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PREFACE

What is the Staff Handbook?

The Staff Handbook is a reference manual of Saint Mary’s administrative policies and, generally, certain procedures and practices in effect. The official version is online at stmarys-ca.edu/human-resources/2014-staff-handbook

Who is responsible for producing it?

College Human Resources is responsible for producing the Staff Handbook. To request a revision of any content of this Handbook, or to propose new material please submit your comments at www.stmarys-ca.edu/node/35371

Who approves the Handbook contents?

The College officer (also known as the “owner”) primarily responsible for a specific policy area formally approves Staff Handbook content relating to that area and brings any policy changes to the editor’s attention. The owner who approves a policy is listed at the top of the applicable Section. In general, primary responsibility is assigned as follows:

Section 1 Employment Policies – Assistant Vice President of Human Resources
Section 2 Employee Conduct – Director of Employee Relations & Compensation
Section 3 Working at Saint Mary’s College – Assistant Vice President of Human Resources
Section 4 Recruitment & Employment – Director of Faculty and Staff Recruitment
Section 5 Development, Training & Performance Feedback – Director of Learning & Organizational Effectiveness
Section 6 Communication & Problem Solving – Director of Employee Relations & Compensation
Section 7 Compensation – Director of Employee Relations & Compensation
Section 8 Benefits – Director of Benefits
Section 9 Safety, Health & Environmental Services – Assistant VP of Human Resources
Section 10 End of Employment – Director of Benefits
Append A Acknowledgment of Receipt of Staff Handbook – Assistant VP of Human Resources
Append B Technology Use Policy – Chief Technology Officer
Guidelines for Requesting Changes

Types of Changes

There are two types of changes that can be made to Staff Handbook:

– **Policy** – Any change to policy or change that affects how the policy is administered or interpreted.

– **Housekeeping** – These can include a clarification to existing policy, changes in contact information, phone numbers, URLs or addresses.

How to get changes into the Staff Handbook

A change to an existing Handbook section may be requested by the person who has approval authority for the contents (also known as the “owner”), or that person’s designee. Find the title of the authority/owner on page 1 or at the beginning of each Handbook section listed under “Authority.” To request a revision of any content of this Handbook, or to propose new material please submit your comments at www.stmarys-ca.edu/node/35371

How can I get updated versions of the Staff Handbook?

You will find the most recent version of the Handbook on SMCnet and the Human Resources website: stmarys-ca.edu/hr. Review these sources to determine if there have been updates to it, before relying on any particular section. *In addition, the College may announce, from time to time, new policies or procedures via SMCnet or email*, and the Human Resources site also provides additional operational details and forms related to certain Handbook sections.

Further Questions

If you have questions about any of the information contained in this Handbook, including if a section you are relying on is the most current one, please contact Human Resources (x4212), as you are presumed to have notice of and to understand its contents.
INTRODUCTION

Welcome

As a staff member at Saint Mary’s College of California (also referred to in this Staff Handbook as “Saint Mary’s College,” “Saint Mary’s” or “College”), you are engaged in advancing the College’s Mission and are an important part of the College community. We hope you will find your work at Saint Mary’s College to be rewarding, challenging and productive.

To Whom the Staff Handbook Applies

This Staff Handbook as amended from time to time is intended to inform individuals employed in or assigned to staff positions at the College of their benefits and obligations as an employee of the College. Staff positions cover all positions at the College other than faculty appointments to teach. Individuals employed at or assigned to the College who hold faculty appointments (whether tenure-track or non-tenure-track) to teach are covered by the Faculty Handbook.

Staff Employees Who Concurrently Hold Faculty Status

Individuals assigned to work at or who are employed by the College in a staff position (i.e., in any non-teaching role) and who concurrently hold faculty appointments to teach must also refer to the Faculty Handbook, as they may be covered by applicable provisions of both this
Handbook and the Faculty Handbook, depending on the context and their role (staff or teaching) in which a work-related situation arises. When an individual has both staff and teaching responsibilities and, as a result holds concurrent staff and faculty status, the Assistant Vice President of Human Resources or designee, in consultation with the Provost, makes the final decision as to which handbook controls the particular issue(s) and/or conduct.

**Acknowledgment of Receipt of Saint Mary’s College Staff Handbook**

Please read the Handbook carefully and use the online [Acknowledgement web form](#) or return a print out of the [Appendix A: Acknowledgment form](#), signed and dated, to Human Resources. This Handbook may be amended from time to time. You will find the most recent version of the Handbook on SMCnet and the Human Resources website. Review these sources to determine if there have been updates to it, before relying on any particular section. If you have questions about any of the information contained in this Handbook, including if a section you are relying on is the most current one, please contact Human Resources (x4212), as you are presumed to have notice of and to understand its contents.
History of Saint Mary’s College

In its second century of Christian education, Saint Mary’s College of California is one of the oldest colleges in the West. Dedicated in San Francisco by Archbishop Joseph S. Alemany, O.P., in 1863, the Brothers of the Christian Schools assumed its operation in 1868 and have since then determined its character and growth. Under the laws of the State of California, the College was incorporated in 1872 and given a charter empowering it to confer degrees and to exercise all other privileges of a university. The campus was relocated in Oakland in 1889 and in Moraga in 1928. In 1969, a 4-1-4 calendar and curriculum was adopted for the undergraduate program, and in 1970 the College became co-educational.

The Brothers of the Christian Schools, founded by Saint John Baptist de La Salle in France in 1680, are lay religious who live in community and devote their lives to the Christian education of youth. Forming the largest teaching congregation of non-clerics in the Church, with some 4960 Brothers and 77,301 Lasallian colleagues teaching students in 80 countries, the Brothers bring to their teaching a 300 year tradition of religious dedication, educational philosophy, scholarly preparation, and an eagerness to share with youth the excitement of learning.

The Students of the College are a reflection of the history of the College, for Saint Mary’s seeks to provide higher education opportunities for various social classes, but particularly for those whose educational needs are for various reasons not satisfied elsewhere and to which a proper
and adequate response can be made. Reflecting the Lasallian tradition of a Christian education oriented to the needs of students, the College at various times in its history has included a Law School, a School of Commerce, an engineering department, as well as programs focusing specifically on the humanities. During the history of the College, the expansion of both student population and academic programs has reflected the educational needs of students for which the College exists. Although, since 1970, the College has steadily extended its service to a broader and more diverse community of learners in terms of age, experience, interests and educational needs, it seeks to keep a firm eye on its central academic aim: the development of the capacity of responsible independent thought.

The Faculty and Staff of the College is composed of lay instructors, priests, Sisters, and Brothers. Members of the faculty are selected and promoted primarily for their dedication to and skill at teaching. The College aims at being a community of scholars, and while original research and publication are valued as contributions to intellectual vitality and self-renewal of faculty, they do not take precedence over active membership in the intellectual community of the College wherein dedication and commitment to good teaching is a hallmark. In general, the size of the College and the interests and dedication of its faculty make for extraordinarily close, informal and personal relationships with students. The evaluation of the faculty is made in terms of excellence in teaching, personal orientation to students, scholarly interests and pursuits and commitment to the aims and ideals of the College.
Saint Mary’s College Mission Statement

In the twenty-first century, Saint Mary’s College celebrates the three traditions which have sustained it since its earliest years: the classical tradition of liberal arts education, the intellectual and spiritual legacy of the Catholic Church, and the vision of education enunciated by Saint John Baptist De La Salle and developed by the Brothers of the Christian Schools and their colleagues for more than 300 years.

The foundation for everything we do at Saint Mary’s is our mission:

To probe deeply the mystery of existence by cultivating the ways of knowing and the arts of thinking.

Recognizing that the paths to knowledge are many, Saint Mary’s College offers a diverse curriculum that includes the humanities, arts, sciences, social sciences, education, business administration and nursing, serving traditional students and adult learners in both undergraduate and graduate programs.

As an institution where the liberal arts inform and enrich all areas of learning, it places special importance on fostering the intellectual skills and habits of mind which liberate persons to probe deeply the mystery of existence and live authentically in response to the truths they discover. This liberation is achieved as faculty and students, led by wonder about the nature of reality, look
twice, ask why, seek not merely facts but fundamental principles, strive for an integration of all knowledge, and express themselves precisely and eloquently.

**To affirm and foster the Christian understanding of the human person which animates the educational mission of the Catholic Church.**

Saint Mary’s College holds that the mystery which inspires wonder about the nature of existence is revealed in the person of Jesus Christ giving a transcendent meaning to creation and human existence. Nourished by its Christian faith, the College understands the intellectual and spiritual journeys of the human person to be inextricably connected. It promotes the dialogue of faith and reason; it builds community among its members through the celebration of the Church’s sacramental life; it defends the goodness, dignity and freedom of each person, and fosters sensitivity to social and ethical concerns.

Recognizing that all those who sincerely quest for truth contribute to and enhance its stature as a Catholic institution of higher learning, Saint Mary’s welcomes members from its own and other traditions, inviting them to collaborate in fulfilling the spiritual mission of the College.

**To create a student-centered educational community whose members support one another with mutual understanding and respect.**

As a Lasallian college, Saint Mary’s holds that students are given to its care by God and that teachers grow spiritually and personally when their work is motivated by faith and zeal. The College seeks students, faculty, administrators and staff from different social, economic, and cultural backgrounds who come together to grow in knowledge, wisdom and love.

A distinctive mark of a Lasallian school is its awareness of the consequences of economic and social injustice and its commitment to the poor. Its members learn to live “their responsibility to share their goods and their service with those who are in need, a responsibility based on the union of all men and women in the world today and on a clear understanding of the meaning of Christianity.” *(From: The Brothers of the Christian Schools in the World Today: A Declaration).*
Section 1. Key Employment Policies & Conditions of Employment

Authority

Assistant Vice President of Human Resources

Summary

This section reviews all phases of key employment policies and conditions of employment processes. Below are the main headings:

1.1 Saint Mary’s Right to Amend Its Policies and Revise Its Procedures and Practices
1.2 At-Will Employment
1.3 Coverage, Terms and Conditions of Employment
1.4 Equal Employment Opportunity
1.5 Institutional Policies

1.1 Saint Mary’s Right to Amend Its Policies and Revise Its Procedures and Practices

This Handbook has been developed to provide staff with general guidelines about many Saint Mary’s College policies, and procedures; however, it does not contain promises to any individual employed at or assigned to the College about how any particular circumstance will be addressed. None of the policies in this Handbook is intended to create contractual rights or obligations, nor to be construed as a guarantee of employment for any specific period of time or in any specific position. The College reserves the right, with or without notice (when not otherwise required by law), to amend, revise, revoke, modify, delete or add to any and all policies, procedures, work rules or benefits stated in this Handbook.

The Human Resources Department will provide reasonable notice to staff employees regarding significant changes to this Handbook via email that will direct employees to the Handbook on the HR website to review the most up-to-date policies and procedures. The Handbook supersedes all previously issued handbooks, procedures or policy statements (oral or written), including but not limited to those that may be inconsistent with the policies and procedures described in this Handbook, as amended from time to time, and no oral statements or representations can in any
Section 1. Key Employment Policies and Conditions of Employment

way alter the provisions of this Handbook unless approved in advance and in writing by the President of the College in consultation with the Assistant Vice President of Human Resources or designee.

1.2 At-Will Employment

Your employment with Saint Mary’s is at-will. This means that employment at the College may be ended at any time by either the College or the employee, with or without cause and with or without notice. No implied contract concerning any employment-related decision or term or condition of employment can be established by any other statement, conduct, policy or practice. Absent independent contractual obligations or applicable law, nothing in this Handbook or any other document or statement limits Saint Mary’s right to end employment at will, in its discretion. Only the President or the President’s authorized designee has authority to enter into an agreement for employment for any specified period of time, or to make an agreement for employment other than at-will. Any such agreement must be in writing and signed by the President; any other purported agreements are of no binding effect on the College.

1.3 Coverage, Terms and Conditions of Employment

The policies in this Handbook generally describe employment, appointment, retention, advancement and termination for all staff, full-time and part-time, regular and temporary, including executive, managerial, professional, athletic coaches and support staff, and faculty while holding a staff or administrative position or appointment. These policies do not apply to faculty appointed solely to teach (tenured, tenure-track or non-tenure track), who are covered by the Faculty Handbook.

Terms and conditions of employment are set forth in:

- Job offer confirmation letter – individual letter of employment or promotion, providing start date, position and specifying employment at-will (for an indeterminate period of time), issued only by the Assistant Vice President of Human Resources or designee; or,

- This Handbook, or

- An employment contract for a specific period of time signed by the President of the College
Some cabinet-level staff employees and athletic coaches have employment contracts for specific periods of time. Subject to the notice required by the specific terms of such contracts, the College has no obligation to offer another employment contract following the expiration of the specified term. All other staff receive individual letters of employment that specify that their employment is at-will and that they or the College may terminate the employment relationship at any time with or without cause or notice. Employees hired before offer letters expressly described employment as at-will are nonetheless employed at-will unless they have a current individual employment contract signed by the President of the College. There is no right to tenure associated with holding any staff position or performing any staff responsibilities at Saint Mary’s.

1.4 Equal Employment Opportunity

Saint Mary’s is an equal opportunity employer, and does not tolerate any type of unlawful discrimination. Saint Mary’s makes employment decisions on the basis of merit and seeks the most appropriate person for every job, taking into account an applicant’s qualifications for the position relative to other candidates, and an indication of willingness to support the traditions of the College, including its Catholic identity.

College policy prohibits discrimination based on race, color, religion, national origin, ancestry, age, sex/gender, sexual orientation, gender identity, marital status, medical condition, physical or mental disability, taking a protected leave (e.g. family medical or pregnancy leave), or on any other basis protected by applicable laws. It also prohibits unlawful discrimination based on the perception that anyone has any of these characteristics, or is associated with a person who has or is perceived as having any of these characteristics. All such discrimination can be unlawful when it is severe or pervasive enough to affect a reasonable employee’s job.

Saint Mary’s is committed to complying with all applicable laws providing equal employment opportunities and a workplace free from discrimination and retaliation.

Saint Mary’s College, as a Catholic institution dedicated to social justice in its institutional practices, supports equal opportunity employment practices in all its employment policies covering academic and non-academic personnel. On its position announcements, the College states that it seeks faculty who espouse or respect the Catholic tradition. In February 1971, the
College first reaffirmed this general employment policy in a draft statement, which has been since revised from time to time and which now reads as follows:

**Equal Employment Opportunity/Diversity Program**

All members of the College community should be aware of the College’s firm commitment to promote equal employment opportunity for all job applicants. The College is committed to the general policy of non-discrimination on the basis of race, color, religion, national origin, ancestry, marital status, gender, sexual orientation, age (40 years or older), medical condition, or physical or mental disability and is committed to recruiting and retaining a diverse student and employee population. Accordingly, we wish to affirm the following:

- In recognition of the College’s commitment to creating and retaining a diverse employee population, each Dean, director or head of an operating unit is directed to conduct an active search for and to give equal consideration to all applicants regardless of race, color, religion, national origin, ancestry, marital status, gender, sexual orientation, age, medical condition, or physical or mental disability as employment opportunities become available.

- All proposed personnel changes involving appointments, renewal, promotion or termination will be previewed by the Provost for all faculty personnel, or the Assistant Vice President of Human Resources or designee for all non-faculty personnel. The Assistant Vice President of Human Resources or designee will have the general responsibility for informing Deans, directors and department heads of the College non-discrimination policy and of enforcing that policy.

- All job vacancies will be listed with the Assistant Vice President of Human Resources or designee, who is responsible for announcing all vacancies in such a way that all applicants, including but not limited to minorities, women and the mentally or physically disabled have an equal opportunity to apply and to be considered for vacant positions.

- Since its inception, the College has followed the policy that a Christian Brother, if qualified, may be appointed to any position in the College without a position announcement. With that exception, and a limited list of other allowable exceptions available from the Assistant Vice President of Human Resources or designee, the general policy of the College is that all vacant positions shall be announced publicly.
• The College recruits applicants in accordance with all applicable federal and state laws. Adequate records will be maintained to document placement interviews and the results of those interviews.

• All personnel actions such as compensation and benefit decisions, transfers, layoffs and awarding tuition assistance, are administered by the College in a non-discriminatory manner.

• All public college facilities are maintained on a non-discriminatory basis. College students maintain a cultural center in which all members of the College community are invited to participate.

• The College pledges active support, when feasible and consistent with the mission of the College and applicable federal and state law, to local community and national action programs for equal opportunity in employment.

• Notice of this Equal Employment Opportunity policy shall be distributed to members of the College community and equal employment opportunity posters are to be displayed in appropriate areas of the campus.

1.5 Institutional Policies

1.5.1 Nondiscrimination Disclosure

In compliance with applicable law and its own policy, Saint Mary’s College of California is committed to recruiting and retaining a diverse student and employee population and does not discriminate in its admission of students, hiring of employees, or in the provision of its employment benefits to its employees and its educational programs, activities, benefits and services to its students, including but not limited to scholarship and loan programs, on the basis of race, color, religion, national origin, ancestry, age, gender, sexual orientation, gender identity, marital status, medical condition, physical or mental disability race, color, religion, national origin, ancestry, age, sex/gender, sexual orientation, gender identity, marital status, medical condition, physical or mental disability.
1.5.2 Policy Prohibiting Discrimination, Harassment (including Sexual) and Retaliation

Saint Mary’s College of California is committed to creating and maintaining a community in which all persons who participate in Saint Mary’s programs and activities can work and learn together in an atmosphere free of all forms of discrimination, exploitation, intimidation, or harassment, including sexual, based on a legally protected characteristic or status. Every member of the Saint Mary’s community should be aware that Saint Mary’s will not tolerate harassment or discrimination based on race, color, religion, national origin, ancestry, age, sex/gender, sexual orientation, gender identity, marital status, medical condition, or physical or mental disability, taking a protected leave (e.g., family medical or pregnancy leave), or on any other basis protected by applicable laws. Such behavior is prohibited both by law and by Saint Mary’s policy.

It is Saint Mary’s intention to take whatever action may be needed to prevent, correct, and if necessary, discipline behavior which violates this Policy, which may include suspension, termination, expulsion, or another sanction appropriate to the circumstances and violation. All members of the Saint Mary’s community, including faculty, staff, students, and volunteers are responsible for maintaining an environment that is free of sexual harassment and other forms of discrimination, harassment and retaliation as described in this Policy.

Title IX prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education Office For Civil Rights provides guidelines to ensure that schools take effective steps to respond to sexual harassment and sexual violence in accordance with the requirements of Title IX.

Saint Mary’s College Title IX Coordinator:
Eduardo Salaz, Assistant Vice President of Human Resources
el3@stmarys-ca.edu
925-631-4212

Title IX Officer Deputy Coordinator:
Evette Castillo Clark, Dean of Students
ecc4@stmarys-ca.edu
925-631-4238
Definitions:

Discrimination

Unlawful discrimination may occur when an individual is treated less favorably with respect to the terms and conditions of employment or education, or with respect to the individual’s receipt of employment or educational benefits, because of his or her membership in a protected class. Accordingly, all employment-related decisions, including but not limited to decisions relating to recruitment, hiring, promotion, transfers, benefits and any other terms and conditions of employment, will be made without regard to the employee’s or applicant’s race, color, religion, national origin, sex/gender, sexual orientation, gender identity, gender expression, marital status, pregnancy, age, physical disability, mental disability, medical condition, covered veteran status, genetic information, or other characteristic protected by federal or state law.

Sexual Harassment

Sexual harassment is a form of sex discrimination that is illegal under both federal and state laws. It can be verbal, non-verbal, visual, or physical. Although what constitutes sexual harassment will vary with the particular circumstances, it is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in a College activity; or
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting that individual; or
- Such conduct has the effect of unreasonably interfering with an individual’s performance or creating an intimidating, hostile, or abusive working or learning environment.

Sexual harassment does not include verbal expression or written material that is relevant and appropriately related to course subject matter or curriculum, and nothing in this policy is intended to interfere with Saint Mary’s educational mission or academic freedom, e.g., the ability of a teacher or student to examine examples of harassment appropriate to a particular subject.
A determination of whether particular conduct creates an intimidating, hostile or abusive work or learning environment is assessed from the point of view of a reasonable person in the complainant’s position. Such a determination also takes into account the totality of the circumstances, including, but not limited to, the following:

- the frequency of the offensive conduct;
- its seriousness;
- whether it is physically threatening or humiliating;
- the location of the conduct and the context in which it occurred;
- the degree to which the conduct affected the education or employment environment; and
- the relationship between the parties and their positions at Saint Mary’s

**Examples of Conduct That May Be Sexual Harassment**

Examples of verbal, physical or visual conduct which may be sexual harassment include, but are not limited to:

- direct propositions of a sexual nature;
- sexual innuendoes and other seductive behavior, including subtle pressure for sexual activity such as repeated, unwanted requests for dates, and repeated inappropriate personal comments, staring, or touching;
- direct or implied threats that submission to sexual advances will be a condition of employment, promotion, grades, etc;
- conduct (not legitimately related to the subject matter of a course or curriculum, if one is involved) that has the effect of discomforting, humiliating or both, and that includes one or more of the following:
- comments of a sexual nature, including sexually explicit statements, questions, jokes, anecdotes, or graphic material (e.g., visuals, such as screen savers, which are sexually explicit);
- unnecessary or unwanted touching, patting, massaging, hugging or brushing against a person’s body or other conduct of a physical nature;
• remarks of a sexual nature about a person’s clothing or body;
• insulting sounds or gestures, whistles, or catcalls;
• invading someone’s personal space or blocking her/his path;
• unwelcome and inappropriate letters, telephone calls, electronic mail, instant or text messaging, or other communications;
• displaying sexually suggestive objects, pictures, cartoons or posters (e.g. screen savers).
• a consensual romantic or sexual relationship which:
  – causes adverse treatment of third parties; or
  – creates a hostile or intimidating working or learning environment for third parties;
  – stalking (which is also criminal behavior);
  – sexual assault (which is also criminal behavior).

Some conduct that may appear to be consensual may also be unacceptable.

Sex/gender-based discrimination, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person’s gender or gender-based characteristics, but not involving conduct of a sexual nature (e.g., the repeated sabotaging of female students’ laboratory experiments by male students in the class), may be a form of sex discrimination prohibited by law. While sex/gender-based discrimination may be distinguished from sexual harassment, acts of sex/gender-based discrimination may contribute to the creation of a hostile work or academic environment. Thus, a determination of whether a hostile environment due to sexual harassment exists may take into account acts of sex/gender-based discrimination.

Not all sexual harassment occurs between persons of differing power. Sexual harassment may also occur between peers. In addition, while the majority of reported cases of sexual harassment involve a male harassing a female, sexual harassment may also involve a female harassing a male, or an individual harassing a person of the same gender.

Employees who engage in conduct in violation of this policy are acting outside the scope of their employment responsibilities and, in addition to discipline including termination of their employment, may be subject to individual legal liability and damages for their actions.
NOTE: Nothing in Saint Mary’s policy prohibiting sexual harassment should be construed to prevent employees from rigorously challenging fundamental beliefs held by students and society. However, employees may not interject into the academic setting sexual material that is unrelated to any legitimate educational objective or allow the educational setting to be so sexually charged that Saint Mary’s students are prevented from effectively participating in the academic environment.

1.5.2.1 Retaliation and/or Violation of Interim Protections

Threats or other forms of intimidation and/or retaliation against a student or employee for bringing a complaint of alleged discrimination, harassment (including sexual or sexual assault) or of any other violations of College policies, including but not limited to the Student Code of Conduct, are prohibited. This prohibition includes threats or other forms of intimidation and/or retaliation against the family or friends of a student or employee who brings a complaint under this policy, or those who assist a student or employee in bringing a complaint, or those who participate in an investigation and/or student discipline process for an alleged violation of the Student Code or other College policy.

Retaliation is a violation of College policy and may also be a violation of the law. An allegation of retaliation constitutes an independent basis for investigation and imposition of sanctions on the retaliating student or employee if determined to have occurred. All conduct that is believed to constitute retaliation should be reported immediately to Evette Castillo Clark, Dean of Students (Title IX Deputy Coordinator)—when the individual alleged to have engaged in retaliation is a student or student visitor—or to Eduardo Salaz, Assistant Vice President of Human Resources (Title IX Coordinator), els3@stmarys-ca.edu, at 925-631-4212 or his/her designee—when the individual alleged to have engaged in retaliation is an employee (faculty and staff) or visitor to the College (e.g., contractors, vendors, or non-student guests).

The reporting procedures described below also apply to allegations of retaliation. Interim protections mean steps the College takes to reasonably protect employees and students during an investigation and/or student discipline process.
1.5.3 Title IX – Sexual Assault Reporting Process

1.5.3.1 Complaint and Reporting Procedures and Resources for Addressing Incidents of Discrimination, Harassment, Including Sexual, and Retaliation

Saint Mary’s has in place internal procedures to investigate and address complaints of discrimination, harassment (including sexual) and retaliation as described in this Policy. These procedures are intended to assure fairness and to maintain confidentiality in the process of responding to complaints.

Complaints of discrimination, harassment, including sexual harassment or sexual assault, and/or retaliation involving students or student visitors should be reported promptly to:

1. Title IX Officer Deputy Coordinator:
   Evette Castillo Clark, Dean of Students
   ecc4@stmarys-ca.edu 925-631-4238

2. Emergency – Public Safety Department: 925-631-4282
   If you dial 9-1-1 for an emergency, only use a landline for a response locally.
   General Information/Administration: 925-631-4052

Complaints of discrimination, harassment, including sexual harassment or sexual assault, and/or retaliation that involve employees (faculty and staff) or visitors to the College (e.g., contractors, vendors, volunteers or non-student guests) should be reported promptly to:

1. Saint Mary’s College Title IX Coordinator or designee:
   Eduardo Salaz, Assistant Vice President of Human Resources
   els3@stmarys-ca.edu 925-631-4212

2. Emergency – Public Safety Department: 925-631-4282
   If you dial 9-1-1 for an emergency, only use a landline for a response locally.
   General Information/Administration: 925-631-4052

3. Vice Provosts, Deans, Managers, Supervisors

The Assistant Vice President of Human Resources is responsible for overseeing Saint Mary’s compliance with this Policy and will determine the appropriate next step for investigation and resolution. All members of the Saint Mary’s community must cooperate fully with the Title IX Coordinator and Title IX Deputy in the fulfillment of her/his responsibilities.
Reports shall be brought as soon as possible after the alleged conduct occurs, optimally within one year. Prompt reporting will enable the College to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action. The College shall respond to reports of sexual harassment brought after one year to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred. Once reported, the Assistant Vice President of Human Resources as Title IX Coordinator and/or his/her designees will provide prompt and equitable resolution.

In addition, individuals who believe they have experienced discrimination, harassment, including sexual harassment or sexual assault, based on the protected characteristics listed above and/or retaliation are also free to contact the Equal Employment Opportunity Commission and/or the California Department of Fair Employment and Housing to pursue external legal remedies.

Investigation and Corrective Action

The College will investigate every reported complaint of unlawful discrimination or harassment. The investigation will be conducted in a thorough, prompt and professional manner.

If the conclusion of the investigation is that unlawful discrimination or harassment occurred, the College will initiate corrective action, as appropriate under the circumstances. For employees, the corrective action may range from verbal warnings up to and including termination from employment. For students, the corrective action will be imposed in a manner consistent with the College's Student Code or other applicable procedures. If the individual found to have engaged in the unlawful discrimination or harassment is not an employee or student of the College, corrective action within the reasonable control of the College, and as appropriate under the circumstances, will be initiated.

If termination of a faculty member is contemplated, the applicable rules governing dismissal for unfitness will be followed.

The employee or student who raised the complaint will be advised of the results of the investigation, unless doing so is prohibited by FERPA or other applicable law. Similarly, an employee or student who is accused of the unlawful discrimination or harassment will be advised of the results of the investigation.
Intentionally False Reporting

Discriminatory activity and harassment, and particularly sexual harassment or assault, often is not witnessed by others, and reports of such activity cannot always be substantiated by additional evidence. Lack of any such additional evidence should not discourage an individual from reporting any incident In violation of this policy. However, individuals who make reports that are later found to have been intentionally false or made maliciously, without regard for truth, may be subject to disciplinary proceedings.

Confidentiality

Where sexual harassment or assault has been reported, the College will make every effort to preserve the victim's privacy and protect the confidentiality of his or her information. The degree to which confidentiality can be protected, however, will often depend upon the professional role of the person being consulted:

Clergy or sexual assault victim counselors may keep the confidentiality of statements made to them in their role as clergy or counselors.

Physicians and psychotherapists may keep the confidentiality of statements made to them in their role as medical professionals, but are required by law to report (1) treatment of an injury sustained during a sexual assault, and (2) suspicion of a sexual assault committed against a person under 18 years of age.

Information shared with other individuals is not legally protected from disclosure. For example, the Dean of Students may need to inform other individuals to protect their safety or rights, in fairness to the persons involved, or in response to legal requirements. In addition, the College is required by law to report to the police certain information about incidents occurring on campus. Such reports are for statistical purposes only and do not include individual identities.

1.5.3.2 Confidential Resources

Confidential resources provide members of the College community with a safe place to discuss their concerns and learn about the procedures and potential outcomes involved. Confidential resources include Student Health Services, Employee Assistance, and the Sexual Assault Prevention Coordinator. Reports to these resources do not serve as notice to the College to initiate an investigation to address the alleged sexual harassment.
Section 1. Key Employment Policies and Conditions of Employment

Campus Resources
SMC Sexual Assault Crisis Response Team.................................................................925-878-9207

Campus Assault Resources & Empowerment (CARE).....................................................925-631-4193
Advocacy, support, information, and resource referral (Mitty Hall, Ground Floor)

Dean of Students (Title IX Deputy)..................................................................................925-631-4238
Information about the discipline process & list of advisors (Ferroggiaro Hall 200)

Public Safety Department:
Emergency..................................................................................................................9-1-1 OR 925-631-4282
General Information/Administration............................................................................925-631-4052

Counseling Center..........................................................................................................925-631-4364
Confidential Counseling services, support and information (Augustine Hall, Ground Floor)

Health and Wellness Center...........................................................................................925-631-4254
Medical and information resource (Augustine Hall, Ground Floor)

Title IX Coordinator......................................................................................................925-631-4212

Coordinator of Community Life....................................................................................925-631-4238

Community Resources
Contra Costa County Crisis & Suicide Intervention....................................................800-833-2900
24 hour Hotline

Community Violence Solutions.......................................................................................800-670-7273
(Contra Costa Rape Crisis 24-Hour Hotline)

Employee Assistance Program:
Mental Health Network (MHN). ....................................................................................800-977-7585
members.mhn.com (company code: smceap)

National Sexual Assault Hotline..................................................................................800-656-HOPE (4673)

Rape, Abuse & Incest National Network.....................................................................www.RAINN.org

STAND! Against Domestic Violence.............................................................................1-888-215-5555
24-hour crisis counseling and emergency resource

Moraga Police Department (24-hour number).............................................................925-284-5010
Section 1. Key Employment Policies and Conditions of Employment

1.5.3.3 Sexual Harassment Prevention/Non-Discrimination Seminars

Saint Mary’s offers training during each academic year covering sexual and other forms of illegal harassment and discrimination. Throughout each academic year, students have the opportunity to attend programs regarding discrimination and sexual harassment, including sexual assault. All employees must complete on-line harassment prevention training at least once every two academic years. (An academic year is defined as July 1 to June 30.) Employees who are on an approved and/or legally mandated leave during the academic year are not required to fulfill this requirement while on that leave, but will be expected to do so in the next academic year following their return from such leave.

