



CAL POLY POMONA FOUNDATION, INC.  
CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA

Meeting of the Board of Directors, Meeting 392

February 24, 2022 at 2:00 PM

Join Zoom Meeting

AGENDA

Chair: Ysabel Trinidad

Directors: Mayra Brown, Dr. Lea Dopson, Daniel Foncello, Erica Frausto Aguado, Deborah Goman, Christina Gonzales, Prabhat Jammalamadaka, April Jimenez, Dr. Iris Levine, John McGuthry, Daniel Montplaisir, Cynthia Nelson, Aliza Ortega, Lowell Overton, Dr. Jocelyn Pacleb, Stephanie Pastor, Dr. Homeyra Sadaghiani, Oliver Santos, Mark Shin, Dr. David Speak, Ruby Suchecki, Dr. Maryann Tolano-Leveque

Staff: Shari Benson, Claudia Burciaga-Ramos, Jared Ceja, Joanne Mathew, Yvette Lane

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I. **ACKNOWLEDGEMENT OF MEMBERS OF THE PUBLIC** *who may or may not be commenting on a specific item or making a general comment.*

II. **CHAIR'S REPORT**

Ysabel Trinidad, Vice Chair

III. **CONSENSUS ACTION ITEMS**

*Items in this section are considered to be routine and acted on in one motion. Each item of the Consent agenda approved by the Board shall be deemed to have been considered in full and adopted as recommended. Any Board member may request that a consent item be removed from the consent agenda to be considered as a separate action item. If no additional information is requested, the approval vote will be taken without discussion. An "A" distinguishes items requiring approval.*

A. Approval of Minutes #391 (12/9/21) (Attachment) <b>A</b>	Ysabel Trinidad	3-5
B. 2022 CA Supplemental Paid Sick Leave (Attachment) <b>I</b>	Christina Gonzales, Personnel Chair Shari Benson, Director/CHRO	6
C. Employee Handbook Updates (Attachment) <b>A</b>	Christina Gonzales Shari Benson	7 - 70
D. 2022 Holiday Calendar (Attachment) <b>A</b>	Christina Gonzales Shari Benson	71 - 72
E. CalPERS Public Agency Valuation Reports/Valuation Reports (Attachment) <b>I</b>	Ysabel Trinidad Jared Ceja, Executive Director/CEO	73 - 80

IV. **INFORMATION & DISCUSSION ITEMS**

*The following items provide information and reports by management staff to the Board. Staff and Board may engage in discussion on any item if requested by committee member or staff member.*

F. Executive Director's Report	Jared Ceja	81 - 82
G. Financial Highlights 2nd Quarter 2021-2022 (Attachment) <b>I</b>	Joanne Mathew, Director/CFO	83 - 85

**V. ACTION ITEMS**

H. Selection of CPA Firm for Audits (Attachment) <b>A</b>	Dr. David Speak, Audit Committee Chair Joanne Mathew	86
I. Temporary Employment of Retired Annuitant – Steve Whippie (Attachment) <b>A</b>	Jared Ceja	87 - 92
J. Investment Report 2nd Quarter 2021-2022 (Attachment) <b>A</b>	Andrew Price, Graystone Karin Longhurst, Graystone Joanne Mathew	93 - 107
K. 990 Tax Return Overview (Attachment) <b>A</b>	Ysabel Trinidad Joanne Mathew	108

**VII. OPEN FORUM**

**VIII. ADJOURNMENT**

**Next Board Meeting – May 26, 2022 at 2:00 p.m. at Kellogg West & via Zoom**

**AL POLY POMONA FOUNDATION, INC.**  
**CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA**  
**Board of Directors, Meeting 391**  
**December 9, 2021 at 2:00 PM**

**Zoom and In-person**

*Notice is hereby given that a meeting of the Board of Directors was held by video conference/teleconference on Thursday December 9, 2021 at 2:00 p.m. to discuss matters on the posted agenda. The meeting notice in its entirety was posted on the internet at <https://foundation.cpp.edu/meetingpackets.aspx>.*

**Present:** Dr. Soraya Coley, Mayra Brown, Dr. Lea Dopson, Daniel Foncello, Erica Frausto Aguado, Deborah Goman, Christina Gonzales, Prabhat Jammalamadaka, April Jimenez, Dr. Iris Levine, John McGuthry, Cynthia Nelson, Aliza Ortega, Lowell Overton, Dr. Jocelyn Pacleb, Oliver Santos, Mark Shin, Dr. David Speak, Ruby Suchecki, Ysabel Trinidad

**Absent:** Daniel Montplaisir, Stephanie Pastor, Dr. Homeyra Sadaghiani, Dr. Maryann Tolano-Leveque

**Staff:** Shari Benson, Claudia Burciaga-Ramos, Jared Ceja, Nora Fernandez, Joanne Mathew, and Aaron Neilson

**PRESIDENT'S REPORT**

- A. Dr. Coley called the meeting to order at 2:01 pm.
- We continue to make progress due to the resiliency and engagement of staff and faculty who have demonstrated great unity during the pandemic.
  - Last year we struggled with commencement but with the determination and ingenuity of staff, this year more than 5000 students participated in 20 ceremonies over 4 days. Next year we are going to have 12 ceremonies over 3 days.
  - We had 58,000 applications and are working on enrollment as the demand continues to be strong.
  - We continue to work for a safer return, we have used data and know that 95.8% of students and employees (including auxiliary employees) are following the vaccination policy.
  - The search for the Provost continues. We expect to make an announcement next week before faculty leaves for the holidays.
  - Dr. Coley thanked and wished safe and happy holidays to board members and staff.

**CONSENT ACTION ITEMS**

- B. Approval of Minutes 390 (09/23/21)
- C. Investment Report 1<sup>st</sup> Quarter 2021-2022
- D. Request for Proposal for External Auditors
- E. Salary Schedule 2022
- F. Flex Plan Revisions
- G. Healthcare Plans for 2022
- H. Executive Director/CEO Job Description Update

Jared Ceja provided a brief overview of each consent item for the Board. A motion was made by Prabhat Jammalamadaka and seconded by Erica Frausto Aguado to approve the consensus items as presented. The motion was unanimously approved.

**INFORMATION ITEMS**

*The following items provide information and reports by management staff to the Board. Staff and Board may engage in discussion on any item if requested by committee member or staff member.*

- I. Executive Director's Report
- Jared Ceja gave an update: The Foundation is experiencing signs of the great resignation mostly on the recruiting side, having lost some individuals to great opportunities elsewhere. We are working to meet the demands of Spring students coming back by filling necessary roles to ensure their support. On October 6<sup>th</sup>, 2021, the CSU announced that the university will not pursue any future investments in fuels in the university's three investment portfolios; the 2020/2021 Board of Directors, acting upon recommendations from the 2020/2021 Finance & Investment Committee, updated our General Investment Policy 131 reflecting that the Foundation will not directly invest in fossil fuel companies or buy carbon in proven oil, gas and coal reserves. Graystone, our investment advisors, have utilized these and other environmental and social sustainability guidelines as they update our portfolio allocation per the committee's direction. We started having events again: The Appreciation Luncheon on November 4<sup>th</sup>, the grand opening of the Poly Trolley 2 on November 5<sup>th</sup>, the annual Winter Wonderland Holiday Mixer on November 19<sup>th</sup> for alumni, parents, faculty and staff, and the Donate or Buy a Thanksgiving Dinner fundraising where every meal package purchase resulted in two meals for students (142 full meals donated and 592 individual meal generated for students).

Remembering where we have been: In March '20 we had a total of over 1,600 employees. Due to the pandemic we closed Kellogg West, Kellogg House, 21 dining locations, in-store shopping at the Bookstore, and dramatically reduced Centerpointe, CEU, IBW, Village Housing operations. We were also forced to dramatically reduced student and part time staff hours with essentially no remote work for staff at Agriscapes, Bookstore (e-commerce), Dining, Facilities, Farm Store, Housing, and Real Estate. In April we laid off over 850 student and part-time team members, all Foundation staff were furloughed a minimum of 10%, and we stopped contributing sick leave to PARS. In May we offered an early retirement incentive of 8 weeks with resulted in the departure of half of the Executive Team and dozens more seasoned professionals. Jared also expanded furloughs to as high as 50% - 90% in some areas. June was a particularly difficult month due to laying off over 30 full-time employees and lost \$3.5M for FY 19/20. In Spring '21 there was the last extension of furlough. FY 20/21 ended with a loss of \$5.8M despite these cost-cutting efforts.

However, we realized many positive lasting impacts: As furloughs ended in preparation for Fall '21, we had eliminated millions of dollars in expenses by reevaluating contracts, services, and partnerships, plus gaining millions of dollars in new revenues due to IA growth, vac Hub, faculty/staff apartments at the Village, GrubHub growth, more robust e-commerce, New Student Laptop Program, drive-thru produce services, filming expansion, staff sharing, intentional divisional collaborations, stronger relationships with the University and ASI, and more involved in University activities. All this has led to, despite currently having sparse traffic, a much better start to FY 21/22.

Members of the Board voiced how impressed they are at the team's ability to find ways to continually enhance services and operations, particularly given the unique layoff and furlough circumstances the Foundation had to endure over the past two years.

#### J. Financial Highlights 1<sup>st</sup> Quarter 2021-2022

Joanne Mathew summarized the financial highlights for the fiscal quarter ended September 2021; there is a surplus of \$871,000 versus a budgeted deficit of \$245,000 with a variance over \$1.1M. The impact is largely due to Enterprise activities: Dining and Village were positively impacted by the high student residential occupancy, Bookstore benefited from strong IA, and Real Estate continues to contribute. Kellogg West had a deficit variance of \$65,828 due to increased maintenance expenses and fewer events than anticipated. Agriculture showed a deficit of \$50,000 due to a budget timing issue. They budgeted some of the Pumpkin Festival revenue to come in for the month of September when the vast majority actually came in October. Investments had a tough month in September but in October started to strengthen. The increased revenue had a proportionally positive impact on Administration. Based on the performance of the quarter, we expect to end at a YE surplus of \$1.5 million. Our ratios are all above benchmark and the total unrestricted funds forecasted at year-end is \$25.9M. Joanne shared the cash flow forecast from October 2021 – June 2022 as well.

### **ACTION ITEMS**

#### K. Rebranding Cal Poly Pomona Foundation

Jared Ceja pointed out the CPP Foundation has a history of exceptional service to Cal Poly Pomona students, faculty, staff, alumni, and the neighboring community. The Foundation also benefits from a reputation of innovation and achievement within the CSU and throughout the auxiliary services' industry. In light of the Philanthropic Foundation's creation in 2019, Management and the Board began to question if our name and brand should be changed. Confusion occurs regularly as individuals on and off campus mix up the two organizations. Some have taken to calling our company the "Business Foundation" to add clarity. We also no longer serve as a defined "foundation" as we operate largely on funds generated from enterprise activities as opposed to donations. On February 4<sup>th</sup>, 2021, the Program Committee approved a resolution calling for Management to pursue a name and brand change for future consideration and voiced their support for the name Cal Poly Pomona Enterprises. On November 9<sup>th</sup>, 2021, the 21/22 Program Committee approved a resolution in support of a DBA name change to Cal Poly Pomona Enterprises and forwarded said resolution to the Board of Directors for consideration.

Darren Isomoto presented the methodology of how the recommended name of Cal Poly Pomona Enterprises came about. Looking at 23 prefixes of similar auxiliaries, "Cal Poly Pomona" was preferred prefix. The most popular suffix for the comparable group is "Corporation" or "Enterprises". Darren went over the pros and cons of using either Corporation and/or Enterprises, with Enterprises being the preferred suffix by the Program Committee, focus groups, and staff. The Program Committee moved forward to support the name change to Cal Poly Pomona Enterprises.

The Board complimented the professionalism of the work and voiced excitement for next steps. Jared stated that a new logo discussion will be brought forward at a future meeting. In the meantime, staff will work with the University to ensure our direction continues to be complementary to that of CPP itself.

Moved and seconded by David Speak and April Jimenez that the Board of Directors approves the adoption of Cal Poly Pomona Enterprises as the public name (DBA) for our organization and directs Management to continue to evaluate an overall brand change in consultation with the Program Committee, Foundation staff, and university partners.

### **OPEN FORUM**

Dr. Coley praised Management for their leadership and commitment to the Foundation throughout these hard times and the staff for their resilience in the face of so many obstacles.

