



**California State University, San Bernardino  
Santos Manuel Student Union Board of Directors  
Personnel Committee**  
<https://csusb.zoom.us/j/89009705795>  
**September 20, 2024 – 3:00pm**

**AGENDA**

1. Call to Order
2. Roll Call
3. Approval of Minutes
  - a. May 1, 2024 Meeting
4. Open Forum
5. Adoption of Agenda

**NEW BUSINESS:**

- PC 01/25      Election of Personnel Committee Chair (Action, Felix)
- PC 02/25      Review Tasks and Assignments (Discussion, Felix)
- PC 03/25      Approval to Reclassify Event Services Manager from Grade 5 to Grade 8 (Action, Felix)
- PC 04/25      Approval to Reclassify Audio Visual Specialist/Event Coordinator from Grade 4 to Grade 7 (Action, Felix)
- PC 05/25      Approval to Reclassify Budget Analyst from Grade 8 to Grade 10 (Action, Felix)
- PC 06/25      Approval to Reclassify Human Resource and Risk Manager from Grade 8 to Grade 10 (Action, Felix)
- PC 07/25      Approval of Children in the Workplace Policy (Action, Puccinelli)
- PC 08/25      Approval of Mandatory Trainings Policy (Action, Puccinelli)
- PC 09/25      Approval of Paid Leaves of Absence Policy (Action, Puccinelli)

PC 10/25 Approval of Unpaid Leaves of Absence Policy (Action, Puccinelli)

Announcements

Adjournment



**California State University, San Bernardino  
Santos Manuel Student Union Board of Directors  
Personnel Committee  
May 1, 2024**

**MINUTES**

**Members Present:** Angelica Agudo, Joshua Bature, Jesse Felix, Jocelyn Paz, Jennifer Puccinelli

**Staff Present:** Elizabeth Junker

**Call to Order:** The meeting was called to order at 10:18 a.m.

**Roll Call:** A verbal roll call of members was conducted.

**Open Forum:** There were no speakers for the open forum.

**Approval of Minutes:**

M/S Paz/Bature to approve the minutes from April 22, 2024 meeting.

*Motion passed.*

**Adoption of Agenda:**

M/S Paz/Bature motion to approve agenda.

*Motion passed.*

**NEW BUSINESS:**

**PC 26/24 Approval of Personnel Policy SMSUPM 704 – Vacation Leave Policy 3.20  
(Action, Puccinelli)**

M/S Bature/Paz motion to open PC 26/24 Approval of Personnel Policy SMSUPM 704 – Vacation Leave Policy 3.20.

Mr. Bature deferred his time to speaker. Ms. Puccinelli provided an overview of the changes to the policy which include updating policy to bring in line with employee job classifications and to increase amount employee is able to accrue to bring in line with what state

guidelines.

VOTE:           3 In-Favor                   0 Abstentions                   0 Opposed

*Motion passed.*

**PC 27/24       Approval of Personnel Policy SMSUPM 710 – Holiday and Personal Holiday Policy 3.20 (Action, Puccinelli)**

M/S Bature/Paz motion to open PC 27/24 Approval of Personnel Policy SMSUPM 710 – Holiday and Personal Holiday Policy 3.20.

Mr. Bature deferred his time to speaker. Ms. Puccinelli provided an overview of the changes to the policy which includes clarification of what employees should claim the day after Thanksgiving to receive compensation, which days are closed for holiday break. In addition, there was language added about the holidays that are deferred until the end of the year, to be in line with campus and ASI policies. All employees are entitled to these paid holidays unless they were in non-paid status during those holidays.

VOTE:           3 In-Favor                   0 Abstentions                   0 Opposed

*Motion passed.*

**PC 28/24       Approval of Personnel Policy SMSUPM 715 – Paid Leaves of Absence Policy 3.22 (Action, Puccinelli)**

M/S Bature/Paz motion to open Approval of Personnel Policy SMSUPM 715 – Paid Leaves of Absence Policy 3.22.

Mr. Bature deferred his time to speaker. Ms. Puccinelli provided an overview of the changes to the policy which includes clarification about employee classifications and to make sure it's accurate based on law requirements, which include absences chargeable to sick leave and added self-care.

VOTE:           3 In-Favor                   0 Abstentions                   0 Opposed

*Motion passed.*

**PC 29/24       Approval of Personnel Policy SMSUPM 720 – Unpaid Leaves of Absence 3.29 (Action, Puccinelli)**

M/S Paz/Bature motion to open Approval of Personnel Policy SMSUPM 720 – Unpaid Leaves

of Absence 3.29.

Controller Paz deferred his time to speaker. Ms. Puccinelli provided an overview of the changes to the policy which includes clarification between CFRA and FMLA, update gender terminology, and changes to be in line with the law.

VOTE:            3 In-Favor                    0 Abstentions                    0 Opposed

*Motion passed.*

**PC 30/24            Approval of Personnel Policy SMSUPM 721 – Unauthorized Absence Policy 3.29 (Action, Puccinelli)**

M/S Paz/Bature motion to open Approval of Personnel Policy SMSUPM 721 – Unauthorized Absence Policy 3.29.

Controller Paz deferred his time to speaker. Ms. Puccinelli provided an overview of the changes to the policy which includes removing the terminology voluntary or involuntary.

VOTE:            3 In-Favor                    0 Abstentions                    0 Opposed

*Motion passed.*

**PC 31/24            Approval of Personnel Policy SMSUPM 725 – Educational Assistance Benefit Policy 3.29 (Action, Puccinelli)**

M/S Paz/Bature motion to open Approval of Personnel Policy SMSUPM 725 – Educational Assistance Benefit Policy 3.29.

Controller Paz deferred his time to speaker. Ms. Puccinelli provided an overview of the changes to the policy which includes to updates to employee classifications, removed item number 6 requirement of where staff must take courses, and added a clause informing employee that the educational assistance benefit is taxable per the requirements set forth by the IRS.