Except for those faculty and staff described above, failure of a tenure-track or tenured faculty or staff member to attend an on-site College-sponsored sexual harassment seminar during each academic year, when offered, as evidenced by the absence of a record of attendance at such seminar, may result in the Board of Trustees declining to indemnify (i.e., pay any judgment against or settlement on behalf of the individual), to the extent permitted by law, the faculty or staff member should a claim for discrimination, including but not limited to sexual harassment, or retaliation be brought against that faculty or staff member.

Except for those faculty and staff as described above, failure of a non-ranked faculty member (e.g., adjunct, lecturer) to attend an on-site College-sponsored sexual harassment seminar during each academic year, when offered, as evidenced by the absence of a record of attendance at such seminar, may result in the Board of Trustees declining to indemnify (i.e., pay any judgment entered against or settlement on behalf of the individual), to the extent permitted by law, the faculty member should a claim for discrimination, including but not limited to sexual harassment, or retaliation be brought against that faculty member, as well as precluding that non-ranked faculty member from being considered for or offered another faculty appointment at the College.

1.5.3.4 Sanctions

Employees who engage in conduct in violation of this policy are acting outside the scope of their employment responsibilities and, in addition to discipline up to and including termination of their employment, may be subject to individual legal liability and damages for their action.
1.5.4 Amorous Relationships Policy

Definition of Amorous Relationships

Amorous relationships are those romantic or sexual relationships to which both parties appear to have freely consented. When such a relationship involves a power differential between two members of the College community, it is of concern to the College, and such relationships should be avoided due to:

- The potential conflict of interest that arises when an individual supervises, evaluates, coordinates, directs, advises, hires, terminates, instructs, promotes, or grants pay raises or other benefits to another person, or provides professional services (e.g., counseling) to another individual with whom that person has an amorous relationship.

- The potential for unintended consequences that results because these types of relationships may develop or exist solely as a result of the power differential, which may or may not involve sexual harassment as proscribed by the College’s policy prohibiting sexual harassment (section 2.9.2.1 of the Faculty Handbook).

1.5.4.1 Policy

The College discourages amorous relationships where there is a power differential between the parties or where the potential exists for such a power differential in the foreseeable future. Three examples of relationships involving power differentials are:

1. That between teacher and student (including, e.g., those involved in formal instruction, advising and tutoring);
2. That between employee and supervisor;
3. That between the provider and recipient of educationally-related College or College-related services (including those involved in counseling, student services such as registration and financial aid, and athletic coaching).

This list is not all-inclusive.

Of special concern to the College are amorous relationships initiated between a faculty member and a student while the former is instructing, advising or mentoring the latter. Such circumstances pose extraordinary risks of compromising or appearing to compromise the
College’s central mission and of breaching the faculty’s commitment to the welfare of its students. Hence, the College expects faculty members to refrain from initiating or participating in such a relationship.

1.5.4.1.1 Procedures

If an amorous relationship exists or develops between individuals having a power differential within the College, the person with greater power shall report it to an appropriate supervisor or to the Assistant Vice President of Human Resources or designee. The supervisor or the Director shall make suitable arrangements:

- To ensure the objective evaluation of that person’s performance and
- To protect affected individuals and the integrity of the College’s functioning.

Confidentiality is to be maintained in this process.

1.5.4.1.2 Other Considerations

- Employees engaged in conduct of the type described in this policy may also violate the College’s policy prohibiting sexual harassment.

- In addition, all teachers, supervisors, and other employees should understand that there are substantial risks even in consenting amorous relationships where a power differential exists. Even if the conflict of interest issues are resolved, charges of sexual harassment may develop. A teacher’s or supervisor’s protection under applicable law and representation by counsel retained by the College at the College’s expense may not apply because such relationships may be outside the scope of one’s employment. Furthermore, in administrative actions or lawsuits resulting from allegations of sexual harassment, consent may be very difficult to establish where a power differential exists. Even relationships in which there is not direct power differential may cause difficulties because faculty or staff engaged in such a relationship may, in the future, be placed in a position of responsibility for the student’s or employee’s instruction or evaluation.
1.5.4.2 Sanctions

The procedures for investigating alleged violations of the College’s Amorous Relationship Policy and the sanctions for violations of this policy are the same as the procedures and sanctions for violations of the College’s Non-Discrimination (Sexual Harassment) and Retaliation Policies.

1.5.5 Qualified Individuals with Disabilities and Reasonable Accommodation

To comply with laws providing equal employment opportunities to qualified individuals with disabilities, the College will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an employee, unless undue hardship on the College would result. If you need an accommodation in order to perform the essential functions of your position, contact the Assistant Vice President of Human Resources or designee to trigger the evaluation process. With your assistance, the College will identify the challenges that might make it difficult for you to have an equal opportunity to perform the essential functions of your job and will identify possible reasonable accommodations, if any, that will help address the limitation. If the accommodation is reasonable and will not impose an undue hardship on the College, Saint Mary’s will make the accommodation.

1.5.5.1 Americans with Disabilities Act (ADA)

The Americans with Disabilities Act prohibits discrimination against the disabled in all phases of employment (including recruitment and hiring) and in their access to the facilities, goods and services of most public places, including all colleges, universities and other educational institutions.

A key issue under the ADA is determining the essential functions of the job. Essential functions are defined as “primary job duties that are intrinsic to the employment position.” The law requires accommodations or other changes in the work environment, as well as in the way things are done, so that a qualified individual with a properly documented disability as defined by law will be given an equal opportunity to perform the essential functions of the job and to receive the benefits and privileges normally associated with the job, unless such accommodations cause an undue hardship on the College, which has the right and responsibility to determine the type of accommodation that is appropriate under the circumstances presented and under the law.
Broader and more detailed than Section 504 of the Rehabilitation Act of 1973, the ADA is enforced by five federal agencies with coordination and monitoring by the Department of Justice. Employee inquiries concerning the law and compliance may be addressed to the Assistant Vice President of Human Resources or designee. The Coordinator for Compliance with Section 504 for students is located in the Office of Academic Support and Achievement Programs.

1.5.6 Whistleblower Policy – Fraudulent or Dishonest Conduct

Saint Mary’s College of California, reflecting its Lasallian and Catholic values, expects that its faculty, staff and students will act in a manner that is consistent with those values in their use of College resources and property.

To protect the integrity of Saint Mary’s learning community and to ensure the highest standards of conduct by and among members of that community, the College will investigate any possible fraudulent or dishonest use or misuse of College resources or property by faculty, staff, or students. Anyone found to have engaged in fraudulent or dishonest conduct is subject to disciplinary action by the College up to and including dismissal or expulsion, and civil or criminal prosecution when warranted.

All members of the College community are encouraged to report possible fraudulent or dishonest conduct. An employee should report his or her concerns to a supervisor, department chair or program director. If for any reason an employee finds it difficult to report his or her concern to a supervisor or department or program chair, the employee can report it directly to the area Vice President, Vice Provost or Dean of the employee’s school.

Students should report any concerns to the Director of Student Conduct. Those receiving reports of suspected fraudulent or dishonest conduct involving employees are required to report such conduct to the Assistant Vice President of Human Resources; in the case of students, those receiving such reports (e.g., the Associate Dean of Student Life) are required to report such conduct to the Vice Provost for Student Life.

**Definitions**

*Whistleblower* – An employee or student who informs one or more of the individuals identified in the policy statement above about an activity that the employee or student believes to be fraudulent or dishonest.
Baseless Allegations – allegations made with reckless disregard for their truth or falsity. Individuals making such allegations may be subject to the appropriate College disciplinary action and/or legal claims by the individuals accused of such conduct.

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 limited to:

- Forgery or alteration of documents
- Unauthorized alteration or manipulation of computer files
- Fraudulent financial reporting
- Pursuit of a benefit or advantage that would create a conflict of interest with one’s responsibilities or obligations as a member of the College community
- Misappropriation or misuse of College resources, such as funds, supplies, or other assets or property.
- Authorizing or receiving compensation for goods not received or services not performed.
- Authorizing or receiving compensation for hours not worked.

1.5.6.1 Whistleblower Protections

The College will use best efforts to protect whistleblowers against retaliation, as described below. The College cannot guarantee absolute confidentiality, however, and there is no such thing as an “unofficial,” “informal,” or “off the record” report. The party to whom such conduct is reported, will keep the whistleblower’s identity confidential, unless:

- the whistleblower(s) agrees to be identified;
- identification is necessary to allow the College or law enforcement officials to investigate or respond effectively to the report;
- identification is required by law; or,
- the individual accused of violations of this policy is entitled to the information as a matter of procedural and/or legal right in disciplinary actions.

College employees and students may not retaliate against a whistleblower with the intent or effect of adversely affecting the terms or conditions of employment or enrollment (including, but
not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages, or the access to educational benefits).

Whistleblowers who believe they have been retaliated against may file a written complaint with the Assistant Vice President of Human Resources if an employee is involved, or with the Dean of Student Life if a student is involved. This protection from retaliation is not intended to prohibit the individuals identified above (for receiving such reports of improper conduct) from taking action, including disciplinary action, in the usual scope of their duties and responsibilities that are based on valid employment- or student-related factors.

Whistleblowers must be cautious to avoid baseless allegations (as described earlier in this policy).

1.5.6.2 Whistleblower Procedures

The Assistant Vice President of Human Resources, or her/his designee, shall conduct or direct the investigations of all suspected fraudulent or dishonest conduct with such College officials as may be necessary or appropriate at the discretion of the Vice President for Finance.

In the case of suspected student conduct reported under this policy, the Dean of Student Life or his/her designee either investigates the suspected conduct or may refer the investigation of such suspected conduct to the College’s Disciplinary Hearing Board (“DHB”), consistent with policies and procedures in place to investigate allegations of violations of student conduct policies.

Cases involving possible violation of criminal law will be investigated in cooperation with the Director of Public Safety or his/her designee.

If the facts reported could be a violation of this policy, the Assistant Vice President of Human Resources or her/his designee or, in the case of students, the Dean of Student Life, will provide the individual making the accusation with a copy of this policy and review its terms.

If the Assistant Vice President of Human Resources or her/his designee or, in the case of students, the Dean of Student Life or the DHB, determines that fraudulent or dishonest conduct occurred, the appropriate College disciplinary steps will be invoked consistent with applicable College policies.
If it is determined that a violation of this policy has not occurred, the Assistant Vice President of Human Resources or the Dean of Student Life will explain to the person who has reported the concern or conduct the reason for the determination and advise the person of other available reporting channels, (administrative (to appropriate government agencies) or criminal (to appropriate law enforcement agencies)). Consistent with the requirements of California law, the College posts in Filippi Hall near the Human Resources Department, a toll free number for reporting violations of a state or federal statute or regulation to a government or law enforcement agency, or retaliation by the College for making such disclosures.

1.5.7 The Clery Act and Campus Sex Crimes Prevention Act Notices


As provided by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, Saint Mary’s College of California through its Department of Public Safety, annually provides notice and makes available copies of the Annual Security Report, to the campus community, prospective students, employees and the public. Each Security Report includes statistics for the past three years concerning crimes and incidents (whether they occurred on campus, in off-campus building and property owned or controlled by the College, or on public property adjacent to campus) reported to campus security authorities. Each Security Report also provides campus policies and practices concerning security – how to report sexual assaults and other crimes, crime prevention efforts, policies/laws governing alcohol and drugs, victims’ assistance programs, student discipline, college resources, and other matters. The Security Report is publicly available electronically or hard copy in the following ways:

- in person: Department of Public Safety, Administrative Office, Assumption Hall;
- or by Mail or Telephone Request:
  Department of Public Safety, P.O. Box 3111, Moraga, CA 94575-3111, (925) 631-4052.

In addition, as provided by the Campus Sex Crimes Prevention Act, the Contra Costa County Sheriff’s Office maintains a Megan’s Law database of sex crime offenders, which information
may be obtained from the Sheriff’s office located at 500 Court Street, Martinez, Monday-Friday, 9am to 4pm.

1.5.8 Family Education Rights and Privacy Act of 1974 (FERPA)

The Family Education Rights and Privacy Act of 1974 (FERPA) grants all students enrolled in institutions of higher education (even if younger than 18 years old) significant rights of access to their educational records. FERPA also protects the privacy of these records and requires the College to inform all students of their FERPA rights, which usually occurs through the Office of the Registrar. Students who wish access to any written records directly concerning them shall submit their request to the Office or Department holding the records they wish to access. That Office or Department will review each request and approve requests that are proper.

Employees do not have the authority to release grades or other educational records to anyone other than appropriate College officials who have a legitimate educational interest in the information (e.g., an advisor, Dean, etc.); they may not release grades or other educational records (e.g., most student disciplinary records) to parents or guardians without the student’s prior written consent. Although parents or guardians of a student who is claimed by them as a dependent for federal tax purposes hold the right of access to the student’s records, they must have on file with the College proof (e.g. a copy of their most recent federal tax return). A determination of tax dependency by an employee usually cannot be made without consultation with other College personnel, (e.g. Business Office and/or Registrar’s Office).

Educational records include not only hard copy information or data about a student, but also information contained in such records about that student, including information taken from the record (oral or written) that reasonably identifies the student to others.

Any consent to disclose educational records, either oral or written, must be signed, dated, specify the purpose of the information to be disclosed, to whom and the effective period of such disclosure (e.g., from 9/1/05 to 12/31/06). In addition, the College has a duty to make sure that any person who receives information (e.g., any appropriate College official who has a legitimate educational interest) regarding a student’s educational records is advised that the information may be used only for the purpose for which the disclosure was made and that the information cannot be re-disclosed without the further written consent of the student.
Any specific questions or concerns regarding the applicability of FERPA in a particular circumstance should be directed to either the Registrar, Assistant Vice President of Human Resources or designee, Vice Provost for Student Life, or Office of General Counsel.
Section 2. Employee Conduct & Responsibilities

Authority

Director of Employee Relations & Compensation

Summary

This section reviews all phases of employee conduct and related responsibilities. Below are the main headings:

2.1. Professional Conduct
2.2. Conflicts of Interest Policy
2.3. Duties Owed to the College
2.4. Political Activity
2.5. Non-Solicitation
2.6. Solicitation of Cash Gifts
2.7. Departmental Work Rules
2.8. Telecommuting Policy
2.9. Dress Standards
2.10. Friends, Family and Children in the workplace
2.11. Additional Compensation Policy
2.12. Contact with Media and Reporters
2.13. Confidentiality of College Related Information
2.14. Prohibited Conduct
2.15. Workplace Conditions
2.16. College Intellectual Property
2.17. Computers, Cell Phones and other Electronic Devices
2.18. Pets on Campus

Saint Mary’s strives to provide a work environment and learning community that is productive, pleasant and characterized by mutual respect. The College requires all members of its community to conduct themselves professionally, responsibly, ethically and with civility in their dealings with other members of the community and with the public.
2.1 Professional Conduct

2.1.1 Courtesy and Civility
Each employee is likely to be perceived as a representative of Saint Mary’s College when interacting with co-workers, students or the public; the public forms impressions of the College based on their contacts with College employees. Accordingly, courtesy towards the public (visitors, parents, etc.), toward all members of the College community and to citizens of the surrounding towns is of the utmost importance. Not only does a positive, pleasant attitude make the time spent at the College more meaningful and foster a better working and learning environment for everyone, it also provides the opportunity to put forward a positive impression on people inside and outside the College community.

2.1.2 Support of the College Values and Respect for College Property
Employees are expected to be familiar with the College values and mission, and are expected to promote and support those values and interests by adhering to the College policies and procedures and by safeguarding the College image and physical and intellectual property. Violations of College policies, misuse of the College services or resources, misuse of the College seal or name and misuse of or intentional damage to the College assets or personal, real or intellectual property is prohibited.

2.2 Conflicts of Interest Policy
Faculty and staff, as employees of Saint Mary’s College, occupy a position of trust and responsibility as members of the College community. Therefore the College and its employees have obligations to students, parents, donors and others to use College resources responsibly and for designated business purposes. In meeting its mission, values and other obligations as a non-profit institution of higher education, the College expects all of its employees to carry out their responsibilities with the highest level of integrity and ethical behavior, and without conflicts of interest.

2.2.1 Potential Conflicts of Interest
Employees of the College are expected to perform their work-related and professional duties in the best interests of the College, to the extent permitted by law. While performing these duties,
an employee must not put the interests of any individual, agency, organization, or association above the best interests of the College. This means, among other things, that an employee is not to engage in any activity or transaction that could influence or cause them not to act in the best interests of the College, including, without limitation, any personal business transaction or private arrangement for personal profit which arises out of or relates to a position of authority with the college or is available because of the confidential information obtained by reason of such position of authority. For purposes of this policy, “personal” means the employee, any member of his or her immediate family (spouse, parents, children, siblings, domestic partners) and any entity with which he or she may be associated.

2.2.2 Disclosure Responsibility

Employees must disclose to the President in writing, at the time a conflict is identified or develops, any financial, ownership or management interest in any entity engaged either in the delivery of educational services, or in the delivery of goods or services of any kind to the College. Employees with questions about the applicability of this Policy in a given situation are encouraged to contact the Provost, Vice President for Finance or Assistant Vice President of Human Resources or designee. Examples of potential conflicts of interests and forms for disclosing potential conflicts of interests are available from the Assistant Vice President of Human Resources or designee.

2.2.3 Outside Employment

Employees must refrain from participation in a transaction or effort that could result in personal profit, except upon the written prior approval of the President. This prohibition includes, but is not limited to, work outside the College, regardless of the level of compensation to the employee, that is determined to interfere with the employee’s work-related and/or professional responsibilities of the College. While the College does not prohibit staff from holding outside employment, such employment must not create a conflict of interest with the College or interfere with the person’s employment responsibilities to the College. Such determination shall be made by the President, in consultation with the employee’s immediate supervisor, Provost and/or area Vice President and/or Vice Provost, and the Assistant Vice President of Human Resources or designee.
2.2.4 Gifts, Favors, Service, Compensation or Benefit

An employee may not accept any gift, favor, service, compensation, or benefit of any kind from any person or entity who can influence the exercise of the employee’s professional judgment to act in the best interests of the College, consistent with the person’s obligations as an employee of the College. Items of minimal value (defined as having a value of $100 or less) are not included within the Policy. Likewise, financial inducements and rewards that flow from a person’s work-related duties and professional obligations as an employee of the College and as a member of the Saint Mary’s community, including but not limited to grants, travel money, honoraria, that may result in conflicts of interest must be disclosed to the employee’s direct supervisor prior to being pursued, received and/or accepted.

2.2.5 Reporting Relationships

Members of the same family may not be employed in a situation where one member of the family works under the administrative supervision of another, nor may one participate in any employment, salary, or other important decision regarding an immediate family member or person with whom the employee is in an amorous relationship (see College’s Amorous Relationships Policy). For purposes of this policy, “family member” includes the employee, any member of his or her immediate family (spouse, registered domestic partner, parents, children, siblings). Any exceptions to this requirement must be reviewed with the Assistant Vice President of Human Resources or designee, and approved by the appropriate area Vice President or the Provost.

2.2.6 Sanctions

Violations of the College’s Conflicts of Interest policy will result in appropriate disciplinary action up to and including suspension without pay, transfer, demotion, termination of employment, cessation or prohibition of business with a vendor, and/or other appropriate remedies. Employees with questions about the applicability of this Policy in a given situation should contact the Assistant Vice President of Human Resources or designee.

2.3 Duties Owed to the College

Employees are expected to devote their working hours exclusively to job-related duties assigned or supported by their supervisor, that contribute to the goals and objectives of Saint Mary’s
College. During working hours, employees may not engage in other employment or activities, including but not limited to personal business, another employee’s personal business, non-professionally-related volunteer work, teaching, consulting or any other activity which might interfere with the performance of the employee’s regular duties without first obtaining written permission from the Assistant Vice President of Human Resources or designee, who will consult with the employee’s supervisor(s), which may include the appropriate area Vice President, Provost or the President. The employee’s failure to obtain this permission, at least annually, may be cause for disciplinary action, up to and including termination.

2.4 Political Activity

The College’s status as a California not-for-profit public benefit corporation prohibits partisan political activity by employees in the workplace or when acting in their College-related official capacities. Employees must refrain from making or offering payments, gifts or services to or for the benefit of any governmental or accrediting agency official, employee or designee who is in a position to influence directly or indirectly, any government or accrediting agency action or decision, as well as from making or soliciting contributions in the name of or on behalf of the College or with College funds, services or facilities in any form to, or in the aid of, any political party, group, candidate or partisan cause.

2.5 Non-Solicitation

Employees may not solicit, distribute, or receive solicitation materials during working time or in work areas. Work areas generally exclude eating areas, parking lots or employee lounges. Working time excludes unpaid lunch breaks or any other specified period during the workday when employees are not engaged in performing their work tasks. Email and list-servers are inappropriate for distribution of solicitation material not related to the College.

2.6 Solicitation of Cash Gifts

All solicitations of cash gifts from Saint Mary’s College alumni, parents, friends or any other third parties must receive prior written approval from the Vice President of Advancement or
his/her designee. Appropriate College processes, as defined by the V.P. of Advancement, must be followed.

2.7 Departmental Work Rules

Departments may have their own work rules, as long as they are consistent with applicable law and not in conflict with any policy or procedure described in this Handbook. If the Assistant Vice President of Human Resources or her/his designee determines that a department rule is in conflict with this Handbook or is otherwise inconsistent with law or policy, the department must revise or abandon the rule in order to resolve the conflict.

2.8 Telecommuting Policy

2.8.1 Rationale

In appropriate and approved limited circumstances, Saint Mary’s may permit staff employees to telecommute (work from home or an alternate location). If such permission is provided, the telecommute period shall be for no more than 20% of the employee’s work week and only after taking into consideration the campus service requirements of the position, and the needs, requirements and/or constraints of both the department and the employee. Any exception(s) to this limitation require the written approval of the Assistant Vice President of Human Resources or designee, whose decision in such matters is final. Telecommuting is a cooperative employment arrangement between the College and the employee, and must be approved in writing by the employee’s supervisor, the area Vice President and the Assistant Vice President of Human Resources or designee, prior to being implemented.

2.8.2 Suitability for Telecommuting

In general, Saint Mary’s does not encourage ongoing telecommuting arrangements because the employee not working on campus loses the community interaction that makes Saint Mary’s a special place to work. Also, most positions are not suitable for telecommuting. Jobs best suited are those that require independent work and minimal face-to-face interaction, result in a specific, measurable work product, and benefit from quiet and uninterrupted time. These jobs typically consist of thinking and writing (writing decisions and reports), and computer-oriented tasks (programming or data analysis). Jobs typically not suitable for telecommunicating include those
that provide office or counter coverage, supervisory positions, or where face-to-face contact is an essential requirement of the job. Individuals approved to telecommute should have proven time-management skills and a demonstrated history of independent and effective work performance.

### 2.8.3 Telecommuting Procedures

The employee who wishes to initiate telecommuting should talk with his/her supervisor. If the supervisor thinks the arrangement is reasonable and the director of the department supports the arrangement, the employee, supervisor and/or department director should meet with the Assistant Vice President of Human Resources or her/his to discuss the proposed arrangement and, with the agreement of the Assistant Vice President of Human Resources, sign a Telecommuting Agreement (“Agreement”). A copy of this Agreement will be placed in the employee’s personnel file.

NOTE: an Agreement is not required for incidental telecommuting resulting from emergencies or for relatively brief tasks, however, supervisor approval is required in all instances. Telecommuting is a business arrangement between the College and the employee that is not triggered by a medical condition or a disability, e.g., a leave of absence or reasonable accommodation. The initial period during any telecommute arrangement will be considered a trial period for the College to determine if the employee is satisfactorily completing his/her work and is meeting job expectations. Notwithstanding the completion of any trial period, Saint Mary’s will continue to reserve the right to terminate any telecommute arrangement and require the employee to return to regular work attendance at employee’s regular work location.

### 2.8.4 Telecommuting Requirements

The employee will remain obligated to comply with all College and departmental policies and procedures.

- Telecommuting is not intended to be used as a substitute or supplement for ongoing childcare or care of family members. (Saint Mary’s policy on Family and Medical Leave has provisions for care of family members under some circumstances.) Although an individual employee’s schedule may be modified to accommodate childcare needs, the focus of any telecommuting arrangement must remain on College work and meeting departmental and College needs. Prospective
telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering into a trial period.

- A telecommuting employee who is unable to perform his/her duties on a designated telecommuting day is required to follow their department’s call-in procedure to notify their supervisor that they are unable to work and thus are calling-in sick, in order to ensure both that the supervisor and department is aware of the absence for that date.

- The telecommuting employee is expected to be accessible by phone or e-mail within a period of time agreed upon by the supervisor and employee. The supervisor may require a telecommuting employee to return to the office on a day normally scheduled for telecommuting, should the department needs or work situation warrant such an action.

- The College may, but is not obligated to, provide off-site equipment related to the employee’s duties. In addition, the employee’s personal home computer, when used for work-related purposes under any scenarios, may be subject to discovery should the matter on which the employee worked be subject to a legal process involving the College.

- Existing time-recording procedures, including time off and leave records must be maintained for all employees including telecommuters: Attendance or Absence forms must be completed by the telecommuter, signed by the employee’s supervisor, and submitted as usual. All agreements must conform to the overtime and record keeping provisions of the Fair Labor Standards Act (FLSA) for staff members covered by those provisions. Therefore, although exempt employees may be managed by results, supervisors must ensure accurate recording of hours worked. Non-exempt employees who telecommute are to work overtime only when directed and approved by the supervisor in advance. Working overtime without such approval may result in termination of the agreement and/or other appropriate action.

- Telecommuting agreements must have a start and end date, and shall be for a period no longer than one (1) year.
2.8.5 Information Security

Employees must take precautions necessary to secure confidential and/or privileged information and prevent unauthorized access to College systems and abide by all College and departmental policies. For more detail, see the Technology Use Policy and the Staff Handbook sections on Professional Conduct, Prohibited Conduct, Confidentiality of College Related Information, and College Intellectual Property.

2.8.6 Discontinuation

A telecommuting arrangement may be discontinued at any time at the request of either the telecommuter or the department head. The telecommuter agreement can be terminated by the department head or by the College. Effort will be made to provide notice of such a change to allow the employee and the department to make appropriate arrangements; there may be instances, however, where no notice is possible. The supervisor, with concurrence of the department head, is ultimately responsible for any decision to terminate a Telecommuting Agreement. When the telecommuting ends, all College property is to be returned to the department.

2.9 Dress Standards

Each employee is expected to dress appropriately for the type of work she/he does in a manner that maintains a standard of professionalism consistent with the Saint Mary’s College community. Since the appropriate standard may vary by department, the department head will communicate the dress standard to employees in that department. Clothing should be generally in good condition (i.e., not frayed, torn or too revealing). If a specific type of clothing is required due to safety or other reasons, the College will provide appropriate clothing.

2.10 Friends, Family and Children (14 and under) in the workplace

Many employees enjoy bringing children (14 and under) to their work site to introduce to coworkers and to show their children their work environment. Beyond brief visits, however, the workplace is not the appropriate place for child care. Even during short, periodic visits children must not be left unattended. Similarly, when an employee is visited at work by family or friends during working hours, the visits should be brief. To maintain and preserve an environment conducive to learning and productive work, employees and students who bring children 14 and
younger to classes, the workplace or to college-sponsored and/or work or educational activities on or off campus which are not open to the public and/or do not specifically invite children, may be asked to take the child(ren) elsewhere and/or not to bring the child(ren) in the future. In addition, students shall not provide child care (their own or other people’s children) in campus student residence halls or rooms or on College business premises (e.g., classrooms, offices or the library).

### 2.11 Additional Compensation Policy

Saint Mary’s College Additional Compensation Policy is designed to allow for special compensation for work performed by full-time employees that are outside of their normal responsibilities.

1. **Non-exempt employees** who perform additional work in excess of 7.5 or 8 hours per day or 37.50 or 40 hours per week will be compensated at their applicable overtime rate. This would include non-exempt staff who work special events (i.e. Athletic or Student Life).

2. **Exempt employees** are paid a guaranteed salary for each workweek in which work is performed regardless of the hours worked. However, occasionally exempt employees may be requested to perform duties or projects that are substantially beyond and different from their primary job function. These duties may include, but are not limited to:
   - Event Staff
   - Guest Speaker / Honoraria
   - Thesis Readers/Chair
   - Interim/Acting Appointments
   - Curriculum Development
   - Special Projects or Research

Before an exempt employee performs work *in addition to* their regularly scheduled duties, the employee must receive prior written authorization from his or her immediate supervisor and Human Resources. The exempt employee may be required to track hours worked on the additional duties. Additional work cannot interfere or
conflict with normal working hours and primary job functions. If this occurs the supervisor is responsible for notifying Human Resources and resolving the interference or conflict and, if necessary, withdrawing authorization for the additional work. If authorization for additional work is withdrawn, the additional duties and pay will end.

Taking on additional duties as set forth in this section shall not change the at-will nature of the employment relationship between the College and the employees.

Any additional compensation will be paid by payroll and all normal applicable taxes will be deducted.

2.11.1 Volunteer Opportunities

Notwithstanding the policy above the College appreciates and encourages its employees to engage in non-compensated activities that benefit the College, the employee and its students.

These activities may include volunteering for commencement, baccalaureate, student productions, College-wide initiatives, social justice programs, Mission and Ministry events and many others.

2.11.2 Teaching by Staff

Positions requiring teaching

Ordinarily, those exempt and non-exempt staff positions that require teaching of regular or specialized courses are considered to be compensated as part of their base salary. In these cases, it is expected that all teaching duties, including advising, class preparation, instruction, grading and student/administration interactions, will take place during the normal work day.

All timekeeping by non-exempt staff members should always accurately reflect all working time, including staff administrative work and teaching duties time. Any work done beyond 7.5/8 hours in a work day or 37.5/40 hours in a work week will be paid at the applicable overtime rate of the individual based on the staff position. Attendance reports for teaching must be submitted on the 5th and 20th of each month.
Staff members teaching within their staff position must seek prior supervisor and Human Resources approval before working outside their normal work day, consistent with standard College policies.

**Teaching outside the staff position**

Staff who are qualified and have been asked to teach a course where some or all of the teaching duties occur outside the staff member’s normal work duties may only do so with the advance approval of their supervisor and Human Resources. In these situations, the teaching staff member will be appointed and compensated as a Lecturer through a separate agreement. The Lecturer status shall not change the at-will status of the staff position.

It is the policy of the College, that staff devote their full effort to their primary staff function. For those staff teaching outside of their staff positions, all teaching duties, including advising, class preparation, instruction, grading and student/administration interactions, will take place outside the normal work day, or consistent with a flexible work schedule that is designed to prevent the interference of the separate duties of the regular staff position and the teaching appointment. Supervisors in consultation with Human Resources have the responsibility of determining how and whether the teaching of courses will impact the department and its productivity, and thereafter determining whether such an arrangement may be approved or can be maintained.

Again, all timekeeping by non-exempt staff members should always accurately reflect all working time, including staff administrative work and time spent on the teaching duties described above. Any work done beyond 7.5/8 hours in a work day or 37.5/40 hours in a work week will be paid at the applicable overtime rate of the individual based on the staff position. Attendance reports for teaching must be submitted on the 5th and 20th of each month.