### **ADJOURNMENT**

**Next Board Meeting – February 24, 2022 at 2:00 p.m. via Zoom**

Respectfully submitted

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Dr. Lea Dopson  
Secretary/Treasurer  
Board of Directors

# 2022 COVID-19 Supplemental Paid Sick Leave

Effective February 19, 2022



Covered employees in the public or private sectors who work for employers with 26 or more employees are entitled to up to 80 hours of 2022 COVID-19 related paid sick leave from January 1, 2022 through September 30, 2022, immediately upon an oral or written request to their employer, with up to 40 of those hours available only when an employee or family member tests positive for COVID-19.

**A full-time covered employee may take up to 40 hours of leave** if the employee is unable to work or telework for any of the following reasons:

- **Vaccine-Related:** The covered employee is attending a vaccine or booster appointment for themselves or a family member\* or cannot work or telework because they have vaccine--related symptoms or are caring for a family member with vaccine-related symptoms. An employer may limit an employee to 24 hours or 3 days of leave for each vaccination or booster appointment and any consequent side effects, unless a health care provider verifies that more recovery time is needed.
- **Caring for Yourself:** The employee is subject to quarantine or isolation period related to COVID-19 as defined by an order or guidance of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local public health officer with jurisdiction over the workplace; has been advised by a healthcare provider to quarantine; or is experiencing COVID-19 symptoms and seeking a medical diagnosis.
- **Caring for a Family Member\*:** The covered employee is caring for a family member who is subject to a COVID-19 quarantine or isolation period or has been advised by a healthcare provider to quarantine due to COVID-19, or is caring for a child whose school or place of care is closed or unavailable due to COVID-19 on the premises.

**A full-time covered employee may take up to an additional 40 hours of leave** if the employee is unable to work or telework for either of the following reasons:

- The covered employee tests positive for COVID-19
  - The covered employee is caring for a family member\* who tested positive for COVID-19.
- \* A family member includes a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling.

**Part-Time covered Employees:** Part-time covered employees may take as leave up to the amount of hours they work over two weeks, with half of those hours available only when they or a family member\* test positive for COVID-19.

**Payment:** If an employee took leave for one of the reasons identified above between January 1, 2022 and February 19, 2022, and that leave was either unpaid or compensated at a rate less than the employee's regular rate of pay, the employee may also request a retroactive payment. Payment is at the employee's regular or usual rate of pay, not to exceed \$511 per day and \$5,110 in total.

**Retaliation or discrimination against a covered employee requesting or using COVID-19 supplemental paid sick leave is strictly prohibited.** A covered employee who experiences such retaliation or discrimination can file a claim with the Labor Commissioner's Office. Locate the nearest district office by looking at the [directory on our website](http://www.dir.ca.gov/dlse/DistrictOffices.htm) <http://www.dir.ca.gov/dlse/DistrictOffices.htm> using the alphabetical listing of cities, locations, and communities or by calling 1-833-526-4636.

**This poster must be displayed where employees can easily read it. If employees do not frequent a physical workplace, it may be disseminated to employees electronically.**

# Memorandum



Date: February 24, 2022  
To: Board of Directors  
From: Christina Gonzales, Personnel Committee Chair  
Shari Benson, Director – Human Resources Director/CHRO  
Attachment: Cal Poly Pomona Enterprises Employee Handbook  
**Subject: Employee Handbook Updates**

Periodically, Management and the Human Resources Department review and update the Employee Handbook to account for changes in law, policy, practice, and other circumstances. The goal is to provide a single location for pertinent and current information impacting our employees. Our last update became effective October 2020.

Changes to the Employee Handbook are largely a consolidation of Board approvals, legal updates, and procedural enhancements that have occurred since the last version was approved. All updates may be found in the attached version. Significant changes were discussed in greater detail during the Personnel Committee meeting. The Board approved final version will be available on the company website for use by new and existing employees.

**PROPOSED ACTION:**

The following resolution is recommended by Management and the Personnel Committee for approval:

**RESOLVED**, that the Board of Directors accepts the recommendation of the Personnel Committee and approves the updates to the Cal Poly Pomona Enterprises Employee Handbook as presented.

**BE IT FURTHER RESOLVED**, that the Executive Director/CEO and Human Resources Department are authorized and directed to take any and all action as may be necessary to effectuate this Resolution and make the revised Cal Poly Pomona Enterprises Employee Handbook available to all employees.

**PASSED AND ADOPTED THIS 24<sup>th</sup> day of February 2022.**

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Dr. Lea Dopson, Secretary/Treasurer  
Board of Directors



# CAL POLY POMONA ENTERPRISES

Employee Handbook – Effective March, 2022



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## **SECTION 1 INTRODUCTORY POLICIES**

Welcome to the Cal Poly Pomona Enterprises (formally Foundation)! Established in 1966 as a non-profit self-supporting 501(c)(3) auxiliary organization, we strive to be an integral and valued partner for CPP students, faculty, staff, alumni, and community members. Specific goals include supporting the advancement of Cal Poly Pomona's educational mission, contributing to greater student success, and enhancing the campus environment. We are hopeful that you will find your employment to be rewarding, beneficial, and appropriately challenging.

Because the quality of our employees is a key factor toward our success in performing our mission, we carefully select our new associates. In turn, we expect employees to recognize the service nature of the Foundation's mission and contribute to the success of our organization. The entire CPPF family is excited to have you on the team and we look forward to seeing your talents improve our operations.

### **INTEGRATION CLAUSE AND THE RIGHT TO REVISE**

The purpose of this Employee Handbook is to inform all employees about the policies, responsibilities, procedures, guidelines, benefits and work rules that apply to each employee of the Foundation.

This Handbook applies to all employees of the Foundation including full time, part time, temporary, seasonal and student employees. This Handbook also applies to employees covered by the Management Compensation Plan, except where superseded by that Plan. Included benefit provisions apply only to those employees who have been identified and are eligible for each particular benefit. Part time and student employees are not generally eligible to earn vacation, health care insurance (unless otherwise required by applicable law) or pension benefits.

Please read this Handbook carefully - you are responsible for adhering to its contents. While you review this Handbook, please keep in mind it is a guideline for employees and only highlights some of the Foundation's policies, practices, procedures, rules and benefits. It is not intended to be a contract for continued employment. Circumstances may require that the policies, practices, guidelines and benefits described in this Handbook change from time to time. The Foundation reserves the right to amend, supplement or rescind any of the provisions of this Handbook, other than where legally restricted from doing so, as it deems appropriate in its sole and absolute discretion. Change will be communicated as soon as practical. This Handbook is posted on the Foundation's website and is intended to be available at all times.

This Employee Handbook does not constitute an express or implied contract guaranteeing continued employment for any employee. No manager or supervisor has any authority to enter into a contract of employment express or implied that changes or alters the fact that employment with the Company is at-will. Only the Foundation's Executive Director/CEO or authorized representative designated by the Executive Director/CEO or Foundation Board of Directors has the authority to enter into an employment agreement that alters the fact that employment with the Foundation is at-will. Any such agreement must be in writing and signed by the Executive Director/CEO or the authorized representative designated by the Executive Director/CEO or the Foundation Board of Directors.

Not all of the Company's policies and procedures are set forth in this Employee Handbook. We have summarized only some of the more wide-reaching ones. If an employee has any questions or concerns about this Employee Handbook or any other policy or procedure, please ask your supervisor, your Human Resources representative or another member of management.

Nothing in this Employee Handbook or in any other document or policy is intended to violate any local, state or federal law. Nothing in this Employee Handbook or in any other document or policy is intended to limit any concerted activities by employees relating to their wages, hours or working conditions, or any other conduct protected by Section 7 of the National Labor Relations Act (NLRA). Furthermore, nothing in this Handbook prohibits an employee from reporting concerns to, filing a charge or complaint with, making lawful disclosures to, providing documents or other information to or participating in an investigation or hearing conducted by the Equal Employment Opportunity

Commission (“EEOC”), National Labor Relations Board (“NLRB”), Securities and Exchange Commission (“SEC”) or any other federal, state or local agency charged with the enforcement of any laws.

The Human Resources Department will be happy to answer any questions regarding the contents of this Handbook.

## **DISCRIMINATION, HARASSMENT AND RETALIATION POLICY**

The Foundation is an equal opportunity employer. In accordance with applicable law, we prohibit discrimination and harassment against employees, applicants for employment, individuals providing services in the workplace pursuant to a contract, unpaid interns and volunteers based on their actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status (including registered domestic partnership status), sex and gender (including pregnancy, childbirth, lactation and related medical conditions), gender identity and gender expression (including transgender individuals who are transitioning, have transitioned, or are perceived to be transitioning to the gender with which they identify), age (40 and over), sexual orientation, Civil Air Patrol status, military and veteran status and any other consideration protected by federal, state or local law (collectively referred to as "protected characteristics").

For purposes of this policy, discrimination on the basis of "national origin" also includes discrimination against an individual because that person holds or presents the California driver's license issued to those who cannot document their lawful presence in the United States, as well as discrimination based upon any of the following: an individual's or individual's ancestors' actual or perceived physical, cultural or linguistic characteristics associated with a national origin group; marriage to or association with individuals of a national origin group; tribal affiliation; membership in or association with an organization identified with or seeking to promote the interests of a national origin group; attendance or participation in schools, churches, temples, mosques or other religious institutions generally used by persons of a national origin group; or a name that is associated with a national origin group. An employee's or applicant for employment's immigration status will not be considered for any employment purpose except as necessary to comply with federal, state or local law.

The Company allows employees to self-identify their gender, name and/or pronoun, including gender-neutral pronouns. The Company will use an employee's gender or legal name as indicated on a government-issued identification document, only as necessary to meet an obligation mandated by law. Otherwise, the Company will identify the employee in accordance with the employee's current gender identity and preferred name.

The Company will not tolerate discrimination or harassment based upon these protected characteristics or any other characteristic protected by applicable federal, state or local law. The Company also does not retaliate or otherwise discriminate against applicants or employees who request a reasonable accommodation for reasons related to disability or religion. Our commitment to equal opportunity employment applies to all persons involved in our operations and prohibits unlawful discrimination and harassment by any employee, including supervisors and co-workers.

### **Prohibited Harassment**

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

they identify), age (40 or over), sexual orientation, Civil Air Patrol status, military and veteran status, immigration status or any other consideration protected by federal, state or local law.

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

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

### **Sexual Harassment Defined**

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

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

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

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

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

## **Other Types of Harassment**

Harassment on the basis of any legally protected characteristic, as identified above, is prohibited. Prohibited harassment may include behavior similar to the illustrations above pertaining to sexual harassment. This includes conduct such as:

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

## **Abusive Conduct Prevention**

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

## **Protection Against Retaliation**

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

## **Discrimination, Harassment, Retaliation and Abusive Conduct Complaint Procedure**

Any employee who believes they have been harassed, discriminated against, or subjected to retaliation or abusive conduct by a co-worker, supervisor, agent, client, vendor, customer, or any other third party interacting with the Foundation in violation of the foregoing policies, or who is aware of such behavior against others, should immediately provide a written or verbal report to their supervisor, any other member of management, Human Resources, or the Human Resources Director/CHRO at (909) 869-2948. Employees are not required to make a complaint directly to their immediate supervisor. Supervisors and managers who receive complaints of misconduct must immediately report such complaints to Human Resources who will attempt to resolve issues internally. When a report is received, the Company will conduct a fair, timely, thorough and objective investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The Company expects all employees to fully cooperate with any investigation conducted by the Company into a complaint of proscribed harassment, discrimination or retaliation, or regarding the alleged violation of any other Company policies. The Company will maintain confidentiality surrounding the investigation to the extent possible and to the extent permitted under applicable federal and state law.

Upon completion of the investigation, the Company will communicate its conclusion as soon as practical. If the Company determines that this policy has been violated, remedial action will be taken, commensurate with the

severity of the offense, up to and including termination of employment. Appropriate action will also be taken to deter any such conduct in the future.

The federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) will accept and investigate charges of unlawful discrimination or harassment at no charge to the complaining party. Information may be located by visiting the agency website at [www.eeoc.gov](http://www.eeoc.gov) or [www.dfeh.ca.gov](http://www.dfeh.ca.gov). The DFEH Sexual Harassment Prevention training may be accessed here: <https://www.dfeh.ca.gov/shpt/>.

