated each pay period. PTO accruals are based on the length of an employee's service as follows:

- Full-time employees (other than the Executive Director) accrue 24 days of PTO for the first five years of service, and 27 days of PTO per year thereafter.
- The Executive Director accrues 25 days of PTO per year for the first five years of employment, and 30 days of PTO per year thereafter.
- Part-time eligible employees accrue PTO at a pro-rated basis based on the number of scheduled hours. For example, an employee scheduled to work 30 hours per week earns  $\frac{3}{4}$  of the PTO benefit given to full-time employees.

Following their first three months of employment, employees are eligible to use their PTO. Unused PTO may be accumulated from one year to the next. Accumulation, however, may not exceed double the annual accrued PTO amount. In other words, if you work two years without taking any PTO, your PTO will stop accruing. Once an employee has reached the maximum accumulation, the employee will stop accruing PTO until earned PTO hours have been reduced by a minimum of 8 hours. Accrual will then resume until the maximum level has been once again reached.

For your protection, a medical doctor's verification consistent with the "Medical Communications Policy" may be required by your supervisor if an illness exceeds three (3) consecutive work days or if excessive absenteeism is occurring (subject to existing legal requirements) before returning

to work. Employees are to report their absence(s) daily directly to their supervisor or the Executive Director by phone or email before their regular starting time.

PTO is to be taken considering the needs and schedule of the Foundation. For PTO greater than 1 week, it is recommended that employees notify the Executive Director with as much advance notice as possible. All PTO requests are subject to management approval to assure adequate coverage during the scheduled time off. Employees must ordinarily give the Foundation four (4) weeks advance notice of their preferred time off. Although every effort will be made to accommodate your choice of time, we reserve the right to assign a specific time for PTO if business conditions warrant.

Time off for sickness or personal reasons may be taken as PTO. Non-exempt employees may take as little as one hour. Exempt employee's time off for partial day absences will be deducted from the exempt employee's PTO balance when the exempt employee takes at least four hours off work, subject to existing legal requirements.

Upon termination of employment, 100% of the earned, unused PTO will be paid at the employee's then-current rate of pay. PTO hours may not be used to extend employment with the Foundation beyond the last day actually worked. An approved PTO form needs to be submitted to Payroll for absence due to any reason including vacation, personal time off, or sickness. The Foundation does not pay employees in lieu of taking PTO.

### **Using PTO to Care For Family Members**

PTO to care for ill family members is subject to all policies that apply to paid time off.

### **Sick Leave for Part-time Non-Eligible Employees:**

Part-time non-eligible employees accrue paid sick leave at the rate of 1 hour per every 30 hours worked, paid at the employee's regular wage rate when the time is used.

The Cabrillo College Foundation shall provide paid sick leave upon the oral or written request of the employee for themselves or if the employee needs the time to care for a family member, for the diagnosis, care or treatment of an existing health condition or preventative care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking. Employees may use accrued paid sick leave beginning on the 90<sup>th</sup> day of employment. Employees are required to take a minimum increment of two hours of sick leave for each use of paid sick leave.

Accrued paid sick leave shall carry over to the following year of employment and is capped at 48 hours.

Upon termination of employment, unused sick leave will not be paid to employee.

## **GOVERNMENT-ADMINISTERED BENEFITS**

### **Paid Family Leave Insurance Program**

Paid Family Leave insurance is a component of the State Disability Insurance (SDI) program established under the California Unemployment Insurance Code. Paid Family Leave is unemployment compensation disability insurance and extends disability compensation to cover individuals who take time off of work to care for a seriously ill child, spouse, parent, or registered domestic partner, or to bond with a new child. The Paid Family Leave insurance program is fully funded by employees' contributions, similar to the SDI program. Paid Family Leave does not provide job protection or return rights. The rules, regulations and benefits of this insurance are governed by the California Employment Development Department.

### **State Disability Insurance**

Employees are covered under the State Disability Insurance (SDI). The premiums for this form of benefit are paid by the employee. This insurance provides limited disability insurance benefits if illness or injury, not caused by the job, prevents an employee from working.

Upon timely application, benefits begin on the eighth (8th) day following the illness or injury. In such circumstances, the state will pay an eligible employee a percentage of regular earnings for a maximum period of time provided by law in any given year. Employees hospitalized or off work for more than seven (7) calendar days, due to illness or injury, may file a claim for State Disability Insurance benefits. The Executive Director or designee will inform an employee on how to apply for such benefits.

An employee may use accrued paid time off, if any, to provide income during the period of disability. The Executive Director or designee will help an employee coordinate the employee's State Disability benefits and the use of accruals to determine pay. During a time when receiving coordinated benefits, the employee cannot receive more than their regular pay.

### **Social Security**

All employees of the Foundation participate in Social Security. The Foundation pays the employer contribution and the employee pays the employee contribution as required by law.

## **CABRILLO COLLEGE FOUNDATION ADMINISTERED BENEFITS**

The section provides only very brief summaries of the employee benefits available to you and your dependents. More detailed information regarding many of these benefits is contained in insurance policies and documents provided by insurers with which the Foundation does business and in the Foundation's documents, including the summary plan description. While the provisions of this section provide a general overview of the Foundation's benefits; the terms, conditions, and limitations contained in the official plan documents is the controlling authority. Employees are encouraged to review the official plan documents for further information. The official plan documents are available from the Executive Director. Except as limited by applicable law, the Foundation reserves the right to select, change, modify, or rescind the Foundation benefits, as it deems appropriate. If you have any questions, you should contact the Executive Director.



In addition to government-administered benefits, (i.e., social security, unemployment insurance and applicable state disability), the Foundation presently provides, subject to availability, all eligible employees, the following additional benefits described below.

The Foundation reserves the right to change the insurance coverage at any time and will provide notice of such a change to the current employees at the time of the change. For specific information on the Foundation's insurance benefits, please request the information from the Executive Director.

### **Group Medical and Dental Insurance**

Full-time employees and part-time eligible employees are entitled to medical and dental benefits up to the then-current Cabrillo College benefit contribution amount. Employees working 90% to 100% are required to enroll in benefits. Eligible employees working less than 90% may choose to decline benefits and in that case are required to sign a Declination of Insurance Coverage form. If the Cabrillo College plan disallows a Cabrillo College Foundation employee, the Cabrillo College Foundation employee may obtain equivalent coverage from other providers. The Foundation will pay the same level of contribution as it would if the employee was enrolled in the Foundation offered plan(s).

Your major medical insurance benefit begins the first of the month following your first date of paid service.

### **Life Insurance**

Participation in the life insurance benefits program is automatic for full-time and part-time eligible employees, and the Foundation pays the full premium cost as follows for term life insurance:

For eligible employees other than the Executive Director, an amount equal to 1 times your annual rate of basic earnings, rounded to the next higher multiple of \$1,000, if not already such a multiple, subject to a maximum of \$75,000.

For the Executive Director, an amount equal to 1 times your annual rate of basic earnings, rounded to the next higher multiple of \$1,000, if not already such a multiple, subject to a maximum of \$100,000. In no event however, will your amount of life insurance be less than \$10,000.

An application, including a medical history may be required for this level of insurance. Where the insurance company does not accept the application, the Foundation will seek another provider and will provide coverage using the premium amount with the cost not to exceed what the Foundation would have paid if the employee's application had been accepted.