Supervisors and staff employees requesting additional information regarding the administration of this policy may contact the Director of Employee Relations & Compensation or the Assistant Vice President of Human Resources.

**2.12 Contact with Media and Reporters**

On occasion, reporters for media, including newspapers, magazines, radio stations, websites or television stations, may contact College staff members directly instead of working through the
College’s administrative departments designed to coordinate responses to such inquiries (i.e., the College Communications and/or Sports Information offices). Only designated representatives of the College are authorized to make public statements on behalf of the College. The College Communications Office is available to assist individuals who receive press inquiries, and all employees are urged to promptly notify that office when they receive media inquiries.

2.13 Confidentiality of College Related Information

Pursuant to applicable law and College policy, all employees are expected to maintain confidentiality regarding oral or written information, including but not limited to business and education records, computer terminal display information, grade reports, personnel records, medical records, financial records, benefactor records, alumni records, and other confidential and/or private oral or written information obtained as a result of their employment at Saint Mary’s. Failure to do so may not only subject the College to legal liability, but, also, the employee who violates the confidentiality and/or privacy of the College, its employees or its students.

From time to time, employees or their department may receive requests from various individuals who seek access to official College records and documents. It is imperative that the College ensures that information generated and used in performing professional responsibilities be used only for Saint Mary’s official business and education purposes.

This information is available only on a legitimate business or educational need-to-know basis for authorized individuals within the College. Employees are expected to take all reasonable precautions against disclosure of confidential or proprietary information to third parties during and after employment with Saint Mary’s and to not use Saint Mary’s confidential information except to the extent necessary in the course and scope of their employment at Saint Mary’s. In many instances, especially in the case of individuals who would appear to have some official connection with the College, there will be little or no reason to question such requests. However, in the interest of protecting the College from unauthorized use of any such confidential information please refer all such requests for authorization to either Human Resources, the Registrar, or the Office of General Counsel.

It is a violation of College policy to share confidential information beyond those individuals who have a legitimate business or educational need-to-know in order to perform their duties at Saint...
Mary’s. Inappropriate sharing of confidential information may result in disciplinary action up to and including termination. In order to underscore the importance of compliance with this obligation of employment at the College, all new staff employees will be required, as a condition of employment, to sign a Confidentiality Agreement. While staff currently employed may not be required to sign a separate Confidentiality Agreement, all current employees must comply with the College’s policy on the confidentiality of College information and employee and student privacy.

2.14 Prohibited Conduct

As a College employee, you have an obligation to the College and to your fellow employees to adhere to certain rules of acceptable behavior and conduct which allow all employees to work together efficiently, effectively, and harmoniously. The College expects each individual to act in a civil, ethical, truthful, professional and responsible way at all times.

Prohibited Conduct will not be tolerated by Saint Mary’s. College employees who engage in prohibited conduct are subject to disciplinary action, up to and including termination. The list that follows is illustrative only; other types of conduct injurious to security, personal safety, employee welfare or the College’s operations may also be prohibited. This list does not in any way alter the College’s policy of at-will employment. In addition, this list does not constitute any limiting definition of “cause” or “grounds” for termination. The College does not limit its ability to discipline its employees by taking whatever action the College, in its sole discretion, deems to be appropriate and in the best interest of the College, up to and including termination. The College retains its right, inherent in the concept of employment at will, to terminate the employment relationship, with or without cause or notice.

Examples:

1. Breach of confidentiality or violation of student or employee privacy
2. Committing a fraudulent act, dishonest act or breach of trust
3. Forgery or alteration of documents
4. Unauthorized alteration or manipulation of computer files
5. Pursuit of a benefit or advantage that would create a conflict of interest with one’s responsibilities or obligations as a member of the College community
6. Authorizing or receiving compensation for goods not received, services not performed, or hours not worked
7. Theft, misappropriation or misuse of College funds or property
8. Furnishing false information or credentials on employment application, resume, vitae or subsequent falsification of records
9. Harassment of or physical violence against others
10. Violation of College policies prohibiting discrimination and harassment
11. Lying in connection with or during the course of an internal investigation
12. Rude, abusive or inappropriate conduct toward visitors, coworkers, managers, students
13. Engaging in conduct, including conduct that may be illegal, that is detrimental to the reputation of the College, whether or not related to College business; or conduct that has a negative impact on the welfare of students, employees, vendors or visitors
14. Possession, use, sale, or distribution of illegal drugs, controlled substances or drug-related paraphernalia on campus
15. Consumption of alcoholic beverages during the employee’s work day or being under the influence of alcohol or other drugs to the extent that the employee is unable to perform satisfactorily the responsibilities of his/her position
16. Reporting to work or working in any condition which interferes with the employee’s efficient, professional and courteous conduct of his/her job responsibilities
17. Failure to work safely or to report promptly any job-related accident or injury
18. Insubordination, including failure to comply with management’s instructions, as long as instructions do not violate College policies or applicable laws and regulations
19. Failure to meet performance expectations or to follow work rules
20. Excessive or unverified absenteeism or tardiness or unreported absence of three or more days
2.15 Workplace Conditions

2.15.1 Drug-Free Workplace and Alcohol Use Policy

In accordance with applicable law, the College seeks to maintain a safe, healthy, and productive environment for its employees, students and others who may visit or work at the campus.

The use and abuse of alcohol and drugs pose a serious risk to the physical and emotional health of an individual and can negatively impact one’s professional and private life, as well as the life of the College.

- Potential health risks include, but are not limited to:
  - Confusion, hallucinations, paranoia, deep depression
  - Cardiac irregularities and hypertension
  - Neurological damage
  - Organ damage, including cirrhosis of the liver
  - Increased cancer risk
  - Malnutrition

Therefore, the purchase, possession, use, distribution, or manufacture of illegal drugs and the possession and use of unauthorized alcoholic beverages on College premises or as part of any College activity is prohibited, except where alcohol is authorized and served at a College-sponsored function to persons age 21 or older and in compliance with applicable law. Other than as permitted under this policy, consumption of alcoholic beverages is not permitted in any classroom building or within public areas of the College. (For more detailed information on the College’s alcohol and drug policies governing students, see the Student Handbook.)

For purposes of this policy, illegal drugs are drugs that cannot be obtained legally, as well as drugs that are legally obtained, but used for illegal purposes or abused. Local, state and federal laws establish severe penalties for unlawful possession or distribution of illicit drugs and unauthorized alcohol. Some examples of those laws are:

- Purchase, possession or consumption of alcohol by a person under age 21 is prohibited.
• Providing or selling alcohol to someone under age 21 or to any obviously intoxicated person is prohibited.

• Except under authority of a California Alcoholic Beverage Control License, selling alcoholic beverages, either directly or indirectly, is prohibited.

• Purchase, possession or use of illegal drugs is prohibited.

• Driving on campus or driving a College-owned, -leased or –rented vehicle under the influence of alcohol, illegal drugs, prescription drugs or over-the-counter products that impair driving ability is prohibited.

If prescribed or non-prescribed drugs which the employee must take for reasons of health interfere with his/her job performance or endanger the safety of others, the employee must take a medical leave of absence, make other arrangements to be away from his/her position or, in some circumstances request an accommodation in the work environment and/or the job until the condition improves. If the employee requests an accommodation, the College will require appropriate professional documentation regarding the employee’s drug or alcohol related condition and will determine if the accommodation requested is reasonable under the circumstances presented.

The College reserves the right to require testing for drugs or alcohol when the College has a reasonable suspicion that an individual employee is impaired by drugs or alcohol or following an accident or safety violation. Reasonable suspicion means suspicion based on information or observation of, among other things, the appearance, behavior, speech, attitude, mood and/or breath odor of an employee.

Whenever a violation of this policy or the active use of any drug, including alcohol, adversely affects either the employee’s job performance, or the job performance or safety of others, the College will take disciplinary or other corrective measures including termination and possible referral for criminal prosecution.

Employees concerned about their life and health relative to alcohol and/or drug use, are urged to contact the College’s Employee Assistance Program (EAP) at 1-888-492-9355. The EAP assures all employees of confidential counseling for drug and alcohol problems, as well as for stress, marriage, children, emotional and relationship problems.
2.16 College Intellectual Property

Any work created by a Saint Mary’s employee, or under a Saint Mary’s employee’s direction, in connection with his/her work at the College shall be the sole property of Saint Mary’s, with any and all copyrights and other proprietary interests in those works belonging to the College. In addition, Saint Mary’s policy on the general confidentiality of College related information applies to all such works. All materials furnished to employees by Saint Mary’s College, and all materials prepared by employees in connection with their employment by the College, including but not limited to computer software and documentation, shall be returned promptly to the College upon termination of employment.

2.17 Computers, Cell Phones and Other Electronic Devices

Saint Mary’s provides access to electronic information and computing resources for students, Christian Brothers, faculty and staff. The College has developed a comprehensive policy on these issues, entitled “Technology Use Policy,” which is included as appendix A to this Handbook. Each employee is expected to be familiar with, and must abide by, this Policy.

Note in particular that personal information and messages relayed and/or stored in these systems are subject to restrictions placed upon College-related information and messages. Employees and students should not have expectations of privacy concerning any communications using College equipment.

The College’s technology resources may not be used for commercial ventures, political causes, outside organizations unrelated to the employee’s employment at the College, or other non-job related solicitations. Furthermore, those resources are not to be used to create, access or transmit offensive or disruptive messages, including messages of a sexual nature or derogatory comments about age, race, sexual orientation, gender, religious or political beliefs, national origin or disability. Employees are expected to reimburse the College for personal use of College equipment such as cell phones.

Cellular phones, PDA’s, pagers, and other electronic devices shall not be used in a manner that causes disruption in the classroom, library or within any College-owned, controlled or operated facility. This includes the use of cellular devices with photographic capabilities. Utilizing these devices for the purpose of photographing individuals in secured and/or private areas including but not limited to lavatories, dressing rooms or locker rooms, or other forms of illegal activity is
prohibited. Taking photographs of any individual without his/her prior consent is prohibited. Employees are asked to be sensitive to their environment and courteous to those around them when using this equipment.

Any questions related to this Policy should be directed to the College’s Chief Technology Officer.

2.18 Pets on Campus

No pets are allowed on campus. This prohibition on pets does not apply to guide dogs or service animals that are serving in such capacity while on campus.
Section 3. Working at Saint Mary’s College

Authority
Assistant Vice President of Human Resources

Summary
This section reviews all phases of working conditions and related processes. Below are the main headings:

3.1 Employee Status Definitions
3.2 Attendance / Work Hours
3.3 Other Types of Pay for Non-Exempt Employees
3.4 Other Schedule-Related Policies
3.5 Personnel Records – Confidentiality and Access
3.6 Maintaining Current Employee Information

3.1 Employee Status Definitions

3.1.1 Full-time
Any employee scheduled to regularly work 1,950 hours per year or more. Example:

- Employees working 37.5 hours per week for 12 months per year, or employees working 40 hours per week for 12 months per year

3.1.2 Part-time
Any employee scheduled to regularly work fewer than 1,950 hours per year. Example:

- Employees working 37.5 hours per week for 10 months per year (1,625 hours per year)
- Employees working 40 hours per week for 11 months per year (1,907 hours per year)
3.1.3 Employees Working Fewer than Twelve Months per Year

Schedules for staff working fewer than 12 months per year are intended for those student-related positions not needed a month or more during the summer when undergraduate classes are not in session; examples: Health and Wellness, Counseling Center and other area positions. Authorization to work fewer than 12 months a year must be approved by the dean or director and the area Vice President or Vice Provost and the Assistant Vice President of Human Resources or designee. This change needs to be formally submitted to Human Resources so a letter can be prepared for the employee that outlines the requirements and benefits changes that occur with this change of status. For example, the employee and supervisor need to designate the month(s) the employee will not be working. Normally those with reduced schedules are paid their less-than-fulltime salary over 12 months.

Those working less than twelve months who terminate mid-year will have their final pay calculated based on the weeks/hours worked from a fiscal year versus paid time basis. The calculation will be prepared at the time of termination by Payroll as verified by HR. Any hours overpaid by the College will be the employee’s responsibility to be paid at the time of termination and can be deducted from any hours owed for accrued vacation. In other words at the point of termination the College will have paid the employee all hours due and can deduct any hours due to Saint Mary’s if applicable.

3.1.4 Employee vs. Independent Contractor

Employees are on the College payroll, are subject to withholding and may be eligible for applicable College benefits. An independent contractor or outside consultant is not a College employee, is self-employed, and is not eligible for any College benefits. Status determinations are made only by Human Resources.

3.1.5 Regular

Any employee who is employed at-will for an indefinite time period or has a contract for a specified period of time.
3.1.6 Temporary/Limited

A “temporary” or “limited” employee is any employee hired for a limited period of time, during which the employee is expected to be on pay status for less than 1040 hours in a 12-month period. Temporary/Limited employees are not eligible for College benefits other than those required by law (e.g. unemployment, workers’ compensation, State disability), except that when the employee has attained 1,040 hours but fewer than 1,950 hours in a consecutive 12-month period without a break in service of at least 120 consecutive calendar days, the employee is eligible for prorated holidays, vacation and sick leave based on the employee’s “Full-time Equivalent” (FTE).

3.1.7 Contract

A contract position is an position established at a fixed or variable percentage of time for a definite period. Terms and conditions of employment are specified in a written employment contract.

3.1.8 On-Call

A pool of temporary employees maintained by Human Resources to provide support services for short- and long-term assignments, e.g., during regular employees’ vacations or medical leaves, or special projects. On-call employees are not eligible for College benefits other than those required by law (e.g. unemployment, workers’ compensation, State disability).

3.1.9 Student

A student position is a position which is reserved for a regular student of Saint Mary’s College. Such a position retains the designation of student regardless of the percent of full-time or the duration of the position.

3.1.10 Exempt vs. Non-exempt

Federal and state wage and hour laws inform whether employees are classified as exempt or non-exempt on the basis of the employee’s current job duties, and for part time exempt positions,
earnings per month. Determination of exempt or non-exempt status, as informed by applicable laws, is made by Human Resources.

- **Non-Exempt** – Non-exempt employees are in positions that do not meet the FLSA tests for exemption from overtime, or other employee categories such as those earning less than two times the California state minimum wage (currently $2,733.33 per month for a 40-hour week), regardless of the FLSA classification.
  
  - Full-time non-exempt employees are expected to work either 7.5 or 8 hours per day, and 37.5 or 40 hours per week, as assigned.
  
  - Non-exempt employees must report actual hours worked, must account for all time off, and are eligible for pre-approved overtime pay based on actual hours worked in a day or week.
  
  - Non-exempt employees are not eligible for compensatory time.
  
  - Non-exempt employees are expected/required to take two 15 minute paid breaks and ½ hour unpaid lunch period during their scheduled day.
  
  - Non-exempt employees may not make up time. Make up time is defined as taking time off in a week and making it up within the same week.

- **Exempt** – Exempt employees include those employees who earn a minimum of $2,733.33 per month (or two times minimum wage for a 40-hour week), are salaried, and have executive, managerial, professional or administrative responsibilities that meet Fair Labor Standards (FLSA) tests.
  
  - Exempt employees are not eligible for overtime pay, compensatory time, or specific meal periods and rest periods.
  
  - Exempt employees’ work week usually consists of at least 40 hours per week; exempt employees are expected to work until their responsibilities have been completed.

**3.2 Attendance / Work Hours**

The College has policies regarding work hours and attendance to provide consistency among College departments.
3.2.1 Attendance Policies and Procedures

Every staff member is expected to be punctual, to observe required hours of work and to notify the department supervisor at the earliest possible time when he/she will be absent or late because of illness, emergency or other unexpected cause. Excessive unexcused absenteeism, patterns of absenteeism (e.g. repeated absences on Mondays and Fridays), or tardiness can result in disciplinary action, including termination. An employee who is absent three or more consecutive work days without notice is presumed to have voluntarily resigned.

All staff employees and their supervisors must sign the attendance or exception report to document time off.

- **Non-exempt** employees are required to submit attendance reports to Payroll on the 5th and 20th of each month. Attendance reports must document all work time and absences during the pay period, and must be signed by both employee and supervisor, certifying that those are the hours actually worked during that period.

- **Exempt** employees are required to submit monthly absence reports to their supervisor, whether or not the exempt employee was absent during the month. Absence reports must note time off, e.g. vacation, holiday, sick leave, jury duty, bereavement or any other approved leave. Absence reports must be signed by both employee and supervisor, certifying that the time off indicated for that period is accurate and complete. Absence reports are due in Payroll by the 5th of each month for absences during the previous month.

- The Payroll Office will not accept any unsigned attendance or absence reports. Failure or refusal to complete attendance or absence reports may result in disciplinary action.

- If a supervisor believes an attendance or absence report submitted by an employee is not accurate, the supervisor should discuss the concern with the employee. The employee, not the supervisor, should make any changes to the employee’s timesheet or attendance report.

- Attendance or absence records signed by employees’ supervisors, must accurately document all time off from work.
See Section 8 Benefits: 8.1, 8.2, 8.4 and 8.5 for additional information on vacation and sick leave.

### 3.2.2 Pay Days

Paydays are the 15th and the last day of the month. If either of these days falls on a weekend or College holiday, payday will be the workday before. The pay received on the 15th of the month compensates for work performed the 1st of the month through the 15th. The paycheck on the last day of the month is for work performed the 16th of the month through the end of the month.

### 3.2.3 Paychecks

The Payroll Office is responsible for the preparation and disbursement of the payroll. Each employee’s pay advice (“pay stub”) will be available electronically via Gaelxpress by 8:00 a.m. each pay day. Individual pay advices will be available electronically for two (2) years following that pay day.

### 3.2.4 Direct Deposit

Employees are strongly encouraged to have their paychecks deposited directly with their bank, credit union or other financial institution. Forms to sign up can be found at the Human Resources website, or outside the Human Resources office. Those employees who do not have direct deposit will have their paychecks mailed to them on payday.

### 3.2.5 Garnishments

If the Payroll Office receives a court order to withhold (garnish) a portion of an employee’s paycheck, it will promptly notify the employee of the garnishment and his/her rights.

### 3.2.6 Pay and Vacation Records

The Payroll Office posts attendance reports and pay records for all employees and Human Resources is the official keeper of the records as defined by law. In the event of a dispute, these signed attendance reports are the official records of the College and shall prevail. Human
Resources is responsible for maintaining records of vacation time accrued and taken, and its records are the official records of the College.

On a regular basis Human Resources audits the attendance records submitted by employees. Attendance reports may be questioned for accuracy and clarification at which time adjustments may be required.

It is the responsibility of every employee to submit attendance reports in a timely manner as described in Section 3.2.1. Failure to do so can be cause for discipline including termination.

### 3.3 Other Types of Pay for Non-Exempt Employees

#### 3.3.1 Overtime

Overtime is paid to *non-exempt* employees under the following conditions and at the following rates:

- Employees who work more than 8 hours but fewer than 12 hours in one day, or more than 40 hours per week, will be compensated for the excess hours at the overtime rate of one and one-half times the employee’s straight time hourly rate of pay, beginning after the 8th hour in a day or after the 40th hour in a week.

- Employees who work more than 12 hours per day are paid for hours beyond 12 at the overtime rate of two times the employee’s straight time hourly rate of pay.

- While California law requires that for non-exempt employees, any hours worked in excess of 8 hours a day or 40 hours per week must be paid at the appropriate overtime rate, Saint Mary’s has historically and is currently voluntarily paying overtime to non-exempt administrative employees overtime for hours worked in excess of 7.5 hours per day or 37.5 hours per week.

- All overtime must be authorized in advance and in writing by the supervisor.

- Employees on an approved (by the Department of Labor) alternative work-week schedule shall be subject to the applicable overtime rules associated with the alternative schedule.
Non-exempt employees are required by law and Saint Mary’s policy to report all hours worked accurately and honestly. Failure to do so can lead to discipline or termination. Supervisors are also required to verify the hours worked and will be held personally responsible for any approvals that may be recorded in error.

3.3.2 Rest Periods

Non-exempt employees working more than four (4) hours per day are entitled to a paid rest period of 15* minutes for each four hours worked (or major portion thereof). For employees who start work in the morning, the breaks should be taken mid-morning and mid-afternoon. Rest periods should be scheduled with the employee’s supervisor’s approval.

NOTE: Rest breaks may not be combined with or added onto meal breaks, even at the employee’s request. Nor can an employee use them to come in 15 minutes late or leave 15 minutes early in lieu of taking breaks.

*While California law requires only 10-minute rest breaks for non-exempt employees, Saint Mary’s practice is to provide rest breaks of 15 minutes for each four hours worked.

3.3.3 Meal Breaks

Non-exempt employees working more than five hours per day are required to take a meal break of at least 30 minutes in approximately the middle of their work day. If six hours completes the work day, the meal break may be waived by mutual consent of the employee and supervisor, in writing. Meal breaks must be free of any work duties, and should not be taken at the employee’s desk. Meal breaks are unpaid and should be scheduled with the supervisor’s approval.

NOTE: rest periods and meal breaks may not be used to extend the employee’s starting time nor advance departure time.

3.3.3.1 Failure to Provide or Take Meal and Rest Breaks

California employers are required to provide rest periods and meal breaks for non-exempt employees as described above. Failure to provide or to take the rest breaks and meal breaks described above may result in disciplinary action.
3.3.4 Travel Time

With the exception of travel from home to work and back (commute), most travel time for non-exempt employees is considered work time. However, because travel time does not require the use of an employee’s skills, pay for travel time may be at a rate that is less than the employee’s normal rate of pay (at least minimum wage). For assistance in setting the appropriate rate for travel, consult with the Director of Employee Relations & Compensation.

NOTE: When travel time is counted as work time, overtime may be due for applicable travel.

For those non-exempt employees traveling to a distant work place (out-of-area/state, conference, etc.) travel pay begins when she/he leaves to go to the airport, and ends when the employee arrives at the out-of-area hotel or meeting location. Upon return, work time begins when the employee leaves the meeting or hotel for the out-of-area airport and work time ends when the employee arrives at the home airport. For further detail, refer to Human Resources.

3.3.5 Call-in Pay

When a non-exempt employee is called in to work on a day other than his/her normal work schedule, the employee receives at least two (2) hours at the applicable hourly rate, even if the employee is not needed for the full two hours.

Call pay for an exempt employee is considered part of the exempt employee duties and is not compensable.

3.3.6 On-Call / Standby Pay

“On-call” time is not compensable if the non-exempt employee can use the time primarily for his/her own benefit. If a nonexempt employee is “on call” or required to carry a cell phone or similar device, the on-call time is normally not compensable unless the employee is required to stay at home or at work, there are geographic restrictions placed on the employee’s movement or there are other limitations on the employee’s ability to use the time for personal use, in which case the on-call time may qualify as hours worked. For clarification, see the Director of Employee Relations & Compensation.
On-Call/Standby Pay for an exempt employee is considered part of the exempt employee duties and is not compensable.

### 3.3.7 Shift Differential Pay

The law does not require differential payment for shifts worked other than the employer’s normal hours. However, the College has determined that those non-exempt employees working a regular schedule of 3:30 pm to midnight (swing shift) will be paid an additional 5% of their normal pay, and those non-exempt employees working a regular schedule of midnight – 8:30 am (graveyard shift) will receive an additional 10% in pay. Variations of these schedules must be approved by Human Resources.

### 3.4 Other Schedule-Related Policies

#### 3.4.1 Work Week

The work week begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on Sunday.

#### 3.4.2 Office Hours

Most administrative offices of the College are normally open Monday through Friday, 8:30 a.m. – 4:30 p.m., 12 months per year, except for administrative (non-academic) holidays. Some academic offices are closed during certain periods of the year when students are not on campus. Seasonal or other variations in hours in some departments should be reviewed and approved by Human Resources.

#### 3.4.3 Ten (10) or Eleven (11) month Positions

Some academic offices are closed during certain periods of the year when students are not on campus. Employees in those offices may be scheduled to work only ten (10) or eleven (11) months during the year. For more information, see *Employee Status Definitions*, earlier in this section.
3.4.4 Alternative Workweek

Alternative workweek schedules for non-exempt employees are closely regulated by the State Labor Commissioner. Departments interested in exploring alternative workweeks must consult with and obtain the approval of the Assistant Vice President of Human Resources or designee.

Alternative work weeks include 10 hour days for 4 days per week 9/80, 8 hours days for non-exempt employees regularly scheduled for 7½ hour days. These schedules must be discussed with Human Resources prior to adoption.

3.4.5 Flexible Work Schedule

Employees may work a flexible schedule for one day or longer to meet department needs or to accommodate the employee’s needs as long as the flexible schedule does not interfere with the department’s efficiency or effectiveness. Flexible schedules must be approved by the employee’s supervisor. Typical flex-time schedules are working 8:00 a.m. to 4:00 p.m. or 9:00 am to 5:00 p.m. in the same day.

3.4.6 Make Up Time

Make up time is not allowed at Saint Mary’s for non-exempt employees. Make up time is defined as taking leave and making up the time taken at a later date. For example: an employee has no sick leave but must take 4 hours off on Monday for a doctor’s appointment. That employee cannot come in on Saturday or work 4 hours overtime to make up for the time lost on Monday.

3.4.7 Adjusted / Flexible Work Week

Due to departmental or employee needs some adjustment to a work week may be necessary. Those adjustments would include, but are not limited to: taking Fridays off to work Saturday or working a Wednesday through Sunday schedule. Graduation may require the non-exempt staff to work a Sunday. That would require an adjustment of the normal work schedule to make sure that a 37.5/40 hour work week is accomplished between Monday and Sunday. The College will pay any appropriate overtime based on applicable law and policy.
3.5 Personnel Records – Confidentiality and Access

Federal and state laws and Saint Mary’s policy require the collection and retention of certain personnel information. Human Resources maintains the only official personnel files for all employees of the College covered by this Handbook.

3.5.1 Access

Employee personnel files are maintained with strict confidentiality. Access to employee personnel files is limited to the President of the College, Provost, Vice Presidents/Provosts (for employees under their jurisdiction), General Counsel, Assistant Vice President of Human Resources, Human Resources staff, and the employee’s supervisors, for business-related needs.

3.5.2 Contents of Files

Human Resources determines what documents will be maintained in personnel files and how long the documents are retained, in accordance with applicable laws, statutes and court orders.

3.5.3 Employee Inspection of Personnel File

An Employee who wishes to inspect his/her personnel file should make a written request to Human Resources. Within a reasonable time for Human Resources to ensure that the file is up to date, an appointment will be arranged. An Human Resources representative will be present during the inspection. The employee cannot remove any information from his/her personnel file nor have a copy of the file. However the employee may make written notes about the documents, and Human Resources can make copies of documents for the employee that the employee has signed. If an employee does not agree with something in the file, he or she may submit additional information which, at the sole discretion of the Assistant Vice President of Human Resources or designee, may be included in the file.

3.5.4 Other Requests for Personnel Information

All faculty and staff home addresses and telephone numbers are considered to be private information unless the employee specifically authorizes their release. The President, Provost,
Vice Presidents/Provosts, General Counsel, the employee’s supervisors and Human Resources have a right to this information, if needed.

During and after employment with the College, the College will release certain information about an employee’s or former employee’s employment as follows:

- Human Resources will provide or verify employment dates and job titles when requested by an external party.
- Salary or other more specific information will be released only if the employee or former employee has given written permission to do so, and the signed release specifying what information can be released is submitted with the request.
- HR will respond to a lawful court order, subpoena, federal or state agency request, permissible discovery requests in litigation matters, or order or request of the IRS or Franchise Tax Board for records;
- HR will furnish relevant factual information to authorized government agencies (e.g., social security, unemployment insurance, disability insurance) for benefits purposes.

### 3.6 Maintaining Current Employee Information

#### 3.6.1 Personal Data

Human Resources is responsible for the maintenance and accuracy of the College database for all employees (excluding students). When changes occur to an employee’s personal data, the employee must make sure HR receives a written authorization of the change. Change forms are available on the Human Resources website, in the boxes outside the HR office, or at the HR window in Filippi Hall.

Examples of personal data changes include:

- Name change – Employees changing their names must show Human Resources their new social security card with their new name. Human Resources will make a copy of the original.
- Emergency contacts
• Marital status

• Address – it is important that the College has each employee’s current street address (not PO Box). Address changes should also be made with the College’s benefits administrator and insurance carriers.

• Home or message telephone number

• New Dependents

• Change of Beneficiary – Forms are available in Human Resources to register changes in beneficiaries for the retirement and life insurance programs.

• Changes in beneficiaries can be made at any time.

3.6.2 Retention of Files

The College retains all employment records during employment, and thereafter, for a minimum period of five (5) years, after which the records may be destroyed. Files involved in threatened or pending litigation or governmental action will be retained as required by applicable procedures and regulations until the matter involving those files is concluded.
Section 4. Recruitment and Employment

Authority

Director of Faculty and Staff Recruitment & Human Resources Consultation

Summary

This section reviews all phases of recruitment and employment processes. Below are the main headings:

4.1 Hiring for (the) Mission
4.2 Recruitment
4.3 Job Posting Process
4.4 Candidate Review
4.5 Offer Process
4.6 Closing Out the Recruitment
4.7 Ways to Promote Your Opening Beyond the Job Posting
4.8 Checklist for Hiring Managers

Recruitment is one of the most important collaborative efforts that link Human Resources and the College community. For this reason the Human Resources staff will make every effort to provide guidance, support, tools and resources that will help VP’s, department heads, search committees and hiring supervisors recruit and hire the best qualified employees. In support of the College’s policy of equal employment opportunity, the Assistant Vice President of Human Resources is responsible for reviewing and approving all proposed staff personnel changes (appointments, contracts, promotions or terminations), informing department heads of the College’s Non-Discrimination Policy and enforcing that policy. Saint Mary’s is an equal opportunity employer, and does not tolerate any type of unlawful discrimination. Saint Mary’s makes employment decisions on the basis of merit and seeks the most appropriate person for every job, taking into account an applicant’s qualifications for the position relative to other candidates, and an indication of willingness to support the traditions of the College, including its Catholic identity.

College policy prohibits discrimination based on race, color, religion, national origin, ancestry, age, gender, sexual orientation, marital status, medical condition, physical or mental disability,
gender stereotyping, gender identity, taking a protected leave (e.g. family medical or pregnancy leave), or on any other basis protected by applicable laws. (Also see Section 1.4 Equal Employment Opportunity.)

Except as described below, the Assistant Vice President of Human Resources is responsible for ensuring that all job openings are announced in such a way that interested individuals have an equal opportunity to apply and be considered for vacant positions.

The goal of the job posting policy is to ensure that all staff members are made aware of and have the opportunity to apply for open positions concurrent with the College’s consideration of external candidates for employment.

While it is the College’s philosophy to promote from within whenever possible, there are conditions that could cause a position to be filled without posting, or to post the position while simultaneously recruiting from the outside. The conditions that could cause a decision to bypass posting, or to post the position while simultaneously recruiting from the outside, include, but are not limited to: organizational restructuring; position requirements that include skills, education, and/or experience that are not known to match any existing employee; critical operational needs; etc. In addition to these conditions, managers may request an exception when they have employees within the same department or division who are qualified and/or already trained for the position. The decision to fill the position without posting requires the joint approval of the Assistant Vice-President of Human Resources and Department Vice President. In general, internal and external posting is done simultaneously. For internal postings only, a minimum of five business days are required before selecting a candidate. (Also see Section 4.3.2 Job Posting for more detail.)