### **Disability and Accommodation**

To comply with applicable laws ensuring equal employment opportunities for individuals with disabilities, the Company will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless undue hardship and/or a direct threat to the health and/or safety of the individual or others would result. Any employee who requires an accommodation in order to perform the essential functions of their job, enjoy an equal employment opportunity, and/or obtain equal job benefits should contact Human Resources to request such an accommodation. Human Resources will communicate with the employee and engage in an interactive process to determine the nature of the issue and what, if any, reasonable accommodation(s) may be appropriate. In some cases, this interactive process may be triggered without a request from the employee, such as when the Company receives notice from its own observation or another source that a medical impairment may be impacting the employee's ability to perform essential job functions.

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

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

Employees who wish to request unpaid time away from work to accommodate a disability should speak to Human Resources.

### **Religious Accommodation**

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

The Company has developed an accommodation process to assist employees, management, and Human Resources. Through this process, the Company establishes a system of open communication between employees and the Company to discuss conflicts between religion and work and to take action to provide reasonable accommodation for employees' needs. The intent of this process is to ensure a consistent approach when addressing religious accommodation requests. Any employee who perceives a conflict between job requirements and religious belief, observance, or practice should bring the conflict and request for accommodation to the attention of Human

Resources to initiate the accommodation process. The Company requests that accommodation requests be made in writing, and in the case of schedule adjustments, as far in advance as possible.

## **STATEMENT OF AT-WILL EMPLOYMENT STATUS**

All employment with Cal Poly Pomona Enterprises, Inc. is at-will and shall continue only upon the mutual consent of the Foundation and the employee. This means that an employee may terminate his or her employment with the Foundation at any time with or without cause or prior notice and the Foundation has similar rights. There is no promise that employment will continue for a set period of time, nor is there any promise that employment will terminate only under particular circumstances. No employee or representative of the Foundation has authority to make promises, representations or agreements inconsistent with this policy of at-will employment, other than the Foundation's Executive Director/CEO or the Chair of the Foundation Board of Directors, and the Executive Director/CEO and/or Chair or an authorized representative may do so only pursuant to a written agreement signed by the employee and the Executive Director/CEO and/or Chair or an authorized representative. This policy statement supersedes all written and oral representations that are in any way inconsistent with it and represents the complete and final policy of the Foundation on this subject matter.

## **SECTION 2**

### **RECRUITMENT AND EMPLOYMENT PRACTICES**

#### **JOB OPENINGS**

Full time benefited position openings ("Regular Benefited") are generally posted for a minimum of five working days on the Foundation's website and are listed in a range of public forums/job boards. Notices to other organizations and advertising in other places shall be determined jointly by the hiring authority and Human Resources Department. All posted positions are filled on a competitive basis. Employees must meet the specified minimum qualifications and apply in accordance with the position announcement in order to be considered for a position. Positions filled through internal promotions, or positions within the same job family and within the specific unit do not require posting.

#### **HIRING PROCEDURE**

The Executive Director/CEO (ED) of the Foundation shall appoint a search committee to meet and interview qualified applicants and make recommendations for most exempt management positions. Non-exempt positions require the selection approval of the hiring supervisor and the next higher level of supervision with all full-time positions requiring approval by the ED or their designee. Offers of employment for benefited positions must be approved by the Human Resources Department before an employment offer can be made. Appointment letters will be prepared by the Human Resources Department and must be approved by the ED of the Foundation or their designee.

#### **IMMIGRATION LAW COMPLIANCE**

The Foundation is committed to following all employment laws including immigration laws and committed to employing only individuals who are authorized to work in the United States and who comply with applicable immigration and employment law. As a condition of employment, every individual must provide satisfactory evidence of their identity and legal authority to work in the United States within three business days of commencing employment. If the employee cannot verify their right to work in the United States within three business days of employment, the Company will be required to terminate employment immediately.

#### **REGULAR BENEFITED EMPLOYEES**

Certain positions and/or classifications are identified as "regular benefited" status. Regular benefited employees are generally scheduled to work eight hours per day, five days per week. However, all work shifts are scheduled

according to business needs and this status does not guarantee any employee a minimum number of hours of work per day or week. "Regular benefited" status qualifies the employee for a variety of benefits. These benefits are updated on a regular basis. See the Foundation website for a listing of current benefits.

### **MANAGEMENT COMPENSATION PLAN (MCP)**

The Foundation's Management Compensation Plan (MCP) is designed to cover specific Foundation employees who have been designated as directors or managers who have primary responsibility for the development and implementation of policies, procedures, practices, and/or guidelines which apply to the Foundation as a whole, or responsibility for a major operational unit of the Foundation.

### **PART TIME EMPLOYEES**

Part time employees are generally those hired to work a limited number of hours per week (e.g. 20 hours per week or less) and are subject to lay off during seasonal business closures and slowdowns with no guarantee of being rehired. Part time employees are not eligible for certain employee benefits such as health insurance or paid vacation time. Part time employees are not guaranteed a minimum number of hours of work per day or week. Part time employees are not permitted to work more than 1000 hours in any fiscal year (July 1st through June 30th) per CalPERS regulations.

### **TEMPORARY EMPLOYEES**

Temporary employees are those who are hired for specific project assignments of limited duration. They are not eligible for health insurance or paid vacation time, and their length of employment shall be specified, generally not to exceed three months and are not guaranteed a minimum number of hours of work per day or week.

### **STUDENT EMPLOYEES**

Student employees are students who are attending Cal Poly Pomona as undergraduate students enrolled in a minimum of 6.0 units each quarter or graduate students enrolled in a minimum of 4.0 units each quarter, who may work as a Foundation employee with certain restrictions. Student employee positions are exempt from FICA and therefore do not make contributions to that program.

Student employees generally work a maximum of 20 hours per week while school is in session. If the student has more than one job, the 20-hour rule applies to total hours worked in combination with all jobs on campus.

Student employees are allowed one semester off during the college year (summer through spring). During the time off, student employees may work a maximum of 40 hours per week. Students who are only enrolled with College of Extended University or Open University do not qualify for student employment but may be considered for other employment categories such as part time or temporary employment.

Other restrictions may apply. Please contact Human Resources Department to discuss how the rules may apply to your specific situation.

As with part time temporary employees, student employees are limited to working an absolute maximum of 1000 hours per fiscal year (July 1st through June 30th).

### **WORK STUDY STUDENT EMPLOYEES**

Students employed through the Federal College Work-Study Program must also comply with current work-study requirements as outlined by the Financial Aid Office.

## **GRANT/CONTRACT EMPLOYEES AND EMPLOYEES FUNDED THROUGH STATE OR UNIVERSITY SOURCES**

Those employees hired under the provisions of grants, contracts or other funding sources are employed only to the extent funds are available from the funding source and within the guidelines of the particular grant/contract/source in coordination with Foundation policies, procedures and hiring practices. These employees may be classified as regular benefited, part-time (non-benefited), temporary or student employee and do not guarantee any employee a minimum number of hours of work per day or per week. As stated elsewhere in this Employee Handbook, employment with the Foundation is at-will.

## **EMPLOYMENT OF RELATIVES/DATING AND ROMANTIC RELATIONSHIPS**

The Foundation will not hire or continue the employment of relatives where actual or potential issues may arise regarding supervision, security, safety, ethics, morale or where potential conflicts of interest exist. An employee may not work under the direct supervision of a relative or another employee with whom they are having a dating or romantic relationship (whether formal or informal). Relatives are defined as spouses, domestic partners, children, sisters, brothers, mothers, fathers or any persons who are closely related by birth, marriage or adoption, or persons with a close personal relationship. Relatives may be employed in the same department, but may not participate in any proceeding, evaluation, recommendation or action that affects the employment status of a relative.

Active employees who marry, who become related by marriage, or who enter into a dating or romantic relationship may be permitted to continue employment only if their employment poses no difficulties for supervision, security, safety, ethics morale or potential conflicts of interest.

If employees who marry, who become related by marriage, or who enter a dating or romantic relationship do pose difficulties for supervision, security, safety, morale or where potential conflicts of interest exist, the Foundation will attempt to reassign one of the employees to another position for which he or she is qualified, if such a position is available. If no such position is available, one or both of the employees may be required to leave the Foundation.

## **SECTION 3**

### **JOB DUTIES AND CLASSIFICATIONS**

#### **POSITION DESCRIPTIONS**

The essential duties and responsibilities of each position are described in the respective position description. Employees should request a copy of their position description when they first begin employment or whenever their work assignment changes.

Job responsibilities may change at any time during employment. From time to time, an employee may be asked to work on special projects, or assist with other work necessary and important to the Foundation. Cooperation and assistance from an employee in performing such additional work is expected.

The Foundation reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions or assign additional job responsibilities.

#### **CLASSIFICATIONS**

All employees are assigned a position classification consistent with their employment status. The position classifications are designed to describe the broad duties and responsibilities of the position.



## **RECLASSIFICATIONS**

If the duties and responsibilities of a position change significantly, the employee or supervisor may request a position reclassification from the Human Resources Department. This action may result in a change to a higher or lower salary grade or a different classification, or no grade or classification change at all.

## **PROMOTIONS**

All posted positions are filled on a competitive basis. Employees must meet the specified minimum qualifications in order to be considered for a position involving a promotion to a position in another job family. Promotions to the next higher-level position, within a job family and within an operating unit, do not require posting and may be made by the unit manager subject to review by the Human Resources Department and/or Executive Director/CEO.

## **TRANSFERS**

Employees for similar positions may request transfers between units when appropriate openings exist. A transferred employee will normally retain the same classification and pay rate.

## **DEMOTIONS**

A demotion is a change from one classification to a lower one. Demotions may result from classification studies, changes in staffing levels resulting in layoffs, a lack of qualifications for the current position and/or disciplinary action. An employee may request a demotion. A demoted employee will be assigned the rate of the lower classification and shall not receive more than the top-grade maximum of the lower classification.

## **IDENTIFYING EXEMPT AND NONEXEMPT POSITIONS**

Nonexempt employees are employees whose job positions do not meet FLSA or applicable California exemption tests and who are not exempt from minimum wage and overtime pay requirements. Employees filling nonexempt positions are generally scheduled to work eight hours per day, five days per week and receive overtime for all hours worked in excess of eight hours per day or forty hours per week. Double time is paid for hours worked in excess of twelve hours per day and for all hours worked in excess of eight hours on the seventh consecutive day of work in a workweek. Other wage rules may apply given the specific set of circumstances.

Exempt employees are employees whose job assignments meet specific tests established by the federal Fair Labor Standards Act (FLSA) and California wage and hour laws and who are exempt from minimum wage and overtime pay requirements. Exempt employees are compensated on a salary basis. Employees will be informed whether their status is exempt or nonexempt and should consult their supervisor or another member of management with any questions or concerns regarding this status.

## **SECTION 4**

### **WORKING HOURS AND SCHEDULES**

#### **WORK SCHEDULES**

The Foundation administrative offices are typically open for business between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday, throughout the academic year. Certain employees may have an alternative workweek schedule. The work hours of Enterprise units are determined by the requirements of the respective division and department. Some units are operational 24 hours a day, seven days per week, while others are not. Work schedules will reflect business needs.

Employees are expected to report to work on time as scheduled and ready to perform their work upon arrival.

The Foundation reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, alter or change work schedules or assign additional job responsibilities. All employment with the Foundation is at-will and there is no guarantee any employee will receive a minimum number of hours of work per day or per week.

**REST AND MEAL PERIODS**

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

**Meal Breaks**

The Company provides at least a 30-minute meal period to employees who work more than five hours and a second 30-minute meal period to employees who work more than 10 hours in a workday, unless they have elected to waive a meal period in accordance with the Company’s policy and state law. Employees are relieved of all of their duties during meal periods and are allowed to leave the premises.

The Company provides meal periods as follows:

Number of Actual Hours Worked Per Shift	# Meal Periods	Comments
0 to ≤ 5.0	0	An employee who does not work more than five hours in a workday is not provided with a meal period.
> 5.0 to ≤ 10.0	1	An employee who works more than five hours in a workday, but who does not work more than ten hours in a workday, is provided with a 30-minute meal period available before working more than five hours, subject to any meal period waiver in effect.
> 10.0	2	An employee who works more than ten hours in a workday is provided with a second 30-minute meal period available before working more than ten hours, subject to any meal period waiver in effect. The meal period waiver will be invalidated if the employee works more than 12 hours.

The Company does not pay non-exempt employees for meal periods, and consequently, non-exempt employees must record the start and stop times of their meal periods.