VOTE:            3 In-Favor                    0 Abstentions                    0 Opposed

*Motion passed.*

**PC 32/24            Approval of Personnel Policy SMSUPM 800 – Lay-off and Recall Policy 4.3 (Action, Puccinelli)**

M/S Paz/Bature motion to open Approval of Personnel Policy SMSUPM 800 – Lay-off and Recall Policy 4.3.

Controller Paz deferred his time to speaker. Ms. Puccinelli provided an overview of the changes to the policy which includes updating the right for Executive Direct to recall lay-off to 1 year from the effective date of lay-off, per the advice of general counsel.

VOTE:           3 In-Favor                   0 Abstentions                   0 Opposed

*Motion passed.*

**PC 33/24       Approval of Personnel Policy SMSUPM 815 – Termination Policy 4.3  
(Action, Puccinelli)**

M/S Paz/Bature motion to open Approval of Personnel Policy SMSUPM 815 – Termination Policy 4.3.

Controller Paz deferred his time to speaker. Ms. Puccinelli provided an overview of the changes to the policy which include removal of clause that emergency employees are not subject to lay-off and recall policy, updated and clarified language of involuntary termination for cause versus involuntary termination without cause, and wording under resignation section.

VOTE:           3 In-Favor                   0 Abstentions                   0 Opposed

*Motion passed.*

**PC 34/24       Approval of Personnel Policy SMSUPM 820 – Discipline Policy 4.3 (Action,  
Puccinelli)**

M/S Bature/Felix motion to open Approval of Personnel Policy SMSUPM 820 – Discipline Policy 4.3.

Mr. Bature deferred his time to speaker. Ms. Puccinelli provided an overview of the changes to the policy which includes adding clause about following university policies in addition to SMSU policies, updated language in the progressive discipline section regarding written reprimands may be accompanied by performance improvement plan, and clarification about who may issue written reprimands versus major disciplinary actions, suspensions and dismissal.

M/S Agudo/Paz motion to amend language in the last sentence of the Progressive Discipline section “exceptions in this process may be made at the discretion of the Santos Manuel Student Union Executive Director, in conjunction with the Human Resources Manager”.

VOTE:           3 In-Favor                   0 Abstentions                   0 Opposed

*Motion passed.*

**PC 35/24 Approval of Personnel Policy SMSUPM 900 – Hours of Work 4.18 (Action, Puccinelli)**

M/S Bature/Felix motion to open Approval of Personnel Policy SMSUPM 900 – Hours of Work 4.18.

Mr. Bature deferred his time to speaker. Ms. Puccinelli provided an overview of the changes to policy which includes clarification as to when the work week begins, updated language about meal periods and rest periods, which are required by law.

VOTE:            3 In-Favor                      0 Abstentions                      0 Opposed

*Motion passed.*

**PC 36/24 Approval of Personnel Policy SMSUPM 905 – Absence and Tardiness 4.18 (Action, Puccinelli)**

M/S Paz/Bature motion to open Approval of Personnel Policy SMSUPM 905 – Absence and Tardiness 4.18.

Controller Paz deferred his time to speaker. Ms. Puccinelli provided an overview of the changes to policy which includes removal of item number five. Employees clock-in and clock-out, so they are only compensated for the time worked, clarification that a doctor’s verification is required after missing three consecutive days of sick leave, and language regarding automatic termination was removed.

M/S Agudo/Paz motion to amend language on the section two, strike “calling in” to “Notification needs to be made”.

VOTE:            3 In-Favor                      0 Abstentions                      0 Opposed

*Motion passed.*

**Announcements**

- Ms. Puccinelli thanked the committee for their due diligence in reviewing the policies and providing important input.

**Adjournment** – M/S Bature/Paz motion to adjourn the meeting at 11:04 a.m.

Reviewed and respectfully submitted by:

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Angelica Agudo, Committee Chair

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Date





SANTOS MANUEL STUDENT UNION BOARD OF DIRECTORS  
Personnel Committee  
Tasks and Assignments for 2024-2025

BY-LAWS. ARTICLE IX. STANDING COMMITTEES, SECTION 3.

Personnel: In the event of Board vacancies, this committee shall recommend to the Board of Directors those persons whom the committee determines are most qualified to serve in the various positions designated in these Bylaws. The committee also notifies the appropriate constituent group having representation on the Board of Directors, of a Board of Directors vacancy from that group. The committee will also advise and/or recommend policy to the Executive Director and/or the Board of Directors on matters pertaining to personnel. Only voting members of the Board of Directors may serve on the Personnel Committee.

Prepare: The committee will, in consultation with the SMSU Executive Director, prepare new policies and procedures as directed by the board of directors or CSU requirements.

Review: The committee will review current policies and procedures within the following time frame.

**Fall Semester**

September Meeting

1. Election of Chair
2. Review Tasks & Assignments
3. Current personnel matters
4. Review and recommendation of equity adjustments and general salary increases for staff

October Meeting

1. As needed

November Meeting

1. Review the financial impact of health benefits

## **Spring Semester**

### February Meeting

1. Review Position Descriptions of exiting positions (2019, 2021, etc.)
2. Review existing salary structures
3. Establish salary pool in the operating budget for general, performance based and equity salary adjustments in consultation with the Finance & Contracts Committee

### March Meeting

1. As needed

### April Meeting

1. Review of applications for student representatives to the board of directors

### Additional Items (*As needed*):

1. Review position descriptions for new positions
2. Review of applications for student representatives to the Board of Directors
3. Review current personnel matters

**Recommend:** The committee will report to the board of directors any recommendations, policy revisions or new policies necessary to run an effective operation.

## Position Reclassification Proposal

### Introduction:

This proposal outlines recommendations for position reclassification based on both marketplace considerations and reassessment of job duties for certain positions within the organization. These recommendations follow the release of the AOA salary survey, which provides insight into compensation benchmarks within CSU Auxiliary organizations. The reclassification requests are categorized into two sections: (1) based on reassessment of job complexities and scope, and (2) based on marketplace considerations.