4.1 Hiring for Mission

Hiring for Mission at Saint Mary’s College means hiring diverse faculty and staff who will commit to deepening their understanding of its liberal arts, Catholic, and Lasallian heritage and will contribute to its Mission. Included in that diversity are faculty and staff who especially identify with the Catholic and Lasallian identity of the College.
4.2 Recruitment

Human Resources works collaboratively with Hiring Managers (the supervisor of the vacant position) to recruit the best qualified candidates. Human Resources is responsible for: partnering with the Hiring Manager to develop the job description and job posting, securing advertising, screening, recruitment support and assisting in travel arrangements, if needed. With support from HR, the Hiring Manager conducts a search that increases the potential for attracting highly qualified candidates from which to select the best qualified candidate who will support the College’s mission in achieving the educational benefits of a diverse employee community.

The recruitment process begins when a need for a new position is identified or a vacancy occurs.

4.2.1 Identifying a Position

Managers should create a Position Source Document (PDS) (See Human Resources website under Compensation for instructions on creating one) when there is a new position and they should review any existing PSD to ensure the position is still the same if it is a replacement position. The Director of Faculty and Staff Recruitment & Human Resources Consultation works collaboratively with the Hiring Manager to describe the position in the most effective manner.

4.2.2 Job Evaluation and Budget Approval

If the position is new or has changed substantially, it is also evaluated to determine the correct salary grade (see section titled Job Evaluation). Based on the outcome of the job evaluation process and an assessment of similar jobs across campus, Human Resources determines the salary grade. The Assistant Vice President for Finance/Controller then confirms the salary dollars available for the position. If there are insufficient salary dollars, additional salary funding must be sought. Once the PSD is evaluated to confirm a correct grade for the position and budget approval is secured, the recruitment process can begin.

4.2.3 Developing a Recruitment Plan

The Director of Faculty and Staff Recruitment & Human Resources Consultation can assist in developing a comprehensive recruitment and selection plan to secure a successful hire. Areas of
support include; advertising, identifying candidates through networking and referrals, social media, database mining, prescreening, interviewing, selection, and the offer process.

4.3 Job Posting Process

4.3.1 Creating a Job Requisition

Definitions

*Requisition Form* – The “Requisition” is an approved online form authorizing the recruitment of regular full-time and part-time staff and faculty and temporary employees. All requisitions require appropriate approvals e.g. Director/Dean, VP or Provost, Controller, and VP of Finance.

*Replacement Requisition* – Indicates a position that has been vacated by the transfer or termination of a current, regular employee. These requisitions are opened for the same or comparable position as the employee who vacated the position to include salary structure.

*Add to Headcount Requisitions* – Indicates a new position is being created and that there is not a current, regular employee in the position.

*Temporary Requisitions* – Indicates that a temporary staff person is needed for a definite period of time. Temporary requisitions are not used for temporary agency hires. Temporary requests to use an agency use the Temporary Hire Request Form found on the Human Resources Website.

4.3.2 Job Requisition

Job requisitions are created in the College online recruitment system. Information that is required includes the job title; Department; Chair, Program Director, or Hiring Supervisor Name; whether it is a new position and if not; the incumbent’s name; last day worked; if this is a full/or part-time appointment; budget code that the cost (salary) of the position should be charged to; whether this is a internal posting only; a complete job description, which includes: a concise summary of principal duties responsibilities and requirements of the job, and minimum qualifications of the candidates for the job; grade and salary range; and any comments that would support the request
for the position. The Job Requisition requires approval signatures from: the department head, the appropriate area Vice President, Provost or Vice Provost, Controller, and VP of Finance prior to the position being posted.

4.3.2.1 Job Posting

The College supports employee access to promotional and developmental opportunities. For this reason all vacant positions are posted, with exceptions described below. Employees are encouraged to apply, and to let others outside the College know about open positions. With the exceptions described below, job vacancies are posted for a minimum of five working days on the College website, as well as referenced on the Job Opportunity Board located near the Human Resources Office in Filippi Hall. Periodic emails to the campus staff and faculty listserv can also be used. Examples of types of Positions include new or replacement positions, promotions, transfers, and an outside temporary need.

4.3.2.2 Job Posting Exceptions

Although the general policy of the College is that all vacant positions shall be posted, positions need not be posted if there is a qualified Christian Brother, or a qualified individual from a limited list of exceptions (e.g. positions reporting directly to the President, certain departmental promotions approved by the Assistant Vice President of Human Resources or designee, staff returning from certain leaves of absence, and members of other religious orders exempted by the President). The determination whether or not a position is posted is made by HR in consultation with the Hiring Manager. Examples may include extensions of temporary help, title changes, lateral changes within a department, and reclassifications.

4.3.2.3 Job Advertising

Human Resources writes and places advertising on Bay Area and National general and targeted websites and professional journals, with an effort to reach potential qualified candidates that reflect the diversity of the student population and of the San Francisco Bay Area. If Hiring Managers or search committees desire advertising in specific venues, they should discuss this request or need with the Director of Faculty and Staff Recruitment and Human Resources Consultation.
4.4 Candidate Review

4.4.1 Applying for a Position

To apply for a position, interested individuals inside and outside of the College needs to submit an employment application (required) and résumé (optional) to the College online recruitment system via the Human Resources website and by the stated deadline. Note: employees of the College who apply for vacant positions are not guaranteed selection.

4.4.2 Promotions and Transfers

The Hiring Manager or department head consults with Human Resources regarding promotions or transfers. Human Resources will review salary, job grade, transfer date and related matters with the appropriate level of supervisor.

4.4.3 Interviews

It is the policy of Saint Mary’s College that all qualified internal candidates for open positions will be interviewed. Internal candidates must meet minimal qualifications and must have been employed for a minimum of 90 days at the time of the interview. Staff members are not required to notify their supervisors when submitting an application for a posted position. Once the staff member is considered a finalist for the position, his/her supervisor will be contacted prior to completion of the hiring process for a reference.

The Hiring Manager and Human Resources work together to determine qualified internal, and if desired, external candidates. The Hiring Manager is responsible for ensuring that appropriate interviews are conducted.

4.4.3.1 Guidelines to Candidates’ Campus Interview

The Human Resources recruitment budget is used for recruiting expenses for up to three candidates per position. Allowable expenses include airline ticket, transportation between airport and hotel. Rental cars are typically not covered. Meals are not covered through HR, however a department may elect to cover the meals. Please check your department for their policies on covering meals.
Search committee chairs for staff searches should contact Human Resources Recruitment at 4216 to make arrangements for candidate airline and hotel reservations. Provide HR Recruitment as much lead time as possible when scheduling a candidate’s visit to the campus (at least 7-14 days). If a search committee determines to interview more than three candidates and/or if there are more than four persons included in any meal, the additional cost will be an expense to the department and the search committee chair needs to seek approval from the appropriate VP.

### 4.5 Offer Process

#### 4.5.1 Background Checks

Saint Mary’s College recognizes the importance of seeking to maintain a safe campus with employees who are honest, well qualified for their positions, and who do not present a risk of harm to members of the College community. For this reason, Saint Mary’s College performs background checks for new hires. A background check may be performed in the case of an internal promotion or transfers if the new position requires one (e.g. going from a non-financial to financial role and a background check has not been performed in 3 years). The areas covered by the background check will vary from job to job depending upon access to financial records, contact with students, etc. The candidate will provide written authorization for the background check. Candidates (includes internal as well as external candidates) can request a free copy of the background check. Candidates who decline to submit to an appropriate background check as defined by the AVP of Human Resources or designees, or who fail to provide required information may be denied employment. Results from a background check, including those that identify issues of institutional concern in connection with the position sought by the candidate, will be reviewed by the AVP of Human Resources or designee, including but not limited to, the relevance of any conviction to the candidate’s anticipated position, or in the case of a current employee, that employee’s current position, plus any evidence of providing false information to the College and the candidate’s response to the information obtained, before determining the appropriate outcome. In addition to a background check, positions that include driving a College vehicle or driving a personal vehicle on the College’s behalf may be subject to further inquiry by the College’s insurance broker.
4.5.2 Reference Checks

The hiring supervisor is responsible for completing and documenting reference checks with former supervisors and others familiar with the candidate’s work experience. Human Resources can provide assistance and training on checking references. Reference checks can be done before, after or concurrent with the background check.

4.5.3 Final Steps before Job Offer

Once satisfactory results from the background and reference checks have been obtained, the salary offer can be determined. The salary offer is determined by the Director of Faculty and Staff Recruitment & HR Consultation in consultation with the Hiring Manager or department head. Human Resources is responsible for ensuring that all College policies and external regulations (e.g., background checks, visa requirements, work authorization) have been observed to provide for consistent and fair treatment of candidates.

4.5.4 Job Offer and Confirmation Letter

The Hiring Manager makes the job offer after consultation with the Director of Faculty and Staff Recruitment & HR Consultation. If the candidate accepts the position, the Hiring Manager notifies Human Resources of the acceptance and the new employee’s start date. HR then prepares and sends a confirmation letter to the candidate summarizing the terms and conditions of employment. To be eligible to begin the employment relationship, the candidate must sign the confirmation letter and return it to Human Resources.

4.6 Closing Out the Recruitment

4.6.1 Notification to Candidates Not Selected

The Hiring Manager is responsible for informing candidates interviewed but not selected that another candidate was chosen. This can be done by phone or letter and Human Resources is available for consultation on best practices and templates. Human Resources will inform applicants who were not selected for interviews.
4.6.2 Record Retention

The hiring authority or search committee is expected to maintain summary information about the search process, applicants and hires. Search committee members need to collect the following information about a search:

- Position description
- Actual dated copies of announcements, advertising, and other solicitations for applications and nominations, including documentation of recruitment of women and minorities
- Applications, nominations, correspondence, evaluations, references, a record of verbal contacts with or about applicants or nominees and other application materials submitted by the candidates or requested by the search committee; Minutes for all committee meetings
- Information on how search committees function, including the charge to the search committee; and Evaluations of candidates at each step of the interview process, including evaluations of candidates who are interviewed and reasons why candidates were not further considered for the position.

Please send all materials related to a recruitment search to HR Attn: RECRUITMENT

All records of recruitment searches are retained by HR for a minimum three (3) years or longer as deemed necessary by the College.

4.7 Ways to Promote Your Opening Beyond the Job Posting

- Know your market – Where do people with these skills find information?
- Talk to everyone you know (even family members) – you never know who they know!
- Let others outside of your office know what you are looking for! We all get busy and we may not check what is currently open.
  - Professional Associations
  - Clubs
Section 4 – Recruitment and Employment

- Civic organizations

4.8 Checklist for Hiring Managers

A Checklist on the recruitment process for Hiring Managers PDF is available online at http://www.stmarys-ca.edu/human-resources/employment-smc-recruitment-processes-faculty-staff-and-students.
Section 5. Development, Training & Performance Feedback

Authority

Director of Learning and Organizational Effectiveness

Summary

This section reviews all phases of development, training and performance feedback processes. Below are the main headings:

5.1 Professional Development
5.2 Training Opportunities
5.3 Tuition Waiver
5.4 New Employees (also see Employment in Section 4)
5.5 Performance Planning and Review
5.6 Performance Problems
5.7 Violations of Policy / Prohibited Conduct

The College encourages staff to increase their knowledge and skills through its orientation of new employees, on-campus staff training and development opportunities, attendance at professional conferences, and participation in other educational opportunities. The College’s Performance Management Process establishes a process to provide ongoing feedback on performance, to set goals, and to plan for professional development and attendance in workshops and development programs.

5.1 Professional Development

Participation in outside conferences and workshops can enhance employee knowledge and skills in areas directly related to employee’s jobs. Staff must have the appropriate departmental approval to attend conferences or workshops during work time. Most departments have a budget line for costs associated with attendance at conferences, job-related courses or workshops.
5.2 Training Opportunities

Human Resources offers a variety of training and development programs on campus for staff. These include new employee orientations, leadership and supervisory development programs, change management programs, team development and planning, conflict resolution, special programs for non-supervisory staff, and individual coaching. These programs are usually announced by Human Resources to staff through the College Bulletin, email, flyers, and/or the HR website. Some programs may involve nominations by heads of departments or functions.

5.3 Tuition Waiver

Eligible employees can also receive tuition waiver to cover all or part of the cost of many classes offered to registered Saint Mary’s College students. For more information see “Tuition Waiver” in the Benefits section, or check the HR website.

5.4 New Employees (also see Employment in Section 4)

The first days, weeks and months with the College or in a new position are an important period of learning. The employee learns about the department, job responsibilities, and Saint Mary’s unique history and tradition as the premier Catholic, Lasallian and Liberal Arts College.

5.4.1 The First Days on the Job

During the first days on the job, it is useful for the supervisor to

• Make sure that the employee completes an I9 and W4 in HR, required before the employee can get an employee ID number and an email account.

• Determine if the new employee has the tools and equipment for the job, including, as appropriate, a telephone extension, a computer, necessary software, a parking permit, access to GaelExpress and the Saint Mary’s College website, and an email account.

• Confirm that the new employee has scheduled, and attends, both New Employee Orientation, the Benefits Orientation, Campus of Difference and any other required training.
• Review the duties and responsibilities of the position with the new employee, including discussion of the job description and essential functions of the position as well as institutional information that may not be covered in the job description.

5.4.2 Department Orientation

Each supervisor or department head is responsible for the specific departmental orientation and training of new employees. This orientation can set the stage for a positive introduction for the employee to the College and his/her job. The following are areas that are helpful for a supervisor to cover during the departmental orientation of a new employee:

• Introduce the new employee to department staff and to key contacts across the campus.
• Walk around campus to show the employee the locations of places to eat on campus, the library, the Soda Center, administrative buildings, the athletics buildings, and other buildings that the new employee will be visiting early in employment.
• Review College safety rules, departmental work rules, and policies and procedures.

5.4.3 College Orientation

Human Resources conducts orientation sessions, generally quarterly, for new hires to welcome them to the College. These sessions include talks on the mission and traditions of the College, a review of policies, and information on services available to employees. New employees are strongly urged to attend these informative sessions early in their employment. HR can also conduct individual College orientations.

5.4.4 Benefits Orientation

Human Resources also conducts separate benefits orientations, generally monthly, for new employees or employees newly eligible for benefits. HR can also provide individual benefits orientations. For more information, see Section IX, Benefits.
5.5 Performance Planning and Review

Saint Mary’s College has established a Performance Management Process to structure a series of dialogues between employees and their supervisors on performance expectations, progress and accomplishments. The Performance Management process promotes a shared responsibility between supervisors and employees for performance planning and assessment, frequent two-way communication, and opportunities for professional development and continuous learning. The process is ongoing throughout the year.

The stages, procedures, and forms for this process are described and available on the Human Resources website under Performance Management, in materials available in the HR office, in training sessions from HR, and in email communications from HR. Key components of the process are as follows:

5.5.1 Initial Review

The Performance Management Process is designed to begin with the initial review for new employees or employees new to a position. It is typically completed by the supervisor and the employee after two (2) to six (6) months on the job. This review is designed to clarify the employee’s responsibilities and objectives, give feedback on the employee’s performance, and provide the structure for identifying the new employee’s professional development plan. The Performance Review form documents this process. Using Saint Mary’s online performance review system, the employee and manager complete the review form, and both of them sign the form electronically. The completed review is available to the employee, the supervisor, and Human Resources via the online system and becomes a part of the employee’s personnel file. For more information on Saint Mary’s College online performance review tool, please go to Human Resources GAELPerform (web-based reviews) page.

5.5.2 Performance Feedback

It is expected that coaching by the supervisor and mutual feedback between the supervisor and employee occur throughout the year; this can include reviewing expectations and progress, giving performance feedback, and holding discussions on professional development. Positive feedback and constructive feedback are especially important when adjustments need to be made.
Ideally, feedback is given close to the time when the instance takes place. Supervisors should seek multiple ways to recognize accomplishments, from a simple thank you to department recognition.

### 5.5.3 Mid-year Progress Review

This mid-year review, normally done in December–January of each year, is designed to structure a dialogue between the employee and supervisor regarding expectations, progress, course correction, and mid-year feedback. Human Resources can provide guidance for these reviews. Supervisors wishing to conduct mid-year reviews using the online performance management system should contact the Human Resources Department. Some lead time is required to set up the process using the online system. As an alternative, supervisors may decide to conduct a mid-year review using the paper and pencil method. The completed form does not need to be forwarded to Human Resources. This type of Progress Review can be conducted more frequently if the supervisor, department or employee desires.

### 5.5.4 End of Year Performance Review

All employees and their supervisors should complete the annual End of Year Performance Review in May-June of each academic year. This year-end review documents the employee’s accomplishments for the year, provides ratings for qualitative areas, provides an overall rating for the past year, sets down goals (or begins this process) for the upcoming year, and specifies the professional development agreed upon for the next rating period. Areas of strength and areas for development should be specific. This review is designed to be a collaborative process between the employee and the supervisor.

Once electronically signed by the employee and her/his supervisor, the next level of management signs it, and the completed End of Year Review becomes part of the employee’s personnel file. Employees, supervisors, and Human Resources can access the completed review at any time via the online performance review system. The Human Resources staff is available to provide guidance about the process and assistance in dealing with performance issues.
5.5.5 Development Plan

Formal professional Development Plans can be created at any time in the year, although they are often developed in conjunction with the End of Year Review. Reasons why a Development Plan may be helpful include an employee’s taking on new assignments, changes in employee job responsibilities or when the employee is seeking to advance in his/her career. Development Plans can be created in the online performance review system.

5.5.6 Performance Improvement Plan (PIP)

A Performance Improvement Plan (PIP) must be reviewed and approved in advance by Human Resources when the overall rating on the performance review is “Needs Improvement” or below. A PIP can also be created if there are areas marked “Needs Improvement” even though the overall rating may be “Achieves Expectations.” While often done at the time of the annual review, the PIP can be used any time performance is deficient. The supervisor should initiate this plan with the employee. The plan should clarify the improvement needed, actions to take, and a timeline for completion. Its goal is to help the employee meet the expectations of her/his position. Both employee and supervisor should keep a copy. Supervisors must consult with appropriate staff in Human Resources when developing a Performance Improvement Plan.

When salary increases are provided to staff employees, an employee who receives an overall rating of “Needs Improvement” will not be eligible for an increase. When the supervisor documents the employee performance rating as “Achieves Expectations” or better, the employee may be eligible for a non-retroactive increase.

5.6 Performance Problems and Corrective Action

5.6.1 Our Core Values and Guiding Principles

In our Lasallian tradition we acknowledge the core value of respect for all persons. In that spirit, we honor and respect the dignity of all individuals by means of a process to hold each of our community members accountable to performance and conduct expectations. While recognizing that at times a staff member may fall short of meeting standards, it is the intent of this policy to
support success in reaching expectations and, when standards are not met, to clarify the range of appropriate corrective actions the College may choose to take.

Employment with the College is “at will,” which means it is subject to termination by either the College or the staff member at any time, for any reason. There are no contractual relationships between the College and a staff member, and letters, benefit or policy statements, performance appraisals, employee handbooks or other employee communications should not be interpreted as such. No one has the authority to enter into any oral or written employment contract without the signed explicit written approval of an officer of the College, and no written employment contract will be valid without the signature of the President of the College or designee. To monitor this at-will relationship, and to support the success of staff members, the College may use a variety of guidelines to clarify expectations and track performance.

5.6.2 Employee Responsibility

It is the duty and the responsibility of every employee to be aware of and abide by College policies and procedures. It is also the responsibility of the employee to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established. Employees are encouraged to take advantage of all learning opportunities available and request additional instruction when needed.

5.6.3 Responsibilities of Supervisors, Managers and Directors

The immediate supervisor, manager or director must approach an employee’s performance in an objective manner. If the employee’s performance of assigned tasks is the issue, the supervisor, manager or director should generally look to see that proper instructions, appropriate orientation and training have been given and that the employee is aware of the job expectations. Not only single incidents, but also patterns of poor performance should be of concern, as these are indicative of overall performance.

If misconduct is the issue, the supervisor, manager or director should take steps to make sure that the employee has been made aware of the College’s policies and procedures regarding the violation. If appropriate instruction or information was not communicated, a plan for such communication should be immediately developed and reviewed with the employee. Supervisors
should consider appropriate development opportunities, available through HR or external to campus, to support employee success.

5.6.4 Performance Issues

Sometimes coaching and performance reviews do not result in the necessary changes in an employee’s performance or behavior. When this occurs, supervisors should seek the guidance of one of the Directors in the Human Resources Department or the Assistant Vice President of Human Resources to determine the best way to proceed. Human Resources can provide information and resource material on the steps involved in corrective action.

In most cases, if you have a performance issue your supervisor will work with you to provide the appropriate performance counseling and corrective action so that you have the opportunity to improve. The type of performance counseling and corrective action used would depend on considerations such as:

- Nature and severity of the issue
- Timing and frequency of previous issues
- Any prior corrective action steps taken
- The employee’s response to feedback
- The employee’s overall performance

Because facts and circumstances can vary widely, and are sometimes unique to a particular situation, the action that’s taken in one situation shouldn’t be construed as setting a precedent for any other situations.

5.6.5 Corrective Action

When the opportunity for engaging in corrective action is available, it generally can include a series of steps, such as the following:

5.6.5.1 Early Counseling/Coaching

Supervisors should provide early coaching and constructive feedback to employees when performance tasks or behavior becomes a concern. This feedback is usually verbal and specific.
The supervisor should listen to the employee, and seek to understand the employee’s reasons for why s/he is not performing satisfactorily. Assistance from the supervisor, further coaching, additional help, re-prioritizing tasks, or additional training may be some of the remedies required.

If the employee is not satisfactorily responding to these early coaching suggestions, or if a pattern of poor performance continues, the Supervisor should document the concerns and submit them to Human Resources to be included in the employee personnel file.

5.6.5.2 Performance Counseling

In most cases, if your performance, behavior or attendance doesn’t meet specified requirements, your supervisor will meet with you to discuss the issue. Formal Counseling documenting a need for improvement can be:

- Verbal only
- By written memo to the employee with a copy kept in the employee personnel file (this “memo” can be an email that is printed and inserted into the file)

Performance Counseling communications will discuss the specific areas of performance, behavior or attendance that don’t meet the requirements or expectations of the employee’s assigned job duties. In addition, the employee’s supervisor may work with the employee to develop a performance improvement plan (PIP) and timeframe for improving the employee’s performance. Supervisors and managers must review a PIP with Human Resources for approval in advance of implementation.

5.6.5.3 Warning

If performance, behavior or attendance shows no signs of improvement or keeps declining after counseling—or if something happens to cause the escalation of the performance counseling and corrective action process—your supervisor may document the situation in a written warning.

The warning may include a PIP (reviewed and approved in advance by Human Resources) and usually contains:

- An explanation of the issue
• A definition of the expected level of performance or the improved behaviors or attendance needed
• An improvement timeframe, and
• A warning that if the issue continues, it can lead to termination of employment

The written warning memo will become a part of the employee’s personnel file.

5.6.5.4 Final Notice

Some situations may require corrective action just short of termination. In a situation like this, the employee may receive a final notice advising that if the situation occurs again at any time during employment, employment will be terminated immediately. This notice is typically a written memo, which will become a part of the employee’s official personnel file.

5.6.5.5 Termination

If the employee performance, behavior or attendance as outlined in the counseling or warning doesn’t improve, employment may be terminated.

Employment can also be terminated if the situation documented in a notice reoccurs, or if the problem involves a breach of policy, and/or prohibited conduct, or if the employee’s performance or conduct is such that continued employment is no longer in the best interest of the College. For examples of this kind of conduct and more information about situations appropriate for immediate termination, see the policy on “Prohibited Conduct.”

Since employment is “at-will”, Saint Mary’s may simply choose to end the employment relationship without attempting any of the above mentioned counseling or corrective action procedures. Saint Mary’s may escalate the process or use an part of it that it feels is appropriate… corrective action, consistent with the employee’s at will status.

5.7 Violations of Policy / Prohibited Conduct

When violations of Saint Mary’s policies or prohibited conduct is suspected or has occurred, the appropriate level of supervisor must promptly review the situation with the Assistant Vice President of Human Resources or her/his designee so that the matter can be investigated, and
appropriate action determined. Appropriate action may consist of disciplinary action up to and including termination of employment.
Section 6. Communication & Problem Solving

Authority

Director of Employee Relations & Compensation

Summary

This section reviews all phases of campus communication processes and the corresponding areas of responsibility. Below are the main headings:

6.1 Campus Communication
6.2 Saint Mary’s College Events Posting Policy
6.3 Conflict Review and Problem Solving Process
6.4 Staff Appeals
6.5 Employee Assistance Services

6.1 Campus Communication

The College offers various means of communication with the campus community as a whole, about events taking place, changes in benefits and handbooks, required or voluntary training, new employees and employees leaving, and other College-related matters. While broadcast email has been used extensively, an unfortunate result is excessive emails in employees’ in-boxes. The College encourages the community to use the weekly “Campus News” for announcing events and staff changes which can link to the appropriate College website for more information. Announcement information can be sent to the College Communications department by Thursday morning for inclusion in the following Monday’s bulletin. For more information contact College Communications.

6.2 Saint Mary’s College Events Posting Policy

In order to comply with established fire codes, to reduce visual clutter on campus, to reduce paper waste and to cut overall costs of event promotion for groups and organizations, a new events posting policy has been established by the Campus Deans and Directors Committee with the approval of the President’s Cabinet. The College’s posting policy applies to all printed materials posted or distributed on campus.
6.2.1 Designated Posting Areas and Methods

Special posting areas will be designated in 27 high-traffic areas located throughout central campus. These areas will be painted a uniform color and will be clearly marked as posting areas for approved materials. No materials may be posted outside of these areas. Posting will not be permitted on any painted building surfaces (other than the designated posting areas), glass doorways, windows, floor surfaces, or areas that might appropriately be used as escape routes in a fire or other emergency. Only special masking tape (“painter’s tape”) may be used to secure postings. All materials must be removed once the event is over and/or College approval expires; failure to remove expired postings might result in monetary fines or loss of posting privileges. Large banners, signs, or other specialized promotional materials may be posted only with advance approval from the Office of Student Involvement and Leadership.

6.2.2 Posting Approval

All posted materials must be approved by the Office of Student Involvement and Leadership, unless those materials are posted on one of five public posting areas (non-designated corkboards in building hallways of Dante Hall, Garaventa Hall, and Galileo Hall). The printed material must include the name and contact information of the sponsoring organization along with the event cost, date, time, and location. Material that is inconsistent or incompatible with the College’s mission and goals as determined by the Assistant Dean of Student Life for Involvement and Leadership, in consultation with the Vice Provost for Student Life, will not be posted or otherwise circulated. Any posting that does not display the stamp of the Office of Student Involvement and Leadership will be removed.

6.3 Conflict Review and Problem Solving Process

The Conflict Review and Problem Solving process provides a process whereby active staff employees of the College can request an independent, objective internal review of their work-related problems and concerns. This process is intended to address workplace conduct and circumstances that do not otherwise trigger the College’s obligation to conduct an internal administrative investigation (e.g. allegations of discrimination including sexual harassment or
The goal of the Conflict Review and Problem Solving Process is to encourage open and constructive communication.

Employees may consult with Human Resources first, but are encouraged to try to resolve their problems or concerns with their immediate supervisor. If a resolution cannot be reached, the employee may ask for a meeting with a Human Resources representative or with the head of the department in which he/she works. If no resolution is reached, the employee may request further assistance from Human Resources as described below.

The Director of Employee Relations & Compensation is available to assist employees and supervisors at any time in addressing concerns, reviewing problems, and identifying possible solutions. The Director of Learning and Organizational Effectiveness is available to do coaching with individuals and supervisors to increase their effectiveness. The Human Resources department has additional resources available, both internal and external, in the event that some form of conflict resolution could be useful. Use of internal or external conflict resolution resources requires the approval of the Assistant Vice President of Human Resources or designee, and in some situations, the Vice President of Finance and the Provost.

If potential solutions to address the conflict are proposed and are agreeable to the individuals involved, those potential solutions must be approved by the Assistant Vice President of Human Resources or designee, in consultation with the appropriate Vice President or Provost. While conflict resolution services may be available, there is no guarantee that an appropriate solution will be reached that satisfies any or all of the participants in the process. The goal is to facilitate communication on concerns in an effort to resolve workplace conflict or dissatisfaction at local levels.

### 6.4 Staff Appeals

Subject to the qualifications below, the Employee Appeal process is the final stage of appeal for active staff employees regarding work-related matters. This process is not available for employees whose employment has been involuntarily terminated for any reason, or for employees who have voluntarily terminated employment at the College.
NOTE: This process is not available for appealing findings or sanctions resulting from investigations of complaints of violations of the College’s Non-Discrimination Policy, Including Sexual Harassment and Retaliation or for appealing findings or sanctions resulting from investigations under the College’s Whistleblower policy. The outcomes of these investigations are final and cannot be appealed.

Within 45 calendar days of the conclusion of the Conflict Review and Problem Solving described above, the active employee may submit a written appeal to the Assistant Vice President of Human Resources or designee. The appeal should describe in detail the employee’s concerns and issues.

In considering the appeal, the Assistant Vice President of Human Resources or her/his designee will discuss the appeal with the staff employee, meet separately with others who either are identified in the appeal and/or who may have knowledge of the facts around this issue, review applicable documents, involve others as appropriate including, but not limited to, the head of the department, the Vice President, President, Provost, Vice Provost. The decisions regarding whom to include in the appeal process rest solely with the Assistant Vice President of Human Resources or designee. Human Resources will endeavor to keep matters confidential, recognizing, however, that in the course of looking into the matter, some dissemination of information to others is generally necessary.

Once the Human Resources review has concluded, the Assistant Vice President of Human Resources or designee will communicate her/his decision in writing to the employee and, as appropriate, with others on a business “need to know” basis. The decision of the Assistant Vice President of Human Resources or designee is final.

6.5 Employee Assistance Services

Employees with on or off the job issues resulting in unhappiness, distraction, anger or other emotions that may be affecting their work are strongly encouraged to contact the Employee Assistance Program (EAP). This Saint Mary’s College benefit plan provides up to eight (8) confidential counseling sessions by a licensed professional near the eligible employee’s home or work. An employee not eligible for the Employee Assistance Program benefit can confidentially request EAP coverage on an exception basis by contacting the Director of Benefits, the Director
of Employee Relations & Compensation, or the Assistant Vice President of Human Resources or designee. For more information on the Employee Assistance Program (EAP), see Benefits, Section IX of this Handbook, or check the HR website.
Section 7. Compensation

Authority
Director of Employee Relations & Compensation

Summary
This section reviews all phases of compensation processes and corresponding areas of responsibility. Below are the main headings:

7.1 Staff Compensation Philosophy
7.2 Staff Compensation Policy
7.3 Salary Budget
7.4 Changes in Position or Responsibilities

7.1 Staff Compensation Philosophy
Saint Mary’s College celebrates the three traditions which have sustained it since its earliest years: liberal arts, Catholic and Lasallian. The College defends the goodness, dignity and freedom of each person, and fosters sensitivity to social and ethical concerns. The College seeks staff from diverse social, economic and cultural backgrounds who come together to grow in knowledge, wisdom and love. The staff salary policy reflects the mission, traditions and values of Saint Mary’s College of California as it relates to the larger world and to internal operations.

The College recognizes that it must attract and retain outstanding staff who are, first and foremost, committed to the College’s mission, and to their own personal and professional growth. Thus, the College is committed to paying competitive salaries according to the guiding principles of equity (internal fairness), stewardship (financial/fiscal prudence), market forces (external competitiveness) and sustained quality education that promotes the dialogue of faith and reason.