**Rest Breaks**

Employees are authorized and permitted to take a 10-minute paid rest break for every four hours worked, or major fraction thereof. Employees are relieved of all of their duties during rest periods and are allowed to leave the premises. The Company authorizes and permits rest breaks as follows:

Number of Actual Hours Worked Per Shift	# of 10 Minute Rest Breaks	Comments
0 to < 3.5	0	A non-exempt employee who works less than 3.5 hours in a workday is not entitled to a rest break.
3.5 to ≤ 6	1	A non-exempt employee who works between 3.5 and 6 hours in a workday is entitled to one 10-minute rest break.
> 6.0 to ≤ 10.0	2	A non-exempt employee who works more than 6 hours in a workday but who does not work more than 10 hours in a workday is entitled to two 10-minute rest breaks.
> 10.0 to ≤ 14.0	3	A non-exempt employee who works more than 10 hours in a workday but who does not work more than 14 hours in a workday is entitled to three 10-minute rest breaks. <sup>1</sup>

Whenever practicable, rest breaks should be taken near the middle of each four-hour work period. Employees may not accumulate rest breaks or use rest breaks as a basis for starting work late, leaving work early, or extending a meal period.

Because rest breaks are paid, non-exempt employees should not clock out for them.

**RESPONSIBILITIES**

Supervisors are responsible for administering their department’s meal and rest breaks.

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

**SECTION 5 COMPENSATION GUIDELINES**

**PAY GRADES**

**PAY GRADES** We use published pay grades and new employees start employment at the minimum pay grade or above. Compensation increases are never guaranteed and are based on a variety of economic and performance factors, including approval by the Executive Director/CEO and/or Board approval of the annual budget.

<sup>1</sup> Non-exempt employees who work more than 14 hours in a workday may be entitled to additional rest breaks.

## **PAY PERIODS**

Enterprise employees are paid on a bi-weekly basis, every other Thursday or as otherwise communicated.

## **TIMEKEEPING REQUIREMENTS**

The Enterprise utilizes a standard timekeeping system for all employees. All employees who have logged time for any work paid through Foundation are required to review and approve their time in the timekeeping system no later than 9:00 am on the first Monday of a new pay period.

Nonexempt employees are required to report accurate working hours for each pay period they work (exact arrival and departure times) and when they depart and return from their meal period. "Hours worked" is defined by law as all-time an employee is subject to the control of an employer, and includes all time that an employee is suffered or permitted to work, whether or not required to do so.

Falsifying or making unauthorized changes to any timekeeping record can result in disciplinary action including termination of employment.

At the end of the pay period, employees will be asked to confirm 1) that their time cards are accurate and 2) that they have been relieved of all duty and otherwise provided all of their meal periods and rest breaks during a particular pay period, or in the alternative, to identify any meal periods or rest breaks that they have missed.

At no time may any employee perform off-the-clock work or otherwise alter, falsify or manipulate any aspect of their time-keeping records to inaccurately reflect or hide hours worked, meal periods taken or time spent working during meal periods.

The obligation to accurately record all hours worked does not relieve employees of their obligations to obtain advance approval before working overtime or hours beyond the regular work schedule. Employees who work beyond their regularly scheduled work hours, including overtime or off-schedule hours, without prior authorization are subject to disciplinary action, which may include termination of employment.

All supervisors and employees are responsible for maintaining accurate timekeeping records. All supervisors are required to review and approve the time for their respective employees no later than 10:00AM on the first Monday of each new pay period. Human Resources will communicate variances in this deadline due to holidays, closures or other occasions impacting the ability for supervisors to perform this function.

All time entry problems or errors should be reported immediately to your supervisor.

## **Exempt Employees**

Employees who are classified as exempt must record absences from work for reasons such as leaves of absence, sick leave or vacation.

Exempt employees are paid on a salary basis. This means the employee regularly receives a predetermined amount of compensation each pay period. In general, an exempt employee will receive their salary for any week in which the employee performs work. However, an exempt employee will not be paid for days not worked in the following circumstances:

- When an exempt employee takes one or more days off for personal reasons other than sickness or disability, the employee will not be paid for such day(s) of absence, but the employee may use available vacation to make up for the reduction in salary;

- When an exempt employee takes one or more days off from work due to sickness or disability, the employee will not be paid for such day(s) of absence, but the employee may use available sick or vacation time to make up for the reduction in salary;
- When an exempt employee works only part of the week during their first and last week with the Company, the employee will be paid only for the days actually worked;
- When an exempt employee takes unpaid leave under the Family and Medical Leave Act or corresponding laws, the Company will not pay for such days/hours of absence; and
- When an exempt employee receives an unpaid disciplinary suspension of one or more full days, imposed in good faith for a workplace conduct rule infraction, the Company will not pay for such days of suspension.

The Company may require an exempt employee to use available vacation as a replacement for salary, when the employee takes less than a full-day off from work.

An exempt employee's salary will not be reduced when the employee works part of a week and misses part of a week due to service as a juror, as a witness or in the military or for lack of work, though deductions may be made to offset amounts an employee receives as jury or witness fees, or for military pay.

It is Company policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state law. The Company prohibits any deductions from pay that violate the FLSA or applicable state law.

If an exempt employee believes that an improper deduction has been made to their salary, the employee should immediately report this information to Human Resources or a supervisor. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

#### **HOLIDAY PAY**

(Regular Benefited Employees ONLY)

Eligibility for holiday pay begins the first day of hire. The Foundation is a service unit to the campus community, and therefore, the holiday schedule is typically coordinated with the University's operating schedule. Typically, days designated as holidays by the University will also be observed by the Foundation. A schedule of paid holidays is issued at the beginning of each calendar year. To be eligible for holiday pay, an employee must be scheduled to work the week on which the holiday is observed and the weeks immediately preceding and immediately following the holiday. Benefited employees on a partial assignment (less than full-time/40 hours per week) immediately preceding a holiday, as in the case of a voluntary or assigned furlough, will receive holiday compensation on a prorated basis dictated by their current full-time equivalency (FTE). FTE is calculated using hours assigned to work as a percent of a full-time/40-hour work week. Benefited employees temporarily on an assignment of 50%, for example, will receive 4.0 hours of pay per eligible holiday. Those assigned to a full-time (1.0 FTE) schedule will receive 8.0 hours of pay per eligible holiday. Please refer to the current holiday schedule posted on the Foundation's website or available in your operating unit.

#### **PERSONAL HOLIDAY PAY**

(Regular Benefited Employees ONLY)

Personal holiday pay is paid at the employee's regular rate of pay and granted to employees that are hired between January 1<sup>st</sup> through September 30<sup>th</sup>. Employees hired after September 30<sup>th</sup>, will receive a Personal Holiday the following January. Personal holiday time will not count toward hours used to determine overtime eligibility in the week the personal holiday was taken. Employees must use their personal holiday by the last day of each year. Unused personal holiday will be carried forward to the next year to a maximum cap of two personal holidays.

Employees generally should use their personal holiday in the year in which it was provided. If an employee does not use any of the days no additional personal holidays will be provided until the employee uses some personal holiday time. There will be no retroactive allotment of personal holiday time when an employee is at the maximum cap. Unused personal holiday time will be paid out at the employee's regular rate of pay at the end of employment.

### **OVERTIME PAY**

The Enterprise provides compensation for all overtime hours worked by nonexempt employees in accordance with state and federal laws. For purposes of determining which hours constitute overtime pay, only actual hours worked in each workday (over eight hours) or workweek (over forty hours) will be counted.

Nonexempt employees will be paid one and one-half times their regular rate of pay for all hours worked in excess of 40 hours in any workweek, for all hours worked in excess of eight hours up to and including 12 hours in any workday and for the first eight hours worked on the seventh consecutive day of work in a workweek. Additionally, employees will be paid double their regular rate of pay for all hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight hours on the seventh consecutive day of work in a workweek.

Alternative schedules, such as a "4/10" workweek, must be approved in advance and will result in differences to overtime pay. These and other situations triggering overtime should be discussed with the Human Resources Department whenever a question arises.

For purposes of defining eligibility for overtime each job classification is either nonexempt or exempt. See Section 3, Identifying Exempt vs. Nonexempt Positions.

All hours recorded in the timekeeping system for pay purposes, such as overtime hours, are reviewed and reports are provided to management for a detail review and analysis. Overtime that appears to be excessive will be reported directly to the respective unit Director and Executive Director/CEO for further disposition.

Overtime must be approved in advance by an employee's direct supervisor or unit Director. Any employee who works unauthorized overtime is subject to disciplinary actions.

All hours recorded in the timekeeping system require approval by the supervisor each pay period including regular hours, overtime hours and all paid time off hours.

All employees are entitled to at least one day of rest every seven days in a workweek unless certain exceptions apply as described in the Company's Day of Rest Policy. An employee may independently and voluntarily choose not to take a day of rest and confirm such choice in writing with the Company.

Exempt employees are expected to work as much of each workday as is necessary to complete their job responsibilities. No overtime or additional compensation is provided to exempt employees.

### **WORKWEEK AND WORKDAY**

The workweek begins at 12:00 A.M. Sunday morning and continues for seven consecutive 24-hour periods, ending 11:59 P.M. Saturday night. The workday begins at 12:00 A.M. and continues for 24 consecutive hours ending 11:59 P.M.

### **JURY DUTY PAY**

(Regular Benefited Employees ONLY)

The Foundation encourages employees to fulfill their civic responsibilities by serving jury duty when required. Benefited employees who have completed six months of service may request up to 20 days of paid jury duty in any one 24-month period. Any additional time off for non-exempt employees will be unpaid. An employee should notify

their supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. An employee reporting for jury duty is required to provide written verification from the court clerk of having served. If work time remains after any day of jury selection or jury duty, an employee is expected to return to work for the remainder of the work schedule. Part time, temporary and/or student employees do not qualify for jury duty pay.

## **ADVANCES**

The Foundation does not permit advances for pay checks.

## **SECTION 6**

### **EMPLOYEE BENEFITS**

*(Section 6 applies to Regular Benefited Employees only)*

#### **BENEFIT ELIGIBILITY**

Eligibility for benefits depends upon employment status. THE RESPECTIVE APPOINTMENT LETTER MUST SPECIFICALLY DENOTE ELIGIBILITY FOR BENEFITS OR THE EMPLOYEE IS NOT CONSIDERED TO BE ELIGIBLE. If an employee believes their status is incorrect, the employee should discuss this issue with their supervisor.

This Handbook only summarizes those benefits programs (e.g., health, dental and eye care) that are maintained pursuant to a benefit plan document. If statements in this Handbook conflict with or are otherwise inconsistent with the provisions of an applicable benefit Plan Document, the provisions of the Plan Document will control. The Foundation reserves the right to modify or eliminate benefits at any time in accordance with applicable law.

#### **RETIREMENT PLANS**

Benefited employees are automatically enrolled in the California Public Employees' Retirement System (CalPERS). Both the Foundation and employee contribute to the CalPERS retirement program. The employee's contribution is determined by the applicable benefits formula for the plan in which the employee has been enrolled, as determined primarily by the employee's hire date except when the employee has prior service covered by CalPERS. Employees seeking additional information on retirement benefits should contact Human Resources or CalPERS directly.

To acquire a vested interest in the retirement plan, an employee must have at least five years of membership in CalPERS. Each member receives an annual statement of contributions, interest earned and years of service credit directly from CalPERS.

The minimum age for normal retirement is either 50 or 52 depending on the CalPERS guidelines associated with the plan in which an employee has been enrolled, and only after the employee has at least five years of CalPERS service credit. Applications for retirement or further information on retirement can be obtained from Human Resources or the CalPERS website. Retirement applications must be submitted to CalPERS at least 90 days prior to the planned effective date. CalPERS members may obtain a retirement estimate on the CalPERS web site at [www.calpers.ca.gov](http://www.calpers.ca.gov).

CalPERS also provides death benefits. These benefits are explained in the CalPERS Member Benefits Booklet which is available on the CalPERS website. Please contact Human Resources for additional information.

Should an employee leave Foundation employment prior to having at least 5 years of service, the employee will have the option to terminate CalPERS membership and withdraw funds, roll-over their contributions and interest to another qualified retirement plan, or leave funds on deposit with CalPERS.