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### I. Reclassification Based on Job Duty Complexities and Overall Scope

#### 1. Position: Scheduling Coordinator (Re-titled: Event Services Manager)

- **Current Classification:** Grade 5 (Salary range: \$48,967 - \$73,451)
- **Recommendation:** Reclassify to Grade 8 (Salary range: \$67,346 - \$101,019)
- **Rationale:** The role of Scheduling Coordinator has evolved significantly, warranting a title change to Event Services Manager. In addition to scheduling services, the role now encompasses the oversight of audio-visual and room setup functions. The complexity and scope of responsibilities have expanded, making it necessary to reflect these changes in the position's classification. An upgrade to Grade 8 aligns this position with similar managerial roles that require multi-area oversight and increased technical expertise.

#### 2. Position: Audio-Visual Specialist (Re-titled: Audio-Visual Specialist/Event Coordinator)

- **Current Classification:** Grade 4 (Salary range: \$44,032 - \$66,048)
  - **Recommendation:** Reclassify to Grade 7 (Salary range: \$60,559 - \$90,838)
  - **Rationale:** The responsibilities of the Audio-Visual Specialist have broadened, now including oversight of room setup in addition to audio-visual services. This increased workload and expanded scope, particularly with the opening of SMSU North, justify an upward reclassification to Grade 7. The title change to Audio-Visual Specialist/Event Coordinator reflects the dual focus of this role, and the new classification ensures alignment with the increased complexity of the duties.
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### II. Reclassification Based on Marketplace Considerations

#### 1. Position: Budget Analyst

- **Current Classification:** Grade 8 (Salary range: \$67,346 - \$101,019)
- **Recommendation:** Reclassify to Grade 10 (Salary range: \$99,173 - \$130,166)

- **Rationale:** The AOA salary survey indicates that similar roles in auxiliaries of comparable size have a midpoint salary of \$117,981. To align with market trends and maintain competitiveness in attracting and retaining talent, we recommend an upward adjustment to a higher salary grade. This change reflects the increased demand and marketplace valuation for Budget Analysts within the CSU Auxiliary system.

## **2. Position: Human Resource and Risk Manager**

- **Current Classification:** Grade 8 (Salary range: \$67,346 - \$101,019)
- **Recommendation:** Reclassify to Grade 10 (Salary range: \$99,173 - \$130,166)
- **Rationale:** The AOA salary survey reveals a midpoint salary of \$112,312 for similar positions in comparably sized auxiliaries. Given the current marketplace for human resource and risk management professionals, particularly in the CSU Auxiliary sector, we recommend a reclassification to Grade 10 to ensure salary competitiveness and better alignment with external benchmarks.

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### **Conclusion:**

The recommended reclassifications are based on thorough analysis of both marketplace salary trends and reassessment of job responsibilities. These adjustments will ensure that our organization remains competitive in attracting and retaining highly skilled professionals while accurately reflecting the scope and complexity of each role.

**CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO  
SANTOS MANUEL STUDENT UNION**

**PERSONNEL POLICY**

**SUBJECT: Children in the Workplace**

**REFERENCE: SMSU Personnel Policies Manual; SMSUPM 915**

The Santos Manuel Student Union values a workplace culture that fosters a healthy and appropriate balance between workplace obligations and family demands. In keeping with this value, the SMSU has established the following policy to provide guidance on when and under what circumstances children can appropriately be present in the SMSU workplace.

This policy applies to all employees (professional staff, hourly staff, and student assistants) for whom the need to bring dependent children to the workplace may arise. This policy does not apply to a minor child's participation in SMSU/CSUSB sponsored programs or attendance at SMSU/CSUSB sponsored special events to which children and/or families may be invited. Similarly, participation in an approved educational event that permits children to observe and/or participate in parents' or guardians' work activities is permitted.

**Policy:**

Whenever is operationally practicable, managers should honor an employee's request for flexibility to meet unexpected family needs that may require an employee's attention during normal working hours. So long as operational conditions and workloads will reasonably permit, managers are expected to work with employees in order that such unexpected needs can be met by using breaks, lunch periods, flexible work schedules, adjusted hours, vacation leave or other alternative work arrangements.

Regular and extended presence of children during work hours is not permitted due to the potential for interruption of work or University activities, as well as the potential for such presence to negatively impact productivity and/or present avoidable exposure to safety risks and/or potential legal liability. The workplace may not be used as an alternative to regular child care, and bringing children to the workplace on a frequent basis, such as during school breaks or before/after school is not permitted. Likewise, a child who is ill and thus unable to attend school or day care may not be brought to the workplace.

Subject to the limitations described in this policy, visits by children of employees are permissible, provided that advance supervisory and human resource approval is sought and obtained by the employee. Approval is at the discretion of the supervisor in consultation with

the Human Resources Manager. An employee who brings a child to work without prior approval will be asked to leave.

No minor may ever be allowed into an area that is potentially hazardous. Such prohibited areas include custodial closets, maintenance offices, storage rooms, service corridors, behind Coyote Lanes, and anywhere tools or hazardous materials are present.

During any such visits, minor children may not be left unsupervised, nor may they be placed under the supervision of other employees that are on the clock. The presence of the child may not disrupt the work environment or negatively affect the productivity of the employee who brought the child, the employee's colleagues, or CSUSB students.

**CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO  
SANTOS MANUEL STUDENT UNION**

**PERSONNEL POLICY**

**SUBJECT: Mandatory Training Completion**

**REFERENCE: SMSU Personnel Policies Manual; SMSUPM XXX**

**POLICY:** This policy outlines the procedures and responsibilities for the assignment, completion, and monitoring of mandatory training to ensure legal compliance, a safe work environment, and the continuous development of employees.