The following principles are derived from the College’s mission:

- Enable staff to support themselves and their dependents with dignity and an acceptable standard of living.
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- Attract staff to come to Saint Mary’s College for reasons first and foremost aligned with the mission. While an interest in the mission by the staff is necessary for a strong institution, the salary should be sufficient to attract and retain that staff in the San Francisco Bay Area.

- Recognize that the long-term financial viability of the College depends upon balancing institutional values such as fairness and concern for individual dignity with fiscal prudence and market competitiveness. In doing so, the staff salary policy acknowledges that market forces are neither irrelevant to compensation practices nor sufficient as the sole justification for compensation practices.

- Specify the circumstances under which differential hiring will be utilized and state how differential pay will be implemented. Favoritism will be expressly disqualified.

- Assess both the market strategy of looking at extra compensation for “hard to hire” disciplines and for internal adjustments, the peer comparators, and the salary policy as a whole.

- Define the conditions under which merit based recognition, a component of compensation and a legitimate mechanism for encouraging and rewarding individual performance consistent with the College’s mission and strategic plans, is administered including the process required for granting merit based recognition and the party

7.2 Staff Compensation Policy

The College maintains a staff salary policy which strives to embody internal equity and external competitiveness within budgetary constraints.

New employees’ salaries are determined by Human Resources in consultation with the hiring supervisor and are based on the salary paid to the previous incumbent, other salary dollars available within the department or the College, relevant market data, the type of position, its responsibilities, internal equity considerations and the new employee’s qualifications and experience.
Once an employee reaches the maximum base salary in his/her grade there is no increase in salary until the employee’s full-time equivalent (FTE) salary is once again within the salary range.

7.2.1 Annual Increases

The usual anniversary date for salary increases for staff employees is July 1. The College has the right to change this anniversary date; if the date is changed, employees will be notified. Increases may be distributed across the campus to recognize all employee’s contributions to the College’s success or they may be distributed within a range of percentages that take into consideration individual merit based on a performance review, market, placement in salary range, or correction of internal inequities. Generally all regular employees are eligible for consideration for an increase, except that:

- Employees who have given notice of resignation, and whose termination date will be one month or less from the effective date of the annual increase (that is, those terminating prior to August 1st for a July 1st increase cycle) will not be eligible for an increase.
- Part-time or on-call employees must have worked a minimum of 400 hours within the 12 months preceding any annual increase cycle in order to be considered for an annual increase.
- Employees hired after April 1st of the current year will not be eligible for an increase in the first increase cycle after date of hire.
- Employees with current documented “Unsatisfactory” or “Needs Improvement” overall performance rating will not receive an increase. Employees with an overall “Needs Improvement’ rating may be eligible for a non-retroactive increase if their subsequent performance returns to “Achieves Expectations” or better levels within six (6) months after the increase cycle effective date.
7.3 Salary Budget

As part of the annual budgetary process, the Board of Trustees reviews the College Budget Committee’s recommendation on the size of the annual staff salary increase budget. The Board of Trustees may approve an annual staff salary increase budget, taking into account external and internal factors, including but not limited to financial resources available to the College from tuition, fees, and other sources of College income. Annual salary increases, if any, for staff are independent of faculty salary policies.

As a guide in establishing salaries, each year Human Resources participates in national, regional and local salary surveys to obtain past and current external market data on other colleges, universities and related institutions, and uses this data to adjust salary ranges as necessary. Each spring a compensation plan is developed based on the increase budget approved by the Board of Trustees addressing, to the extent possible, issues of highest concern among staff employees. The plan may periodically address any base salary increases for eligible staff employees, supplemental increases for employees who are lower in the salary range than peers, considering time in position or salary grade, and prior history of promotional, reclassification or other increases to pay. This area of focus has helped move longer-service employees to or closer to the midpoint of their salary ranges. These efforts of focus are subject to available financial resources in future years.

7.3.1 Increased Cost of Benefits

If the cost of mandatory or non-mandatory benefits increase, the funds necessary to meet these increases are allocated before other increases in compensation are considered. These increases may be due to increases in the College’s share of taxes and benefits, such as social security tax, retirement, health insurance, etc.

7.3.2 Starting Pay

Starting pay is the rate initially offered to an individual not currently employed by the College. New employees’ salaries are determined by Human Resources in consultation with the hiring supervisor and are based on:

- the salary paid to the previous incumbent
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• other salary dollars available within the department or the College
• job market-related pressure on salary levels
• Internal budget constraints
• internal equity considerations
• the position responsibilities
• the extent to which the employee’s level of education and years of experience exceed the minimum requirements for the position
• the College’s salary grade ranges for staff positions

If there are any department concerns, special circumstances (highly competitive labor market, unusual skills), etc. Human Resources will review the final candidate’s work and educational/training history and the appropriate experience and education specifications. This review is used to establish a preliminary offer rate, which will be at least the salary grade minimum but not generally higher than the grade midpoint. The hiring supervisor and Human Resources will consider internal equity which may affect the final rate offered. An internal equity review may include consideration of the salaries of employees in similar/related jobs with the organization as well as the salary of the supervisor/manager, the salaries of any subordinate employees, and the salaries of employees in related career paths, and finally the appropriateness of the proposed salary within the assigned salary range based on the employee’s specific skills, competencies, education, experience, and performance.

Starting salaries above the midpoint may be considered for individuals who have directly related unique competencies, or directly related experience or education that is extensively beyond the minimum requirements of the position, as determined in consultation with HR, or in cases of unusually critical market-related pressure on salary levels. A written justification for all salaries above the midpoint must be submitted with the hire packet and be approved by the area vice president, the Provost, the SVP Finance, and Human Resources, as appropriate.
7.4 Changes in Position or Responsibilities

7.4.1 Promotion

The change of an employee from one position to another position that has a higher salary range is termed a promotion. This movement is usually the result of the employee applying for and being selected for a position through the recruitment and selection process.

Individuals promoted into a higher level position in the College generally receive a promotional increase. Human Resources will work with the hiring supervisor/manager to determine the appropriate promotional increase before the offer is made and before potential pay is discussed with the employee. The new salary will not be less than the minimum or more than the maximum of the range assigned to the position. Promotions of one grade level will generally result in an increase of 5%. Promotions of two or more grade levels will generally result in an increase of 8%–12%. The factors that impact promotional increases include, but are not limited to:

- Degree to which job responsibility increased
- Amount and date of the employee’s previous salary adjustment
- Salaries of employee’s new peer group, relative to experience and time in position and/or salary grade
- College-wide internal equity issues
- Budgetary constraints

Supervisors must consult with HR to determine the amount of the promotional increase. Approvals required include those of the Assistant Vice President of Human Resources.

7.4.2 Job Re-Evaluation

Re-evaluation occurs when the duties and responsibilities of a job change significantly enough to change the salary grade level to which a job is assigned. A revised job description (Position Source Document [PSD] form) must be submitted to Human Resources. Human Resources will review the manager’s written justification and the revised position source document (PSD) and will follow up with the manager, as needed, for additional information. If the changes are significant and result in a change of the salary grade level then the appropriate salary change
guidelines will be followed to adjust incumbents’ salaries. Pay changes will normally be effective the start of the first full pay period of the month following the review. Re-evaluation reviews are not conducted in June because of the annual increase cycle, if any. Review requests received in June will be reviewed in the July/August timeframe.

The content of a job can change over time: the content of a job can significantly increase in complexity or responsibility, or the content of a job can decrease because responsibilities or duties of higher level have been removed. To ensure that job evaluations are done in a fair and even manner across the Campus, the appropriate job grade is determined by Human Resources, with input from the Department VP or his/her designee. Actions resulting from re-evaluation may include:

- **Re-Evaluation Downward:** The movement of an employee’s current position to a different salary grade having a lower salary range is termed a downward re-evaluation. Salary grade level downgrades may occur as a result of:
  - An employee’s personal request (voluntary downgrade);
  - Documented inadequate job performance (demotion); or
  - Other reasons (for example when a function is reorganized or has become obsolete and an employee is being moved to an available job at a lower grade level).

When a downgrade is due to a reassignment of duties and responsibilities unrelated to the employee’s performance and not requested by the employee, Human Resources will determine the employee’s new salary based on an individual assessment of the facts and circumstances. Generally, the employee’s salary will be maintained except when this causes significant internal equity concerns or when the salary would exceed the range maximum.

Upon downward re-evaluation at the employee’s request, the employee’s salary will be placed immediately within the appropriate position in the salary range of the new position. Salary setting should consider:

- The difference in level of responsibilities between the new and old assignments.
Comparison of proposed salary with salaries of others (in the unit, department, or cross-campus).

- **Re-Evaluation Lateral:** The movement of an employee’s current position to a different job family or job title having the same salary range is termed a lateral re-evaluation. There is generally no salary increase associated with this type of action.

- **Re-Evaluation Upward:** The movement of an employee’s current position to a different salary grade having a higher salary range is termed an upward re-evaluation. Any pay increase is normally 5% subject to availability of funds in the College or organizational unit’s budget pools for the fiscal year. In rare instances, any salary adjustment above this amount for an employee who is in a position that is re-evaluated upward needs to include consideration of and be based upon:
  - The difference in responsibilities between the new and old positions.
  - Comparison of proposed salary with the salaries of others (in the unit, department, or cross-campus).
  - Position in the range.
  - Potential for future salary growth in the range.

### 7.4.3 Salary Impact from Job Evaluation

Job re-evaluations that result in a higher grade generally include an increase in salary, especially if required to bring the incumbent to the minimum of the new salary range for the current year. Job re-evaluations that result in a lower grade typically do not result in a decrease in salary, unless the incumbent’s salary is outside of the maximum of the new salary range for the current year. In that instance the incumbent’s salary would typically be reduced to the maximum of the new salary range for the current year in two steps three (3) months apart. If the salary will decrease, the first step reduction will not be effective until ninety (90) days (to coincide with the start of the next full pay period) after the employee has been notified in writing of the salary change. The second and final step reduction will be effective ninety (90) days after the first step reduction (to coincide with the start of the next full pay period).
7.4.4 Transfers

An individual is considered to have been laterally transferred when he/she is placed in another job having the same salary range, either in the same department or in a different department. Lateral moves generally do not result in a salary increase. Exceptions require the approval of the Assistant Vice President of Human Resources.

7.4.5 Reductions in Grade/Demotions

All reductions in grade should be discussed with and pre-approved by the Assistant Vice President of Human Resources or her/his designee. Reductions in grade may occur due to:

- **Re-evaluation** – (See the “Job Re-evaluation” section above).
- **Career or Other Voluntary Change** – an employee may choose to make a career change by taking a position in a lower salary grade in a different department. When this occurs the employee’s salary may be reduced, depending on several factors including internal equity and budgeted salary for the position.
- **Demotion** – the change of an employee from one position to another position that has a lower grade and salary range is termed a demotion. When a downgrade is involuntary Human Resources will determine the employee’s new salary based on an individual assessment of the facts and circumstances. HR will take into consideration the employee’s experience and education relative to the new job and will conduct an internal equity review. Generally salaries are not decreased, except that the salary will not exceed the maximum of the new salary grade level.
- **Reduction-in-Force** – when staffing needs are reduced based on the College’s programmatic or business needs and an individual accepts or is placed in a position in a lower salary grade, the guidelines for Reductions in Grade/Demotions apply. If the employee affected accepts or is placed in a position at the same level, the guidelines for lateral transfer apply.

7.4.6 In-Grade Adjustments

An in-grade adjustment is a change to an employee’s base salary as a result of:
• A permanent change in job duties and responsibilities which are significant but do not change the pay grade of the job.

• Market equity (this is most common when labor market pressures force pay rates for new hires up, resulting in inequitable pay between new and current incumbents when comparing skills, competencies, and experience).

• Supervisors may request consideration for in-grade adjustments by submitting documentation supporting the request. Human Resources may also identify the need for equity adjustments based on market or internal salary studies.

It should be noted that in-range salary adjustments are not routine and will need to be fully justified. Requests for in-range adjustments must be made to, and approved by, the Director of Employee Relations & Compensation.

7.4.7 Equity Increases

• An equity increase may be granted under unusual circumstances and is typically based on a serious salary inequity which cannot be corrected through the annual increase cycle, if any.

• A salary inequity exists when an employee’s salary is significantly below that of those in similar positions with similar performance, experience, skills, knowledge, and assignments. Examples of situations which may indicate a salary inequity include:
  – The salary of a long-term employee is low relative to a new hire whose salary is highly market-driven.
  – There is a significant salary compression between a supervisor and his/her employees.
  – An employee changes from a temporary/limited-term to a regular position in the same job family.
  – Market factors influencing recruitment and retention.

• An equity increase may be considered for employees who have assumed a substantial increase in scope of ongoing responsibilities that she/he is currently performing, but
not enough for a re-evaluation or promotion to a higher grade level. For example, an employee may be asked to run additional programs at the same complexity level as current programs run by the employee.

- Upon a lateral move, normally there will be no change in salary. In exceptional cases, an employee may be considered for an equity increase.

- The department head will submit the request through appropriate channels to Human Resources for a determination in consultation with the department and senior management as appropriate.

### 7.4.8 Supplemental Compensation

Saint Mary’s College Supplemental Compensation Policy is designed to allow for extra compensation for work performed by full-time employees that are outside of their normal position responsibilities. Extra compensation is not intended to compensate employees for cooperative work between College departments where staff provide support for each other on an ongoing basis. In all cases the employee’s primary assignment takes priority over the work performed for another unit. Supplemental compensation must be reviewed and approved per the requirements below. Supplemental pay should not be discussed with the employee until after appropriate approvals have been received.

#### 7.4.8.1 Non-exempt Employees

While California law requires that for non-exempt employees any hours worked in excess of 8 hours a day or 40 hours per week must be paid at the appropriate overtime rate. Saint Mary’s College has historically and is currently voluntarily paying overtime to non-exempt employees who perform additional work in excess of 7.5 hours per day or 37.50 or 40 hours per week will be compensated at their applicable overtime rate. This would include non-exempt staff who work special events (i.e., Athletic or Student Life).

#### 7.4.8.2 Exempt Employees

Under the Fair Labor Standards Act, exempt employees are not paid on the basis of the number of hours worked. Exempt employment is a professional relationship whereby employees are
given the flexibility to exercise professional judgment both in how and when the work is done. They are expected to meet operational needs and are evaluated on results achieved. Therefore, exempt employees do not normally receive extra compensation for work conducted beyond the normal forty (40) hours per week. However, exempt employees may in limited circumstances receive additional compensation from the College for work performed outside the employee’s department. Exempt employees are paid a guaranteed salary for each workweek in which work is performed regardless of the hours worked.

However, occasionally exempt employees may be requested to perform duties or projects that are substantially beyond and different from their primary function. These duties may include, but are not limited to:

- Event Staff
- Guest Speaker/Honoraria
- Interim/Acting Appointments
- Special Projects or Research

7.4.8.3 Staff Positions Requiring Teaching

Ordinarily, those exempt and non-exempt staff positions that require teaching of regular or specialized courses are considered to be compensated as part of their base salary. In these cases, it is expected that all teaching duties, including advising, class preparation, instruction, grading and student/administration interactions, will take place as part of the expected duties of the position.”

All timekeeping by non-exempt staff members should always accurately reflect all working time, including time spent performing staff administrative work and teaching duties. Any work done beyond 7.5/8 hours in a work day or 37.5/40 hours in a work week will be paid at the applicable overtime rate of the individual based on the staff position. Attendance reports for teaching must be submitted on the 5th and 20th of each month.

Staff members teaching within their staff position must seek prior supervisor and Human Resources approval before working in addition to normal range of responsibilities, consistent with standard College policies.
7.4.8.4 Teaching Outside the Staff Position

Staff who are qualified and have been asked to teach a course where some or all of the teaching duties occur outside the staff member’s normal work duties may only do so with the advance approval of their supervisor, dean, director, and with review by Human Resources of any written agreements. In these situations, the teaching staff member will be appointed and compensated as a Lecturer through a separate agreement. The Lecturer status shall not change the at-will status of the staff position.

It is the policy of the College that staff devote their full effort to their primary staff function. For those staff teaching outside of their staff positions, all teaching duties, including advising, class preparation, instruction, grading and student/administration interactions, will take place outside the normal work day, or consistent with a flexible work schedule that is designed to prevent the interference of the separate duties of the regular staff position and the teaching appointment. Supervisors, in consultation with Human Resources as appropriate, have the responsibility of determining how and whether the teaching of courses will impact the department and its productivity, and thereafter determining whether such an arrangement may be approved or can be maintained.

Again, all timekeeping by non-exempt staff members should always accurately reflect all working time, including staff administrative work and time spent on the teaching duties described above. Any work done beyond 7.5/8 hours in a work day or 37.5/40 hours in a work week will be paid at the applicable overtime rate of the individual based on the staff position. Attendance reports for teaching must be submitted on the 5th and 20th of each month.

Supervisors and staff employees requesting additional information regarding the administration of this policy may contact the Director of Employee Relations & Compensation or the Assistant Vice President for Human Resources.

7.4.8.5 Stipend Administration

A stipend is a payment to a staff member for duties performed that are outside of their normal job duties and responsibilities. Both full-time and part-time exempt staff may be considered for stipends. The Assistant Vice President for Human Resources must approve any stipend intended to be paid to non-exempt employees before they can be offered and paid. If you are not sure
whether a staff employee to whom you wish to pay a stipend is non-exempt or exempt, you must check with the Human Resources office.

Please note that any change in individual’s regular pay, any change that results in a change of hours, or any other change in regular compensation (e.g., a re-evaluation of the position) should not be handled with a stipend request, but instead requires the advance consultation with Human Resources for the completion of the appropriate personnel action notification or contract documentation.

It should be noted that nearly all employees are expected to periodically fill in for colleagues’ vacations (or other short-term absences) as well as to perform special projects or temporary tasks; such work is considered a normal part of the job. It is when a temporary assignment (i.e., assignment to a special project, reassignment during organizational changes, filling a vacant job, extended leave of another employee, etc.) is expected to exceed 30 calendar days that additional temporary compensation may be warranted. Additional compensation to include stipends is appropriate when an individual is assigned a major component of a job which is at a higher salary grade and the employee is held accountable for the scope of that component for greater than a 30-day period. The amount of additional compensation will typically range between 5% and 10% of the employee’s current base salary, based upon the percent of duties being assumed and the grade level of the job duties being covered.

The additional pay will generally not be less than the minimum for the salary grade level of the higher duties, if the employee is fully responsible for the job.

Supervisors/managers must receive approval from Human Resources for stipend or additional pay; such pay should not be discussed with the employee until after appropriate approvals have been received.

**Criteria to Consider for Recommending Stipends**

1. In recommending a stipend, managers should consider various criteria, including the length of the assignment, breadth of responsibilities, whether the responsibilities are at a significantly higher level than the regular assignment, position within the salary range, and comparisons with salaries of others. For stipends granted to an employee
who temporarily fills in for a higher level employee, normally the resulting salary will not exceed the salary of the permanent incumbent.

2. For the employee to be considered for a stipend, the assignment must be for at least one month.

3. The amount of a stipend will normally be no greater than the amount which could be granted upon promotion to the higher grade.

4. A stipend will normally not exceed six months. An extension beyond six months requires the prior approval of Human Resources.

5. When an across the board or merit increase is awarded during the temporary assignment, the administrative stipend may be recalculated relative to the new base salary.

6. Administrative stipends require the prior review and approval of the department head, dean, or director. The assigned HR Consultant/Representative, and the Director of Employee Relations & Compensation are available for consultation, as appropriate.

7. All stipends are considered compensation and are charged against an identified and appropriate existing salary line in the requesting department’s budget/general ledger.

8. For non-exempt employees, Human Resources must determine if any proposed stipend will comply with the wage and hour laws that cover hourly income and overtime.

9. No stipend shall be paid for the performance of duties within the employee’s existing job responsibilities (whether exempt or non-exempt).

10. Stipends can be paid in lump sum or in increments. However, the final payment should not be made until all agreed-upon duties have been completed satisfactorily.

7.4.9 Other Restrictions on the Use of Supplemental Compensation

Supplemental compensation may be authorized, subject to all of the following restrictions:
• To qualify for supplemental compensation, the additional work must be performed outside the employee’s department, with the employee’s work being reviewed by someone other than the employee’s regular supervisor.

• The additional work for which extra compensation is to be paid may not, in the opinion of the employee’s supervisor and dean or director:
  – Create a time conflict with the performance of the employee’s regular duties and assignments or
  – Constitute a “conflict of interest” involving the employee, such as a situation that competes with the interests of the employee’s primary assignment or the department’s interests.

• The additional work for which extra compensation is to be paid must be short-term, non-repetitive, and is restricted in both the number or hours worked and the duration of the assignment.

• Supplemental compensation in the form of stipends should only be approved for Director and below staff positions. Deans, Vice Provosts, Vice Presidents and any Cabinet level position are excluded from receiving any additional forms of supplemental compensation, including stipends. Exceptions to this policy will require the approval of the Assistant Vice President of Human Resources in consultation with the Provost and the Vice President for Finance.

7.4.9.1 Required Approvals

Before an exempt employee performs work which is in addition to their regularly assigned and scheduled duties, the employee must receive prior written authorization from her/his immediate supervisor and dean or director, the dean or director responsible for the department where the work will be performed. All requests for Supplemental Compensation must be approved by Human Resources.

The exempt employee may be required to track hours worked on additional duties. Additional work cannot interfere or conflict with normal working hours and primary job functions. If this occurs the supervisor is responsible for notifying Human Resources and resolving the
interference or conflict and, if necessary, withdrawing authorization for the additional work. If authorization for additional work is withdrawn, the additional duties and pay will end.

Taking on additional duties as set forth in this section shall not change the at-will nature of the employment relationship between the College and the employees. Any additional compensation will be paid by payroll and all normal applicable taxes will be deducted.

7.4.10 Pay Rate for Supplemental Compensation

When supplemental compensation is authorized, the rate of pay must be in accordance with the College’s pay scale for the type of work being done and must be approved by Human Resources.

7.4.11 Salaries Funded by Contracts and Grants

Staff employees whose salaries are funded by contracts or grants are subject to all the provisions of this policy and proposed salary levels and annual increases must comply with this policy.

7.4.12 Volunteer Opportunities

Notwithstanding the policy above the College appreciates and encourages its employees to engage in non-compensated activities that benefit the College, the employee and its students.

These activities may include volunteering for commencement, baccalaureate, student productions, College-wide initiatives, social justice programs, Mission and Ministry events and many others.

7.4.13 Exceptions

Any exceptions to this policy must be approved, in writing, by the Assistant Vice President for Human Resources.
Section 8. Benefits

Authority

Director of Benefits

Summary

Saint Mary’s College views benefits as an integral part of the overall compensation program. The College strives to offer comprehensive as well as competitive benefits programs in order to attract and retain employees. Below are the main headings:

8.1 Time Off Work Policies
8.2 Eligibility
8.3 Holidays (Non-academic)
8.4 Vacation Policy
8.5 Sick Leave
8.6 Other Absences from Work
8.7 Medical Leaves of Absence
8.8 Lactation Breaks
8.9 Paid Family Leave Program (PFL)
8.10 Workers’ compensation Leave
8.11 Personal Leave of Absence without Pay
8.12 Compassionate Leave Donation Program
8.13 Confidentiality of Medical Information (COMIA)
8.14 Registered Domestic Partners
8.15 Insurance Benefits – Introduction and Eligibility
8.16 Benefit Plans
8.17 Benefits Related to Retirement
8.18 Employee Benefits Continuation/Termination
8.19 Benefits Required by Law
8.20 Voluntary Benefits
8.21 Opportunities and Advantages of Working at SMC
8.1 Time Off Work Policies

A new employee begins accruing paid time off upon hire, and can use it right away. Saint Mary’s policy concerning paid time off (e.g., holidays, sick leave, vacation) is that when an employee is entitled to pay from the College or other sources (state disability insurance, workers’ compensation, long-term disability), he/she is not entitled to receive payments greater than he/she would receive if working regular hours.

8.2 Eligibility

Full-time staff working 1,950 hours per year or more are entitled to the Saint Mary’s College time off programs. Part-time employees working at least 1,040 hours but fewer than 1,950 hours per year are entitled to prorated holidays, vacation and sick leave based on the employee’s “Full Time Equivalent” (FTE). Those working fewer than 1,040 hours per year do not accrue paid time off. Consultants, seasonal/temporary employees, on-call employees are not eligible for paid time off.

8.3 Holidays (Non-academic)

Paid Holidays are an earned benefit afforded to staff employees and are prorated based on the hours worked per week and months per year. Holidays are only paid if the employee has worked the scheduled day prior to an approved College Holiday and the scheduled day after an approved College Holiday. For the purpose of this benefit vacation and/or sick leave taken prior to or after a Holiday is considered time worked for the payment of the Holiday. The Holiday schedule is drafted by Human Resources taking into account the Academic calendars, is approved by the President with input from the Staff Council and Cabinet on a fiscal year basis and is announced by January 31st annually.

The College understands and appreciates the diverse schedules and accommodations needed to conserve budget and continue the operations necessary for the College to grow and survive, therefore some flexibility in scheduling a work week which contains a Holiday should be discussed with Human Resources.
Section 8 – Benefits

Staff employees with a work week schedule less than 37.5 or 40 hours per week will receive a Holiday benefit based on the following prorated schedule (this applies to both exempt and non-exempt employees). Employees working a 10-hour day will receive an 8-hour day benefit.

**Calculation:** hours per week divided by 5 days per week = paid Holiday benefit.

<table>
<thead>
<tr>
<th>Hours worked per week</th>
<th>Earned hours of Holiday pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 hours</td>
<td>8.0 hours</td>
</tr>
<tr>
<td>39 hours</td>
<td>7.8 hours</td>
</tr>
<tr>
<td>38 hours</td>
<td>7.6 hours</td>
</tr>
<tr>
<td>37.5 hours</td>
<td>7.5 hours</td>
</tr>
<tr>
<td>37 hours</td>
<td>7.4 hours</td>
</tr>
<tr>
<td>36 hours</td>
<td>7.2 hours</td>
</tr>
<tr>
<td>35 hours</td>
<td>7.0 hours</td>
</tr>
<tr>
<td>34 hours</td>
<td>6.8 hours</td>
</tr>
<tr>
<td>33 hours</td>
<td>6.6 hours</td>
</tr>
<tr>
<td>32 hours</td>
<td>6.4 hours</td>
</tr>
<tr>
<td>31 hours</td>
<td>6.2 hours</td>
</tr>
<tr>
<td>30 hours</td>
<td>6.0 hours</td>
</tr>
<tr>
<td>29 hours</td>
<td>5.8 hours</td>
</tr>
<tr>
<td>28 hours</td>
<td>5.6 hours</td>
</tr>
<tr>
<td>27 hours</td>
<td>5.4 hours</td>
</tr>
<tr>
<td>26 hours</td>
<td>5.2 hours</td>
</tr>
<tr>
<td>25 hours</td>
<td>5.0 hours</td>
</tr>
<tr>
<td>24 hours</td>
<td>4.8 hours</td>
</tr>
<tr>
<td>23 hours</td>
<td>4.6 hours</td>
</tr>
<tr>
<td>22.5 hours</td>
<td>4.5 hours</td>
</tr>
<tr>
<td>22 hours</td>
<td>4.4 hours</td>
</tr>
<tr>
<td>21 hours</td>
<td>4.2 hours</td>
</tr>
<tr>
<td>20 hours</td>
<td>4.0 hours</td>
</tr>
<tr>
<td>&lt; 20 hours</td>
<td>not eligible for paid Holiday</td>
</tr>
</tbody>
</table>

**Exceptions:** those working a regular reduced schedule as approved by HR, grandfathered situations, etc.

Supervisors may determine the employees schedule based on Departmental need. If employees are scheduled to work during a Holiday period, in order to accommodate the department needs, overtime rules will apply. Those offices who require 24/7 operation have the ability to adjust some schedules with the approval and coordination with Human Resources (see flexible work schedules). All overtime policies will be adhered to with regard to when employees are required or asked to work on a College Holiday as required by state and federal labor laws.
### 8.3.1 Holiday Policy Example

Employees who works 30 hours per week, 7.5 hours per day for 4 days a week: The supervisor may choose to schedule the employee to work 6 hours per day during the Holiday week or work 3 days at 7.5 hours and the Holiday would be valued at 6 hours plus 1.5 hours vacation.

*For an employee who works 30 hours per week, Monday through Thursday,* apply this rational. (This schedule can be switched for those who have Mondays off):

<table>
<thead>
<tr>
<th>Day of the week</th>
<th>Hours worked</th>
<th>Holiday Earned</th>
<th>Vacation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday Holiday</td>
<td>0</td>
<td>6</td>
<td>1.5</td>
<td>7.5</td>
</tr>
<tr>
<td>Tuesday</td>
<td>7.5</td>
<td>0</td>
<td>0</td>
<td>7.5</td>
</tr>
<tr>
<td>Wednesday</td>
<td>7.5</td>
<td>0</td>
<td>0</td>
<td>7.5</td>
</tr>
<tr>
<td>Thursday</td>
<td>7.5</td>
<td>0</td>
<td>0</td>
<td>7.5</td>
</tr>
<tr>
<td>Friday</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>22.5</strong></td>
<td><strong>6</strong></td>
<td><strong>1.5</strong></td>
<td><strong>30</strong></td>
</tr>
</tbody>
</table>

Another example is to adjust the employee’s total work hours across the span of a work week:

<table>
<thead>
<tr>
<th>Day of the week</th>
<th>Hours worked</th>
<th>Holiday earned</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday Holiday</td>
<td>0</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Tuesday</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Wednesday</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Thursday</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Friday</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>24</strong></td>
<td><strong>6</strong></td>
<td><strong>30</strong></td>
</tr>
</tbody>
</table>
Section 8 – Benefits

Allow an eight (8) hour day without the payment of overtime (non-exempt)—with the approval of Human Resources:

<table>
<thead>
<tr>
<th>Day of the week</th>
<th>Hours worked</th>
<th>Holiday earned</th>
<th>Vacation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Tuesday</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Wednesday</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Thursday</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Friday</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>24</td>
<td>6</td>
<td>0</td>
<td>30</td>
</tr>
</tbody>
</table>

Example during Thanksgiving for a non-exempt employee working 30 hours per week with normal day off being Friday:

<table>
<thead>
<tr>
<th>Day of the week</th>
<th>Hours worked</th>
<th>Holiday earned</th>
<th>Vacation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday Holiday</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Tuesday Holiday</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Wednesday Holiday</td>
<td>0</td>
<td>6</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Thursday Holiday</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Friday Holiday</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Total Holiday</td>
<td>12</td>
<td>18</td>
<td>0</td>
<td>30</td>
</tr>
</tbody>
</table>
Another example *during Thanksgiving*. This has budget implications and should be discussed prior to making this arrangement:

<table>
<thead>
<tr>
<th>Day of the week</th>
<th>Hours worked</th>
<th>Holiday earned</th>
<th>Vacation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>7.5</td>
<td>0</td>
<td>0</td>
<td>7.5</td>
</tr>
<tr>
<td>Tuesday</td>
<td>7.5</td>
<td>0</td>
<td>0</td>
<td>7.5</td>
</tr>
<tr>
<td>Wednesday Holiday</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Thursday Holiday</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Friday Holiday</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>15</strong></td>
<td><strong>18</strong></td>
<td><strong>0</strong></td>
<td><strong>33</strong></td>
</tr>
</tbody>
</table>

For those working an approved alternative work week schedule (working more than 7.5 or 8 hours per day, 4 days per week), supervisors must work with Human Resources to detail alternatives during a holiday week as required by the Fair Labor Standards Act. Contact Human Resources for more information and guidance.