### **Short Term and Long Term Disability Insurance**

For full-time and part-time eligible employees, participation in the short term and long term disability insurance benefits program is automatic, and the Foundation pays all of the cost. The general scope of benefit is 66 2/3% of salary to social security normal retirement age, after the 8 days for short term disability and 180 days for long term disability elimination period (see plan description for further information). Insurance benefits begin the first of the month following one

full calendar month of employment. Upon request eligible employees will receive information in which the specifics of the coverage are outlined.

### **Workers Compensation Insurance**

All employees of the Foundation are covered by Worker's Compensation Insurance. The Foundation pays the premium for this coverage. If an employee is injured or becomes ill arising out of employment with the Foundation, he/she is required to notify the Executive Director immediately no matter how minor the occurrence. It is the employee's responsibility to cooperate with the Foundation's insurance carrier and to provide relevant information regarding medical status to the Executive Director.

### **Administrator Retiree Medical and Dental Benefit**

Administrators hired prior to August 20, 2009, receive Administrator Retiree Medical and Dental Benefits. The Executive Director is eligible for Administrator Retiree Medical and Dental Benefits.

Administrative staff hired after August 20, 2009 do not receive the Administrator Retiree Medical and Dental Benefits.

The following is the description of the retirement benefit for medical insurance coverage for Cabrillo College Foundation administrators hired *before* August 20, 2009:

1. The Cabrillo College Foundation shall provide the cost of the same medical insurance coverage as provided regular administrative employees for any administrator who has reached the age of fifty (50) with ten (10) years of service. This coverage will be the same medical plan the employee is in at the time s/he retires.
2. Coverage shall include the retiree's spouse or principal domestic partner and continue until the retiree reaches the age of sixty-five (65) – as long as the spouse or principal domestic partner is on the medical plan at the time of retirement.
3. Once the retiree reaches age sixty-five (65) and until reaching the age of seventy (70), the Cabrillo College Foundation shall provide the cost of the medical insurance for the retiree only. When the retiree turns age sixty-five (65), s/he can elect to self-pay her/his spouse's (or principal domestic partner's) medical coverage.
4. As soon as any retiree, retiree's spouse or principal domestic partner is qualified for Medicare, the Cabrillo College Foundation shall not be responsible for providing private medical coverage, but shall provide the "Carve-Out" plan. The retiree, retiree's spouse or principal domestic partner is required to enroll in Medicare Parts A and B, at age sixty-five (65) or earlier if eligible.

5. If the employee, employee's spouse or principal domestic partner is age sixty-five (65) or older when retiring, they will be required to enroll in Medicare Parts A and B by the first of the month following the date of retirement. (e.g. Employee is 65 years old and retires on June 15. Enrollment in Medicare Parts A & B is required by July 1.)
6. After age seventy (70), the retiree and spouse (or principal domestic partner) may continue coverage at her/his own expense.
7. At the time of retirement, retirees shall have the option to continue their and their spouse's and/or dependent's (or principal domestic partner's) dental coverage at the retiree's expense.
8. Survivors of deceased retired administrators have the option of remaining on the Cabrillo College Foundation medical plan until the retiree would have reached the age of sixty-five (65) – as long as the survivor was on the medical plan at the time the retiree retired. After which, the survivor may continue medical coverage at her/his own expense.

### **Retirement Plans**

The Foundation offers certain employees retirement benefits with CalPERS. Employees become eligible for CalPERS starting the first day of employment if one of the following criteria is met:

- Employee's position is full-time for more than six months
- Employee's part-time position exceeds 1,000 hours in one fiscal year
- Employee is a member of CalPERS by previous employment (either has funds on deposit or service credit)

The Cabrillo College Foundation pays the required employer contribution. CalPERS eligible employees contribute their required contribution. The retirement calculation for Cabrillo College Foundation employees is as follows:

1. Full-time and part-time eligible employees (classic members as defined by CalPERS) hired prior to October 1, 2011 have a retirement calculation of 2% at 55.
2. Full-time and part-time eligible employees (PEPRA members as defined by CalPERS) hired on or after January 1, 2013 have a retirement calculation of 2% at 62. PEPRA is Public Employees' Pension Reform Act.

Full-time, part-time eligible and part-time non-eligible employees are able to participate in the optional supplemental 403(b) plan. Only the Executive Director is able to participate in the supplemental 457(b) plan.

### **Section 125 Flexible Benefits Program**

The Cabrillo College Foundation offers full-time and part-time eligible employees a Section 125 Flexible Benefits Plan. Eligible employees may allocate a specified amount of monthly salary or wages for the reimbursement of medical care expenses, dependent day care expenses, or both. The specific amount is taken out before payroll tax calculations are made. The employee then files

claims for reimbursements as eligible expenses have been incurred. Specific information on options and restrictions are made available to all eligible employees prior to the June 30<sup>th</sup> annual plan year deadline for participation enrollment. Unused Section 125 funds up to \$500 may be carried over at the end of the current plan year to the next plan year. There is no grace period provision in the plan. Employees are reminded that the full terms of this benefit program are set forth in the Plan documents and should be reviewed carefully before participation.

## **IV. LEAVES OF ABSENCE**

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### **STATEMENT OF POLICY**

The purpose of the policy is to establish guidelines governing Leaves of Absence. Our policies are designed to ensure that Leaves of Absence are granted on a fair and equitable basis to all eligible employees. Our policies are also designed to be administered in a manner that conforms to the requirements of applicable California and Federal laws. Leaves of absence are ordinarily unpaid unless PTO is available and applied. In order to accomplish the foregoing, the policies below will be strictly adhered to.

There are occasions when we need to be absent from our jobs due to unforeseen or unavoidable circumstances. A Leave of Absence is approved time off in a non-pay status. It is the policy of the Foundation to grant Leaves of Absence to full-time employees on a nondiscriminatory basis. Part-time employees are not eligible for a Leave of Absence under this policy, except where required by law. Employees who have not completed their initial 90 days of employment are not eligible for certain leaves, such as bereavement leave. Leaves of Absence will be considered in cases of medical disabilities and in cases of personal emergencies, military duty, jury duty, witness duty, certain family situations or bereavement. Unless specifically provided otherwise, all Leaves of Absence are without pay. An employee must submit a request for a Leave of Absence in writing to your supervisor. The employee is expected to request a Leave of Absence with as much advance notice as possible. Leaves of Absence are not a guaranteed Foundation benefit, except where required by law, and may be granted at the Foundation's discretion, provided operations are not seriously disrupted. Employees must report all leave time scheduled during their regular work day/hours to their supervisor.

Subject to any applicable legal restrictions, requests for a Leave of Absence will be determined on the basis of the employee's performance, responsibility level, the reasons for the request, length of service and the Foundation's ability to find a satisfactory replacement during the period of the absence. If an employee accepts other employment, becomes self-employed or fails to return to work on the next regularly scheduled work day following the last day of their leave, the employee will be subject to termination and removed from the payroll as of the last day of the Leave of Absence. An employee is subject to termination if he/she falsifies or misrepresents the reasons for their request of any type of Leave of Absence.

Time spent on a Leave of Absence may not be used in computing length of service for salary increases, annual leave, or other employee benefits. Employees are not eligible for any Foundation paid benefits during a Leave of Absence, except where required by law. If you have health insurance through the Foundation, you may become responsible for 100% of the premium while on any Leave of Absence, except where required by law. Contact the Executive Director to make arrangements for payment of premiums for dependent and/or your health insurance during the time that you are off from work, if applicable.