The following positions are excluded from CalPERS membership:

1. Seasonal/temporary staff
2. Part time positions (generally working less than an average of 20 hours per week)
3. On call, intermittent, or employed on an irregular basis
4. Student positions
5. Independent contractors
6. When a person is already a member of CalPERS by prior employment of any covered CalPERS organization, exclusions (1), (2), or (3) may not apply. In that case, please notify Human Resources.

If you believe that your Foundation employment does qualify you for CalPERS membership, please contact Human Resources immediately, or contact the Actuarial & Employer Services Branch at CalPERS.

**MEDICAL, DENTAL, AND VISION COVERAGE**

Coverage for medical, dental and vision insurance is effective the first day of the month following 31 days of full-time employment. Typically, an employee will learn detailed information about these benefits during employee orientation and will also enroll at that time. An Human Resources Representative is available to assist employees with technical questions about their benefits programs.

**FLEX DOLLARS**

Flex Dollars provides eligible regular benefited employees with a monthly credit that can be applied to subsidize parking fees, increase the amount received through the tuition reimbursement program, or support other selected programs. Unused Flex Dollars are forfeited at the end of each year or at termination of employment.

**GROUP LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE**

Term group life insurance is provided by and paid fully by the Foundation. The amount of coverage for each employee is based on the employee's annual basic earnings. The Human Resources Department can provide a copy of the Employee Benefits Insurance Certificate upon request or it can be found in the payroll system.

**VACATION ACCRUAL**

Full time benefited nonexempt employees accrue paid vacation hours for each hour worked. Exempt employees accrue based on each 40-hour work week that is worked. Accruals are earned up to a maximum accrual cap in accordance with the following schedule:

Schedule/Service Time	Annual Amount	Max Accrual Cap	Per Hour	Per Week
Schedule A (01 month to 36 months)	10 Days	34 Days	.03849	1.538
Schedule B (37 months to 72 months)	15 Days	34 Days	.05769	2.307
Schedule C (73 months to 120 months)	17 Days	34 Days	.06538	2.615
Schedule D (121 months to 180 months)	19 Days	48 Days	.07307	2.923
Schedule E (181 months to 240 months)	21 Days	48 Days	.08076	3.23
Schedule F (241 months to 300 months)	23 Days	48 Days	.08846	3.538
Schedule G (301 months and more)	24 Days	48 Days	.0923	3.692
MCP Employees	24 Days	Under 10 years is 48 Days Over 10 years is 55 Days		3.692



Nonexempt employees may use vacation time in one-hour increments when approved by their supervisor. Generally, vacations may be requested after six months of active service and when work schedules permit. Vacation schedules must be coordinated with and approved by the employee's supervisor in advance. It should be recognized that in some cases vacations may have to be temporarily deferred, and in some cases, such as to ensure appropriate staffing levels, the scheduling of vacation may be determined by the employee's supervisor.

Employees on unpaid leave do not accrue vacation time. Recognized holidays occurring during a vacation period are paid as holidays and are not charged to vacation time.

All available vacation time must be used before any type of unpaid leave will be approved (with exception of leaves that state vacation is cannot be required). An employee who terminates will be paid accrued and unused vacation hours at their then regular rate of pay.

### **VACATION ACCRUAL MAXIMUM**

Vacation hours accrue up to a maximum number of hours. If an employee has less than 10 years of service, the maximum accrual limit is 272 hours. If an employee has 10 years or more of service, the maximum accrual limit is 384 hours. Employees under the MCP Plan with fewer than 10 years of service are allowed a maximum accrual of 384 hours while MCP employees with more than 10 years of service are allowed a maximum accrual of 440 hours.

When an employee's vacation accrual reaches their maximum accrual, additional vacation hours will not continue to accrue until the employee uses vacation time to bring the total accruals below the maximum. There is no retroactive granting of vacation accrual for periods of time when accrued vacation was at the maximum.

### **SICK LEAVE**

The Company provides paid sick and safe time to eligible employees in compliance with California's Healthy Workplaces Healthy Families Act (HWHFA).

#### **Eligibility**

Employees (including full-time, part-time and temporary employees) become eligible for paid sick and safe time once they have worked in California for the Company for 30 days within a year from the start of employment.

Employees may begin to use their accrued time beginning on their 90th day of employment. Employees who have been employed by the Company for at least 90 days prior to becoming eligible to accrue paid sick and safe time may use such leave immediately upon accrual.

#### **Annual Accrual of Paid Sick and Safe Time**

Eligible employees begin to accrue paid sick and safe time on the first day of employment, whichever is later.

- Full time benefited nonexempt employees accrue sick leave credit at .04615 hour for every hour worked and exempt employees accrue 1.846 hours of sick leave credit for every full work week worked (40 hours).
- Part time employees, including seasonal, temporary, and student workers employed for more than 30 days, earn sick leave credits at a rate of one hour for every 30 hours worked. Annual utilization of accrued sick leave is limited to 24 hours and the annual accrual is capped at 48 hours.

The number of hours a nonexempt employee is deemed to work each week will be based on time records and includes all hours worked, including overtime hours. Exempt employees are assumed to work 40 hours per workweek, unless their normal workweek is fewer than 40 hours per week, in which case accrued paid sick and safe time is based upon that normal workweek. Once the maximum accrual cap is reached, employees will not accrue additional paid sick and safe time until their accrual balance falls below the cap.

Paid sick and safe time may be used in increments of one hour for the first hour and then 30 minute increments after that or greater to cover all or just part of a work day.

Employees will not accrue paid sick and safe time during unpaid leaves of absence.

Employees are not required to find an employee to cover their work when they take paid sick and safe time.

### **Reasons Sick and Safe Time May be Used**

Employees may use paid sick and safe time for themselves and their family members:

- For diagnosis, care or treatment of an existing medical condition; or
- For preventive care;

Employees may also use paid sick and safe time if the employee is a victim of domestic violence, sexual assault or stalking and time off is needed to:

- Obtain or attempt to obtain any relief (e.g., a temporary restraining order, restraining order or other injunctive relief) to help ensure the health, safety or welfare of the victim or the victim's child;
- Seek medical attention for injuries caused by domestic violence, sexual assault or stalking;
- Obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault or stalking;
- Obtain psychological counseling related to an experience of domestic violence, sexual assault or stalking; or
- Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault or stalking, including temporary or permanent relocation.

For purposes of this policy, "eligible family members" include a:

- Spouse;
- Biological, adopted or foster child, stepchild, legal ward or a child to whom the employee stands in loco parentis;
- Biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner or a person who stood in loco parentis when the employee was a minor child;
- Sibling;
- Grandparent or grandchild; and
- Registered domestic partner (as defined by state or local law), as well as the child or parent of a registered domestic partner.

The definition of "child" applies irrespective of a child's age or dependency status.

### **Requesting Paid Sick and Safe Time**

When the need for paid sick and safe time use is foreseeable, employees must provide reasonable advance oral or written notice to their supervisor for any absence from work. If the need for paid sick and safe time is unforeseeable, employees must provide notice to their supervisor of the need to use the time as soon as practicable. In all circumstances, employees must specify that the requested time off is for sick or safe time reasons (as opposed to,

for example, vacation time), so that the absence may be designated accordingly. Failure to obtain approval as soon as possible after determining the need to take such time may result in discipline.

### **Rate of Pay for Sick and Safe Time**

For nonexempt employees, pay for sick and safe time is calculated in the same manner as the employee's regular rate of pay for the workweek in which the employee uses sick and safe time, regardless of whether the employee works overtime in that workweek. For exempt employees, payment for sick and safe time is calculated in the same manner as wages are calculated for other forms of paid leave time.

### **Carryover**

Accrued but unused paid sick and safe time will carry over from year to year.

### **Separation from Employment**

Compensation for accrued and unused sick and safe time is not provided upon separation from employment for any reason. If an employee is rehired by the Company within 12 months of separation from employment, previously accrued but unused sick and safe time will immediately be reinstated (up to the maximum of 48 hours or the equivalent of six days (per the employee's previous work schedule)). Rehired employees will be allowed immediate use of this time and to accrue additional paid sick days upon rehiring, consistent with the use and accrual limitations of this policy.

### **Confidentiality**

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

### **Effect on Other Rights and Policies**

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

### **No Discrimination or Retaliation**

The Company prohibits discrimination and/or retaliation against employees who request or use paid sick and safe time for authorized circumstances or for making a complaint or informing a person about a suspected violation of this policy. Likewise, the Company prohibits discrimination and/or retaliation for cooperating with city or state officials in investigating claimed violations of any paid sick leave law (including the HWHFA), cooperating or participating in any investigation, administrative hearing or judicial action regarding an alleged violation, opposing any policy or practice that is prohibited by any paid sick leave law, or informing any person of their potential rights under the law.

Our current contract with CalPERS provides an option to eligible employees for converting unused sick leave to service time upon retirement. Additionally, a 457(b) Plan is available where, upon annual Foundation Board approval, permits eligible employees to convert a portion of their unused sick and vacation leave into cash and then deposit that cash into their 457(b) account. Contact Human Resources for additional information.

## **HOLIDAYS**

Eligibility for holiday pay begins the first day of hire. The Foundation is a service unit to the campus community, and therefore, the holiday schedule is coordinated with the University's operating schedule. Typically, days designated as holidays by the University will also be observed by the Foundation. A schedule of paid holidays is issued at the beginning of each calendar year. To be eligible for holiday pay, an employee must be scheduled to work the week on which the holiday is observed and the weeks immediately preceding and immediately following the holiday. Benefited employees on a partial assignment (less than full-time/40 hours per week) immediately preceding a holiday, as in the case of a voluntary or assigned furlough, will receive holiday compensation on a prorated basis dictated by their current full-time equivalency (FTE). FTE is calculated using hours assigned to work as a percent of a full-time/40-hour work week. Benefited employees temporarily on an assignment of 50%, for example, will receive 4.0 hours of pay per eligible holiday. Those assigned to a full-time (1.0 FTE) schedule will receive 8.0 hours of pay per eligible holiday. Please refer to the current holiday schedule posted on the Foundation's website or available in your operating unit.

## **CONTINUATION OF MEDICAL, DENTAL AND VISION INSURANCE**

At the beginning of a leave of absence, an Human Resources Representative will explain options for continuance of medical, dental and vision insurance. Refer to Section V, Coordination with Workers' Compensation or State Disability Insurance (SDI) payments. For leaves of absence where the Foundation is required to continue an employee's health insurance benefits during the leave, the Foundation will do so on the same terms as those that existed prior to the leave. Employees will be required to pay their share of the benefits during the leave. For leaves of absence where the Foundation is not required to continue health insurance benefits, employees may elect to discontinue any of the insurance coverage during their leave. The employee will be reinstated to insurance coverage effective the first of the next month upon returning to work.

## **COBRA**

COBRA provides eligible employees and certain family members the right to continue health care coverage at their expense under the Foundation's group health plans. The right to continue such coverage will arise when specific events occur that would normally result in the loss of coverage. Such qualifying events include the resignation, termination, divorce or legal separation, end of child dependent status, death of an employee, or a reduction in an employee's hours. Please discuss your specific situation with Human Resources.

## **SECTION 7 EMPLOYEE DEVELOPMENT**

### **EDUCATIONAL ASSISTANCE PROGRAM**

Employees employed by the Foundation for at least twelve months in a benefited position are eligible to receive benefits under this program. Full time employees paid from contract or grant funds and campus programs are encouraged to participate in the Education Assistance Program if funds can be provided by the sponsoring agency or sufficient funds are available and approved through the respective department.

Any employee who is eligible to receive benefits under this program may transfer their benefit to a qualifying dependent. For additional information please refer to Policy #207 on the Foundation's website.

### **SEMINARS, LECTURES AND TRAINING PROGRAMS**

It is often desirable for employees to attend training programs, seminars, conference, lectures, meetings or other outside activities for the benefit of the Foundation and/or the individual employees. Attendance at such activities may be required by the Foundation or requested by individual employees. However, attendance will not be considered an officially authorized activity unless prior written approval from the respective supervisor has been provided.

To obtain written approval, employees wishing to attend an activity must submit a written request to their supervisor detailing all relevant information, including date, hours, location, cost, expenses, nature, purpose and justification for attendance.

Where attendance is authorized by the Enterprises, customary and reasonable expenses will be reimbursed upon submission of proper receipts. This generally includes registration fees, materials, meals, transportation and parking. Reimbursement policies regarding these expenses should be discussed with your supervisor or Financial Services in advance.