The Santos Manuel Student Union (SMSU) values its employees and prioritizes their development through effective training programs. Mandatory training ensures that all employees, including student workers, comply with federal, state, and organizational requirements, reducing legal, financial, and safety risks. These trainings promote a safe, compliant, and inclusive work environment while aligning with SMSU's strategic goals.

All SMSU employees are required to complete assigned mandatory trainings within specific timeframes. This includes compliance with legal requirements (e.g., OSHA, anti-harassment laws) and training in organizational policies. Mandatory training supports both organizational success and employee development by ensuring that staff remain up-to-date with evolving regulations and best practices.

SMSU will provide employees with the time and resources to complete mandatory training during working hours.

**Responsibilities:**

**Employees:**

1. Training Completion:

Employees must complete all mandatory trainings within 30 days of the training assignment date. These trainings are essential for maintaining a safe, compliant workplace and may be delivered through platforms such as CSULearn and Praesidium.

2. Email Monitoring:

Employees are required to monitor their Outlook work emails regularly for training notifications and deadlines. This is considered a fundamental part of their job responsibilities.

3. Request for Support:

If employees face challenges in accessing or completing trainings, they should promptly contact their supervisor or the Human Resources Manager.

### **Supervisors:**

1. **Facilitating Completion:**  
Supervisors are responsible for ensuring that employees are provided with sufficient time and resources to complete assigned trainings during work hours.
2. **Monitoring Compliance:**  
Supervisors must stay informed of their team's compliance status and work with HR to address any lapses.

### **Human Resources:**

1. **Tracking and Reporting:**  
The HR Manager will track employee compliance and notify supervisors of any employee who is out of compliance with training deadlines.
2. **Disciplinary Action Coordination:**  
The HR Manager will collaborate with supervisors to implement corrective actions for non-compliance, including coaching and, if necessary, disciplinary measures.

### **Non-Compliance Procedures:**

1. **Student and Non-Exempt Employees:**  
If student or non-exempt employee does not complete the required training within the allotted 30 days, they will be removed from their work schedule until the training is complete.
2. **Exempt Employees:**  
For exempt employees, failure to complete mandatory training within the required timeframe may result in progressive disciplinary actions, ranging from discussions to more formal measures, depending on the situation.

### **Types of Mandatory Training:**

1. **Legal Compliance and Policies:**  
This includes, but is not limited to, trainings mandated by state and federal laws, such as Occupational Safety and Health Administration (OSHA) requirements, sexual harassment prevention, mandated reporter, CPR/AED/First Aid, and nondiscrimination policies.
2. **Job-Specific Training:**  
Depending on the employee's role, specific technical or industry-related trainings may be required. For example, employees working in specialized fields may require additional certifications or training to maintain compliance with industry standards.

### **Training Process:**

1. **New Hires:**  
All new employees must complete mandatory onboarding training within their first 30 days of employment. This training will cover both compliance and job-specific skills.



2. Ongoing Training:

Employees will be required to complete additional mandatory trainings throughout their employment to stay up-to-date with evolving laws and regulations. These trainings must be completed within 30 days of the training assignment date.

3. Notification and Deadlines:

Training assignments will be communicated via employee's Outlook work email, with links to the relevant platforms and instructions for completion if applicable.

**Record Keeping and Monitoring:**

1. Certification and Documentation:

Upon successful completion of mandatory training, employees will receive certifications, which will be automatically recorded in the appropriate learning management system. HR and the employee will have access to training records for compliance monitoring. Employees will be notified when certifications are about to expire through CSULearn emails to their Outlook work email, from the HR, or from their supervisor, as a reminder that they are due for retraining.

2. Reporting and Auditing:

HR will regularly review training completion rates and provide supervisors with reports on their team's compliance status.

**CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO  
SANTOS MANUEL STUDENT UNION**

**PERSONNEL POLICY**

**SUBJECT: Paid Leaves of Absence**

**REFERENCE: SMSU Personnel Policies Manual; SMSUPM 715  
CA Govt Code § 19775 – Military Leave  
CA Govt Code § 19859.3 – Bereavement Leave  
California Code, Labor Code - LAB § 1510 – Organ and Bone Marrow Donor  
Leave  
Healthy Families Act of 2014 – Paid Sick Leave Law**

Santos Manuel Student Union management, regular, emergency, and temporary employees shall, when qualified, be entitled to paid leaves of absence for medical disability, family illness, military service, jury duty, or bereavement. It shall be the responsibility of the employee's supervisor, in conjunction with the Human Resource and Risk Manager, to ensure that requests for such absences are acted upon in a fair and equitable manner, and that policy requirements are adhered to. Employees should give advance notice whenever possible.

**Sick Leave:**

1. Santos Manuel Student Union employees shall be eligible for paid sick leave upon completion of one month of continuous service. Accrual rate for leave shall be eight (8) hours of credit for each qualifying month of full-time service. Part-time employees shall accrue leave at the rate of two (2) hours for each forty (40) hours of service. Such leave may not be awarded prior to the day on which it is credited and shall not be granted beyond time which has been accrued. When ill, employees should notify their supervisor as soon as possible, and no later than one hour after the time scheduled to start work.
2. The Santos Manuel Student Union Human Resource Office will require the employee to submit substantiating evidence that the absence is for an authorized reason if the absence is more than three (3) consecutive work days. This may include certification by an attending physician for absences due to illness.
3. Absences chargeable to sick leave include:
  - a. Illness, injury or exposure to a contagious disease.
  - b. Self-care
  - c. Treatment or examination by a licensed medical practitioner.

- d. Illness or injury in the immediate family. Use of sick leave in this category is limited to one-half the employee's annual sick leave accrual.

For purposes of this policy, the term "immediate family" shall include spouse, parent, grandparent, in-law, sibling, child, designated person, registered domestic partner and child thereof, significant other, and co-habitant. The designated person is a person identified by the employee at the time the employee requests sick leave. An employee may identify a designated person every 12 months. The 12 months begin with the first identification of a designated person. Registered domestic partner is defined pursuant to California law. Any other relative residing in the employee's immediate household, except domestic employees, roomers, or roommates, is also included under the term "immediate family".