## **MEDICAL COMMUNICATIONS POLICY**

Whenever an employee is absent from work due to illness or injury, the following medical communications policy shall apply subject to applicable state and Federal law.

1. Employees who become ill on the job, or suffer any work-related injury (no matter how minor) should immediately report such incident to their supervisor.

2. The Foundation reserves the right to take whatever steps are necessary, subject to existing legal requirements, to confirm the existence of illness or injury (but not disclosure of the underlying medical condition) and probable duration of an employee's alleged illness or injury.

3. We also, at management's discretion, may request that the employee get medical certification from the Foundation's own appointed physician or specialist, subject to applicable California and Federal law.

4. Where an employee is required to provide medical certification for a medical disability, we will accept only medical communications from licensed health care providers or specialists who have personally seen the employee on the day the communication is written or dictated, or on the following day, subject to existing legal requirements.

5. In determining a medical disability, medical communications from the Foundation's selected health care providers, or from specialists, will be given greater credence than medical communications from general practitioners, subject to applicable state and Federal law.

6. Medical communication from any health care provider concerning an employee's fitness for, or ability to work, must include a certification of the following:

- A statement by the health care provider that he/she has reviewed the essential functions of the employee's job as provided by the Foundation;
- That he/she has reviewed the medical file of the employee, if any;
- That he/she has personally evaluated the physical and/or mental condition of the employee (whichever is applicable) in person;
- A discussion of the employee's qualifications, or lack thereof, to perform each of their essential job functions without unreasonable exposure to injury or re-injury, noting what specific duties, if any, the employee can or cannot perform with or without reasonable accommodation; and
- When, in terms of date or time period, the employee can return to work.

7. Medical communications pursuant to this policy must be presented when reasonably possible to the Foundation in advance of time the employee seeks a leave of absence, a modified job duty, a reasonable accommodation or a return to work, subject to California or Federal law concerning time requirements for specific types of medical leave. Sudden, unexpected medical leaves must be presented to their supervisor as soon as reasonably known to the employee.

## **MEDICAL LEAVES OF ABSENCE: NON-OCCUPATIONAL RELATED ILLNESS/INJURY**

### **Requests for Leaves of Absence**

A request for a Medical Leave of Absence may be submitted in writing by any employee who is temporarily disabled and unable to work due to a personal injury or illness, including a pregnancy related disability. Medical Leaves of Absence will ordinarily be granted for a period of the illness or disability, but in no case may such Leave exceed three (3) months, except where required by law or where special circumstances are shown.

### **Notification Requirements**

Before a Leave of Absence will be approved, employees are required to provide their supervisor the following information in writing, as soon as the need for a Leave of Absence becomes known:

1. The reason for the Leave of Absence;
2. The estimated duration of the Leave of Absence and the approximate beginning and ending dates;
3. If applicable, a physician's certificate or other medical proof acceptable to the Foundation indicating the existence of the injury illness or disability;
4. Updates to your supervisor at least every thirty (30) days concerning the employee's status, expected date of return and continued intent to return to work when the leave ends;
5. Immediate written notification to your supervisor of any need to change the duration of the Leave of Absence;
6. If a Leave of Absence is desired for elective medical procedures, the employee must submit the Leave request at least two (2) weeks in advance of the date the Leave requested is to commence.

Failure to observe these requirements may jeopardize the continued approved status of the Leave of Absence.

## **MEDICAL LEAVES OF ABSENCE: OCCUPATIONAL RELATED ILLNESS/INJURY**

### **Requests for Leaves of Absence**

A Leave of Absence will be granted upon written request to any employee who sustains a work-related disability. A Leave of Absence for a work-related disability shall be extended to the employee for the duration of the work-related disability, in accordance with existing legal requirements.

### **Notification Requirements**

Employees are required to provide their supervisor with the following information, in writing, as soon as the need for a Leave of Absence becomes known:

1. The reason for the Leave of Absence;
2. The estimated duration of the Leave of Absence and the approximate beginning and ending dates;
3. A physician's certificate or other medical proof acceptable to the Foundation indicating the

existence of the disability;

4. Updates to your supervisor every 30 days concerning the employee's status, expected date of return and continued intent to return to work when the employee is released to do so, subject to existing legal requirements; and
5. Immediate written notification to your supervisor of any need to change the duration of the Leave of Absence.

### **Employer Requirements**

The Foundation will retain employees on a Leave of Absence for work-related disabilities in accordance with the law. Failure to observe these requirements may jeopardize the continued approved status of the Leave of Absence.

### **RETURNING FROM A MEDICAL LEAVE OF ABSENCE**

Before returning to work following a Medical Leave of Absence, an employee must submit to their supervisor the attending physician's verification stating the employee's ability to return to work and the date that he/she is able to return. The Employee's return to work will be conditional upon the employee's ability to perform the work. The Foundation, in its sole discretion, also reserves the right to require an employee to submit to a medical examination for the purpose of determining the employee's ability to perform the duties of the position to which the employee is returning or to perform such duties in a manner which would not endanger the health or safety of the employee or others. In the case of a dispute between the employee's physician and the Foundation's physician, these two physicians shall select a third physician whose judgment regarding the employee's ability to perform the work will be final and binding.

Any restrictions affecting the employee's ability to handle their job responsibilities must be indicated by the attending physician. To the extent applicable, in accordance with applicable Federal and California law protecting qualified individuals with known disabilities, the Cabrillo College Foundation will attempt to reasonably accommodate those individuals unless doing so would create an undue hardship on the Foundation, if the person is otherwise qualified to safely perform all of the essential functions of the position. Any qualified applicant or employee with a disability who requires an accommodation in order to interview or to perform the essential functions of the job should contact the Executive Director and request an accommodation. The individual with the disability should be prepared to discuss accommodation he or she needs to perform the job. The Foundation will then engage in a good faith interactive process to determine effective reasonable accommodations, as applicable, in response to such a request. Also depending on the circumstances, the Foundation may require medical verification of the limitations.

### **RETURNING FROM A NON-STATUTORY LEAVE OF ABSENCE**

The employee has the responsibility to keep the Foundation advised of the Leave situation and to contact his or her supervisor at least two weeks prior to the expiration of the approved Leave to discuss return to work or termination so the Foundation can plan accordingly. For a Leave of Absence of three (3) months or less, the Foundation will make a reasonable effort, consistent with good business practice and Foundation needs, to reinstate such employee to the same job or one equivalent in rate of pay on the same shift, unless the former position is no longer available because



of a curtailment in operations, corporate reorganization, layoff, or related business change. For a Leave of Absence longer than three months, the Foundation cannot guarantee a job will be available at the time an employee desires to return to work. The Foundation, in its sole discretion, reserves the right to offer the employee a lower level position, if available, for which the employee's background is suited, at the appropriate salary for such a position. If this is not acceptable to the employee, the employee will be terminated. This policy may not apply where employees are entitled to reinstatement under Federal and/or California law.

An employee who is able to return to work before the scheduled expiration of the Leave of Absence should contact his or her supervisor. The Foundation however, reserves the right to have the employee continue in the Leave of Absence status until the full expiration date of the Leave if extenuating circumstances occur and it would not be in the best interest of the Foundation, department, etc. for the employee to return to work earlier than the scheduled expiration date. Employees failing to return to work at the expiration of a Leave are subject to termination, effective the last day of the Leave.