Taking a day off at another time instead of an approved College Holiday is not permitted under any circumstance. Those working less than 12 months per year are not entitled to Holiday pay for those months they are not actively employed (i.e.: those off in July are not entitled to the July 4th Holiday, those whose scheduled month off is in December are not entitled to Christmas Holidays, etc.)

**8.4 Vacation Policy**

The College provides paid vacation for eligible employees on an accrual basis, beginning the first day of employment. Vacation can be used as soon as it is accrued, with no waiting period, as long as the employee has the required approvals (see below). Staff employees working 1950 hours per year accrue vacation based on the chart below. Vacation hours accrued by employees
working at least 1040 hours but fewer than 1950 hours per year are prorated based on percentage of hours and months worked. Employees working less than 1040 hours per year do not accrue vacation. Vacation does not accrue during unpaid leaves of absence.

### 8.4.1 Vacation Accrual Rates

#### Accrual Rates for Full Time Non-Exempt Employees

(Eligible for overtime: Clerical, Administrative, Maintenance, Service)

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Days/ Hours Earned/Yr.</th>
<th>Hours Earned/ Pay Period</th>
<th>Max Accrual Hrs</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 3</td>
<td>10 (75.00)</td>
<td>3.13</td>
<td>112.50</td>
</tr>
<tr>
<td>4 – 7</td>
<td>15 (112.50)</td>
<td>4.69</td>
<td>168.75</td>
</tr>
<tr>
<td>8 – 15</td>
<td>20 (150.00)</td>
<td>6.25</td>
<td>225.00</td>
</tr>
<tr>
<td>More than 15</td>
<td>25 (187.50)</td>
<td>7.81</td>
<td>281.25</td>
</tr>
</tbody>
</table>

#### Accrual Rates for Full Time Exempt Employees

(Not eligible for overtime)

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Days/ Hours Earned/Yr.</th>
<th>Hours Earned/ Pay Period</th>
<th>Max Accrual Hrs</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 3</td>
<td>15 (120.00)</td>
<td>5.00</td>
<td>180</td>
</tr>
<tr>
<td>4 – 7</td>
<td>20 (160.00)</td>
<td>6.67</td>
<td>240</td>
</tr>
<tr>
<td>More than 7</td>
<td>25 (200.00)</td>
<td>8.33</td>
<td>300</td>
</tr>
</tbody>
</table>

### 8.4.2 Vacation Accrual Rules

Employees may accrue vacation up to a maximum of one and one-half times their annual entitlement (See chart above). For example, an employee who is entitled to three (3) weeks
vacation (15 working days) may accrue vacation of 22.5 days. Once the maximum is reached, the employee no longer accrues vacation until he/she takes vacation and the accrual drops below the maximum. Employees will be paid for accrued unused vacation at termination.

8.4.3 Vacation Approvals

Vacation requests are subject to the prior approval of the employee’s supervisor or department head. A limited number of vacation days can be taken on short notice to handle unexpected or emergency situations.

An employee who has exceeded his/her vacation accrual and has a negative balance will be considered on unpaid leave of absence, and his/her pay will be reduced as permitted by applicable law.

Taking vacation beyond an accrual is not allowed and pay may be deducted based on applicable laws. Monthly notifications are sent to supervisors making them aware of leave balances. Supervisors are required to monitor leave and approve time off as required by college policy.

8.4.4 Illness during Scheduled Vacation

If an employee becomes ill while on vacation prior to or after, the time may be charged to sick leave instead of vacation. In that event, an employee will be required to present a doctor’s certification of the employee’s illness to the supervisor and to Human Resources.

8.5 Sick Leave

8.5.1 Sick Leave Accrual Rate

Employees accrue one (1) paid sick leave day per month of service, for a total of twelve (12) days per year, for absences due to sickness or disability. Part-time employees receive pro-rated sick leave based upon their percentage of full-time. Sick leave accrues from the first day of employment, and can be used without a waiting period.
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8.5.2 Sick Leave Accrual Rules

Sick leave may be accrued up to a maximum of 60 working days. However, an employee will not be paid for accumulated unused sick leave under any circumstances, including at termination, resignation or retirement. Negative sick leave balances are not allowed – absent a request that the sick leave should be unpaid, negative sick leave balances will first be applied to any vacation accrual and when vacation is exhausted, pay will be reduced as allowed by law.

8.5.3 Sick Leave Approved Use

Sick leave may be used for a legitimate illness or disability of the employee, including pregnancy, or the illness of a member of the employee’s immediate family (including a registered domestic partner as defined by applicable law), or for doctor/dentist appointments for the employee or his/her family member.

8.5.4 Sick Leave Procedures

If at all possible, the employee should give advance notice to the department supervisor before sick leave days are taken. Otherwise, notification should be given to the employee’s immediate supervisor before 9:00 a.m. of the affected day.

8.5.5 Medical Certification

Employees may be required to provide a doctor’s written certification concerning the need for sick leave and/or to establish the employee’s authorized release to return to work. Employees may be required to provide to their immediate supervisor a note from a certified medical provider for any absence in excess of three (3) consecutive days. An employee who is absent without notice or appropriate excuse for three (3) consecutive working days is deemed to have resigned from his/her employment with the College.

8.5.6 Longer Illness or Disability

Any absence for illness or disability that continues beyond five (5) working days must be reported immediately to Human Resources by the employee and the employee’s immediate supervisor so timely arrangements can be made for state disability payments or leave of absence.
if appropriate. If an employee’s illness exceeds accrued sick leave time, he/she may use accrued paid vacation or take unpaid leave. In applicable circumstances, the employee must contact Human Resources to integrate sick leave with other available leaves, e.g., workers’ compensation, family medical leave or disability.

8.5.7 Other Medical and Pay Issues

If the employee or a member of his/her immediate family has a serious medical condition requiring the employee to take a leave of absence from work, Human Resources must be notified immediately by the employee and his/her immediate supervisor so that appropriate Federal or California leave can be determined. (See FMLA section, below).

See Vacation Policy above to determine benefits and procedures.

8.6 Other Absences from Work

8.6.1 Bereavement

In the event of a death in an employee’s immediate family, an employee may be granted a leave of absence with pay not to exceed five (5) working days, or proration thereof, in a calendar year. Immediate family includes mother, father, spouse, son, daughter, brother, sister, in-laws, grandparent(s), grandchildren, domestic partner as defined by applicable law. If additional time is required, an employee may use accumulated vacation days.

In the case of the death of an employee while employed by Saint Mary’s College each case will be taken in its entirety and decisions will be made based on:

- Service
- Family obligations
- Circumstances
- Tuition continuation
8.6.2 Kin Care

California law requires employers who provide sick leave to allow employees to use up to half of their annual sick leave accrual to attend to an ill child, parent, spouse or registered domestic partner. Employers may not count sick leave taken under this policy to care for ill family members as a basis for adverse employment action such as discipline, demotion, discharge or suspension. College policy prohibits retaliation against employees who use sick leave for this purpose.

8.6.3 Religious Observances

From time to time Saint Mary’s hosts religious and other celebratory services on campus during regular work periods which may coincide with recognized church holidays and other official College celebrations. Employees who choose to participate in or attend such programs or services will continue to receive pay during such participation and/or attendance. Any employee not attending or participating in such campus activities are expected to be working their normal work hours. Members of religious faiths will be granted a reasonable amount of time off with pay for participation in religious services on recognized religious holidays of their faith, after consultation with the Assistant Vice President of Human Resources or designee.

8.6.4 Time Off to Vote

Because the College has a continuing interest in encouraging responsible citizenship, employees are encouraged to vote in primary, general and presidential elections. To make the voting process more available, employees who do not have sufficient time outside their working hours within which to vote will be allowed to take up to two hours off, with pay, for this purpose. Such time off may be taken only at the beginning or end of the employee’s regular working shift. To receive time off for voting, the employee must notify his/her supervisor at least two working days in advance, and must present a valid voter’s registration card. When the employee returns from voting, he/she must present a voter’s receipt to the supervisor. An employee should substitute this time in order to be paid by using vacation if it interferes with normal work time.
8.6.5 Jury Duty

The College recognizes jury duty as a civic obligation and will excuse all summoned employees from work for jury duty in accordance with the following procedures:

1. Within five (5) business days of notification by the court, the employee must give his/her supervisor a copy of the jury summons.

2. To be paid for serving jury duty, the employee must attach a receipt of jury service (available from the court) to their Attendance or Exception Report.

3. Employees performing jury duty per this policy shall receive regular pay for a period not to exceed 30 work days per calendar year. If the jury duty exceeds 30 working days, the employee may use available accrued vacation or may take unpaid leave as allowed by law.

4. When serving on jury duty or responding to a subpoena, when excused by the judge for a recess of any full or half days, employees are expected to be at work.

5. Exempt employees will earn their normal salary for any full week during which they have spent any time serving on jury duty or during which they were subpoenaed to appear in a judicial proceeding.

6. The employee may retain any jury fees.

The College recognizes jury duty as a civic obligation and will excuse all summoned employees from work for jury duty with pay for a period not exceeding four full work weeks in a calendar year. If the jury duty exceeds four full work weeks, the employee may take unpaid leave unless the employee has worked for any part of the work week, in which case the leave will be paid leave. The employer may retain any jury fees.

8.6.6 Subpoenas to Appear

The College will excuse employees subpoenaed to appear in a judicial proceeding in accordance with the following procedures:

1. Employees must promptly provide their supervisor with a copy of the subpoena, which must also be attached to the employee’s semi-monthly attendance report or monthly attendance report.
2. Employees who are subpoenaed to appear in judicial proceedings directly related to their work duties shall be excused without loss of pay. If the appearance is not work-related, the employee must use accrued vacation, or if insufficient vacation has accrued, will be on unpaid leave as allowed by law. Exempt employees who have worked for any part of the workweek in which they are subpoenaed to appear in a judicial proceeding will earn their normal salary for the full week.

3. The employee may retain any witness fees.

8.6.7 Domestic Violence and Sexual Assault Victims

The College allows victims of domestic violence to take time off for certain purposes which may include obtaining a restraining order; court assistance, seeking medical attention; obtaining services from a domestic shelter, program, or rape crisis center; obtaining psychological counseling; or safety planning. The College will not discriminate or retaliate against an employee because of the employee’s being a victim of domestic violence or sexual assault and will reinstate the employee under reasonable guidelines required by law. Any leave for this purpose will be considered strictly confidential.

An employee must give reasonable advance notice of the intention to take time off for any of the above purposes, unless notice is not feasible. This leave is unpaid unless sick leave is warranted or the employee chooses to take accrued vacation.

8.6.8 Crime Victims

An employee is allowed to be absent from work in order to attend judicial proceedings related to a crime if:

- The employee is a victim of crime;
- An immediate family member is a victim of crime;
- The employee is a registered domestic partner of a victim; or
- The victim is the child of the employee’s registered domestic partner.

The College will not discriminate or retaliate against any employee because he or she has had need for this leave.
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An employee must give reasonable advance notice of the intention to take leave for this purpose, unless notice is not feasible. Documentation may be required from the court or government agency, the district attorney or prosecuting attorney’s office or an advocate on behalf of the victim. This leave is unpaid unless sick leave is warranted or the employee chooses to take accrued vacation.

8.6.9 School Activities

Employees are entitled to take up to 40 hours off per calendar year to attend activities of a K-12 school or licensed day care facility. This time is unpaid but employees may substitute accrued vacation in order to continue pay. A supervisor may require the employee to show proof of attendance.

8.6.10 Volunteer Civil Service

Unpaid leave of up to 14 days per calendar year is provided for “Emergency rescue personnel”, defined as any person who is an officer, employee, or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, district or other public or municipal corporation or political subdivision of California, or a sheriff’s department, police department or a private fire department, whether that person is a volunteer or partly paid or fully paid, while he or she is actually engaged in providing emergency services or training to provide these services.

8.6.11 Uniformed Services Employment and Re-Employment Rights Act (USERRA)

Anyone who has been absent from work up to five (5) years with certain exceptions, due to “service in the uniformed services” is protected by USERRA to include Army, Navy, Air Force, Marine Corps, Coast Guard and the Reserves for each of those branches, Army National Guard, Air National Guard, commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

Employees who have provided advance written or verbal notice (unless prevented by military necessity) of the need for military leave will be reinstated and entitled to all the rights and benefits they would have had if they had remained continuously employed with no break in
service. There are certain exemptions to re-employment that the law provides and the College acknowledges.

If the uniformed service is for 30 or fewer days the College will continue its contribution to the benefit programs; the employee will be responsible for the payment of any applicable dependent charges. For leaves beyond 30 days an employee and their dependents may qualify for an additional 24 or 36 months of coverage under applicable State and Federal COBRA continuation laws.

8.7 Medical Leaves of Absence

The absences described below are regulated by Federal and State guidelines, including the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA) and the Pregnancy Disability Leave (PDL). Each type of leave is described, after which common provisions, requirements and definitions are provided.

8.7.1 Family and Medical Leave Act (FMLA)

Eligibility

Employees who have completed at least one (1) year of employment with the College and have worked at least 1250 hours in the twelve (12) months (not necessarily consecutive months) preceding the leave are eligible for a maximum of twelve (12) weeks of unpaid leave in a twelve (12) month period under the following circumstances:

- For reasons of the birth of a child of an employee, the placement of a child with the employee in connection with the adoption or foster care of a child by the employee, or the serious health condition of the employee’s child; or
- To care for a parent or a spouse who has a serious medical condition; or
- Because of an employee’s own serious health condition which makes the employee unable to perform the functions of his/her position, including leave taken for disability on account of pregnancy, childbirth or related medical conditions.
NOTE: Federal and State of California Family Leave regulations say that unless complications arise, the common cold, the flu, earaches, upset stomachs, minor ulcers, headaches other than migraine, routine dental or orthodontia problems and periodontal disease are not serious health conditions that entitle an employee to family leave.

Temporary Transfer: If an employee on a FMLA family/medical leave needs intermittent leave or a reduced work load, the College may temporarily transfer the employee to an alternative position at the transferred employee’s equivalent pay rate and benefits.

8.7.2 California Family Rights Act (CFRA)

Provides for twelve (12) weeks of unpaid leave under circumstances similar to FMLA, EXCEPT that it does not provide leave for disabilities related to pregnancy. If an employee takes a leave under FMLA unrelated to pregnancy disability, his/her leave entitlement under CFRA runs concurrently. CFRA may also be used for:

- **Baby Bonding** – This includes birth of a child to an employee, or placement of a child with an employee in connection with the adoption or foster care of the child (see Pregnancy Disability Leave (PDL) and Intermittent Leave, below, for more information on Baby Bonding.)

- **Family care** – This includes care of a child, parent or spouse who has a serious health condition.†

- **Medical leave** – Refers to the employee’s own serious health condition* that makes the employee either unable to work at all or unable to perform one or more essential functions of the position.

† Definitions can be found in the section below titled “Information, Requirements, Procedures and Definitions Common to Family/Medical Leaves under the Family and Medical Leave Act (FMLA), California Family Rights act (CFRA) and Pregnancy Disability Leave (PDL)”

8.7.3 Pregnancy Disability Leave (PDL)

Disabilities due to pregnancy and pregnancy-related conditions are not covered by CFRA but instead are provided for California employees by Pregnancy Disability Leave. Therefore
employees who are disabled due to pregnancy are permitted rights under PDL in addition to CFRA rights. Once the baby is born, CFRA “baby bonding” leave is applicable for the remainder of the time allowed.

**Allowable Time**

PDL provides for leave up to four (4) months, which is the equivalent of 88 working days/17 weeks and 3 days/704 working hours (full-time, prorated for part-time). Of the four months, 12 weeks (60 days/480 hours runs concurrently with FMLA.

PDL is available only for periods of actual disability. The employee must be designated as disabled because of pregnancy, childbirth or related medical condition by her treating physician; there is a presumed disability of six (6) weeks when giving birth.

CFRA taken after a FMLA/PDL leave is 12 weeks/60 days/480 hours (full-time, prorated if part-time). CFRA may be taken for purposes of bonding with the baby. No medical certification is required.

The employee may take pregnancy leave on an intermittent basis, as needed, in increments of no less than 3 hours. Alternatively, the employee may use pregnancy leave to facilitate a reduced work schedule prescribed by the employee’s health care provider. Only the amount of leave actually taken will be counted toward the four-month entitlement.

PDL is unpaid. However, the employee must use accrued sick leave during her pregnancy disability leave and may choose to use accrued but unused vacation or other paid leave toward the four months leave. The substitution of paid leave does not extend the total leave entitlement.

Vacation or sick leave will not accrue during the unpaid portion of a pregnancy disability leave. Medical benefits will be continued only if the employee is on a concurrent FMLA leave.

**8.7.4 Information, Requirements, Procedures and Definitions Common to Family / Medical Leaves under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA) and Pregnancy Disability Leave (PDL)**

1. **Return to Same or Comparable Job** – Eligible employees returning from these unpaid leaves have the right to return to the same or a comparable position.
2. **Pay During Leaves** – Employees may elect to use any or all of their accrued unused sick leave or vacation during a family/medical leave, but employees on PDL are required to use their accrued unused sick leave.

3. **Pay Status and Source** – The College allows substitution of accrued time off and coordination of benefits received by the State of California in order to extend pay to eligible employees. At no time can an employee receive more than 100% of her or his base salary when coordinating benefits received by the College and other entities (SDI, PFL, Workers’ compensation, etc.)

4. **Benefits During FMLA/CFRA Leaves** – Under both FMLA and CFRA, eligible employees will be provided with continuation of health benefits as if the employee were at work, up to 12 weeks for each medical leave taken within a 12-month period. Both paid and unpaid leave periods count toward the maximum twelve (12) week benefit. If otherwise entitled, the employee will continue to accrue leave benefits when paid leave is being substituted for unpaid leave, but will not accrue vacation or sick leave during the unpaid portion of the leave.

5. **Collection of Unpaid Premiums** – Employees who would normally have a payroll deduction for medical/dental/vision care coverage will be billed for those coverages for any period without pay. The College reserves the right to recover premiums it paid for maintaining an employee’s health coverage if the employee fails to return to work from the medical leave, or to discontinue benefits coverage if the employee has not paid the premiums and the College has notified the employee in writing two times during a three-month period.

   During any unpaid period the employee will be billed on a monthly basis for those deductions normally taken through payroll deduction. If these premiums are not paid on a timely basis the College reserves the right to terminate coverage after the 12 week FMLA period and recover the unpaid premiums through collections process.

6. **Requesting Family/Medical or PDL** – Employees must give reasonable, advance notice of the desire or need to take family/medical leave or pregnancy disability leave. Employees must notify Human Resources of the need for leave and Human Resources will then coordinate the leave and ensure accurate designation of the type
of leave. Eligible employees must apply for leave by completing the “Request for Leave” form and in the event of a serious health condition of the employee or immediate family member, the “Certification of Health Care Provider” form for each occurrence.

7. **Medical Certification of Employee’s Own Serious Health Condition** – An employee requesting family/medical leave because of the employee’s own serious health condition must provide medical verification from a health care provider which includes: (1) date the condition started; (2) how long it is expected to last; and, (3) a statement that, due to the serious health condition, the employee is unable to perform the functions of his/her position. The College may require that the employee obtain subsequent re-certification regarding the employee’s serious health condition if additional leave is required. At any time the College may require, at its expense, an examination by an independent second health care provider. If the opinion of the second provider differs from that of the employee’s health care provider, the College may require, at its expense, a third opinion. The third opinion is final and binding.

8. **Medical Certification for Family Leave** – Employees requesting family/medical leave to care for a child, spouse or parent must provide medical certification of the serious health condition of the individual requiring care. The medical certification must state: (1) date the condition started; (2) how long it is expected to last; (3) how much time the medical care provider estimates the employee will be needed to care for the individual requiring care; and, (4) that the condition requires a family member to provide care. The College may require that the employee obtain subsequent re-certification regarding the serious health condition of the child, spouse or parent if additional leave is required.

9. **Accounting for Use of Leaves** – Each of these medical leaves must be separately designated on the employee’s attendance report so Human Resources can track and ensure accurate accounting for the leaves.

10. **Return from Family/Medical Leave or Pregnancy Leave** – Upon approval of a leave the College will confirm the expected date of the employee’s return and copy the supervisor. The following apply to returns from family/medical leaves or PDL:
– Any request for an extension of an approved leave must be submitted in writing to Human Resources at least one (1) week prior to the expiration of the current leave.

– Communication from/to the employee regarding the return date.

– Failure to return on the agreed-upon date will be considered a voluntary resignation.

– A written verification of the employee’s ability to resume normal duties is required from the health care provider prior to the employee’s return from a medical leave. Any modifications or restrictions upon return from leave must be detailed and in writing. The College reserves the right to determine if the modifications or restrictions are reasonable (see ADA).

– Upon return from family/medical leave within the allowable time, the employee will be returned to their previous position, or an equivalent position will be made available to them, unless: (1) the job has ceased to exist because of legitimate business reasons unrelated to the leave; or, (2) reinstatement is being sought by any employee who is exempt and among the highest paid ten percent (10%) of College employees, and reinstatement would cause substantial and grievous economic injury to the College.

– If during the approved leave, the child, parent or spouse being cared for no longer needs care, the employee is expected to return to work immediately.

11. **Definition of “Serious Medical Condition”** – A “serious health or medical condition” is an illness, injury, impairment or physical or mental condition that involves either:

– Inpatient care (for example, overnight stay) in a hospital, hospice or residential medical care facility; or

– Continuing treatment by, or under the supervision of, a health care provider. Continuing treatment may include:

  ○ Any period of incapacity of more than three (3) consecutive calendar days, plus subsequent treatment;
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- A period of incapacity of more than three consecutive calendar days, plus a subsequent period of incapacity relating to the same condition involving treatment two (2) or more times by a health care provider; and/or may include a regimen of continuing treatment including prescription medication or therapy.

- Disability related to pregnancy (but only for FMLA leave that runs concurrently with PDL);

- Incapacity due to a chronic serious health condition or a permanent or long-term condition for which treatment may not be effective.

- Absences to receive multiple treatments by a health care provider, including recovery from the treatments, such as chemotherapy, radiation, physical therapy for severe arthritis, restorative surgery after an accident and kidney dialysis.

12. **Interruption Leave** – May be taken only under the following circumstances:
   - In three (3) hour increments and designated on the appropriate attendance report.
   - Baby bonding leave must be a minimum duration of two (2) weeks and must conclude within one year of the birth of the child or one year from the date the child was placed in the employee’s home for adoption or foster care.

13. **Americans with Disabilities Act (ADA)** – The ADA is a civil rights law that prohibits, under certain circumstances, discrimination based on disability. Disability is defined by the ADA as “a physical or mental impairment that substantially limits a major life activity.” The determination of whether any particular condition is considered a disability is made on a case by case basis.

Saint Mary’s College is committed to providing reasonable accommodations for qualified individuals with disabilities in a fair and equitable manner, and in accordance with applicable federal and state law.

The Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, require the College to provide appropriate employment accommodations to employees.
with disabilities unless doing so would create an undue hardship, compromise the health and safety of members of the College community, or fundamentally alter the nature of the College’s employment or mission. As described more fully below, the College engages in an interactive process with the employee to determine disability status and accommodation needs.

When seeking a reasonable accommodation, employees are encouraged to inform their supervisor of the need for an accommodation. Upon receiving an accommodation request, supervisors should engage the employee in an interactive dialogue to clarify the type of accommodation(s) being sought. Before any accommodations are made, managers should contact Human Resources for assistance in determining, among other things:

– whether the employee qualifies as an individual with a disability,
– the essential functions of the employee’s job,
– whether the accommodation(s) being sought is “reasonable” and/or to identify alternative accommodation(s).

As part of the interactive process, HR may ask the employee to provide medical and other documentation to support his/her request for reasonable accommodation. All medical documents will be handled confidentially. After submission of all required documentation, HR will confer with the employee and the employee’s supervisor to discuss the requested accommodation(s), and if necessary, possible alternatives.

### 8.8 Lactation Breaks

The College will make reasonable efforts to provide an opportunity and a private place (other than a restroom) that is close to the employee’s workstation to express breast milk. Lactation breaks must, if possible, run concurrently with any break time already provided to the employee. Additional break periods used to express milk will be unpaid as allowed by law. When no private place is available close to the employee’s workstation, the employee may express milk at her workstation, so long as she can do so with privacy. (Below is a link to the California Labor Code.)
Lactation Accommodation for all California Employees:

8.9 Paid Family Leave Program (PFL)

The Paid Family Leave program (PFL), which was enacted into law by the California State Legislature on January 1, 2004, provides partial wage replacement for employees who suffer a wage loss in order to care for a seriously ill family member or for the birth or adoption of a new child. It does not provide additional leave, job protection or reinstatement rights beyond those provided by the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), or any other pre-existing applicable leave entitlement.

For more information, see Section on State Disability Insurance Benefits.

8.10 Workers’ Compensation Leave

Employees with a work-related injury or illness are eligible for workers’ compensation leave so long as the leave request is accompanied by a written claim and doctor’s certification of the need for leave and, if possible, the anticipated return to work date. All employees are eligible immediately upon hire.

Workers’ compensation is unpaid leave but an employee may be eligible for temporary disability benefits paid by the carrier. At no time can the employee receive pay from the College in the form of sick leave and/or vacation and temporary disability benefits. They can be coordinated but must be discussed with Human Resources prior to the leave.

Any leave required by injuries or illnesses attributable to verified work-related reasons will run concurrently with applicable FMLA and CFRA leaves defined above. During a workers’ compensation leave the College will continue its contributions to the employee’s insurance benefits for up to one (1) year; however the employee must also continue to pay his/her share of the premiums and will be billed monthly.

During a workers’ compensation leave the College will continue its contribution and benefit levels to employee’s insurance programs for the duration of the FMLA period. When the leave is unpaid, the College will bill the employee for any deductions that would normally be deducted
by payroll. After the 12 week FMLA period the employee will be given the option to continue their insurance benefits at 102% of the monthly premium under the Health Insurance Continuation Plan (HICuP).

The College will endeavor to place an employee in the same or comparable position upon return from a workers’ compensation leave. However, when operational or business needs result in the College needing to fill the position, it may do so after the completion of the required 12-week FMLA/CFRA leave, which runs concurrently with workers’ compensation leave.

If the employees medical/physical restrictions or modifications are not reasonably accommodated under the Americans with Disabilities Act (ADA) the College will engage in the interactive discussion process to determine whether the employee would be better placed in a open position that the employee is qualified to hold. The College is not required to return an injured worker into the same position if that position could further endanger the employee or cause unreasonable accommodation.

For reporting procedures and requirements, please refer to Workers’ compensation in Section 9.

### 8.11 Personal Leave of Absence without Pay

Employees may request up to six (6) month’s personal leave of absence without pay. Employees must make written application for personal leave at least one (1) month in advance of the requested leave, and the request must be approved by the employee’s supervisor before it is forwarded to Human Resources. The Assistant Vice President of Human Resources or her/his designee will review each request, consult with the employee’s department, and grant or deny the leave at his/her discretion.

An employee on a personal leave of absence must provide written notice to Human Resources no less than 30 days before his/her expected return to work date. The employee’s failure to return on the agreed date will be treated by the College as a voluntary resignation. The College cannot guarantee that the employee’s prior position will be available upon return from a personal leave of absence, but when possible within business needs will attempt to place the employee in the same or a similar position.
Employees must use all accrued vacation during a personal leave. The use of paid leave during a personal leave of absence for personal leave does not extend the total duration of the approved personal leave. Paid vacation and sick leave will not accrue during the leave.

Other leaves of absence (including PDL, CFRA/FMLA, or workers’ compensation leave) which the employee takes or is eligible to take will count against the maximum amount of personal leave available. For example, if an employee with a non-industrial disability takes twelve (12) weeks of CFRA/FMLA leave prior to requesting a personal leave, the total amount of CFRA/FMLA and personal leave combined may not exceed six (6) months. In addition, no employee may take more than six (6) months of personal leave in any five (5) year period, measured from the date on which the first personal leave of absence commenced.

During a personal leave of absence without pay, the College will cease making contributions to the employee’s insurance benefits programs and retirement programs. The employee may continue participation in these programs during the leave, at the employee’s sole expense, to the extent permitted by the benefit plan contracts or documents.

Personal leave will not be considered as a break in service and the employee will retain the same anniversary date, but those portions of a personal leave of absence without pay be counted as time worked for salary purposes.

8.12 Compassionate Leave Donation Program

The Compassionate Leave Donation Program is a voluntary plan which allows staff members to donate sick leave to a leave donation pool to assist other employees who themselves are experiencing a serious illness or who are the primary caregiver for a seriously ill family member.

8.12.1 Eligibility – Recipients

- Must be employed in full-time staff position for at least one year.
- Must have used all of their own accrued sick and vacation hours.
- Must use donated time for own serious illness or to care for seriously ill immediate family members.
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- Must be in good employment standing with the College as determined by the Assistant Vice President of Human Resources or her/his designee
- Must complete application form and medical certification form.
- May receive a maximum of 80 hours of donated leave per calendar year.
- Will be paid at their current pay rate.
- If receiving income from California State Disability Insurance (SDI), will have benefits coordinated to the extent allowable by law.
- May not be receiving benefits from the College’s Long-Term Disability Plan.

8.12.2 Guidelines – Donors

A staff member donating sick leave hours must adhere to the following guidelines:

- Donations are limited to a maximum of 40 hours of sick leave per calendar year.
- Donations must be in increments of 7.5 hours or 8 hours, whichever is applicable.
- Donors must maintain a minimum of 90 hours in their sick leave balance.
- Donors must complete and sign a donation form authorizing Human Resources to deduct hours from their sick leave balance and donate them to the pool.
- Donations of sick leave, if made within 30 days of an employee’s final date of employment at the College, will not be effective.

8.12.3 Procedures

A request for compassionate leave donation must be initiated by the staff member in need. The employee must submit a Request for Leave form available in Human Resources, plus a completed Certification of Health Care Provider form used for Family Medical Leave requests, which must include a statement of the employee’s inability to work due to their own serious health condition or the need to be a primary caregiver for an immediate family member, the diagnosis and prognosis, including the anticipated return date.

Donated sick leave hours not used by the recipient for his/her current need will be returned to the pool.
8.12.4 Definitions

**Serious Health Condition** – A physical or mental condition that requires inpatient care or continuous treatment by a health care provider.

**Immediate family member** – Staff member’s spouse, son, daughter or parent (as defined by Family/Medical Leave Policy), or registered domestic partner.

8.13 Confidentiality of Medical Information (COMIA)

California’s Confidentiality of Medical Information Act (COMIA) protects the confidentiality of individually identifiable medical information created by health care providers. COMIA also sets forth limited circumstances in which release of such information to specified entities or individuals is permissible. Employers are prohibited from using or disclosing oral or written medical information pertaining to their employees without a written authorization from the affected employee. To be valid, such authorizations must comply with standards set forth in COMIA which require in part that the authorization be handwritten by the employee/patient who signs it or in typeface no smaller than eight-point type; clearly separated from any other language on the same page; signed only to release medical information and for no other purpose; and signed and dated by the employee/patient. The release may be cancelled or modified at any time, effective upon written notice to the employer.