Employee attendance for authorized outside activities will be considered hours worked for nonexempt employees to the extent such hours coincide with normal work schedules, and such hours will be compensated in accordance with normal payroll practices. Attendance at optional social/networking events associated with these activities will not be considered work hours unless approved in advance by an employee's unit director.

While the Foundation encourages employees to improve their job skills and promotional qualifications, such activities are not subject to this program or reimbursement policy unless prior written approval is obtained as discussed above.

## **SECTION 8 PERFORMANCE EVALUATIONS**

### **PERFORMANCE EVALUATIONS**

Employees may receive performance evaluations from time to time. Supervisors will prepare evaluations and discuss the contents of those evaluations with the respective employee. However, employees may be asked to submit a self-evaluation to aid the process.

Regular benefited employees may be given their first performance evaluation at the completion of 90 days of service, and the second evaluation may be given at the end of the first year of employment. After one year of employment, performance evaluations will typically be conducted annually, on or about the anniversary date of employment with the Enterprises, or the anniversary date of the most recent reclassification. However, the Foundation does not guarantee to provide a performance evaluation at any set interval and reserves the right to issue disciplinary action before or after a performance evaluation. A positive performance evaluation does not guarantee a compensation increase or even continued employment. All employees remain employed at-will.

Part time and/or Student employees may receive performance evaluations at the end of the fiscal year or 30 days prior to the summer lay off. Temporary employees do not generally receive a performance evaluation due to the nature of their employment.

Positive performance is expected of all Foundation employees.

If an employee disagrees with any aspect of the performance evaluation, the employee is provided the opportunity to place comments on the evaluation form, or request a review of the performance evaluation at the next higher level of supervision within the Foundation.

## **SECTION 9**

### **TRAVEL ON FOUNDATION BUSINESS**

#### **TRAVEL**

Written approval from the unit manager and concurrence from the Executive Director/CEO of Foundation or their designee is required in order to travel on Foundation business. The Financial Services Department can provide the

proper forms for reporting business related expenses or a copy of the Travel Policy. These forms are also conveniently located on the Foundation website.

Travel outside of California requires written prior approval from the Executive Director/CEO or their designee.

#### **USE OF PERSONAL VEHICLE**

The Foundation insurance policy may not cover damage or liability to personal vehicles used for Foundation business. Whenever personal vehicles are used for Foundation business, the respective employee is required to have automobile insurance in accordance with California state laws and the employee is specifically prohibited from driving their personal vehicle for Foundation business without the required automobile insurance in place. Employees must have a valid driver's license with an acceptable driving record.

#### **USE OF FOUNDATION VEHICLE**

An employee's motor vehicle record must be checked and cleared through the Foundation insurance company prior to operating a Foundation owned vehicle. Employees with a poor driving record and those that have not completed the required training are ineligible to drive Foundation vehicles. State employees may receive authorization to drive Foundation owned vehicles.

#### **COMMERCIAL TRANSPORTATION GUIDELINES**

Transportation expenses consist of charges for commercial carrier fares, private car mileage allowance, overnight and day parking of vehicle, and necessary tolls plus taxi, rideshare, bus or streetcar fares.

#### **MEALS AND LODGING**

Actual cost of lodging and no more than the allowable meal allowance as set by the State of California's Board of Control Office will be provided. Lodging must be at an official conference property or other accommodations available at a lower rate/overall cost.

#### **EXPENSE/TRIP REPORTS**

An employee is eligible to claim appropriate per diem expenses for every 24-hour period of travel status if the travel is more than 25 miles from employee's headquarters. Otherwise, partial day travel allowance will apply according to the Foundation Travel Policy. If an employee is traveling on behalf of a contract or grant and the granting agency specifies in the agreement that their travel policies differ from the Foundation's, the Foundation will adhere to those policies.

A travel advance must be cleared within thirty days after the traveler's return. No additional advance for travel will be made without the clearance of a prior advance. A travel claim must account for all items of expense by the necessary receipts or support in accordance with the allowance schedule.

### **SECTION 10 LEAVES OF ABSENCE**

#### **BEREAVEMENT LEAVE**

An employee may request up to five days of Foundation paid time off due to the death of an immediate family member. An immediate family member is defined as a spouse, registered domestic partner, the spouse's mother, father, grandmother, grandfather, grandchildren, son, son-in-law, daughter, daughter-in-law, brother, or sister and similar relatives of a registered domestic partner. Additional family members may meet these criteria in certain instances as determined by Human Resources with approval of the Executive Director/CEO or their designee. Employees may request additional unpaid time off from their supervisor.

## **PREGNANCY AND PREGNANCY-RELATED DISABILITIES LEAVE AND ACCOMMODATION (PDL)**

### **Pregnancy Disability Leave**

Any employee who is disabled by pregnancy, childbirth or a related medical condition (including medical conditions relating to lactation) is eligible for up to four months of pregnancy disability leave. If an employee is also eligible for leave under the federal Family and Medical Leave Act (Fed-FMLA), the Fed-FMLA leave and the pregnancy disability leave will run concurrently.

For purposes of this policy, employees are "disabled by pregnancy" when, in the opinion of their health care provider, they cannot work at all or are unable to perform any one or more of the essential functions of their job or to perform them without undue risk to themselves, the successful completion of their pregnancy or other persons as determined by a health care provider. The term "disabled" also applies to certain pregnancy-related conditions, such as severe morning sickness or the need to take time off for prenatal or postnatal care, bed rest, post-partum depression and the loss or end of pregnancy (among other pregnancy-related conditions that are considered to be disabling).

### **Reasonable Accommodation for Pregnancy-Related Disabilities**

Any employee who is affected by pregnancy may also be eligible for a temporary transfer or another accommodation. Employees are "affected by pregnancy" if they are pregnant or have a related medical condition and their health care provider has certified that it is medically advisable for the employee to temporarily transfer or to receive some other accommodation.

The Company will provide a temporary transfer to a less-strenuous or -hazardous position or duties or other accommodation to an employee affected by pregnancy if:

- The employee requests a transfer or other accommodation;
- The request is based upon the certification of a health care provider as "medically advisable"; and
- The transfer or other requested accommodation can be reasonably accommodated pursuant to applicable law.

No additional position will be created, and the Company will not terminate another employee, transfer another employee with more seniority, or promote or transfer any employee who is not qualified to perform the new job as a part of the accommodation process.

Examples of reasonable accommodations include: (1) modifying work schedules to provide earlier or later hours; (2) modifying work duties, practices or policies; (3) providing time off; (4) providing furniture (such as stools) and modifying equipment and devices; and (5) providing additional break time for lactation or trips to the restroom. If time off or a reduction in hours is granted as a reasonable accommodation, the Company will consider the reduced hours/time off as pregnancy disability leave and deduct those hours from an employee's four-month leave entitlement.

### **Advance Notice and Medical Certification**

To be approved for a pregnancy disability leave of absence, a temporary transfer or other reasonable accommodation, employees must provide the Company with:

- 30 days' advance notice before the leave of absence, transfer or reasonable accommodation is to begin, if the need is foreseeable;

- As much notice as is practicable before the leave, transfer or reasonable accommodation when 30 days' notice is not possible; and
- A signed medical certification from their health care provider that states that they are disabled due to pregnancy or that it is medically advisable for them to be temporarily transferred or to receive some other requested accommodation.

The Company may require employees to provide a new certification if they request an extension of time for their leave, transfer or other requested accommodation.

Failure to provide the Company with reasonable advance notice may result in the delay of leave, transfer or other requested accommodation.

### **Duration**

The Company will provide employees with pregnancy disability leave for a period not to exceed four months. The four months is defined as the number of days (and hours) the employee would normally work within four calendar months or 17.33 workweeks. This leave may be taken intermittently or on a continuous basis, as certified by the employee's health care provider.

The Company may require an employee to temporarily transfer to an available alternative position to meet the medical need of the employee to take intermittent leave or work on a reduced schedule as certified by the employee's health care provider. The employee must be qualified for the alternative position, which will have an equivalent rate of pay and benefits, but not necessarily equivalent job duties.

Any temporary transfer or other reasonable accommodation provided to an employee affected by pregnancy will not reduce the amount of pregnancy disability leave time the employee has available unless the temporary transfer or other reasonable accommodation involves a reduced work schedule or intermittent absences from work.

The length of the transfer or other accommodation will depend upon the period of time for which it is medically advisable.

### **Benefits**

The Company will maintain an employee's health insurance benefits during an employee's pregnancy disability leave for a period of up to four months (as defined above) on the same terms as they were provided prior to the leave time. If employees take additional time off following a pregnancy disability leave that qualifies as leave under the California Family Rights Act (CFRA), the Company will continue their health insurance benefits for up to a maximum of 12 workweeks in a 12-month period.

In some instances, the Company may recover premiums it paid to maintain health insurance benefits if an employee fails to return to work following pregnancy disability leave for reasons other than taking additional leave afforded by law or Company policy or not returning due to circumstances beyond the employee's control.

### **Integration With Other Benefits**

Pregnancy disability leaves and accommodations that require employees to work a reduced work schedule or to take time off from work intermittently are unpaid. Employees may use their accrued vacation or sick leave benefits during the unpaid leave of absence, if applicable. However, use of sick leave or vacation benefits will not extend the available leave of absence time. Sick leave or vacation leave hours will not accrue during any unpaid portion of the leave of absence, and employees will not receive pay for official holidays that are observed during their leave of absence except during those periods when they are substituting vacation or sick leave for unpaid leave.



Any State Disability Insurance for which employees are eligible may be integrated with accrued vacation or sick leave benefits so that they do not receive more than 100 percent of their regular pay.

### **Reinstatement**

If the employee and the Company have agreed upon a definite date of return from the leave of absence or transfer, the employee will be reinstated on that date if they notify the Company that they are able to return on that date. If the length of the leave of absence or transfer has not been established, or if it differs from the original agreement, the employee will be returned to work within two business days, where feasible, after notifying the Company of their readiness to return.

Before employees will be allowed to return to work in their regular job following a leave of absence or transfer, they must provide Human Resources with a certification from their health care provider that they can perform safely all of the essential duties of the position, with or without reasonable accommodation. If employees do not provide such a release prior to or upon reporting for work, they will be sent home until a release is provided. This time before the release is provided will be unpaid.

Employees will be returned to the same position upon the conclusion of their leave of absence or transfer unless the position ceases to exist. In cases where the employee's position no longer exists, the Company will provide a comparable position on the scheduled return date or within 60 calendar days of that return date. However, employees will not be entitled to any greater right to reinstatement than if they had not taken the leave.

To the extent required by law, some extensions beyond an employee's pregnancy disability leave entitlement may be granted when the leave is necessitated by an employee's injury, illness or "disability" as defined under the Americans with Disabilities Act and/or applicable state or local law.

The Company will not discriminate or retaliate against employees because they request or make use of leave, a transfer or other accommodations in accordance with this policy. This policy does not limit a pregnant employee's rights under any other policy or laws protecting gender, pregnancy and childbirth, or health conditions related to pregnancy or childbirth.

Employees who have questions about this policy or who wish to request leave, transfer or other reasonable accommodation under this policy should contact Human Resources.

### **LACTATION ACCOMODATION**

Employees have the right to request lactation accommodation. The Company will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child each time the employee has need to express milk. If possible, the lactation break time should run concurrently with scheduled meal and rest breaks already provided to the employee. If the lactation break time cannot run concurrently with meal and rest breaks already provided or additional time is needed, the lactation break time will be unpaid for nonexempt employees.

Employees will be relieved of all work-related duties during any unpaid break. When unpaid breaks or additional time are required, employees should work with their supervisor regarding scheduling and reporting the extra break time.

Because exempt employees receive their full salary during weeks in which they work, all exempt employees who need lactation accommodation breaks do not need to report any extra break time as "unpaid."

The Company will provide employees with the use of a room or other location to express milk in private. The lactation room or other location will not be a bathroom and will be safe, clean, free from hazardous materials, in close proximity to the employee's work area, shielded from view and free from intrusion by co-workers and/or the

public. This location may be the place where the employee normally works, if applicable. The lactation room or other location will include a surface on which to place a breast pump or other personal items, a place to sit and electricity or alternative devices (e.g., an extension cord or charging station) needed to operate an electric or battery-powered breast pump. Lactating employees who pump breastmilk will also have access to a sink with running water and a refrigerator or alternative cooling device suitable for storing milk in close proximity to their workspace.