### **PREGNANCY DISABILITY LEAVE (PDL)**

Under the California Fair Employment and Housing Act (FEHA), employees who are disabled by pregnancy, childbirth or related medical conditions are eligible to take a pregnancy disability leave (PDL). Employees 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 this transfer is medically advisable.

Pregnancy, childbirth and related medical conditions will be treated like any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and to the same degree as any other employee on leave.

### **Procedure**

Pregnant employees should advise their supervisor of their intent to take PDL as soon as possible. You should make an appointment with the Executive Director so that the Executive Director may explain the following:

1. The PDL is for any period(s) of actual disability caused by pregnancy, childbirth or related medical conditions, up to four months (or 88 work days for a full time employee) per pregnancy. The PDL does not need to be taken in a continuous period of time but can be taken on an as-needed basis.
2. Employees who need to take a PDL should provide written notice sufficient to notify the Foundation that the employee needs to take a PDL and/or transfer. The verbal notice should include the anticipated timing and duration of the leave or transfer.
3. If the need for PDL or transfer is foreseeable because of the pregnancy, employees must provide at least thirty (30) days advance notice before the PDL or transfer is to begin. Employees must consult with the Executive Director regarding the scheduling of any planned medical treatment so as to minimize disruption to the operations of the Foundation. Any such scheduling is subject to the approval of the health care provider of the employee.

4. If thirty (30) days advance notice is not possible, notice must be given as soon as is practicable.
5. If requested by the employee and recommended by the employee's health care provider, the employee's work assignment may be changed in order to protect the health and safety of the employee and her child.
6. Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not violated.
7. Temporary transfers due to health considerations will be granted where possible. However, the employee will receive the pay that accompanies the temporary position, as is the case of any other temporary transfer due to temporary health reasons.
8. Reasonable accommodations will be made for an employee for conditions relating to pregnancy, childbirth and related medical conditions, if the employee so requests, with the advice of her health care provider.
9. PDL will usually begin when ordered by the employee's health care provider. The employee must provide the Foundation with a certification from the health care provider. The certification should contain:
  - The date on which the employee became disabled due to pregnancy;
  - The probable duration of the period or periods of disability; and
  - A statement that, due to disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy or to other persons.
10. Return from PDL will be allowed only when the employee's health care provider provides a release to return to work.
11. At the employee's option, she can use any accrued paid time off as part of her PDL before taking the remainder of leave as an unpaid leave.
12. Duration of the PDL will be determined with the advice of the employee's health care provider, but disabled employees may take up to 4 months of PDL. Part-time employees are entitled to PDL on a pro-rated basis. The four (4) months of PDL includes any period of time for actual disability caused by the employee's pregnancy, childbirth or related medical condition. This includes PDL for severe morning sickness and for prenatal care.

Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may also be taken in increments less than one day.

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from PDL, an employee will be reinstated to the same position she held at the time PDL began or to an equivalent position, if available and subject to existing legal requirements. An

employee returning from PDL has no greater right to reinstatement than if the employee had been continuously employed rather than on PDL. For example, if the employee on PDL would have been laid off had she not gone on PDL, or if the employee's position had been eliminated or filled in order to avoid undermining the Foundation's ability to operate safely and efficiently during the PDL, and there are no equivalent or comparable positions available, then the employee would not be entitled to reinstatement.

While on PDL the employee will receive continued paid coverage on the same basis as other medical leaves the Foundation offers and which the employee is eligible to take. In some instances, the Foundation may recover premiums it paid to maintain health coverage for the employee if she fails to return to work following the conclusion of her PDL.

### **PERSONAL LEAVES OF ABSENCE**

A Personal Leave of Absence, without pay, may be granted at the sole discretion of the Executive Director for up to thirty (30) days for compelling personal reasons to full-time employees after they have completed ninety (90) days of employment with the Foundation. Upon reasonable, advance, written notice and at the sole discretion of the Foundation, the Leave may be extended for a reasonable amount of time. Requests for a Personal Leave of Absence will be considered on a case-by-case basis, depending on the particular facts and circumstances, including the Foundation's needs.

All requests must be in writing and approved by Executive Director before the Leave begins. Requests for extensions of time must be made in writing and approved in writing by Executive Director before the last day of the originally scheduled leave.

### **MILITARY LEAVES OF ABSENCE**

Employees who are required to perform active or inactive duty training or who are called for active duty will be granted an unpaid leave of absence for the period of service required in accordance with relevant California and Federal law. Paid time off benefits do not accrue for military leaves that exceed two (2) weeks.

If you are called for such military duty, submit your request for leave as far in advance of departure as possible. Copies of your military orders should be given to the Executive Director. If you are on extended duty, you must notify the Executive Director of your intent to return to work within thirty-one (31) days of your release. Your medical insurance will terminate as soon as coverage by the government begins.

Should you enlist or be drafted into active military duty in the U.S. Armed Forces, you will generally be entitled to reinstatement in accordance with the law, provided you:

1. Have a certificate of satisfactory completion of military service;
2. Apply within ninety (90) days of your separation from military service;
3. Are qualified to perform the requirements of your former or comparable position.

Leaves will not be extended to cover voluntary re-enlistment in the Reserves or National Guard.

## **BEREAVEMENT LEAVE**

In the event of a death in an immediate family or of the registered domestic partner of a full-time employee, up to five (5) consecutive paid working days off will be allowed immediately following the death to arrange for or attend the funeral. "Immediate Family" is defined as current spouse, mother, father, brother, sister, child, stepchild, stepparent, current mother-in-law, current father-in-law, grandparent, and grandchildren. Employees will be paid their regular straight time rate of pay for each of the scheduled working days missed and may be required to furnish satisfactory evidence to support the leave. Additional time beyond the five (5) days may be used from earned paid time off with the approval of your supervisor. In the case of the death of other relatives, an employee is permitted time off with pay the day of the funeral. Full-time employees who have not completed ninety (90) days of employment are not eligible for paid Bereavement Leave.

## **JURY DUTY**

The Foundation encourages all employees to fulfill their obligations as citizens of the community. Full-time employees who have completed ninety (90) days of employment are eligible for Jury Duty pay. All employees summoned to serve on jury duty must give your supervisor reasonable notice regarding the requirements to serve. A copy of the summons to serve must be given immediately to your supervisor.

In the event that an eligible employee cannot be excused or cannot rearrange their working schedule to avoid a conflict, he/she will be paid their regular daily rate of pay for each full working day missed due to Jury Duty up to a maximum of 15 (fifteen) working days within a calendar year. Any time served by the employee beyond this 15 (fifteen) day period will be unpaid, subject to existing legal requirements. Salary continuance/deductions for exempt employees will be handled in accordance with existing legal requirements.

An employee required to be available for jury duty, but not required to be in court, must report to work. Should your jury duty be scheduled so that you are able to work at least one-half (1/2) or more of your shift, you will be expected to report to work. Utilization of a court call in system, if available, is required in order to receive jury duty pay. All employee benefits in which the employee is enrolled will continue while the employee is on Jury Duty Leave. However, the employee will be required to continue payment of any required contributions for group insurance, etc. during the Jury Duty Leave in order to keep them in effect.