Medical records protected under COMIA may include:

- a physician’s report
- lab results from a drug test
- family and medical leave request forms if the forms disclose the nature of the employee’s illness
- information about the employee’s disabilities which the College is accommodating under State or Federal disabilities laws
- Workers’ compensation records

To protect confidentiality of employee medical records, the College must maintain a separate file for each employee for information protected by privacy laws. Access to such information is restricted and will be granted only to those with a legitimate business or educational need to
know (e.g., for administering employee benefit plans or in relation to a workers’ compensation claim) or when disclosure is compelled by judicial process.

8.14 Registered Domestic Partners

In the administration of benefits programs, the insurer or College may require proof that the domestic partnership is registered with the State of California on the same basis as the College requires proof of a marriage or the dissolution of a marriage.

8.15 Insurance Benefits – Introduction and Eligibility

The College strives to offer competitive programs in order to attract and retain employees.

8.15.1 Responsibilities

The Director of Benefits under the direction of the College’s Assistant Vice President of Human Resources is responsible for the HR department’s implementation of all benefit policies and programs. Coverage is automatic only for benefits required by law (e.g., Social Security, Medicare, Workers’ compensation, State unemployment insurance and State Disability), as well as for the College’s Emeriti and TIAA/CREF Retirement programs. Each employee is responsible for enrolling in a timely fashion in all other benefit programs for which the employee is eligible.

8.15.2 Information and Forms

Employees should consult Human Resources for details of any benefit provided by the College. Booklets, brochures, enrollment forms, claim forms and other information related to benefits are available in Human Resources, and many forms and descriptions are available on the Human Resources website.

8.15.3 When Benefits Begin

Coverage for benefits with 30-day eligibility requirements (e.g., medical, dental vision, life and long-term disability plans), begins on the first day of the month after completion of 30 days. All
appropriate enrollment forms must be completed within the first 30 days of employment. There is no pay in lieu of any benefit.

8.15.4 Staff Benefits Eligibility

<table>
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<tr>
<th>Benefit Plan</th>
<th>Full time benefits eligible: 1,560 – 2,080 hours per year</th>
<th>Part time benefits eligible: 1,040 – 1,559 hours per year</th>
<th>Fewer than 1,040 hours per year (incl. temporary &amp; on-call employees)</th>
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<tr>
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<tr>
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8.16 Benefit Plans

A summary of insurance benefits provided by Saint Mary’s College is provided below. This summary is brief and should not be relied upon as a complete description of each plan provisions and limitations. For more detail, please contact the Human Resources office and request summary plan descriptions or other plan documents that provide more comprehensive information. The College also provides monthly Benefit Orientations at which employees receive a binder of current plan information.
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8.16.1 Health, Dental and Vision

The College offers comprehensive health, dental and vision programs with several plan designs and carriers, including Kaiser Permanente, United Healthcare, Delta Dental plans and Vision Service Plan (VSP). Health plans may have more than one choice of co-pay levels. The plans to be offered and the employees’ premium co-pays options are established each fall and are typically communicated in November prior to the December open enrollment. Benefits are typically in effect for the calendar year. Premium co-payments vary depending on plan choices, whether coverage is for employee only, employee plus spouse or 1st dependent, or family (employee plus two or more dependents). Employees can select different levels for different types of coverage, e.g. if spouse or registered domestic partner has his/her own medical plan, the employee can elect employee-only for medical, and employee plus one for dental and vision. Employee-paid premium costs are paid automatically through pre-tax payroll deductions.

8.16.2 Long-Term Disability (LTD)

The College provides long-term disability coverage for those scheduled to work 1560 hours per year or more. The plan provides partial protection for eligible employees against loss of income during prolonged periods of disability. Under the plan, benefits are payable to an employee who is totally or partially disabled from any cause, beginning after 90 days of continuous disability. The benefit is 60% of the employee’s salary at disability up to $10,000 per month. Determination of benefit eligibility/payment is made by the carrier.

8.16.3 Term Life Insurance

The College provides term life insurance for those working 1560 hours per year or more. The basic coverage equals one time the employee’s annual base salary, to a maximum annual limit. Coverage begins on the first day of the month following 30 days of employment. The full cost of this coverage is paid by the College. Staff may also purchase additional amounts of group life coverage for themselves, their spouses or their children at rates determined by the carrier. At termination, the employee has the option of converting this benefit to individual coverage, under the terms of the policy offered by the College’s insurance carrier.

Included with this group policy are:
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- **Accidental Death and Dismemberment Insurance** – In the event of accidental death or dismemberment, benefits will be payable based upon a schedule determined by the carrier.

- **Travel Related Assistance** – Travel related assistance is provided when traveling at least 100 miles away from home for either business or pleasure. Services include coordination of hospital admission, interpreter services and legal referrals.

### 8.16.4 Employee Assistance Program (EAP)

This is a free, confidential counseling and referral service for employees who work 1560 hours per year or more, their dependents and retirees. The EAP can assist with a variety of problems and issues including marriage, family and child counseling; stressful conditions; job performance; substance abuse; debt management; elder care and legal assistance. This Saint Mary’s College benefit plan provides up to eight (8) confidential counseling sessions each calendar year by a licensed professional near the employee’s home or work. An employee not eligible for the Employee Assistance Program benefit can confidentially request EAP coverage on an exception basis by contacting the Director of Benefits, the Director of Employee Relations & Compensation, or the Assistant Vice President of Human Resources or designee. For more information on the Employee Assistance Program (EAP), pick up a brochure at the HR office.

### 8.16.5 Benefits Enrollment

Employees must enroll in applicable benefits within the first 30 days of eligibility by completing the appropriate carrier enrollment forms. The College will make every effort to notify the employee of eligibility of benefits after the first 30 days, but it is the responsibility of each employee to complete the required forms in a timely manner. The Human Resources staff is available to answer questions related to benefits.

- **Open Enrollment** – Employees who wish to make changes to their benefit programs may do so during the open enrollment period in the fall for an effective date of January 1st of the following year. Changes include adding or switching health or dental coverage, enrolling in voluntary benefit programs or adding dependents not enrolled in the first 30 days. Employees may delete dependent coverage at any time.
by completing the appropriate carrier form. The Open Enrollment Period is announced annually and is available online at GaelXpress.

- **Life events** – Employees who experience a life event (i.e. birth, marriage, adoption, death, divorce or loss of a spouse’s employment) may make changes during the year, but must do so within 30 days of the qualifying event. Those wishing to enroll spouses, domestic partners or dependents at times other than open enrollment will be required to prove loss of insurance coverage.

### 8.16.6 Tuition Waiver Benefit

After one year of employment, current full-time employees and their eligible dependents are eligible to take advantage of attendance at most Saint Mary’s College courses, with reduced or fully-waived tuition, subject to certain limitations summarized in this section, and described more fully in the Tuition Waiver Policy available in Human Resources and on the HR website. Part-time staff working 1040 hours per year to 1560 hours per year are eligible for prorated tuition remission based on the direct proportion to the amount of time worked/approved during the fiscal year.

### 8.16.6.1 Requirements and Limitations

A partial list of tuition waiver requirements and limitations applicable to employee, spouse and children of employees includes:

- Employees must have completed one (1) year of full time employment with the College to be eligible for tuition waiver for themselves, spouses or eligible children.
- An applicant for tuition waiver must meet the normal application and admissions requirements of the College and of the academic program for which application is being made.
- Courses not eligible for tuition waiver include inter-institutional or contract programs, courses in doctoral programs, coursework at other institutions. Participation in Jan Term classes requires the written consent of the Assistant Vice President of Human Resources or designee.
• Tuition waiver for any one student, including dependents of current employees and the child of a brother or sister of a Christian Brother, may be received for a maximum of four (4) academic years and may be applied only to courses undertaken in a single degree or certificate program.

• If an employee terminates or is terminated from employment, any prorated tuition will be billed from the date of termination until the end of the semester.

• With the exception of Families Enrolling Four Children and Catholic school teachers, all tuition waiver benefits must be approved by Saint Mary’s Human Resources department. For more information on tuition waiver for Families Enrolling Four Children, for Catholic School Teachers, for Near Relatives of Christian Brothers and for Christian Brothers’ Formation Personnel, see full policy available in Human Resources or on the HR website.

• Application for a waiver shall be made to Human Resources at the time of application for admission to the College is made. Renewal applications shall be made to Human Resources on or before the deadline set by Human Resources for such applications, and prior to each term for which a tuition waiver is requested.

• This plan may be revoked or modified by the Board of Trustees of the College, effective for current or future participants and commencing with the academic year immediately following the date of such revocation or modification.

• The tuition waiver is for tuition only and will not waive course fees (for lab materials, travel, books, retreats, etc.), mandatory fees (student body fee, health insurance, etc.) or any room and board fees.

• In the event of a death or disability of an eligible employee the tuition waiver program shall remain operative for the eligible children and spouse/domestic partner for up to four years.

8.16.6.2 Job-Related Courses for Eligible Employees

A 50% tuition reduction will be granted for eligible Saint Mary’s courses that are clearly job-related, that will substantially benefit the College by increasing the employee’s skills in his/her current job. Tuition for job-related coursework will be charged to the employee’s department.
The determination of what constitutes job-related course work will be made by Human Resources in consultation with the direct supervisor with final approval by the Vice President of Finance and may be made on a course by course basis.

8.16.6.3 Spouses/Registered Domestic Partners and Non-Job Related Courses

After one year of full-time employment, full-time benefits-eligible employees and their spouses or registered domestic partners may take up to one Saint Mary’s College course per semester, quarter or term with 100% of tuition waived. Graduate level courses are considered a taxable fringe benefit to the employee and will be taxed based on current federal and state laws. For employees wishing to take courses during normal work times the approval of their supervisor is required prior to registering for classes.

8.16.6.4 Requirements Specific to Children of Employees

Undergraduate full tuition waiver is granted for the sons and daughters of full-time benefits-eligible staff and faculty members currently employed, provided such employees have completed one (1) year of full time employment with the College, with the following restrictions and obligations:

- The student(s) must be dependents for tax purposes, must have matriculated before reaching age 25, and must have met the normal admission requirements of the College and academic program to which they are applying.
- Each child receiving tuition waiver is subject to all rules and policies applicable to students of the College generally.
- Subject to continued good standing of such child as a student at the College, a waiver granted under this plan shall, upon application of such child, be renewed annually for a maximum of four (4) academic years and may be applied only to courses undertaken in a single degree or certificate program.
- Any child who receives full tuition waiver benefits may not receive additional financial assistance from Saint Mary’s College in the form of academic scholarships or athletic grants.
Graduate level Tuition waived is considered a taxable benefit and will be taxed based on current federal laws. Employees are encouraged to carefully review the taxable benefit implications with regard to their overall compensation. Questions concerning taxable benefits should be directed to the Director of Benefits or to the College’s Payroll Manager.

**8.16.7 Tuition Exchange Program**

**8.16.7.1 Tuition Exchange Program Description**

This program provides a national scholarship exchange program for dependents of eligible employees with over 500 participating institutions throughout the United States and the United Kingdom. Approximately 3,000 students receive scholarships annually.

Colleges and universities participating in this program have agreed to waive tuition for eligible dependents from other member institutions. The primary obligation of a member institution is to maintain a balance between “exports” (students applying for admission to a partner institution) and “imports” (students applying to Saint Mary’s).

All students must seek admission to the partner institution and meet any applicable admission requirements.

Since the number of export scholarships is limited each year, Saint Mary’s College has prioritized the award of export scholarships based on years of employment at the College. There is a minimum years of employment eligibility threshold for faculty and staff that matches the typical time necessary for tenure track faculty members to achieve tenure. There is also a prioritization of awards based on the faculty or staff member with the longest continuous employment at the College that is followed by an alternating prioritization of awards between faculty and staff members. The alternating prioritization of awards helps to assure that staff, who typically have fewer years of continuous service to the College than faculty, will have a reasonable chance of receiving an export scholarship.
8.16.7.2 Tuition Exchange Program Eligible Employees

All full-time faculty, currently teaching six (6) or more courses per academic year and staff, working 30 or more hours per week, 12 months per year, and who have completed seven (7) years of employment.

8.16.7.3 Tuition Exchange Program Eligible Dependents

Sons and daughters of eligible employees who are considered by the Internal Revenue Service to be legal dependents, and who have enrolled in or have applied to member institutions prior to attaining age 25. Verification of dependent status is required. Participation in this program is in lieu of eligibility for enrollment at Saint Mary’s College.

8.16.7.4 Tuition Exchange Program Scholarship

Two (2) exports are allowed per academic year for a total of eight (8) exports after an initial four-year phase-in period. This total amount of export scholarships may be decreased if there are not enough offsetting import scholarships.

A tuition waiver for up to four (4) years of full-time undergraduate degree study, provided the student maintains continuing eligibility. Room, board and fees are normally NOT included in the scholarships offered by the host institution. Those institutions with very high tuition rates are allowed to award less than full tuition. Most institutions will reduce their scholarship by the amount of other grants available to the student.

Excluded from scholarship are part-time study, graduate study, study in a non-degree program and study for a second undergraduate degree.

8.16.7.5 Tuition Exchange Program Application

Application for the Tuition Exchange Program does not guarantee acceptance to a member institution or insure a scholarship. By October 1st of each academic year the College will be able to determine the number of Tuition Exchange Scholarships available based on the current number of imports and exports and the continuing eligibility of dependents enrolled the previous year. Applicants must complete the “Application for Tuition Exchange Scholarship” form and return it to Human Resources not later than October 31st.
Human Resources will verify and determine eligibility and inform the employee/parent of the dependents’ priority by November 15th, based on the following procedure:

**Process** – If the number of applicants is equal to or less than the number of scholarships (2 per academic year) all applicants will be given the opportunity to apply to a partner institution. If the number of applicants exceeds the allowed number of exports, applicants will be selected as follows:

- First priority will be given to the student applicant whose employee/parent has the longest continuous full-time employment at Saint Mary's College.
- If more than one employee/parent have the same continuous years of full-time service, ranking will be based on the date of submission of the application to Human Resources or, in the event of a tie, a drawing.
- If the employee/parent with the first priority is a faculty member, the second priority will be given to the student applicant with the longest continuous years of full-time service. Likewise, if the employee/parent with the first priority is a staff member, the second priority will be given to the faculty member with the longest continuous years of full-time service. The next orders of priority will rotate sequentially between faculty and staff members by length of continuous years of full-time service.

Applicants who are not selected will be placed on a list as alternates in priority order based on the sequencing described above. Alternates who are not selected but choose to enroll in a partner institution on their own may reapply for Tuition Exchange the next academic year. In the event that a recipient fails to earn admission to a partner institution, chooses to enroll in a non-tuition exchange institution or otherwise forfeits the right to receive the scholarship (i.e. resignation of parent, ineligible dependent status, etc.) alternates will be selected in the priority order listed above.

Awardees must inform Human Resources no later than April 15th that they have been accepted and have enrolled in a host institution. Scholarship winners who fail to meet this requirement will forfeit their awards to an alternate on the waiting list.
8.16.7.6 Tuition Exchange Program Continuing Eligibility

Students will receive up to eight (8) semesters of tuition. Continued participation depends upon yearly re-certification. Accordingly each recipient MUST:

- Submit a transcript of their academic records to Human Resources within one month of the end of their academic year, AND
- Complete a “Scholarship Renewal” form and submit it to Human Resources no later than August 1st.

Human Resources will verify and notify the employee/parent of the dependent’s continuing eligibility. HR and the host institution must be notified immediately if the awardee takes a leave of absence or otherwise interrupts enrollment.

8.17 Benefits Related to Retirement

8.17.1 TIAA-CREF Retirement Plan

The College offers through TIAA/CREF the opportunity to participate in a defined contribution plan as well as a tax deferred annuity plan. Please refer to the plan documents and summary plan descriptions available in the HR office and on the HR website.

8.17.2 Emeriti Retirement Health Solutions (Emeriti)

The Emeriti Retiree Health Plan for Saint Mary’s College of California is designed to help eligible employees pay for medical expenses after employment with College ends, beginning at age 55, in a tax-advantaged manner. It is also designed to provide eligible retirees with access to affordable nation-wide health insurance coverage beginning at age 65 throughout retirement. This program is being offered by the College through Emeriti Retiree Health Solutions (Emeriti), a collaborative arrangement of more than 50 institutions of higher education.

- Contributions – Under the program, the College contributes a flat dollar amount to an Employer Contribution Account for each benefits-eligible employee age 40 and older for up to a maximum of 25 years. Employees age 21 and older can also make after-tax contributions of any amount to an Employee After-Tax Contribution
Account, as part of planning for medical costs in retirement. Employee contributions are immediately vested and contributions by the College are vested after five (5) years of continuous service. Employees can direct the investment in both accounts (the “Health Accounts”) through the plan’s administrator TIAA/CREF.

- **Benefits Available in Retirement** – Upon retirement (defined as age 55 or older and 5 years or more of continuous service), the Health Accounts can be used to reimburse eligible medical expenses, which include but are not limited to the cost of medical, dental, vision and long term care insurance premiums. Emeriti also provides access to a nation-wide health insurance plan with choice of coverage level and at group rates to Medicare-eligible employees at age 65, as well as to eligible dependents through Aetna. A participating employee who ceases employment prior to achieving five (5) years continuous service may still use, if he/she has made contributions to, an Employee After-Tax Contribution Account to receive uninsured reimbursement benefits upon attaining age 55. However, the contributions made by the College will be forfeited if the 5 year vesting period has not been met.

- **Eligibility** – An eligible employee hired prior to July 1, 2007 who:
  - retires on or after July 1, 2007,
  - has completed fifteen (15) or more years of full-time continuous service at the College as defined by the plan description,
  - has attained age fifty-five (55) at retirement, and
  - made the written election to participate in the program prior to July 1, 2007
shall receive transitional support if the balance of the Employer contribution account for the employee, calculated at the time of retirement, is not at least equal to the projected 5 year contribution (see below). The amount of transitional support will be the amount necessary (if any) to bring the balance of the account equal to the projected 5 year cost.

Those hired after July 1, 2007 will be automatically enrolled in the Emeriti Health Retirement Solutions Plan upon attainment of age 40 and will continue the contribution for 25 years or upon termination or retirement. Those hired after July 1, 2007 and have
already attained age 40 the College will begin a contribution immediately and will continue contributions for 25 years or upon termination or retirement.

**Calculation for transitional benefit:**

Those who qualify for the transitional benefit will receive an amount equal to the College’s employee only monthly contribution for health and dental benefits on the date immediately prior to the retirement date, multiplied by a factor of 73.22 minus the plan balance held in the employer VEBA accounts at the time of calculation. This lump sum distribution will be processed with the final paycheck and transmitted with the closest payroll transmission date but within 30 days of retirement. Those hired after July 1, 2007 will not be eligible for transitional support at retirement. In order to receive the transitional retirement benefit the employee must have retired and met the qualifications noted above.

- **For More Information** – This is a brief summary of the Emeriti Retiree Health Plan. The Summary Plan Description (SPD) provides a more detailed description of the plan and you may request a copy from the Human Resources Department. The HR department has other information on this Plan, plus general information about Emeriti is available at [www.emeritihealth.org](http://www.emeritihealth.org). This Handbook, the various websites and brochures and the SPD are only to provide you with general information about the Emeriti Retiree Health Plan; in the event of a conflict between the Handbook, the SPD or other descriptive sources and the Plan document, the Plan document will control.

### 8.17.3 Five Year Retirement Medical Benefit

If *not* enrolled in the Emeriti Retirement Health Solutions program (Emeriti), employees hired prior to July 1, 2007 may be eligible to receive limited health and dental benefits for up to five (5) years after full retirement at the same premium rates as similarly-situated active employees. Employees hired or re-hired on or after July 1, 2007 are automatically enrolled in the Emeriti program and are not eligible for the Five Year Retirement Medical Benefit.
Section 8 – Benefits

- **Eligibility** – To be eligible for the Retirement Medical Benefit, the employee at time employment ends must be at least 55 years of age, have completed 15 years of service, and be covered under the College’s health and dental programs at the time of retirement.

- **Benefit** – For eligible employees, the College will continue to pay the current applicable active single health and dental premium (which changes each year) for up to five (5) years based on the current benefit level rates. Once a retiree attains age 65, he/she will be required to enroll in a Medicare Supplement Program, and any premium charges above the allotted active employee rates paid by the retiree, billed on a monthly basis and will be terminated for non payment.

8.17.4 Social Security/Medicare

All employees (excluding student workers during the academic year) are required to contribute to Social Security and Medicare which are designed to provide retirement payments as well as medical, disability and survivor benefits in retirement. The College also contributes an amount for each employee; the level of employee and College contributions are determined by federal law. Prior to retirement, employees should contact their local Social Security Administration office to receive a detailed benefit illustration.

8.17.5 Supplemental Retirement Annuities

Voluntary additional contributions, known as Supplemental Retirement Annuities, can be made on a tax-deferred basis. Although the College permits the voluntary selection of alternative carriers for employee contributions, it will not contribute to any carrier except TIAA-CREF.

8.18 Employee Benefits Continuation/Termination

8.18.1 When Benefits End

Employee benefits mandated by law (Social Security, Workers’ compensation, State Disability Insurance (“SDI”) and State Unemployment Insurance (“SUI”) cease when employment terminates, as do TIAA, as do TIAA-CREF contributions and any other voluntary benefits such
as tuition waiver, tuition exchange and voluntary life insurance. Health, dental, vision, life, Long Term Disability (“LTD”) and Employee Assistance Program (“EAP”) coverages terminate the last day of the month in which the covered employee’s employment terminates, unless the employee qualifies for continuation of those benefits.

8.18.2 Health Benefits Continuation Plan

The College’s Health Insurance Continuation Plan (HICuP) (similar to COBRA) allows employees, spouses and dependents to continue medical, dental, vision and EAP benefits when certain qualifying events occur, including termination of employment, reduction of hours, death of the employee, divorce or legal separation, retirement, or loss of dependent status. In most instances, benefits may be continued for 36 months. Premiums are paid entirely by the person(s) covered, including a 2% administration fee payable to the company administering the College’s Continuation Plan. Employees, spouses and dependents must be covered under one of the College’s programs at the time of the qualifying event to be eligible for continuing coverage. Employees terminating employment will receive a letter which describes the plan from the College’s administrator.

8.18.3 Employees Receiving Long Term Disability

Employees who are receiving benefits under the long-term disability program will receive benefits such as medical, dental, vision and EAP for a period of six (6) months after long-term disability benefits begin. Employees will be responsible for the costs for any applicable dependent health coverage for the entire period of disability. When this benefit offered, it is expected that the employee will pay the normal deductions and if payment is not made in a timely manner the College can discontinue all benefit coverage. After six (6) months, employees on disability will be eligible to continue health benefits under the continuation program described above up to the maximum allowable time. If an employee is not eligible for Long Term Disability payments, the employee can continue their benefits as described in the paragraph above.
8.19 Benefits Required by Law

8.19.1 Workers’ Compensation

All employees (excluding consultants/independent contractors and Christian Brothers) are covered by workers’ compensation insurance for work-related injuries or illnesses, as required by law, at no cost to the employee. The coverage is effective on the first day of employment. Benefits may include payment for eligible expenses related to an injury or illness, weekly payments to supplement lost wages or permanent disability benefits. An injured worker may also be eligible for vocational rehabilitation benefits, which include retraining for or placement into an alternative occupation. The cost is paid by the College. For more information on the Workers’ compensation Program, see the Director of Benefits in Human Resources.

8.19.2 Unemployment Insurance (UI)

All employees (excluding student workers during the academic year, Christian Brothers and consultant/independent contractors) are eligible to apply for State Unemployment Insurance (SUI), and may receive Unemployment payments depending on the reason(s) for unemployment. The employee is responsible for submitting a claim to the State Employment Development Department (EDD). The cost of Unemployment Insurance is paid by the College. This is a reimbursable program that is paid by the College when claims are filed, not the State.

8.19.3 State Disability Insurance (SDI)

All employees (excluding student workers during the academic year, Christian Brothers and consultant/independent contractors) are covered by State Disability Insurance (SDI). This insurance is payable when the employee is unable to work because of a non-work related accident or illness. The State of California annually determines both the contribution rate and the payment rates for eligible employees. Unemployment and Disability benefits cannot be paid for the same period. State Disability Insurance provides limited income during short-term disabilities (up to 52 weeks) and is funded by employees through payroll deduction.

Because SDI benefits do not entirely replace wages that are not earned during a covered absence, employees may coordinate the benefits provided under the State Disability Insurance program.
with accrued vacation and sick leave in order to maximize these benefits. Contact Human Resources for details on benefit coordination.

**8.19.4 Paid Family Leave Program (PFL)**

The Paid Family Leave program (PFL), enacted into law by the California State Legislature on January 1, 2004, provides partial wage replacement for employees who suffer a wage loss in order to care for a seriously ill family member or for the birth or adoption of a new child. It does not provide additional leave, job protection or reinstatement rights beyond those provided by the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), or any other pre-existing applicable leave entitlement.

PFL benefits may be paid for a maximum of six (6) weeks within a 12-month period, following a mandatory seven (7) day waiting period. The 12-month period is measured from the first day the employee first establishes a valid claim for PFL benefits. Benefits received from PFL will be coordinated with an employee’s accrued time off benefits. An employee may use accrued unused sick leave or vacation during the mandatory seven (7) day waiting period and supplement their PFL benefits with any remaining accrued leave. At no time can an employee receive more than 100% of his/her regular compensation.

Employees wishing to receive pay under this program must apply to the State of California for these benefits. For more information, contact Human Resources.

**8.19.5 FICA/Medicare**

All employees (excluding student workers during the academic year, Christian Brothers and consultant/independent contractors) are required by law to contribute FICA and Medicare with a matching contribution from the College. These mandated programs provide income and benefits to those age 65 and older.

**8.20 Voluntary Benefits**

The College offers several discounted or reduced rate programs in which employees can participate at their own expense. Enrollment for these programs is available only during open enrollment.
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8.20.1 Reimbursement Accounts

Eligible employees (those working at least 1040 hours per year *and paid 12 months per year*, excluding students) may participate in health and/or dependent care reimbursement accounts to, in effect, pay for eligible expenses with non-taxed dollars. To participate, employees estimate their predicted out-of-pocket medical and dependent care expenses for the upcoming year, and submit a Reimbursement Account enrollment form (available from HR and the HR website) no later than December 31 for the following calendar year. The annual amount(s) are deducted in equal pre-tax amounts throughout the following year.

Participating employees submit documented qualified expenses to HR during the year, and receive reimbursement checks for eligible expenses. Claims for eligible expenses during a calendar year must be submitted for reimbursement by no later than March 31 of the following year. NOTE: per IRS regulations, any funds that remain in the account after the March 31 deadline will be forfeited, and any changes to these programs can only be made if qualified “life events” occur.

8.20.2 Accident Insurance

Accident insurance is available which covers a wide range of injuries. The benefits are designed to help pay for high out-of-pocket costs that may not be covered by traditional health insurance, for covered accidents that occur off the job. Depending on the plan chosen, Accident insurance may include coverage for on-job accidents. Accident insurance is available to the employee and family members.

8.20.3 Interest-Sensitive Whole Life Insurance

Interest-Sensitive Whole Life Insurance is designed to provide death benefits to your beneficiaries if you pass away, and also can build cash value that you can utilize while you are still alive.

8.20.4 Critical Illness Insurance

Critical Illness Insurance Plan is designed to help cover out-of-pocket expenses you or your family may incur following the diagnosis of some critical illnesses, such as heart attack, stroke,
major organ transplant, permanent paralysis, end-state renal (kidney) failure and coronary and artery bypass surgery. Out of pocket expenses can include alternative treatments, rehabilitation, deductibles and co-payments.

8.20.5 Optional Term Life Insurance

Employees may purchase term life insurance beyond the College-paid one times annual salary, in increments of $10,000 up to $300,000. The rates are set by the carrier and are dependent on information such as the age of the individual to be covered.

8.20.6 Automobile and Homeowners Insurance

Coverage for auto and homeowners insurance can be purchased at discounted rates.

8.20.7 Credit Union Membership

Credit Union membership opportunities are available through the College.

8.20.8 Tax Sheltered Annuities

While the College will only direct its retirement contribution to the TIAA/CREF program, employees may contribute to any entity that offers tax sheltered annuities or retirement savings programs. Employees are responsible for procuring the product and completing any necessary agreements. Interested employees must coordinate this through the Saint Mary’s Director of Benefits.

8.20.9 Pre-Paid Legal Services

This program provides confidential access to legal services through a selected and monitored legal service network. Services include unlimited consultations, letter and phone call on your behalf, review of documents, representation for moving traffic violations, IRS audits, trial defense services and access to an attorney 24 hours a day, 7 days a week in the event either you or a family member is arrested or detained.
Employees join by filling out a membership application, available from Human Resources, at any time during the year. Coverage includes the employee, spouse or registered domestic partner, children up to the age of 21 if unmarried and living at home, or up to age 23 if full-time college students. The employee pays for the coverage, but the monthly charge can be paid through payroll deduction.

8.21 Opportunities and Advantages of Working at Saint Mary’s College

Beyond the beautiful setting, manicured grounds, areas for reflection and abundant wildlife, working at Saint Mary’s College offers additional advantages and opportunities to serve. Note: most of the following programs require a staff ID, which can be obtained through the Business Office after completing forms available in Human Resources.

8.21.1 Athletic Events

College employees are encouraged to attend athletics competitions and events on campus; admission to Saint Mary’s College sponsored intercollegiate athletics events is generally either free or offered at reduced prices (based upon availability). Postseason competitions or events sponsored by outside agencies are generally not included. Valid Staff I.D.’s are required for most campus events. Employees can purchase additional tickets for family and friends in advance through the SMC Athletic Ticket Office.

8.21.2 Fitness Classes and Facilities

The College has provided subsidies for Yoga and Pilates classes. Participants pay a fee that is determined by instructor cost and size of classes. For information regarding classes in session, watch the Campus Bulletin and email. The Office of Mission and Ministry offers off-campus local weekend meditation retreats.

Recreational facilities and equipment are available to all staff. Policies and procedures for equipment check out, availability restrictions, and potential fees are determined by the Athletic and Recreational Sports department.
8.21.3 Gael Flex

Saint Mary’s College and Sodexo created the “Gael Flex” program to be the ultimate compliment to the university experience. The Saint Mary’s ID card can be used for dining on campus, but we realize that employees want more. So we partnered with favorite off-campus merchants to give the ultimate flexibility, variety and value employees deserve.

Use Your “Gael Flex” Account On and Off Campus and Get More:

- **Spending Power**
  - Accepted at Café Louis and Oliver Hall and off campus at select merchants
  - Special on and off-campus discounts and promotions, when available

- **Flexibility/Freedom**
  - Flexibility to eat when and where you want
  - Easy to budget, track and add money
  - Allows for on- and off-campus usage

- **Security**
  - Safer than cash or credit cards
  - Parent peace-of-mind

- **Convenience**
  - One card for everything you need
  - Your Saint Mary’s ID does it all

8.21.4 Library

Library services and collections are available to all College staff. We support both your work-related information needs and provide materials for your pleasure reading. With our extensive collections and borrowing agreements with other institutions, we can get you anything you need. To get started, please either drop by the Library, phone us at x4624, or email us at askalib@stmary-ca.edu. We also provide research advice by appointment to Saint Mary’s College staff.
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Come to the Circulation Desk to check out the staff reserve Community Collection of books that are currently the “hot topic” of our academic community’s conversations and find out more about our Family Borrower’s Card.