A room or other location identified for lactation may also be used for other purposes. However, during times when an employee is using the location for lactation purposes, that use will take precedence over all other uses. Employees who have questions or concerns related to lactation room scheduling conflicts should contact their supervisor or a Human Resources representative. Any non-exempt employee who is not provided with a break as requested to express milk, should immediately contact Human Resources.

Lactation is considered a pregnancy-related condition under California law.

Employees who wish to request lactation accommodation should contact Human Resources. If the Company cannot provide break time or a location that complies with this Lactation Accommodation policy, the employee requesting the accommodation will be notified in writing.

The Company will not discriminate or retaliate against an employee who requests or uses a lactation accommodation in accordance with this policy or otherwise exercises their rights under California's lactation accommodation law. Employees who feel their lactation accommodation rights have been violated can file a complaint with the California Labor Commissioner's Office.

## **FAMILY LEAVE (FMLA AND CFRA)**

### **Family and Medical Leave**

The Company will grant family and medical leave in accordance with the requirements of applicable federal and state law in effect at the time the leave is granted. Although the federal and state laws have different names, the Company refers to the federal Family and Medical Leave Act (Fed-FMLA) and the California Family Rights Act (CFRA) collectively as "FMLA Leave." In any case, employees will be eligible for the most generous benefits available under applicable law.

### ***Employee Eligibility***

To be eligible for FMLA Leave, employees must: (1) have been employed by the Company for a total of at least 12 months (not necessarily consecutive); (2) have worked at least 1,250 hours during the previous 12 months immediately prior to the start of the leave; and (3) (Fed-FMLA only) have worked at a location where at least 50 employees are employed by the Company within 75 miles of the employee's worksite, as of the date the leave is requested. Eligibility requirements may differ for employees who have been on a protected military leave of absence. If employees are unsure whether they qualify for FMLA Leave, they should contact Human Resources.

### ***Reasons for Leave***

Federal and state laws allow FMLA Leave for various reasons. Because employees' legal rights and obligations may vary depending upon the reason for the FMLA Leave, it is important to identify the purpose or reason for the leave. Fed-FMLA leave and CFRA leave run concurrently except for the following reasons: to care for a child without regard to age or dependency status, registered domestic partner, a child of a registered domestic partner, grandparent, grandchild, parent-in-law or sibling (CFRA only), incapacity due to pregnancy or prenatal care as a serious health condition (Fed-FMLA only), qualifying exigency leave as defined under the FMLA (Fed-FMLA only), qualifying exigency leave as defined under the CFRA (CFRA only) and military caregiver leave (Fed-FMLA only). Additionally, CFRA coverage for an employee's own serious health condition that also constitutes a disability under the California's Fair Employment and Housing Act (FEHA) is separate and distinct from FEHA protections. If the employee cannot

return to work at the expiration of the CFRA leave, the Company will engage the employee in the interactive process to determine whether an extension of the leave would be a reasonable accommodation under the FEHA.

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

- The birth, adoption or foster care of an employee's child within 12 months following birth or placement of the child (Bonding Leave);
- To care for an immediate family member (spouse, child, parent and for CFRA Leave: registered domestic partner, child of a registered domestic partner, grandparent, grandchild, or sibling) with a serious health condition (Family Care Leave);
- An employee's inability to work because of a serious health condition (Serious Health Condition Leave);
- A "qualifying exigency," as defined under the FMLA, arising from a spouse's, child's or parent's "covered active duty" as a member of the military reserves, National Guard or Armed Forces or as defined under the CFRA, related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States (Qualifying Exigency Leave); or
- To care for a spouse, child, parent or next of kin (nearest blood relative) who is a "Covered Servicemember" (Military Caregiver Leave).

### ***Definitions***

**"Child,"** for purposes of Bonding Leave and Family Care Leave, means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, and for Fed-FMLA only, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability, at the time that FMLA Leave is to commence. "Child," for purposes of Qualifying Exigency Leave and Military Caregiver Leave, means a biological, adopted or foster child; stepchild; legal ward; or a child for whom the person stood in loco parentis, and who is of any age.

**"Parent,"** for purposes of this policy, means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the person. This term includes a parent-in-law for CFRA leave only. For Qualifying Exigency Leave taken to provide care to a parent of a deployed military member, the parent must be incapable of self-care as defined by the FMLA.

**"Covered Active Duty"** means (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as defined by applicable law.

**"Covered Servicemember"** means (1) a member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is undergoing medical treatment, recuperation or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty while on active duty that may render the individual medically unfit to perform his or her military duties; or (2) a person who, during the five years prior to the treatment necessitating the leave, served in the active military, Naval or Air Service, and who was discharged or released under conditions other than dishonorable (a "veteran" as defined by the Department of Veteran Affairs), and who has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran. For purposes of determining the five-year period for covered veteran status, the period between October 28, 2009, and March 8, 2013, is excluded.

**"Spouse"** means a husband or wife. Husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either (1) was entered into in a state that recognizes such marriages; or (2) if entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state. For purposes of CFRA leave, a spouse includes a registered domestic partner or same-sex partners in marriage.

**"Key employee"** means a salaried Fed-FMLA Leave eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite at the time of the Fed-FMLA leave request.

**"Serious health condition"** means an illness, injury, impairment or physical or mental condition that involves either:

- Inpatient care (including, but not limited to, substance abuse treatment) in a hospital, hospice or residential medical care facility, including any period of incapacity (that is, inability to work, attend school or perform other regular daily activities) or any subsequent treatment in connection with this inpatient care; or
- Continuing treatment (including, but not limited to, substance abuse treatment) by a health care provider that includes one or more of the following:
  - o A period of incapacity (that is, inability to work, attend school or perform other regular daily activities due to a serious health condition, its treatment or the recovery that it requires) of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves treatment two or more times via an in-person visit to a health care provider, or at least one visit to a health care provider that results in a regimen of continuing treatment under the supervision of the health care provider.
  - o Any period of incapacity due to pregnancy or prenatal care (under the Fed-FMLA, but not the CFRA).
  - o Any period of incapacity or treatment for incapacity due to a chronic serious health condition that requires periodic visits to a health care provider, continues over an extended period of time and may cause episodic incapacity.
  - o A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective, such as Alzheimer's, a severe stroke and the terminal stages of a disease.
  - o Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider either for (a) restorative surgery after an accident or other injury; or (b) a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

**"Serious injury or illness"** in the case of a current member of the Armed Forces, National Guard or Reserves is an injury or illness incurred by a covered servicemember in the line of duty on active duty (or that preexisted the member's active duty and was aggravated by service in the line of duty on active duty) in the Armed Forces that may render him or her medically unfit to perform the duties of his or her office, grade, rank or rating. In the case of a covered veteran, "serious injury or illness" means an injury or illness that was incurred in the line of duty on active duty (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty) and that manifested itself before or after the member became a veteran.

**"Qualifying exigency"** for Fed-FMLA is defined by the Department of Labor and for CFRA is defined by the California Unemployment Insurance Code and generally includes events related to short-notice deployment, military

ceremonies, support and assistance programs, changes in childcare, school activities, financial and legal arrangements, counseling and post-deployment activities. Qualifying Exigency Leave may also be used to spend up to 15 days with military members who are on short-term, temporary, rest and recuperation leave during their period of deployment.

### ***Length of Leave***

If the reason for leave is common to both Fed-FMLA and CFRA and, therefore, running concurrently, the maximum amount of FMLA Leave will be 12 workweeks in any 12-month period. If the reason for leave is not common to both Fed-FMLA and CFRA and, therefore, not running concurrently, then an eligible employee may be entitled to additional leave under applicable law.

The applicable "12-month period" utilized by the Company is the rolling 12-month period measured backward from the date an employee uses his/her FMLA leave. Under this method the 12-month period is measured backward from the day the employee uses any FMLA leave.

The maximum amount of Fed-FMLA Leave for an employee wishing to take Military Caregiver Leave will be a combined leave total of 26 workweeks in a single 12-month period. A "single 12-month period" begins on the date of the employee's first use of such leave and ends 12 months after that date.

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

When CFRA leave is for the birth or placement of a child and both parents work for the Company, they will each be allowed up to 12 weeks of CFRA leave within 12 months of the child's birth or placement.

To the extent required by law, leave beyond an employee's FMLA Leave entitlement will be granted when the leave is necessitated by an employee's work-related injury or illness, a pregnancy-related disability or a "disability" as defined under the Americans with Disabilities Act (ADA) and/or the Fair Employment and Housing Act (FEHA). When the reason for CFRA leave was the employee's serious health condition, which also constitutes a "disability" under the FEHA and the employee cannot return to work at the conclusion of the CFRA leave, the Company will engage in an interactive process to determine whether an extension of leave would constitute a reasonable accommodation under the FEHA.

### ***Intermittent or Reduced Schedule Leave***

Under some circumstances, employees may take FMLA Leave intermittently, which means taking leave in blocks of time or reducing the employee's normal weekly or daily work schedule. An employee may take leave intermittently or on a reduced schedule whenever it is medically necessary to care for the employee's child, parent or spouse with a serious health condition or because the employee has a serious health condition. The medical necessity of the leave must be determined by the health care provider of the person with the serious health condition.

Intermittent or reduced schedule leave may also be taken for absences where the employee or his or her family member is incapacitated or unable to perform the essential functions of the job because of a chronic serious health condition, even if the person does not receive treatment by a health care provider.

Leave due to military exigencies may also be taken on an intermittent basis.

Leave taken intermittently may be taken in increments of no less than one hour. Employees who take leave intermittently or on a reduced work schedule basis for planned medical treatment must make a reasonable effort to schedule the leave so as not to unduly disrupt the Company's operations. Please contact Human Resources prior to scheduling medical treatment. If FMLA Leave is taken intermittently or on a reduced schedule basis due to planned

medical treatment, we may require employees to transfer temporarily to an available alternative position with an equivalent pay rate and benefits, including a part-time position, to better accommodate recurring periods of leave.

If an employee using intermittent leave or working a reduced schedule finds it physically impossible to start or stop work mid-way through a shift in order to take CFRA leave and is therefore forced to be absent for the entire shift, the entire period will be counted against the employee's CFRA entitlement. However, if there are other aspects of work that the employee is able to perform that are not physically impossible, then the employee will be permitted to return to work, thereby reducing the amount of time to be charged to the employee's CFRA entitlement.

CFRA leave for Bonding Leave does not have to be taken in one continuous period of time, but the minimum duration is two weeks. However, the Company will grant a request for CFRA leave lasting less than two weeks' twice during the 12 week period. Additional requests for Bonding Leave lasting less than two weeks may be directed to Human Resources and will be considered on a case-by-case basis depending on the needs of the Company. If the request is granted, the Company may require the employee to transfer temporarily to an available alternative position. Bonding Leave must be concluded within one year of the birth or placement of the child.

If employees have been approved for intermittent leave and they request leave time that is unforeseeable, they must specifically reference either the qualifying reason for leave or the need for FMLA Leave at the time they call off.

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

#### **Bonding, Family Care, Serious Health Condition and Military Caregiver Leave Requirements**

Employees are required to provide:

- When the need for the leave is foreseeable, 30 days' advance notice or such notice as is both possible and practical if the leave must begin in fewer than 30 days (normally this would be the same day the employee becomes aware of the need for leave or the next business day);
- When the need for leave is not foreseeable, notice within the time prescribed by the Company's normal absence reporting policy, unless unusual circumstances prevent compliance, in which case notice is required as soon as is otherwise possible and practical;
- When the leave relates to medical issues, a completed Certification of Health Care Provider form within 15 calendar days (for Military Caregiver Leave, an invitational travel order or invitational travel authorization may be submitted in lieu of a Certification of Health Care Provider form);
- Periodic recertification (as allowed by law); and
- Periodic reports during the leave.

In addition to other notice provisions, employees requesting leave for CFRA qualifying reasons must respond to any questions designed to determine whether an absence is potentially qualifying for leave under this policy. Failure to respond to permissible inquiries regarding the leave request may result in denial of CFRA leave protections. Similarly, an employee or the employee's spokesperson may be required to provide additional information needed to determine whether a requested leave qualifies for Fed-FMLA protections. An employee's failure to adequately explain the reason for the leave may result in the denial of Fed-FMLA protections.

Certification forms are available from Human Resources. At the Company's expense, we may require a second or third medical opinion regarding the employee's own serious health condition for Fed-FMLA purposes and, for CFRA purposes, the employee's own serious health condition or the serious health condition of an employee's family member. In limited cases, we may require a second or third opinion regarding the injury or illness of a Covered Servicemember. Employees are expected to cooperate with the Company in obtaining additional medical opinions that we may require.