Evidence of Jury Duty attendance (the summons) must be verified by the Executive Director. The employee is expected to report for work on those days or parts of days when excused from Jury Duty or when Jury Duty does not conflict with their work schedule. It is the employee's responsibility to keep your supervisor informed about the amount of time required for Jury Duty.

## **WITNESS DUTY**

The Cabrillo College Foundation recognizes the need for employees to appear as witnesses in court. An employee who is required by law to appear in court as a witness may be granted unpaid Witness Duty leave for such purpose, subject to any legal requirements. You should provide the Executive Director with as much advance notice as is practicable and a copy of your subpoena to appear in court.

## **LEAVE FOR VICTIMS OF CRIME**

Any employee who is a victim of a crime, an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim will be given time off from work in order to attend judicial proceedings related to that crime.

In order to receive this leave, employee will be required to give their supervisor 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 Foundation will not take any action against such employee if the employee, within a reasonable time after the absence, provides documentation attendance at the judicial proceeding from any of the following entities:

1. The court or government agency setting the hearing.
2. The district attorney or prosecuting attorney's office.
3. The victim/witness office that is advocating on behalf of the victim.

Finally, an employee who is absent from work due to this type of leave may elect to use accrued paid time off, or unpaid leave time for the time off. The Foundation will keep confidential any records regarding an employee's absence from work for this type of leave.

For purposes of this leave,

- "Immediate family member" means spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.
- "Registered domestic partner" means a domestic partner as defined by law
- "Victim" means a person against whom one of the following crimes has been committed:
  - A violent felony, as defined by law;
  - A serious felony, as defined by law; or
  - A felony provision of law prohibiting theft or embezzlement.

## **VOTING TIME OFF**

Employees who cannot vote in a statewide public election before or after working hours will be allowed sufficient time off to go to the polls. The Foundation will pay up to the first 2 hours of absence from regularly scheduled work that is necessary to vote in a statewide public election. Any additional time off will be without pay.

## **SCHOOL SUSPENSIONS**

Employees who are parents or guardians of a child who has been suspended from school, upon reasonable advance notice, will be granted unpaid time off to appear at the child's school in connection with the suspension pursuant to a request by the school.

## **COMPLIANCE WITH LEGAL REQUIREMENTS**

Exceptions to this policy will be made in order to comply with applicable laws. You should always contact your supervisor if you have any questions regarding this Leave of Absence policy.

**NOTE: The foregoing is only a brief summary of the benefits available to you. Foundation Policy and California and Federal Law, rather than this summary, govern your rights and the provisions of each Leave of Absence.**

## **V. JOB AND WORKPLACE EXPECTATIONS**

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### **EMPLOYEE STANDARDS**

The Cabrillo College Foundation strives to create and maintain a positive work environment. We expect courteous and respectful behavior, a responsible attitude toward work and respect for your fellow employees. As a representative of the Foundation, you are encouraged to conduct your business activities professionally and observe common sense standards of job performance and good conduct.

Every organization provides certain guidelines which reflect good business practices. In order to maintain its reputation for excellence and the privileges associated with working here, your active support of the Foundation's standards is needed. In establishing these rules of conduct we have no intention of restricting the personal rights of any individual. Rather we want to ensure that rights are respected, responsibilities kept and that business is conducted in the best and most efficient manner.

As stated earlier, all employment is at-will and an employee may be terminated for any or no reason at any time. Although it is impossible to list all possible reasons for discipline or termination, the following list is important as a guide. Naturally, not every possible situation which may arise is listed and other conduct which is determined to be detrimental to our operations or our employees may also result in termination.

- Conduct in violation of Foundation's Policy against Unlawful Discrimination/Harrasment, or conduct that is determined to be unwanted physical contact.
- Unauthorized disclosure of privileged or confidential Foundation information, personal information of donors, or personal information of applicants (regardless of whether approved or rejected).
- Violation of the Foundation's Substance Possession and/or Abuse Policy.
- Repeated absenteeism or tardiness; failure to inform your supervisor or the Executive Director within one hour of scheduled start time, when unable to report for work.
- Being absent without reasonable cause.
- Theft, unauthorized removal, use, sale, transfer or destruction of Foundation property or information or of a fellow employee.
- Unsatisfactory job performance.
- Insubordination (i.e. refusal to carry out the instructions of your supervisor, arguing with your supervisor).

- Conduct that is violent, threatening, disruptive or destructive toward fellow employees, to anyone in the work place, or the Foundation property.
- Filling out the time card of another employee.
- Foul or abusive language directed at Foundation officers, supervisors, fellow employees or other persons conducting business with the Foundation.
- Failure to follow safety or sanitation rules or being repeatedly careless or negligent.
- Working unauthorized overtime or failure to work assigned overtime.
- Falsifying or giving false information on Foundation records, e.g., job application, work records, time sheets, expense reports, supply order forms, medical records or other Foundation documents.
- Any misrepresentations in applying for a leave of absence, or for any other time off from work.
- Conduct in violation of the Foundation's Electronic Information Systems Policies (e.g. misuse of Internet or email)
- Sleeping on the job or leaving the job without authorization.
- Failure to open all packages, tool boxes, brief cases, purse, back packs or other containers upon request by authorized Foundation personnel.

All employees should treat each other courteously and professionally. Use of foul or abusive language or raised voices, fighting with, threatening or intimidating fellow employees or residents, silent treatment and other inappropriate behavior will not be tolerated and is grounds for discipline, up to and including termination.

While you are employed by the Foundation, you will be expected to devote your energies to your job with the Foundation. Certain types of outside employment including self-employment are strictly prohibited:

- Employment that requires you to conduct your outside work or related activities on Foundation property, during Foundation working hours or using Foundation facilities or equipment.
- Employment that creates a conflict of interest or is not compatible employment with the Foundation.

The Executive Director will have final approval in determining if outside employment is prohibited. Submit written requests to the Executive Director. The Foundation will not assume any



responsibility for the outside employment. Specifically, the Foundation will not provide Workers' Compensation coverage or any other benefit for injuries occurring from or arising out of the outside employment. Authorization to engage in outside employment may be revoked at any time.

## **DRESS STANDARDS FOR EMPLOYEES**

What an employee wears to work is a reflection of the professional nature of the Foundation and the pride all employees have in the Foundation, in what employees do, and in themselves. The Cabrillo College Foundation has established a reputation for professionalism and a professional appearance by its employees. Our personal appearance guidelines were developed to ensure a neat and professional appearance at all times, subject to any existing legal requirements. Although an employee and their supervisor are the best judge of what is appropriate clothing, in case questions arise, set forth below are some general guidelines for our employees:

1. Office personnel may not wear shorts, exercise wear, sweat pants, holey or frayed clothes.
2. Beards and/or mustaches are to be kept neat and trimmed.
3. Hair is to be neat, clean and combed/brushed prior to arriving to work.
4. On casual Fridays, apparel should be neat and professional.
5. For employees who interact with the public, visible tattoos should not exceed one-inch square in size and may not be located on the face or neck.
6. Clothing must cover private body parts including the chest area and buttocks.
7. Clothing should not promote the use of alcohol, drugs or be an advertisement for sale/purchase of items unrelated to the Foundation or Cabrillo College.

Generally, employees should observe common sense rules of neatness and attire appropriate for their working environment. In case questions arise, please contact the Executive Director.