#### Catastrophic Leave

The Santos Manuel Student Union Catastrophic Leave policy shall mirror the campus Catastrophic Leave policy whenever possible. A catastrophic illness or injury is one which has totally incapacitated the employee from work, typically for an extended period of time, which would be defined as more than three working days. Catastrophic illness or injury may also include an incapacitated member of the employee's immediate family if this results in the employee being required to take time off for an extended period of time in order to care for the family member.

A doctor's note must be submitted to the Santos Manuel Student Union Human Resource and Risk Manager which indicates any special circumstances which cause the illness or injury to be catastrophic. In addition, qualifications and paperwork similar to FMLA-approved leave will be required in order to request Catastrophic Leave.

All leave credits (sick leave, vacation, personal holiday, etc.) must be exhausted prior to receiving Santos Manuel Student Union Catastrophic Leave credits. In some instances, it may be possible to pre-apply and receive approval to participate in the Catastrophic Leave program. In these cases, the employee must submit a detailed plan showing proposed absence periods, how and when all leave credits would be exhausted and the projected amount of Santos Manuel Student Union Catastrophic Leave credits that would be needed to compensate for the employee absence.

To donate Catastrophic Leave Credits: Santos Manuel Student Union full-time employees will be notified by email whenever an approved Catastrophic Leave situation arises. SMSU full-time employees may donate sick leave or vacation credits at a maximum amount of 40 hours per individual, per occurrence. Donated leave credits are not deemed donated until they have been transferred to the recipient through Payroll.

### Organ and Bone Marrow Donor Leave:

The Santos Manuel Student Union provides eligible employees up to 30 business days in a 12-month period of paid leave to donate an organ to another person, and up to five business days in a 12-month period of paid leave to donate bone marrow to another person. An additional unpaid leave of up to 30 business days in a 12-month period may be granted to an employee donating an organ.

To be eligible, employees must have been employed with the SMSU for 90 days immediately preceding the commencement of leave. Written certification that the employee is a bone marrow or organ donor and that the procedure is medically necessary will be required.

Employees should request leave under this policy with as much advanced notice as practicable. During leave under this policy the SMSU will maintain coverage for employees and their family members who participate in the SMSU's health plan on the same terms as if the employees had continued to work. If applicable, employees should arrange to pay their share of health plan premiums while on leave. Use of leave under this policy will not result in the loss of any employment benefit that accrued prior to the start of the leave. Upon returning from leave under this policy, employees will typically be restored to their positions, or to equivalent positions, with equivalent pay, benefits, and other employment terms and conditions.

### Bereavement and Funeral Leave:

Employees are eligible for five days of bereavement leave with pay for each death of an immediate family member. Bereavement leave must be taken within 3 months of the date of death.

For purposes of this policy, the term "immediate family" shall include spouse, parent, grandparent, in-law, sibling, child, registered domestic partner and child thereof, significant other, and co-habitant. Registered domestic partner is defined pursuant to California law. Any other relative residing in the employee's immediate household, except domestic employees, roomers, or roommates, is also included under the term "immediate family".

### Reproductive Loss Leave

Employees are eligible for five days of reproductive loss leave with pay for a failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. The leave must be completed within 3 months of the reproductive loss event. If an employee suffers more than one reproductive loss event within 12 months, the SMSU will only provide up to 20 days of paid leave.

### Time Off for Voting

If an employee does not have sufficient time outside of regular working hours to vote in an official state-sanctioned election, the employee may take off up to 2 hours of paid leave to

vote. Such time off shall be taken at the beginning or the end of the regular working shift. Under these circumstances, an employee will be allowed a maximum of two hours of time off. When possible, an employee requesting time off to vote shall give his or her supervisor at least two days' notice.

#### Military Leave:

**General leave and re-employment rights.** Any employee of Santos Manuel Student Union who is called for training or active duty in the uniformed services of the United States is eligible for military leave, provided the employee gives notice of his or her military obligations. Eligibility for military leave extends to part-time employees, but does not apply to temporary employees. However, other temporary employees returning from military service are reemployed to the extent required by law. In carrying out the terms of this policy and in all its dealings with employees regarding military leave issues, the Santos Manuel Student Union complies fully with all federal and state laws granting leave and employment rights to employees. Employees taking part in a variety of military duties are covered under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including active duty, reserve or National Guard, for training, periods of active military service and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. This policy also covers individuals serving in the active components of the armed forces and the National Disaster Medical System (NDMS) as well as reservists for the Federal Emergency Management Agency (FEMA) when they are deployed to disasters and emergencies on behalf of FEMA. Subject to certain exceptions under the law, these benefits are generally limited to five years of leave of absence.

**Pay and benefit procedures.** Employees with at least six months' service with the Santos Manuel Student Union are eligible for up to six months' supplemental pay and full benefits when they are absent due to a service obligation with a military reserve or National Guard unit. This supplemental pay equals the amount by which an employee's straight-time pay exceeds military pay. To qualify for benefits, employees must arrange to continue contributing their share of benefit costs.

**Unpaid leave.** Employees absent longer than six months due to a military service obligation are placed on unpaid military leave unless they have vacation leave that they choose to apply to their absence. Employees who enlist or are drafted are placed on open-ended unpaid military leave.

**Health care continuation coverage.** Employees on unpaid military leave are suspended from participation in the Santos Manuel Student Union benefit plans, but can purchase up to 24 months of continued health coverage if they opt to pay the full premium for the coverage. For more information on health care continuation rights, contact the Santos Manuel Student Union Human Resource and Risk Manager.

**Life insurance coverage.** The group term life/AD&D insurance provided by the Santos Manuel Student Union will terminate the day the employee becomes active military. Voluntary supplemental life/AD&D insurance will terminate the day the employee becomes active military. Converting to an individual policy may continue voluntary dependent life insurance coverage. To exercise this conversion option, dependents must submit a written application and the first premium payment to the insurance company within 31 days immediately following the termination of coverage.