8.21.5 Saint Mary’s College Museum of Art

Beautiful donated and College-owned art is on rotating display at the Saint Mary’s College Museum of Art on campus. The museum has special shows and events, and has a small but excellent gift shop. Original paintings and other works of art are also on display in buildings and offices across campus.

8.21.6 Staff Council

The Staff Council provides input to College policies and changes affecting staff employees, and coordinates staff employee events on campus. The Staff Council consists of members elected through voting by staff employees.

8.21.7 College Committee on Inclusive Excellence (CCIE)

Role of CCIE

The Committee on Inclusive Excellence will review, recommend, and facilitate the implementation of policies, programs, and practices that advance inclusive excellence at Saint Mary’s College.

Primary activities:

• articulate and promote the educational imperative for inclusive excellence;

• advise and review the development of institutional, unit, and school diversity and inclusion goals;

• develop and support strategies that improve the recruitment and retention of underrepresented students, staff, and faculty;
• sponsor and coordinate opportunities for the development of cultural competence; and, support initiatives that advance the knowledge, practice, and recognition of inclusive excellence.

**CCIE Membership**

• One faculty member from the Committee and the Provost (co-chairs)
• Vice President for College Communications
• Vice President for Mission
• Vice Provost for Student Life
• Assistant Vice President of Human Resources
• Assistant Vice President and Controller
• Chair of Staff Council
• Chair of Academic Senate
• Dean of Students
• Dean of Admissions
• Director of Athletics
• Director of High Potential Program
• Director of Institutional Research
• Director of Intercultural Center
• Faculty member, School of Economics and Business Administration
• Faculty member, Kalmanovitz School of Education
• Faculty member, School of Liberal Arts
• Faculty member, School of Science
• Graduate and Professional Studies student representative
• Undergraduate student representatives (2)
• Office of Academic Advising and Achievement representative
CCIE Meetings

The Co-Chairs of the Committee call meetings as needed.

8.21.8 Campus Athletic and Recreational Sports Committee (CARSC)

The Campus Athletics and Recreational Sports Committee provides guidance for intercollegiate athletics, club sports, intramurals, and recreational sports programs of the College. It is the responsibility of the committee to review the broad range of matters pertaining to these programs and to offer recommendations to the Director of Athletics and the President of the College. More specifically, the committee will serve as an objective check and balance entity to evaluate compliance policies, procedures and review summaries of academic performance and violation.

8.21.9 Educational and Cultural and Events

Most events that occur on campus are offered to faculty and staff at either discounted or free rates, including noon talks by faculty, films, and visiting leaders in social justice. Most events are scheduled during “Community Time” a mid-day period on Wednesdays during which no classes are scheduled.

8.21.10 Mission-Related Events and Service

There are many opportunities to learn more about the mission of the College, including monthly “Soup and Substance” noon discussion of a Lasallian reading with students, staff and faculty, the Lasallian Leadership Institute programs, the Buttmer Institute Lasallian studies program, the Lasallian Social Justice Institute, and immersion programs in El Paso, Chicago, San Francisco, India and Sri Lanka. The College also celebrates the Mass of the Holy Spirit, Welcome Mass for the community, the annual Convocation, and celebrations of our Catholic and Lasallian tradition.

8.21.11 International Programs

Staff, faculty and Brothers can attend a Saint Mary’s summer study abroad program with tuition waiver once the minimum number of ten (10) students has enrolled. For more information contact the Center for International Programs on extension 4352.
8.21.12 Discounts

Several discounts are offered to College employees, including:

- 10% discount at the College bookstore
- Discount in Hearst Art Museum gift shop
- Theme park discounts are available in Human Resources
- Sprint T-Mobile and Verizon personal telephone plan discounts
- Some retailers have discounted electronic equipment and software prices for college employees and students

8.21.13 Moraga School District Enrollment Policy

A pupil whose parent or legal guardian is employed within the boundaries of the Moraga School District is considered to have complied with residency requirements (AB 2071). Admission to Moraga schools, however, is determined by the School District. Saint Mary’s has no role and is not involved in the processing of any application. Interested employees should inquire directly with the local school district.
Section 9. Safety, Health & Environmental Services

Authority

Assistant Vice President of Human Resources

Summary

This section reviews all phases of Safety, Health & Environmental Services processes. Below are the main headings:

9.1 Campus Public Safety
9.3 Vehicle Use Policy
9.4 Environmental Health and Safety
9.5 Injury and Illness Prevention Program (IIPP)
9.6 No Smoking Policy
9.7 Hazard Communication Program
9.8 Hearing Conservation Program
9.9 Bloodborne Pathogen Exposure Control Plan
9.10 Ergonomics Program
9.12 SLUG Discharge Prevention and Contingency Plan
9.13 Human Research Institutional Review Board
9.14 Fitness To Work

9.1 Campus Public Safety

The service and assistance of the College’s Public Safety personnel is available to all College employees as well as to students. The Public Safety Department is charged with monitoring and preventing conduct that might interfere with the mission of the College and/or violate College policies. Employees must contact Public Safety to report:

- loss or theft of College-owned property in any location
9.1 Problems Under the Jurisdiction of Public Safety

- loss of personal property while on College-owned or controlled property
- commission or potential commission of a crime on College-owned or controlled property
- violations of campus policies which Public Safety has responsibility to enforce
- possible crisis situations
- problems related to traffic and parking.

NOTE: personal property is not covered by the College’s insurance. Employees should check their homeowner’s or renter’s insurance policies for coverage of lost or stolen personal items brought on to campus.


As provided by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, Saint Mary’s College of California through its Department of Public Safety, annually provides notice and makes available copies of the Annual Security Report, to the campus community, prospective students, employees and the public. In addition, as provided by the Campus Sex Crimes Prevention Act, the Contra Costa County Sheriff’s Office maintains a Megan’s Law database of sex crime offenders. For more information see the full policy in Section I.

9.3 Vehicle Use Policy

9.3.1 Policy

Saint Mary’s Policy on the use of College vehicles, including electric cart use is under the control and administration of Facilities Services. A DMV Class B license is required for driving the 15-passenger vans. Eight (8) passenger vans and electric carts require a DMV Class C auto license. Van drivers must be 18 years of age or older, possess a current, valid United States driver’s license issued by the Department of Motor Vehicles (DMV), and have an acceptable driving record, as determined by the College’s insurance carrier. An Saint Mary’s College faculty or staff member must accompany the bus or van. College-owned, -leased or –rented
vehicles cannot be driven out of the country at any time. More detail about this policy can be found on the Facilities Services website.

The use of College-owned, -rental or -leased vehicles is limited to authorized employees, volunteers or students. These vehicles are provided for use in College-related activities and are not for personal use. Using these vehicles is a privilege, not an entitlement.

9.3.2 Vehicle Safety and Accident Reporting

Employees, volunteers or students driving for College-related activities must have a current, valid United States driver’s license issued by the DMV and an acceptable driving record. Any change in license status or driving record must be reported within one working day to the Administrative Services Coordinator in the Finance Department. From time to time, the College or its insurance carrier will request reports from the Department of Motor Vehicles regarding the license status and driving record of employees who drive College vehicles. In the event that the license status or driving record of any employee whose responsibilities include driving becomes unacceptable to the College or the College’s insurance carrier, that employee may be restricted from driving, reassigned, suspended or terminated, at the discretion of the Vice President for Finance, in consultation with the employee’s department and the Assistant Vice President of Human Resources or designee.

In the event of an accident while driving a College-owned, -leased or -rented vehicle or an accident while driving a personal vehicle on College business or College-related activity must be reported within one work day to Administrative Services in the Finance Department. NOTE: In the State of California, it is the vehicle driver’s responsibility, if an accident involves death or personal injury or more than $750.00 damage to a car or property, to report the accident within five (5) days to the Department of Motor Vehicles. You can download an Accident Form from their website www.dmv.ca.gov.

9.3.3 Drivers Safety Training

All drivers of College owned, rented or leased vehicle or their own vehicle on Saint Mary’s College business should complete at least one drivers’ safety program. A driver’s safety program is provided by the College’s Department of Environmental Health & Safety.
9.4 Environmental Health and Safety

Environmental Health and Safety coordinates the development of various programs and training in response to various environmental, health and safety issues. Some of those programs and policies are described below. For additional information and up-to-date programs, policies and training, please refer to the Environmental Health and Safety (EH&S) website.

9.5 Injury and Illness Prevention Program (IIPP)

The College is committed to providing a safe and healthy workplace and, to this end, has implemented an Injury and Illness Prevention Program (IIPP). Supervisors are expected to take all reasonable steps within their control to provide a safe environment and to comply with federal, state, and local safety regulations, including but not limited to applicable U.S. Environmental Protection Agency and Cal-OSHA requirements.

Employees are expected to adhere to all safety rules, follow established safe work practices and exercise caution in all work activities. Employees are to report immediately any work condition they perceive to be unsafe, as well as any job-related accidents or injuries, to their immediate supervisor. When possible, the supervisor is to correct any unsafe work condition and, in all cases, promptly report the situation to Environmental Health and Safety, (EH&S).

The College’s written Injury and Illness Prevention Program (IIPP), was also established to identify and evaluate hazards or health issues for their accident or injury potential. This Plan guides faculty and staff on what they need to do to prevent employee and student injuries by defining responsibilities, providing safety policies and rules, and providing forms for reporting purposes. The IIPP also defines an Environmental Health and Safety Committee to review polices and to guide the administrator of the program.

Employee injuries shall be documented on an Accident Report form, available on the Human Resources website, or in the HR office. If there is no injury, but a “near miss,” use Form 1501 Incident/Near-Miss available on the EH&S website.

 Applies to – All faculty and staff employees, student workers, interns, and contract personnel working on Saint Mary’s College campuses.

Training required – Required once in each College employee’s career, unless there is a dramatic change in the program or on-site hazards. Also required once for other applicable individuals described above.
Standards’ location – EH&S website, Human Resources website, and hard copy in Facilities Services.

9.6 No Smoking Policy

Smoking is prohibited inside all residential and non-residential buildings. In addition, smoking is prohibited in College-owned or -leased vehicles, outdoor campus facilities or places of entertainment, in patios, porticos or walkways protected with an overhang, within 20 feet of entrances and windows, or as posted.

9.7 Hazard Communication Program

Saint Mary’s Hazard Communication Program was established to protect worker health when handling or working near hazardous materials on the job, and to reduce the incidence of chemical source illness and injuries. The plan is available to all employees of the College and includes the proper labeling of on-site containers, being able to identify signage, having material Safety Data Sheets (MSDS) readily available to employees, and training employees on the use of hazardous chemicals, a written program, and information if creating a substance that is considered a trade secret. This Program complies with Cal-OSHA Title 8.

Applies to – All employees of or independent contractors who do work for the College, including Facilities Services employees, Science department staff and faculty, and the Student Health Care center employees.

Training required – Applicable employees and contractors are required to repeat every 12 months

Standards’ location – EH&S website, and hard copy in Facilities Services.

9.8 Hearing Conservation Program

Saint Mary’s Hearing Conservation Program was established to prevent occupational hearing loss and comply with the Cal-OSHA Standard, Title 8, Section 5097. The program includes:

- noise monitoring
- audiometric testing annually
- hearing protectors
• education and training annually
• record keeping

**Applies to** – all employees occupationally exposed and/or potentially exposed to harmful noise at certain levels proscribed by Cal-OSHA. If monitoring reveals that for a particular employee the noise level is exceeded, the employee would be included in this program. Currently all Facilities Services Grounds employees fall under this requirement.

**Training required** – Applicable employees are required to repeat this training every 12 months plus hearing monitoring every 12 months

**Standards’ location** – EH&S website, and hard copy in Facilities Services.

### 9.9 Bloodborne Pathogen Exposure Control Plan

Saint Mary’s Bloodborne Pathogen Exposure Control Plan provides guidance and awareness to employees who may be exposed to bloodborne pathogens in the course of providing First Aid / CPR, the handling or contact of blood or other potentially infectious material or performing public safety duties at Saint Mary’s College. Training includes how to avoid or minimize their exposure risk, and provides a voluntary vaccination program.

**Applies to** – Athletic trainers and coaches, Building Maintenance personnel, Athletic Equipment managers, Laboratory Staff and Faculty in certain disciplines, Nurses and Nurse Practitioners, Public Safety Officers, Residence Community Coordinators.

**Training required** – Applicable employees are required to repeat this training every 12 months

**Standards’ location** – EH&S website, and hard copy in Facilities Services.

### 9.10 Ergonomics Program

Saint Mary’s Ergonomics Program was established for all job processes or operations where repetitive motion injuries or work-related musculoskeletal disorders (WMSDs) have occurred. It is designed to minimize the number and severity of WMSDs employees may experience by identifying and controlling the hazards that could possibly cause or contribute to the WMSDs.

**Applies to** – All faculty and staff employees

**Training required** – Training is not required, but optional training is periodically provided.
Standards’ location – EH&S website, Human Resources website, and hard copy in Facilities Services.

9.11 Hazardous Materials and Waste Handling and Disposal Procedures

Saint Mary’s Hazardous Materials and Waste Handling and Disposal Procedures establishes practices for the safe handling and proper disposal of all known hazardous waste and materials generated by SMC, and assigns the tasks required to accomplish this to the appropriate departments. Gives descriptions of certain commonly found hazardous materials, their hazards and how employees can protect themselves. Also gives examples of properly filled out shipping labels. Emergency response procedures and spill reporting requirements are included. Complies with multiple county, and State EPA regulations.

Applies to – Any employee that handles hazardous materials or hazardous waste on Saint Mary’s College property, including but not limited to all Facilities Services employees, Science and lab technician staff.

Training required – Applicable employees are required to repeat every 12 months; an additional Hazardous Waste Generator Refresher course is required for those that handle or offer for shipment any type of hazardous waste, and must be repeated every 12 months.

Standards’ location – EH&S website, and a binder in the Facilities Services office

9.12 Sludge Discharge Prevention and Contingency Plan

Saint Mary’s has established a plan to identify and respond to any non-allowable discharge to storm drains or sanitary sewers on campus. The plan includes notification procedures and the treatment plants’ phone numbers to be notified in the event of a non-allowable discharge by any person, including person(s) without affiliation to the College. Contact Public Safety immediately if you have knowledge of discharge to campus storm drains or sewers that may not be allowable.

Applies to – Anyone with access to a sanitary sewer or storm drain, including but not limited to all Facilities Services employees, scientific class room staff, art and theatrical department staff, and food services personnel.

Training required – Applicable employees are required to repeat this training every 36 months.

Standards’ location – EH&S website, and hard copy in Facilities Services.
9.13 Human Research Institutional Review Board

**Role** – The Human Research Institutional Review Board (IRB) meets at least twice a year and regularly notifies the College community at-large concerning the responsibilities of faculty, student or administrative researchers whose projects involve biological and/or behavioral research using human subjects, in order to ensure that the procedures followed safeguard the rights and welfare of research subjects and comply with federal regulations.

**Responsibilities** – The Committee’s responsibilities include:

- The formulation of guidelines and policies that meet federal regulations, incorporate the ethical concerns of the entire Saint Mary’s community, and reflect the particular needs of the College researchers. These guidelines and policies are to be approved by the President of the College in consultation with his designee and the College’s General Counsel.

- The provision of information to researchers as to the appropriate means for protecting the rights and welfare of the subject, securing the effective, free, informed consent of the subject, and fulfilling federal, local and Saint Mary’s standards regarding human research.

- The review of all proposals for human research submitted to the Committee by faculty, student or administrative researchers to assure concordance with aforementioned guidelines. The guidelines specify which research is included and which is exempt from the Committee’s research.

- The maintenance of adequate records and confidentiality. The preparation of a yearly report to the Dean for Academic Development on the research approved.

**For More Information** – Refer to the Academic Affairs website under “Faculty Handbook.”

9.14 Fitness To Work

Driving on campus or driving a College-owned, -leased or -rented vehicle or personal vehicle while “under the influence” is prohibited. If prescribed or non-prescribed drugs which the employee must take for reasons of health interfere with his/her job performance or endanger the safety of others, the employee must take a medical leave of absence, make other arrangements to be away from his/her position or, in some circumstances request an accommodation in the work environment and/or the job until the condition improves. If the employee requests an
accommodation, the College will require appropriate professional documentation regarding the 
employee’s drug or alcohol related condition and will determine if the accommodation requested 
is reasonable under the circumstances presented.

The College reserves the right to require testing for drugs or alcohol when the College has a 
reasonable suspicion that an individual employee is impaired by drugs or alcohol or following an 
accident or safety violation. \textit{Reasonable suspicion means suspicion based on information or observation of, among other things, the appearance, behavior, speech, attitude, mood and/or breath odor of an employee.}
Section 10. End of Employment

Authority

Director of Benefits

Summary

This section reviews all phases of the end of employment processes and the corresponding areas of responsibility. Below are the main headings:

10.1 Voluntary Termination
10.2 Involuntary Termination
10.3 Reductions in Force
10.4 Exit Interviews
10.5 Return of College property
10.6 Benefits after End of Employment

10.1 Voluntary Termination

Voluntary Termination may occur for any reason, such as retirement or resignation, or for no reason. The College requests that whenever possible, advance notice of intent to resign be given in writing to the employee’s immediate supervisor; however, no advance notice is required to effect resignation from the College. An employee who is absent without notice or appropriate excuse for three (3) consecutive work days is deemed to have resigned from his/her employment with the College.

10.2 Involuntary Termination

Involuntary termination of employment may occur for any reason, such as a reduction in force, reorganization of duties or positions, a change in business needs, the employee’s unsatisfactory performance, violation of policies, or engaging in prohibited conduct, the best interest of the College, or for no reason, absent legal or contractual obligations. (See also Prohibited Conduct, Section 2.14.)
10.3 Reductions in Force

At the College’s discretion, employees whose employment with the College is terminated for reasons other than performance may be eligible for severance pay. Following consultation with appropriate parties, the Assistant Vice President of Human Resources or designee, in his or her sole discretion, will determine eligibility for, if any, and amounts of severance, where appropriate.

10.4 Exit Interviews

Terminating employees are encouraged to participate in an exit interview with Human Resources to share their perceptions of strengths of the College and improvements the College could make to enhance the community, and improve the environment for employees and students. Terminating employees are typically contacted by the Human Resources office to schedule an exit interview, but employees leaving the College can also request an appointment with the Director of Employee Relations & Compensation or the Assistant Vice President of Human Resources or designee.

10.5 Return of College Property

No later than the last day of employment, employees must return all College property, including keys, cell phones, laptop computers, records and files, library materials and credit cards. A checklist of employee and supervisor responsibilities when employment ends is available on the Human Resources website.

10.6 Benefits After End of Employment

Human Resources will provide information concerning available benefits and benefits conversion in a letter to the employee. Some benefits continue for a period of time after employment ends. Some benefits can be continued by the employee and/or qualified dependents. For more information, see Benefits Section 8, paragraphs 18 and 19, or consult Human Resources.
Appendix A: Acknowledgment of Receipt of Saint Mary’s College Staff Handbook

This is to acknowledge and agree that I am entitled to access an authorized, up-to-date electronic version of the Saint Mary’s College (“College” or “Saint Mary’s”) Staff Handbook (“Handbook”) on the College’s Human Resources internet web site. I am also aware that a hard copy of the Handbook is available to me upon request to the Human Resources Department.

I agree that I am responsible for accessing, reading and understanding the Handbook, asking questions about anything in the Handbook I do not understand, and abiding by the policies contained in the Handbook and as it is amended from time to time, as a condition of my employment with the College.

I acknowledge that the Handbook may not contain every policy or employment practice of the College. I further agree that the College, in its sole discretion, may edit, change, delete or add to any policies, benefits or practices described in the Handbook at any time, and that I will be bound to those changes, except that Section 1.2 of the Handbook can not be altered except in a written communication to me that is signed by the President of the College.

I agree that nothing in the Handbook is intended to create, or should be construed to constitute, an expressed or implied contract with regard to the continuation and/or termination of my employment or the terms and conditions of my employment as described in the Staff Handbook.

I further understand that no officer, supervisor, manager or any other representative of the College, other than the President and then only in writing that is addressed to me personally, has the authority to enter into any agreement for employment for any specified period of time or to make any agreement that is contrary to what is described in the Staff Handbook.

The College will provide timely notice, as appropriate, of material changes to the policies, benefits or practices described in the Handbook.

Please use the online Acknowledgment web form: www.stmarys-ca.edu/node/35361

Signature: ______________________________ Date ________________

Name ______________________________ Email: ______________________________

This Acknowledgment is a blank copy of the Acknowledgment you signed for your reference.
Appendix B: Saint Mary’s College of California Technology Use Policy

Authority

Chief Technology Officer

Got to the URL below for a PDF of the Technology Use Policy (May 7, 2009):
http://www.stmarys-ca.edu/sites/default/files/attachments/files/TechnologyUsePolicy.pdf

NOTE: Go to the IT Services About Us page to check for the latest Technology Use Policy.
Appendix C: What’s New!

Changes, Additions, Deletions

The intent of this Appendix C is to note where changes in content have been made for the 2014 Staff Handbook. Please refer to the pages under each section for actual policy details.

Throughout the Entire Handbook

- **NEW!** Headings now organized by decimal system for easier reference.
- “Assistant Vice President of Human Resources” has replaced all references to “Director of Human Resources.”

Preface

- **NEW!** Guidelines for requesting changes. Please submit your comments at www.stmarys-ca.edu/node/35371
- **NEW!** List of who approves the Handbook contents

Introduction

- **NEW!** Online Acknowledgment of Receipt of Saint Mary’s College Staff Handbook (Appendix B).

Section 1. Key Employment Policies & Conditions of Employment

- **NEW content added under:** 1.4 Equal Employment Opportunity
- **NEW HEADING!** 1.5 Institutional Policies
- **NEW SUB-SECTION!** 1.5.1 Nondiscrimination Disclosure
- **Updated content under:** 1.5.2 Policy Prohibiting Discrimination, Harassment (including Sexual) and Retaliation
- **NEW SUB-SECTION!** 1.5.3 Title IX – Sexual Assault Reporting Process
- **NEW content added under:** 1.5.3.1 Complaint and Reporting Procedures and Resources for Addressing Incidents of Discrimination, Harassment, Including Sexual, and Retaliation.
- **NEW SUB-SECTION!** 1.5.4 Amorous Relationships Policy
- **NEW SUB-SECTION!** 1.5.5.1 Americans with Disabilities Act (ADA)
• Updated content under: 1.5.6 Whistleblower Policy – Fraudulent or Dishonest Conduct
• NEW HEADING! 1.5.7 The Clery Act and Campus Sex Crimes Prevention Act Notices

Section 2. Employee Conduct & Responsibilities
• NEW SUB-SECTION! 2.11 Additional Compensation Policy
• NEW SUB-SECTION! 2.11.1 Volunteer Opportunities
• NEW SUB-SECTION! 2.11.2 Teaching by Staff
• Updated Sub-Section! 2.13 Confidentiality of College Related Information
• Moved “Amorous Relationships Policy” to Section 1.5.4
• NEW HEADING! 2.15 Workplace Conditions
• Updated Sub-Section! 2.15.1 Drug-Free Workplace and Alcohol Use Policy
• Updated content added under: 2.18 Pets on Campus

Section 3. Working at Saint Mary’s College

3.1 Employee Status Definitions changes:
• NEW content under: 3.1.3 Employees Working fewer than Twelve Months per Year
• Updated Sub-Section! 3.1.6. Temporary/Limited
• NEW SUB-SECTION! 3.1.7 Contract
• NEW SUB-SECTION! 3.1.9 Student
• NEW content under: 3.2.6. Pay and Vacation Records

3.3 Other Types of Pay for Non-Exempt Employees changes:
• NEW content added under: 3.3.1 Overtime
• NEW content added under: 3.3.5 Call-in Pay
• NEW content added under: 3.3.6 On-Call/Standby Pay
• NEW content added under: 3.3.7 Shift Differential Pay

3.4 Other Schedule-Related Policies changes:
• Updated Sub-Section! 3.4.1 Work Week
Section 4. Recruitment and Employment

- NEW introduction content added
- NEW SECTION! 4.1 Hiring for Mission
- NEW SUB-SECTION! 4.2.1 Identifying a Position
- Deleted Sub-Heading: Position Description
- NEW content added under: 4.2.2 Job Evaluation and Budget Approval
- NEW HEADING! 4.3 Job Posting Process
- NEW SUB-SECTION! 4.3.1 Creating a Job Requisition
- NEW content added under: 4.3.2 Job Requisition
- NEW content added under: 4.3.2.1 Job Posting
- NEW content added under: 4.3.2.2 Job Posting Expectations
- Content changed under: 4.3.2.3 Job Advertising
- NEW HEADING! 4.4 Candidate Review
- Content changed under: 4.4.1 Applying for a Position
- Content changed under: 4.4.3 Interviews
- NEW SUB-SECTION! 4.4.3.1 Guidelines to Candidates’ Campus Interview
- NEW HEADING! 4.4 Offer Process
- NEW content added under: 4.5.1 Background Checks
- Content changed under: 4.5.3 Final Steps before Job Offer
- Content changed under: 4.5.4 Job Offer and Confirmation Letter
- NEW HEADING! 4.6 Closing Out the Recruitment
- NEW SUB-SECTION! 4.6.2 Record Retention
- NEW SECTION! 4.7 Ways to Promote Your Opening Beyond the Job Posting
NEW SECTION! 4.8 Checklist for Hiring Managers

Section 5. Development, Training & Performance Feedback

- Content revised under: 5.4.1 The First Days on the Job
- Content changed under: 5.5.1 Initial Review
- Content changed under: 5.5.3 Mid-year Progress Review
- Content changed under: 5.5.4 End of Year Performance Review
- Content changed under: 5.5.5 Development Plan
- NEW SUB-SECTION! 5.5.6 Performance Improvement Plan (PIP)

5.6 Performance Problems and Corrective Action changes:

- NEW SUB-SECTION! 5.6.2 Employee Responsibility
- NEW SUB-SECTION! 5.6.3 Responsibilities of Supervisors, Managers and Directors
- NEW SUB-SECTION! 5.6.4 Performance Issues
- NEW SUB-SECTION! 5.6.5 Corrective Action
- NEW SUB-SECTION! 5.6.5.1 Informal Counseling/Coaching
- NEW SUB-SECTION! 5.6.5.2 Formal Counseling
- NEW SUB-SECTION! 5.6.5.3 Formal Warning
- NEW SUB-SECTION! 5.6.5.4 Final Notice
- NEW SUB-SECTION! 5.6.5.5 Termination

Section 6. Communication & Problem Solving

- Content changed under: 6.3 Conflict Review and Problem Solving Process
- Content changed under: 6.4 Staff Appeals

Section 7. Compensation

- NEW SECTION! 7.1 Staff Compensation Philosophy
- NEW HEADING! 7.1 Staff Compensation Philosophy
- NEW SUB-SECTION! 7.2.1 Annual Increases
- Content changed under: 7.3 Salary Budget
• NEW SUB-SECTION! 7.3.1 Increased Cost of Benefits
• NEW SUB-SECTION! 7.3.2 Starting Pay

7.4 Changes in Position or Responsibilities changes:

• Content changed under: 7.4.1 Promotion
• Content changed under: 7.4.2 Job Re-Evaluation
• Content changed under: 7.4.3 Impact from Job Evaluation
• Content changed under: 7.4.5 Reductions in Grade/Demotions
• NEW SUB-SECTION! 7.4.6 In-Grade Adjustments
• NEW SUB-SECTION! 7.4.7 Equity Increases
• NEW SUB-SECTION! 7.4.8 Supplemental Compensation
  – 7.4.8.1 Non-exempt Employees
  – 7.4.8.2 Exempt Employee
  – 7.4.8.3 Staff Positions Requiring Teaching
  – 7.4.8.4 Teaching Outside the Staff Position
• NEW SUB-SECTION! 7.4.9 Other Restrictions on the Use of Supplemental Compensation
  – 7.4.9.1 Required Approvals
• NEW SUB-SECTION! 7.4.10 Pay Rate for Supplemental Compensation
• NEW SUB-SECTION! 7.4.11 Salaries Funded by Contracts and Grants
• NEW SUB-SECTION! 7.4.12 Volunteer Opportunities
• NEW SUB-SECTION! 7.4.13 Exceptions

Section 8. Benefits

• Content changed under: 8.1 Time Off Work Policies
• NEW content added under: 8.3 Holidays (Non-academic)
• Content changed under: 8.3.1 Holiday Policy Example (Charts)
• Content changed under: 8.4.3 Vacation Approvals
• Content changed under: 8.4.4 Illness during Scheduled Vacation
• Content changed under: 8.6.1 Bereavement
• Content changed under: 8.6.4 Time Off to Vote
• Content changed under: 8.6.5 Jury Duty
• Content changed under: 8.7.4 Information, Requirements, Procedures and Definitions Common to Family…
  – NEW! #13. Americans with Disabilities Act (ADA)
• NEW content added under: 8.8 Lactation Breaks
• NEW content added under: 8.10 Workers’ Compensation Leave
• NEW SUB-SECTION! 8.13.1 Health Insurance Portability and Accountability Act of 1996 (HIPAA)
• NEW content added under: 8.16.2 Long-Term Disability (LTD)
• Content changed under: 8.16.5 Benefits Enrollment
• Major content changed under: 8.16.6 Tuition Waiver Benefit
• Content changed under: 8.16.7 Tuition Exchange Program

8.16 Tuition Exchange Program changes:
  • Content updated in most Sub-Sections!

8.17 Benefits Related to Retirement changes:
  • Content changed under: 8.17.1 TIAA-CREF Retirement Plan
  • Content changed under: 8.17.2 Emeriti Retirement Health Solutions (Emeriti)
  • Content changed under: 8.17.3 Five Year Retirement Medical Benefit

8.18 Employee Benefits Continuation/Termination changes:
  • Content changed under: 8.18.1 When Benefits End
  • Content changed under: 8.18.2 Health Benefits Continuation Plan
  • Content changed under: 8.18.3 Employees Receiving Long Term Disability

8.19 Benefits Required by Law changes:
  • Content changed under: 8.19.2 Unemployment Insurance (UI)

8.20 Voluntary Benefits changes:
• Content changed under: 8.20.1 Reimbursement Accounts
• Content revised under: 8.20.7 Credit Union Membership
• Content revised under: 8.20.8 Tax Sheltered Annuities

8.21 Opportunities and Advantages of Working at SMC changes:

• Content changed under: 8.21.1 Athletic Events
• Content changed under: 8.21.2 Fitness Classes and Facilities
• Content changed under: 8.21.3 Gael Flex (previously Flex Dollars)
• Content changed under: 8.21.4 Library
• Content changed under: 8.21.5 Saint Mary’s College Museum of Art (previously Hearst Art Gallery)
• Content changed under: 8.21.8 Campus Athletic and Recreational Sports Committee
• Content changed under: 8.21.12 Discounts
• Content changed under: 8.21.13 Moraga School District Enrollment Policy
• Sub-Section deleted: 8.21.14 ATM Machine

Section 9. Safety, Health & Environmental Services

Throughout: Facilities Services replaces Physical Plant

9.3 Vehicle Use Policy changes:

• Content changed under: 9.3.1 Policy

Appendix A: Acknowledgment of Receipt of Saint Mary’s College Staff Handbook

• NEW! Online Acknowledgment of Receipt: www.stmarys-ca.edu/node/35361

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• NEW! The Index is available in the PDF version
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