## **PUNCTUALITY, ABSENTEEISM AND TARDINESS (NON-EXEMPT EMPLOYEES)**

### **Punctuality**

Employees are expected to be punctual and regular in attendance. Your work and attendance is vital to our operation. If you are absent or late, you hamper the operation and/or burden your fellow employees. Any tardiness or absence causes problems for your fellow employees and your supervisor and for the mission of the Foundation. When you are absent, your coworkers may have to assume your workload, just as you must assume the workload of others who are absent.

Report to work as scheduled, on time and prepared to start work. The Foundation expects you to remain at work for your entire work schedule, except for meals and breaks. Late arrival, early departure or other absences from scheduled hours are disruptive and should be avoided. Unauthorized and untimely attendance is subject to disciplinary action including dismissal.

### **Absences and Tardiness**

Because absences and tardiness have a serious impact on scheduling and the overall orderly operation of the office, your attendance is an important part of your review at evaluation times. For your benefit, we have established the following guidelines in assessing your attendance:

An absence is either scheduled (approved at least one (1) day in advance) or unscheduled

(e.g., illness). An extended illness will be treated as one unscheduled absence to the extent allowed by law. Tardiness is arriving late to work or returning late from lunch and scheduled breaks.

Situations in which absenteeism or tardiness becomes excessive (whether excused or unexcused) will be evaluated on a case-by-case basis. As a general rule, the maximum level of absenteeism is 5% on a quarterly basis. However, even one unexcused absence may be considered excessive. Legally protected absences include those protected by the California Family Rights Act (CFRA) and the California Sick Leave Law for care of family members. Using legally protected absences and using PTO to care for family members are excluded from consideration and not counted in determining whether absenteeism or tardiness is excessive. Mitigating factors will be considered before any discipline or termination. Persistent marginal attendance may result in termination.

### **Loss of Pay**

The pay of non-exempt employees may be reduced to reflect the time lost by lateness, and in cases where the loss of time is less than 30 minutes; a half hour's wages may be deducted. Deductions from the pay of employees will be made in accordance with the law.

### **“Call In” Policy**

We have a "call-in" policy. If you are unable to report to work, you must call or email your supervisor at least one hour before the time you are scheduled to begin working for that day. If you are going to be more than ten minutes late you must call or email your supervisor. In all cases of absence or tardiness, you must provide your supervisor with an explanation as well as the expected duration of any absence.

### **ABANDONMENT POLICY**

You are required to call or email your supervisor each day of your absence. This will allow us to adjust our schedules to minimize confusion and wasted time. Failure to call or email three (3) days in a row will be considered abandonment and that you have voluntarily resigned from your employment.

### **PERSONAL APPOINTMENTS**

Employees should not schedule personal appointments in a manner that interferes with work commitments and timelines. It is best, if possible, to schedule personal appointments outside of work hours. However, in some cases, the Foundation realizes that it may be necessary to use leave time (PTO or sick leave as applicable depending on employment status) for a personal appointment. Employees must report all appointments scheduled during their regular work hours to their supervisor at least 24 hours prior to the appointment if possible and record the applicable leave time used.

### **PERFORMANCE REVIEWS**

Performance reviews are intended to discuss your performance, define goals, to commend your strengths, and to point out areas for improvement and development. The goals are to be specific, measurable, attainable, relevant to the employee's area of responsibility and time-based. The

written performance review is an important document and will serve as back-up for job actions taken such as promotions or terminations.

#### Employee Performance Review Process

For employees other than the Executive Director, annual performance review should take place within six months of initial hiring and prior to the first year hire anniversary date. Subsequent reviews will be held generally one year from the last annual review. The employee and supervisor meet to agree on several goals. For the performance review meeting the supervisor documents the degree to which the employee's goals have been met. Goals are written for next year's performance review at this meeting. It is the intent that goals be developed collaboratively between the employee and their supervisor. In the absence of mutual agreement, the supervisor shall have final determination.

#### Executive Director Performance Review

The Past President and President of the Cabrillo College Foundation along with the Cabrillo College Foundation Board evaluate the performance of the Executive Director. The performance measures the employee's success in reaching annual goals.

The Executive Director prepares a self-evaluation to be completed and submitted to the Board of Directors by July of each year. The Board of Directors respond anonymously to a survey requesting input on the Executive Director's performance. Cabrillo College Foundation Past President writes performance review with input from the survey results, the Cabrillo College Foundation President, and the College President. The Cabrillo College Foundation Past President, Cabrillo College Foundation President, College President and Executive Director discuss and develop next year's goals as needed. The Cabrillo College President, Cabrillo College Foundation President, and Cabrillo College Foundation Past President meet with the Executive Director to discuss the performance appraisal. The entire process should be completed by August each year.

### **TRAINING OPPORTUNITIES**

The Foundation recognizes the importance of upgrading skills and continuing the education and training of its employees to enhance their performance and professionalism. For that reason, training needs and opportunities will be considered in preparing the Foundation's budget each year.

The Foundation has the discretionary authority to determine all matters with respect to this training opportunities policy, including, without limitation, eligibility issues, benefit amounts, acceptable documentation and tax treatment and its decision will be final and binding.

### **SUBSTANCE POSSESSION AND/OR ABUSE**

Cabrillo College Foundation is required by law to provide a safe and healthy work environment for you and all other employees. Further, Cabrillo College Foundation has adopted the goals of providing the best possible service to its clients and of always improving its public image. To achieve these goals, the Foundation has the following rules about the use, possession, and sale of drugs and alcohol by its employees.

Possessing, consuming, trafficking, selling or being under the influence of intoxicants, narcotics, marijuana or other controlled substances, alcoholic beverages, or illegal drugs on Cabrillo College Foundation's premises or elsewhere while on duty is prohibited and is grounds for disciplinary action, including immediate dismissal. Employees must not be on duty while under the influence of any narcotics, intoxicants, marijuana, controlled substance, or illegal drug. This prohibition also includes any medication, including those prescribed by a doctor, which may in any way adversely affect your safety or the safety of others.

Employees are, however, permitted to consume alcoholic beverages on Cabrillo College Foundation's premises if they have been invited to participate in a Cabrillo College Foundation-sponsored function where alcohol is being served. However, they are expected to exercise good judgment in the amount of alcohol that they consume.

## **VI. ENVIRONMENTAL HEALTH, SAFETY AND SECURITY**

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The Cabrillo College Foundation is committed to providing you with a safe, secure and healthy workplace. To achieve this goal, the Foundation intends to meet or exceed applicable laws and regulations, and all generally accepted standards, practices and procedures regarding employee health, safety and security.

### **SAFETY**

#### **Importance of Safety**

Every employee should understand the importance of safety in the work place. By remaining safety conscious, employees can protect their interests as well as those of their co-workers. Accordingly, the Foundation emphasizes "safety first" and expects all employees to take steps to promote safety in the work place.

In keeping with this commitment, the Foundation has established an "Injury and Illness Prevention Program" as part of its safety program. The Accounting and Human Resources Manager has been delegated the responsibility for administering and implementing our Injury and Illness Prevention Program.

Compliance is essential. Employees must understand that compliance with safety requirements is a condition of employment and will be evaluated, together with other aspects of an employee's performance, as part of the performance appraisal process. Due to the importance of safety standards, those who cause hazardous or dangerous situations, or who allow such conditions to remain when they could be effectively remedied, may be subject to disciplinary action, up to and possibly including termination.