**Time Off accrual.** Employees do not accrue vacation, personal leave or sick leave while on military leave of absence status.

Jury Duty:

Santos Manuel Student Union managerial, regular, temporary, and emergency employees who have been summoned to jury service shall be granted a leave of absence. In this case, employees must notify their supervisor of the summons, in writing, prior to commencing such service. Verification of summons will be required by the Human Resources and Risk Manager.

Parental Leave:

Parental leave is paid leave for the birth of an employee's child or the placement of a child with the employee through adoption or foster care.

- Leave is up to thirty (30) workdays per calendar year per event.
- Leave must commence within 60 days of the child's arrival.
- Leave runs concurrently with any other related leave to which an employee is entitled (i.e. CFRA, FMLA, Disability).
- Leave must be used within 12 weeks of the birth or adoption of a child.
- Employees must have at least 12 months of SMSU service to be eligible.

**CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO  
SANTOS MANUEL STUDENT UNION**

**PERSONNEL POLICY**

**SUBJECT: Unpaid Leaves of Absence**

**REFERENCE: SMSU Personnel Policies Manual; SMSUPM 720  
California Family Rights Act  
Family and Medical Leave Act  
Paid Family Leave**

Unpaid Leave of Absence (Non-FMLA/CFRA)

Santos Manuel Student Union employees may be granted an unpaid leave of absence for a period of up to one (1) year. Such leaves may be approved by the Santos Manuel Student Union's appointing authority for incapacitating illness or injury, parental requirements, or other satisfactory reasons as determined by the Executive Director in conjunction with the Human Resource Manager.

A written application for leaves in this category must be submitted to the Santos Manuel Student Union Human Resource Manager. They will consult with the Executive Director who will determine whether the request will be granted and establish conditions of such a leave. If the request is granted, the employee will not earn service credit during the period of leave and may not return to pay status prior to the expiration of leave without written approval of the Executive Director.

The Santos Manuel Student Union will attempt to return the employee to their classification at the end of the leave; however, there are no guarantees.

Family Medical Leave (CFRA/FMLA)

The Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA) are federal and state laws that allow eligible employees of covered employers to take unpaid, job-protected leave. The Santos Manuel Student Union will grant family and medical leave in accordance with the requirements of applicable state and federal law in effect at the time the leave is granted. No greater or lesser leave benefits will be granted than those set forth in state or federal law. In certain situations, federal law requires that provisions of state law apply. In any case, employees will be eligible for the most liberal benefits available under either law.

Please contact Human Resources as soon as you become aware of the need for a family or medical leave. The following is a summary of the relevant provisions. Any differences between CFRA and FMLA are outlined below.

### ***Employee Eligibility - FMLA***

To be eligible for FMLA benefits, an employee must: (1) have worked for the Santos Manuel Student Union for a total of at least 12 months; (2) have worked at least 1,250 hours over the previous 12 months; and (3) work at a location where at least 50 employees are employed by the Santos Manuel Student Union within 75 miles.

### ***Employee Eligibility – CFRA***

To be eligible for CFRA benefits, an employee must: (1) have worked for the Santos Manuel Student Union for a total of at least 12 months; and (2) have worked at least 1,250 hours over the previous 12 months.

### ***Leave Available - FMLA***

Eligible employees may receive up to a total of 12 workweeks of unpaid leave during a 12-month period. A 12-month period begins on the date of an employee's first use of the leave. Successive 12-month periods commence on the date of an employee's first use of such leave after the preceding 12-month period has ended. Leave may be used for one or more of the following reasons: (1) for the birth or placement of a child for adoption or foster care; (2) to care for a covered family member (spouse, minor or dependent child, or parent) with a serious health condition; (3) the employee is unable to work because of his or her own serious health condition (including pregnancy); (4) a qualifying military exigency related to the covered active duty or call to covered active duty of an employee's spouse, child (of any age), or parent who is a member of the United States Armed Forces; or (5) to care for a member who is a current servicemember or veteran with a serious illness or injury.

### ***Leave Available - CFRA***

Eligible employees may receive up to a total of 12 workweeks of unpaid leave during a 12-month period. A 12-month period begins on the date of an employee's first use of the leave. Successive 12-month periods commence on the date of an employee's first use of such leave after the preceding 12-month period has ended. Leave may be used for one or more of the following reasons: (1) for the birth or placement of a child for adoption or foster care; (2) to care for a covered family member (spouse, registered domestic partner, child of any age, child of domestic partner, parent, parent-in-law, sibling, grandparent, grandchild, or designated person) with a serious health condition; (3) the employee is unable to work because of his or her own serious health condition (excluding pregnancy); (4) a qualifying military exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child (of any age), or parent who is a member of the United States Armed Forces, as specified in Section 3302.2 of the Unemployment Insurance Code.

Designated Person is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship. Employees are limited to one designated person per 12 month period.



Under some circumstances, employees may take family and medical leave intermittently, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

Pregnant employees may have the right to take pregnancy disability leave in addition to family and medical leave; such employees should contact their Human Resources regarding their individual situations.

Certain restrictions on these benefits may apply.

### ***FMLA/CFRA Use***

In circumstances where a leave qualifies for both FMLA and CFRA, the leave will run concurrently for a total of 12 weeks. It is possible that an employee could qualify for 12 weeks of CFRA and then qualify for 12 weeks of FMLA due to the differences in reasons for leave or covered family members.

### ***Notice and Certification***

Employees seeking to use family or medical leave may be required to provide:

- (1) 30-day advance notice when the need for the leave is foreseeable; and
- (2) Medical certification from a health-care provider (both prior to the leave and prior to reinstatement).

When leave is needed to care for an immediate family member or the employee's own serious health condition, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the Santos Manuel Student Union's operation.

### ***Compensation during Leave***

FMLA and CFRA are unpaid. The Santos Manuel Student Union may require an employee to use accrued paid leave such as vacation to cover some or all of the family and medical leave. The use of paid time-off will not extend the length of the leave to which you are otherwise entitled.

### ***Benefits during Leave***

The Santos Manuel Student Union will continue to pay its share of your group health insurance premiums for an employee on family and medical leave for up to a maximum of 12 workweeks if such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. The Santos Manuel Student Union may recover premiums it paid to maintain health coverage for an employee who fails to return to work following family and medical leave.

Employees on family and medical leave who do not receive continued paid coverage, or whose paid coverage ceases after 12 workweeks, may continue their group health insurance coverage

through the Santos Manuel Student Union in conjunction with federal COBRA guidelines, if applicable, by making monthly payments to the Santos Manuel Student Union for the amount of the relevant premium. Employees should contact Human Resources for further information.

### ***Job Reinstatement***

Under most circumstances, upon return from family and medical leave, an employee will be reinstated to his or her previous position, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee returning from a family and medical leave has no greater right to reinstatement than if the employee had been employed continuously rather than on leave. For example, if an employee on family and medical leave would have been laid off had leave not been taken, or if an employee's position is eliminated during the leave, the employee would not be entitled to reinstatement. An employee's use of family and medical leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using family and medical leave.

### ***Unlawful Acts***

It is unlawful for the Santos Manuel Student Union to interfere with, restrain, or deny the exercise of any right provided by state or federal law. It is also unlawful for the Santos Manuel Student Union to refuse to hire or to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceedings related to family and medical leave.

### **Disability Insurance (DI) and Paid Family Leave (PFL)**

Disability Insurance (DI) and Paid Family Leave (PFL) provide wage replacement benefits; they do not provide job protection. DI provides up to 52 weeks of paid benefits when an employee is unable to work and has a wage loss due to their own non-work-related illness, injury, pregnancy or childbirth. PFL provides up to eight weeks of pay when an employee has a wage loss due to taking time off work to care for a seriously ill family member, bond with a new child, or to participate in a qualifying event because of a family member's military deployment to a foreign county. **The law does not create a new right to a leave of absence**, but rather provides pay for the time an employee is off work for a covered reason. DI and PFL runs concurrently with FMLA leave and CFRA leave, California's FMLA counterpart. There is no guarantee of reinstatement after taking Paid Family Leave. For more information, contact Human Resources or visit [www.edd.ca.gov](http://www.edd.ca.gov).

### **Pregnancy Disability Leave**

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

### ***Leave Available***

An employee disabled due to pregnancy, childbirth, or related medical conditions may take up to a maximum of four months leave. As an alternative, the Santos Manuel Student Union may transfer the employee to a less strenuous or hazardous position if the employee so requests, with the advice of her physician, if the transfer can be reasonably accommodated.

Leave taken under the pregnancy disability policy runs concurrently with family and medical leave under federal law, but not with family and medical leave under California law.

### ***Notice and Certification Requirements***

Employees requesting to take pregnancy disability leave must provide the Santos Manuel Student Union with a certification from a health-care provider.

### ***Compensation during Leave***

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

### ***Benefits during Leave***

If the employee taking pregnancy disability leave is eligible for leave under the federal or state family and medical leave laws, the Santos Manuel Student Union will maintain your group health insurance coverage for up to a maximum of 12 workweeks per 12-month period if such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. In some instances, the Santos Manuel Student Union may recover premiums it paid to maintain health coverage for an employee who fails to return to work following pregnancy disability leave. If ineligible under the federal and state family and medical leave laws, employees on pregnancy disability leave will receive continued paid coverage on the same basis as employees taking other leaves.

Employees on pregnancy disability leave who do not receive continued paid coverage, or whose paid coverage ceases after 12 workweeks, may continue their group health insurance coverage through the Santos Manuel Student Union in conjunction with federal COBRA guidelines, if applicable, by making monthly payments to the Santos Manuel Student Union for the amount of the relevant premium. Employees should contact their supervisor or the Administrative Office for further information.

### ***Reinstatement***

Upon the submission of a medical certification from a health care provider that an employee is able to return to work, the employee will, in most circumstances, be offered the same position held at the time of the leave or an equivalent position. However, an employee is not entitled to

any greater right to reinstatement than if the employee had been employed continuously rather than on leave. For example, if the employee had been laid off if they had not gone on leave, then the employee would not be entitled to reinstatement. Similarly, if the employee's position has been filled in order to avoid undermining the Santos Manuel Student Union's ability to operate safely and efficiently while the employee was on leave, and there is no equivalent position available, then reinstatement would be denied.

#### Workers' Compensation Disability Leave

The Santos Manuel Student Union will grant a workers' compensation disability leave to employees with occupational illnesses or injuries in accordance with state law. As an alternative, the Santos Manuel Student Union will try to reasonably accommodate such employees with modified work. Leave taken under the workers' compensation disability policy runs concurrently with family and medical leave under both federal and state law.

#### ***Notice and Certification Requirements***

Employees must report all injuries and illnesses—no matter how small—to their immediate supervisor. In addition, employees must provide the Santos Manuel Student Union with a certification from a health-care provider.

#### ***Compensation during Leave***

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

#### ***Benefits during Leave***

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

Employees on workers' compensation disability who do not receive continued paid coverage, or whose paid coverage ceases after 12 workweeks, may continue their group health insurance coverage through the Santos Manuel Student Union in conjunction with federal COBRA guidelines, if applicable, by making monthly payments to the Santos Manuel Student Union for

the amount of the relevant premium. Employees should contact the Administrative Office for further information.

### ***Reinstatement***

Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a workers' compensation leave, the employee will be reinstated to his or her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers' compensation leave would have been laid off had they not gone on leave, or if the employee's position has been eliminated or filled in order to avoid undermining the Santos Manuel Student Union's ability to operate safely and efficiently during the leave, and there are no equivalent positions available, then the employee would not be entitled to reinstatement.