It is therefore essential that all employees comply fully with the standards and practices of the Foundation that are designed to promote a safe and healthful working environment.

#### **Reporting Unsafe Conditions and Risks**

Whenever an employee identifies an unsafe condition or an occupational safety and health risk, the employee should report the matter immediately to their supervisor. If the supervisor is not readily available, the employee should immediately inform the Executive Director so that any dangerous condition can be corrected. Employees are strongly encouraged to report any situations of this nature and need not fear any form of reprisal as the result of their compliance with this policy. Employees who identify any hazards in the work place can also choose to report the situation anonymously to the Executive Director if they prefer not to identify themselves.

#### **Our Injury and Illness Prevention Program**

Part of the Foundation's Injury and Illness Prevention Program will include safety meetings, training programs, posting safety notices and safety tips, and providing periodic written communications to employees regarding safety matters. Representatives of the Foundation may also conduct periodic inspections to identify unsafe conditions and work practices and will also investigate occupational injuries and illnesses. When appropriate, the Foundation may utilize the

services of outside representatives to conduct investigations where it believes that it will be helpful in the Foundation's attempts to promote the interests of safety in the work place. Every effort will be made to correct unsafe or unhealthy conditions, work practices, or procedures in a timely manner. It is therefore essential that all employees cooperate in achieving these objectives and assist the Foundation to provide a safe work place for everyone.

### **Cooperation and Questions**

Employees may occasionally be asked to assist or participate in inspections, the correction of unsafe or unhealthy conditions, or training programs and activities. Full cooperation by all employees is necessary to accomplish of the Foundation's goals. Employees should direct any questions they may have regarding their obligations to adhere to the Injury and Illness Prevention Program to the Accounting and Human Resources Manager.

### **SECURITY**

Along with providing a safe and secure workplace for its employees, the Cabrillo College Foundation is committed to the safekeeping of corporate assets, property and confidential information. Please familiarize yourself with the following rules and report any violations:

1. Reports of breach of security, theft, vandalism etc. must be made immediately to your supervisor.
2. All employees must ensure that confidential information is properly protected from unauthorized or inadvertent disclosure

### **Building Access**

You may be issued a key at the beginning of your employment and will be expected to surrender your key at the termination of your employment. Please inform the Executive Director if you misplace or lose your key. Do not loan your key to others, as you will be held responsible for its use.

### **Foundation Property, Inspections and Employee Property**

Employees are urged to not bring valuables to work or work-related activities. If you still decide to do so, keep your valuables in a secure location. The Foundation assumes no responsibility for the loss, theft or damage of an employee's personal property.

Lockers, desks, cabinets, vehicles, computers, telephones or other equipment or furniture are Foundation property and are to be used only for work-related purposes. The Foundation reserves the right to inspect all Foundation property at any time without notice and whether or not you are present. If a reasonable suspicion exists that an employee is in unauthorized possession of Foundation property, client property or another employee's property, his or her personal possessions may be subject to search. You may also be asked to open briefcase, purses, backpacks, boxes, packages etc. when leaving Foundation premises.

An employee's consent to a search of his or her personal property is required as a condition of employment and the employee's refusal to consent may result in termination. Employees have no reasonable expectation of privacy as to Foundation-supplied property.

### **FIRE WARNING/EMERGENCY**

You can reach emergency assistance by dialing 911. Become familiar with location of emergency exits, fire alarm boxes and firefighting equipment in your area. Please bring any concerns you have about hazards to the attention of the Executive Director.

### **EARTHQUAKE RULES**

#### **During an Earthquake**

**If Indoors** Unless you are in immediate personal danger as a result of the earthquake, **STAY INDOORS**. Take cover under a desk, table or bench, in doorways, halls or against inside walls. Stay away from windows, mirrors, skylights, glass and furniture or objects that may fall over. In multi-story or crowded buildings do not panic or run for exits. **DO NOT RUN OUTDOORS**, you might be hit by falling debris or falling electrical wires.

**If Outdoors** **GET AWAY FROM HIGH BUILDINGS**, walls power poles and objects that could fall. **DO NOT** run through streets or alongside buildings. The points of greatest danger are just outside of doorways and close to outer or street sidewalls. If possible, move to an open area away from the hazard zone.

**If in a Moving Car** **STOP IN THE SAFEST PLACE AVAILABLE**, preferably an open area away from buildings or other structures and stay inside the car.

#### **After an Earthquake**

There may be aftershocks. These are generally smaller than the main shock, but some may be large enough to cause additional damage. **STAY OUT OF DAMAGED BUILDINGS**. Aftershocks may shake them down.

### **WORKPLACE VIOLENCE PREVENTION**

#### **Policy**

The Cabrillo College Foundation 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. We believe that the safety and security of Foundation employees are paramount. Therefore, the Foundation has adopted this policy regarding workplace violence. The Cabrillo College Foundation is committed to creating a safe work environment, including the protection of its employees from any violence or threat of violence on its premises from co-workers.

Acts or threats of physical violence, including intimidation, harassment, and/or coercion, that involve or affect the Foundation or that occur on Foundation property or in the conduct of Foundation business off-Foundation property, will not be tolerated. This prohibition against threats and acts of violence applies to all persons involved in Foundation operations, including, but not

limited to, Foundation personnel, contract workers, temporary employees, and anyone else on Foundation property or conducting Foundation business off-Foundation property. Violations of this policy, by any individual, will lead to disciplinary and/or legal action as appropriate.

This policy is intended to bring the Foundation into compliance with existing legal provisions requiring employers to provide a safe workplace; it is not intended to create any obligations beyond those required by existing law.

### **Type of Conduct Considered Workplace Violence**

Workplace violence is any intentional conduct that is sufficiently severe, offensive, or intimidating to cause an individual to reasonably fear for his or her personal safety or the safety of his or her family, friends, and/or property such that employment conditions are altered or a hostile, abusive, or intimidating work environment is created for one or several Foundation employees. Workplace violence may involve any threats or acts of violence occurring on Foundation premises, regardless of the relationship between the Foundation and the parties involved in the incident. It also includes threats or acts of violence that affect the business interests of the Foundation or that may lead to an incident of violence on Foundation premises. Threats or acts of violence occurring off the Foundation premises that involve employees, agents, or individuals acting as a representative of Foundation, whether as victims of or active participants in the conduct, may also constitute workplace violence. Specific examples of conduct that may constitute threats or acts of violence under this policy include, but are not limited to, the following:

- a) Threats or acts of physical or aggressive contact directed toward another individual;
- b) Threats or acts of physical harm directed toward an individual or their family, friends, associates, or property;
- c) The intentional destruction or threat of destruction of Foundation property or another employee's property;
- d) Harassing or threatening phone calls;
- e) Surveillance;
- f) Stalking;
- g) Veiled threats of physical harm or similar intimidation; and
- h) Any conduct resulting in the conviction under any criminal code provision relating to violence or threats of violence that adversely affects the legitimate business interests of Foundation. Workplace violence does not refer to occasional comments of a socially acceptable nature. These 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.

The Foundation has adopted the following policies to deal with any violence that may occur on its premises, and to ensure the safety of its employees:

- Report all threats of violence, both direct and indirect, as soon as possible to your supervisor, or, if he or she cannot be reached, any other manager. Be as specific as possible.
- Report all suspicious individuals or activities to your supervisor or any other supervisor, as soon as possible.