### Time Off for Child's School Activities

If you are a parent, guardian or grandparent with custody of a child in kindergarten or grades 1-12, inclusive, and wish to take unpaid time off to visit the school of your child for a school activity, you may take off up to eight hours each calendar month (up to a maximum of 40 hours each school year), per child, provided you give reasonable notice to the Santos Manuel Student Union of your planned absence. Employees wishing to take such leave may utilize their existing vacation time or other accrued paid time off. The Santos Manuel Student Union requires documentation from the school noting the date and time of your visit after it is completed.

If both parents of a child work for the Santos Manuel Student Union, only one parent—the first to provide notice—may take the time off, unless the Santos Manuel Student Union approves both parents taking time off simultaneously.

### School Leave (Suspension)

If it is necessary for an employee who is the parent or guardian of a child to attend the child's school to discuss possible suspension, the employee should alert his or her supervisor as soon as possible so that alternative arrangements may be made. No discriminatory action will be taken against the employee for taking time off for this purpose. Such time off is unpaid.

### Time Off for Adult Literacy Programs

The Santos Manuel Student Union will make reasonable accommodations for any employee who reveals a literacy problem and requests that the Santos Manuel Student Union assist him or her in enrolling in an adult literacy program, unless undue hardship to the Santos Manuel Student Union would result.

The Santos Manuel Student Union will also assist employees who wish to seek literacy education training by providing employees with the location of local literacy programs.

The Santos Manuel Student Union will take reasonable steps to safeguard the privacy of any employee who identifies himself or herself as an individual with a literacy problem. An employee who wishes to identify himself or herself as such an individual can contact management directly. Further, individuals who are performing satisfactorily will not be subject to termination of employment because they have disclosed literacy problems.

While the Santos Manuel Student Union encourages employees to improve their literacy skills, the Santos Manuel Student Union will not reimburse employees for the costs incurred in attending a literacy program. Non-exempt employees may use vacation pay to make up for absences from work to attend literacy classes. Time off to attend classes is unpaid.

#### Volunteer Firefighters, Emergency Rescue Personnel, and Reserve Peace Officers

No employee shall receive discipline for taking time off to perform emergency duty as a volunteer firefighter, or other legally eligible emergency rescue personnel or reserve peace officers. Employees who serve as a volunteer firefighter may take up to 14 days of leave per calendar year for the purpose of engaging in fire or law enforcement training. Please alert your supervisor so that they are aware of the fact that you may have to take time off for emergency duty. If you need to take time off for emergency duty, please inform your supervisor before doing so where possible. Time off for such duty is unpaid.

#### Time Off for Victims of Sexual Assault or Domestic Violence

The Santos Manuel Student Union will not discriminate against employees who are victims of crime if they take time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding. The Santos Manuel Student Union will not discriminate against employees who are victims of domestic violence or sexual assault for taking time off from work to obtain or attempt to obtain any relief, including but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of a domestic violence or sexual assault victim or his or her child. Such time off is unpaid and certification of sexual assault will be required for time off to be granted.

The Santos Manuel Student Union will not discriminate or retaliate against an employee who is a victim of domestic violence for taking time off from work, which will be unpaid, to seek medical attention for injuries caused by the domestic violence or sexual assault, to obtain services from a domestic violence program or a shelter, program, or rape crisis center, to obtain psychological counseling related to the domestic violence or sexual assault, or to participate in actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

Affected employees must give the Santos Manuel Student Union reasonable notice that they are required to be absent for a purpose stated above, except for unscheduled or emergency court appearances or other emergency circumstances. In such a case, the Santos Manuel Student Union will take no action against affected employees if, within a reasonable time after

the appearance, they provide the Santos Manuel Student Union with documentary evidence that their absence was required for any of the above reasons. Affected employees may use vacation, personal leave or other accrued time off (if available).

#### Time Off for Victims of Violent Crimes

Employees who are victims or related to victims of a violent felony (defined in Penal Code § 667.5(c)), a serious felony (as defined in Penal Code § 1192.7(c)), or a felony statute prohibiting theft or embezzlement, may take unpaid time off from work to attend judicial proceedings related to the crime. "Related to" means the employee's spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, registered domestic partner, or the child of a registered domestic partner. The employee must give the Santos Manuel Student Union a copy of a notice in advance of each scheduled proceeding. If it is impossible to do so, the employee must give the Santos Manuel Student Union such notice within a reasonable time after the proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the office of the victim's advocate. An employee may use vacation time, personal leave time, or sick leave for the purpose of attending the proceeding. The Santos Manuel Student Union shall keep confidential all records pertaining to this time off.

#### Time Off for Voting

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

#### Lactation Accommodation

The Santos Manuel Student Union shall provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's child. As far as possible, this break time shall run concurrently with any break time already provided by law to the employee. Any break time given for this purpose that does not run concurrently with the break time provided by law shall be unpaid and employees provided with such break time shall record it on their timesheets. The Santos Manuel Student Union is not required to provide such break time if it would seriously disrupt operations.

The Santos Manuel Student Union shall make every reasonable effort to provide employees with the use of a room or other location (other than a toilet stall) close to the employees' work area for employees to express milk in private. The room or location may include the place where the employee normally works if it otherwise meets the requirements of this policy.

#### Civil Air Patrol Leave

Employees responding to an emergency operational mission of the California Wing of the Civil Air Patrol may take 10 days per calendar year of unpaid Civil Air Patrol leave.

#### Military Spouse Leave

Employees who work more than 20 hours per week may take up to a 10 day unpaid leave of absence. Employees must provide notice that their spouse will be on leave from deployment.

#### Military and Reserve Duty Leave

An employee who is a member of the reserve corps of the US Armed Forces, the National Guard, or the National Militia may take an unpaid leave of up to 17 days per year while engaged in military duty.