- Do not put yourself in peril.
- If you hear a violent commotion near your workstation, do not try to see what is happening. Call Cabrillo security at 471-1121 and/or 911 immediately and hide.
- Cooperate fully with security, law enforcement, and medical personnel who respond to a call for help.
- Let the Executive Director respond to all inquiries from the media about violence on its premises so that the Foundation can speak with one voice.
- If you are qualified, you may provide first aid to injured persons.

### **Enforcement**

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

When threats are made or acts of violence are committed by employee(s), a judgment will be made by Foundation management as to what actions are appropriate, including possible medical evaluation and/or possible disciplinary action. Once a threat has been substantiated, it is policy of the Foundation to put the threat-maker on notice that he/she will be held accountable for their actions and then implement a decisive and appropriate response.

Under this 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 policy or procedure of the Foundation should be interpreted in a manner that prevents the making of these necessary decisions.

**Important Note:** The Executive Director will make the sole determination of whether, and to what extent, threats or acts of violence will be acted upon by the Foundation. In making this determination, the Executive Director 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 the at-will nature of employment at the Cabrillo College Foundation.

## **VII. COMMUNICATIONS**

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### **OPEN DOOR POLICY**

Discussing and resolving issues promptly and fairly promotes a healthy work environment, and will ultimately contribute to the Foundation's success. We believe that establishing and maintaining open lines of communication is a key ingredient to a successful relationship. In the normal operation of any business, employees have questions, suggestions or concerns about their job, work rules, treatment, etc., you are encouraged through our "Open Door Policy" to express your ideas, comments and concerns to your supervisor, or the Executive Director. Rumors cause misunderstandings. In most instances, your supervisor can provide a prompt answer to your questions and assist in solving problems. This procedure may not result in every problem being resolved to everyone's satisfaction. However, we value your input and encourage you to use our Open Door Policy. You should feel free to raise any issues you may have without fear of retaliation.

### **MEDICAL INFORMATION**

An employee's medical information is confidential. Disclosure of employee medical information is restricted to limited situations where a supervisor has a job-related reason to know it. Employees who disclose employee medical information without proper authorization will be subject to disciplinary action, up to and including discharge.

Confidential health/medical records are not in your personnel file. The Cabrillo College Foundation will safeguard them from disclosure and will divulge that information only (1) as allowed by law; (2) to the Employee's personal physician upon written request of the Employee; (3) as required for Workers' Compensation cases.

### **KEEPING US INFORMED**

#### **Personnel Records**

The information in your personnel file is extremely important to you and the Foundation. It is your responsibility to make sure that the personal data in your file is accurate and up to date, because this information is used for benefit administration, taxes, notification in case of emergency, etc. Eligible employees are also responsible for maintaining a current group life insurance beneficiary designation. Report any change of address, telephone number, etc. to the Accounting and Human Resources Manager immediately. We respect your right to have the information in your records treated confidentially, consistent with requirements of California or Federal law for disclosure of such information.

Contact the Accounting and Human Resources Manager if there are any changes in your:

- Home Address
- Telephone Number
- Marital Status
- Number of Dependents
- Military Status

### **Inspection of Your Personnel File**

Employees may inspect their personnel file in the presence of a Foundation representative at a mutually convenient time in accordance with existing legal requirements. Any request for a copy will be provided within the time period required by law. All requests to review your personnel file should be referred to the Executive Director. In addition, employees have the right to request copies of all employment-related documents that they have signed. If you desire, you may add a written statement to your file explaining any disputed item. Personnel files are the property of the Foundation and may not be removed from the Foundation's premises without written authorization from the Executive Director.

### **Payroll Records**

Employees have the right to inspect and copy certain Foundation payroll records regarding their compensation and deductions from their compensation, upon reasonable request. Employees wishing to review or copy payroll records should notify the Executive Director.

### **RELEASE OF INFORMATION**

Except for records and information that we are legally required to provide, no information about you, other than dates of employment and positions held, will be released. See Section on Employment References and Job Verification below for further information.

### **SOLICITATION AND DISTRIBUTION OF LITERATURE**

The Foundation has established certain rules in regard to solicitation for activities, organizations or causes, no matter how worthwhile important or benevolent they may be. These rules, which are listed below, apply to all employees and cover the use of e-mail, interoffice mail, voicemail and the distribution or posting of pamphlets or other written material.

- You may not solicit or promote support for any cause or organization during your working time or the working time of fellow employees.
- You may not distribute, post or circulate any unauthorized written or printed material in work areas at any time.
- You may not, at any time, use e-mail, voicemail, or interoffice mail for purposes other than Foundation business.
- Under no circumstances will nonemployees be permitted to solicit or to distribute written material for any purpose on Foundation property.

Working time is all time when your duties require that you be engaged in work tasks, but does not include your own time, such as meal periods, rest periods, time before or after shift, and personal cleanup time.

Violation of these rules may result in disciplinary action up to and including termination. If you have questions concerning their application, call the Executive Director.

### **EMPLOYMENT REFERENCES AND JOB VERIFICATION**

Employees contacted by outside sources requesting an employment reference or employment verification for a current or former employee should not provide any information to the requesting

individual or organization. Instead, employees should refer the requesting individual or organization to the Executive Director. No employee, other than the Executive Director or the Accounting and Human Resources Manager are authorized to provide employment references or employment verifications for any current or former employees. It is the policy of the Cabrillo College Foundation not to give references. We will only verify dates of employment and last position held and no other information will be released.

Employees wishing to receive employment verification should provide written authorization to the Foundation. The Executive Director or Accounting and Human Resources Manager will cooperate with written requests authorized by the employee for verification of employment and salary when necessary for credit purposes.

**PERSONNEL POLICY HANDBOOK RECEIPT AND ACKNOWLEDGMENT**

My signature below acknowledges that I have received a copy of the Cabrillo College Foundation (“Foundation”) Personnel Policy Handbook. I understand that it is my responsibility to read and familiarize myself with its contents. I also understand that it is my responsibility to ask for help in understanding any part of the Personnel Policy Handbook that is not clear to me.

My signature below certifies that I recognize my employment with the Foundation is “at-will” and that either the Foundation or I can terminate the employment relationship at any time, with or without a reason. I realize that no verbal representations can alter the “at-will” relationship and that only a document signed by the President of the Board of Directors and the Executive Director of the Cabrillo College Foundation and me can change the “at-will” relationship. This is the entire agreement between me and the Foundation on the subject of at-will employment; it supersedes any prior inconsistent representations or agreements and may only be modified in a writing signed by me and signed by Executive Director of the Foundation.

Finally, I understand that this Personnel Policy Handbook is not a binding contract, but only a set of guidelines. I understand that the Foundation reserves the right to add to, delete, modify, amend or otherwise change this Personnel Policy Handbook (except for employment at-will status) or any of our policies, benefits and practices at any time with or without notice (except that future changes to these policies and procedures are not intended to interfere with benefits that have vested under these policies).

Should my employment be terminated for any reason, I understand that I am obligated to return all Foundation property such as credit phone cards, keys and all proprietary information in my possession.

Name (please print) \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

*Upon receipt of this Handbook, please sign and return this Handbook Receipt and Acknowledgment form to the Accounting and Human Resources Manager. A copy of the signed Handbook Receipt and Acknowledgment form will be kept in your personnel file.*