When leave is for planned medical treatment, employees must try to schedule treatment so as not to unduly disrupt the Company's operation. Please contact Human Resources prior to scheduling planned medical treatment.

If an employee does not produce the certification as requested, the FMLA leave will not be protected.

#### ***Recertification After Grant of Leave***

In addition to the requirements listed above, if an employee's Fed-FMLA leave is certified, the Company may later require medical recertification in connection with an absence that the employee reports as qualifying for Fed-FMLA leave. For example, the Company may request recertification if (1) the employee requests an extension of leave; (2) the circumstances of the employee's condition as described by the previous certification change significantly (e.g., employee absences deviate from the duration or frequency set forth in the previous certification; employee's condition becomes more severe than indicated in the original certification; employee encounters complications); or (3) the Company receives information that casts doubt upon the employee's stated reason for the absence. In addition, the Company may request recertification in connection with an absence after six months have passed since the employee's original certification, regardless of the estimated duration of the serious health condition necessitating the need for leave. Any recertification requested by the Company will be at the employee's expense.

In addition to the requirement listed above, a recertification under the CFRA may only be requested at the expiration of the time period in the original certification for time off for the employee's own serious health condition.

If an employee does not produce the recertification as requested, the leave will not be CFRA protected.

#### ***Qualifying Exigency Leave Requirements***

Employees are required to provide:

- As much advance notice as is reasonable and practicable under the circumstances;
- A copy of the covered servicemember's active duty orders when the employee requests leave and/or documentation (such as Rest and Recuperation leave orders) issued by the military setting forth the dates of the servicemember's leave; and
- A completed Certification of Qualifying Exigency form within 15 calendar days, unless unusual circumstances exist to justify providing the form at a later date.

Certification forms are available from Human Resources.

#### ***Failure to Provide Notice or Certification and to Return From Leave***

Absent unusual circumstances, failure to comply with these notice and certification requirements may result in a delay or denial of the leave. If an employee fails to return to work at the leave's expiration and has not obtained an extension of the leave, the Company may presume that the employee does not plan to return to work and has voluntarily terminated his or her employment.

#### ***Compensation During Leave***

Generally, FMLA Leave is unpaid. However, employees may be eligible to receive benefits through state-sponsored programs or the Company's sponsored wage-replacement benefit programs. Employees may also choose to use accrued vacation and sick leave, to the extent permitted by law and the Company's policy. If employees elect to have wage-replacement benefits and accrued paid leave integrated, the integration will be arranged such that employees will receive no greater compensation than their regular compensation during this period. The use of paid benefits will not extend the length of FMLA Leave.

### ***Benefits During Leave***

The Company will continue making contributions to employees' group health benefits during their leave on the same terms as if the employees had continued to actively work. This means that if employees want their benefits coverage to continue during their leave, they must also continue to make the same premium payments that they are now required to make for themselves or their dependents. Employees taking leave for a reason that is common to both Fed-FMLA and CFRA and, therefore, leave is running concurrently, will generally be provided with group health benefits for a 12-workweek period. When employees take leave for a reason that is not common to both Fed-FMLA and CFRA and, therefore, leave is running consecutively, the Company will continue the employee's health insurance benefits for up to a maximum of 12 workweeks in a 12-month period during each applicable leave. Employees taking Military Caregiver Leave may be eligible to receive group health benefits coverage for up to a maximum of 26 workweeks. In some instances, the Company may recover premiums it paid on an employee's behalf to maintain health coverage if the employee fails to return to work following FMLA Leave.

An employee's length of service will remain intact, but benefits such as vacation and sick leave may not accrue while on an unpaid FMLA Leave.

### ***Job Reinstatement***

Under most circumstances, employees will be reinstated to the same position they held at the time of the leave or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. If an employee becomes unqualified during CFRA leave as a result of not attending a necessary course, or renewing a license, the employee will be given a reasonable opportunity to fulfill those conditions upon returning to work. Further, the Company may grant an employee's request to work a different shift, in a different or better position, or in a different location, that is better suited to the employee's personal needs upon returning from CFRA leave. The Company will also consider a reasonable accommodation under the FEHA if the employee is returning from CFRA leave for his or her own serious health condition. However, employees have no greater right to reinstatement than if they had been continuously employed rather than taken leave. For example, if an employee would have been laid off or his or her position would have been eliminated even if he or she had not gone on leave, then the employee will not be entitled to reinstatement. However, if an employee has been replaced or the employee's position was restructured to accommodate the employee absence, the employee is entitled to reinstatement.

Prior to being allowed to return to work, an employee wishing to return from a Serious Health Condition Leave must submit an acceptable release from a health care provider that certifies the employee is able to resume work. For an employee on intermittent or reduced schedule FMLA Leave, such a release may be required up to once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took the intermittent or reduced schedule leave.

For Fed-FMLA purposes only, key employees may be subject to reinstatement limitations in some circumstances. If employees are considered a "key employee," those employees will be notified of the possible limitations on reinstatement at the time the employee requests a leave of absence, or when leave begins, if earlier.

### ***Confidentiality***

Documents relating to medical certifications, recertifications or medical histories of employees or employees' family members will be maintained separately and treated as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel or government officials.



### ***Fraudulent Use of FMLA Leave Prohibited***

An employee who fraudulently obtains FMLA Leave from the Company is not protected by the Fed-FMLA's or the CFRA's job restoration or maintenance of health benefits provisions. In addition, the Company will take all available appropriate disciplinary action against an employee due to such fraud.

### ***Nondiscrimination***

The Company takes its FMLA Leave obligations very seriously and will not interfere with, restrain or deny the exercise of any rights provided by the Fed-FMLA or the CFRA. We will not terminate or discriminate against any individual for opposing any practice or because of involvement in any proceeding related to the Fed-FMLA or CFRA. If an employee believes that his or her Fed-FMLA or CFRA rights have been violated in any way, he or she should immediately report the matter to Human Resources.

### ***Additional Documentation***

The Company's "Employee Rights and Responsibilities" notice provides additional details regarding employees' rights and responsibilities under the Fed-FMLA. Employees may obtain a copy of the "Employee Rights and Responsibilities" notice from Human Resources.

Employees should contact Human Resources as to any Fed-FMLA or CFRA questions they may have.

### **PAID FAMILY LEAVE (PFL)**

Employees may be eligible for up to eight weeks of state-provided paid family leave (PFL) insurance benefits when they take time off for one of the following purposes:

- To bond with a child during the first 12 months after the child's birth or after the placement of a child for adoption or foster care with the employee;
- To care for an immediate family member (spouse, registered domestic partner, child, parent, grandparent, grandchild, sibling and parent-in-law defined by the PFL law) who is seriously ill and requires care; or
- To participate in a qualifying exigency related to the covered active duty or call to covered active duty of the employee's spouse, domestic partner, child or parent in the U.S. Armed Forces.

The PFL benefits described in this policy are a state-provided partial wage replacement benefit, not a protected leave of absence. To obtain approval for a leave of absence for the reasons set forth above, employees must contact their supervisor or Human Resources and comply with applicable eligibility, notice, and certification requirements when required by state or federal law

### **Amount and Duration of Benefits**

The weekly benefit amount is generally 60 or 70 percent of the employee's earnings (depending upon the employee's income), with benefits capped according to a state-imposed maximum weekly benefits amount. Employees may receive up to eight weeks of PFL benefits during a 12-month period, but may not receive more benefits than earned in wages during the base period for calculating benefits (generally, the 12 months prior to the quarter in which the claim is made).

When applicable, PFL benefits will run concurrently with leave time available under the California Family Rights Act and the federal Family and Medical Leave Act. Employees may use any accrued but unused sick leave prior to receiving PFL benefits.

## CRIME VICTIM LEAVE

The Foundation will provide time off to any employee who is a victim, as that term is defined in this policy, so that the employee may obtain or attempt to obtain relief and to help ensure the health, safety or welfare of the employee or the employee's child. For purposes of this policy, "victim" includes a victim of stalking, domestic violence, or sexual assault; a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury; or a person whose immediate family member is deceased as the direct result of a crime.

"Relief" includes, but is not limited to, a temporary restraining order, restraining order or other injunctive relief. "Immediate family member" includes the employee's:

- Child, regardless of age (including a biological, adopted, step-, or foster child; legal ward; child of a domestic partner; child to whom the employee stands in loco parentis; or person to whom the employee stood in loco parentis when the person was a minor);
- Parent (including a biological, adoptive, step-, foster parent or legal guardian of the employee or the employee's spouse or domestic partner or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child);
- Sibling (including a biological, foster, step-, half- or adoptive sibling);
- Spouse or registered domestic partner; or
- Any other individual whose close association with the employee is the equivalent of such family relationships.

Any employee against whom any crime has been committed will also be permitted time off to appear in court to comply with a subpoena or other court order as a witness in a judicial proceeding.

Employees should give the Company reasonable notice of the need for leave, unless advance notice is not feasible. When an unscheduled absence occurs, the Company may require the employee to provide written certification of the need for time off. Any of the following will be considered sufficient certification: a police report indicating the employee was a victim; a court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court; documentation from a licensed medical professional, domestic violence counselor, sexual assault counselor, victim advocate, licensed health care provider or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse; or any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the absence is for an authorized purpose.

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

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

Employees may use accrued vacation in order to receive compensation during the leave of absence.

Employees may also be entitled to a reasonable accommodation under the Company's Accommodation for Victims of Domestic Violence, Sexual Assault or Stalking policy and to additional leave under the Company's Leave to Attend Court Proceedings Related to Certain Felonies policy and Leave to Attend Court Proceedings for Serious Crimes policy. Employees should consult those policies and/or Human Resources for additional information. The Company will keep all information submitted in connection with an employee's request for leave confidential to the extent permissible by law. If the law requires disclosure of information, the Company will notify the employee before any information is released.

The Company will not discriminate or retaliate against any employee because of the employee's status as a victim of crime or abuse, if the employee provides the Company notice of such status, the Company has actual knowledge of such status, or the employee takes or requests leave in accordance with this policy.

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

#### **LEAVE TO ATTEND JUDICIAL PROCEEDINGS RELATED TO CERTAIN FELONIES**

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

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

Before an employee may be absent from work to attend a judicial proceeding, the employee must give the employer a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee must provide within reasonable time documentation evidencing the judicial proceeding from (1) the court or government agency setting the hearing; (2) the district attorney or prosecuting attorney's office; or (3) the victim/witness office that is advocating on behalf of the victim.

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

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

#### **LEAVE TO ATTEND COURT PROCEEDINGS FOR SERIOUS CRIMES**

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

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

Before employees may take time off under this policy, they must provide the Company with reasonable advance notice of their intention to take time off, unless the advance notice is not feasible. If an employee must take an unscheduled absence due to victimization from a serious criminal offense, the employee must provide the Company with a certification within a reasonable time. The types of certification to account for an unscheduled absence

include: a police report indicating the employee was a victim of one of the specified serious criminal offenses; a court order protecting or separating the employee from the perpetrator of one or more of the specified offenses, or other evidence from the court or prosecuting attorney that the employee has appeared in court; or documentation from a medical professional, domestic violence counselor or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries resulting in victimization from one of the specific serious criminal offenses.

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

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

### **WITNESS SUBPOENA**

If an employee is subpoenaed as a witness for The California State University System or the Cal Poly Pomona Enterprises, Inc., the employee is paid their regular salary. All court fees (except travel and/or subsistence) received by the employee are to be reimbursed to the Foundation. When an employee is requested to appear in court for personal reasons, vacation leave must be used for the time off.

### **MILITARY LEAVE**

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) provides rights to military personnel including the right to take military leave, and reemployment and benefit related rights. To verify eligibility under this program, an employee should provide a copy of the military orders and verification the active duty was served. Please contact Foundation Human Resources for complete information related to employer and employee requirements for military leave.

### **PERSONAL LEAVE**

A request for an unpaid personal (non-medical or non-work related) leave may be submitted in written form to the respective unit manager for consideration. The Foundation has sole discretion to grant or deny the request. Length of employment, and needs of the department, among other factors, will be considered on a case-by-case basis in determining approval or denial of such requests. A completion of a "Request for Leave of Absence" form is required and all available vacation time must be used before any type of unpaid leave will be approved. Reinstatement following personal leave is not guaranteed.

### **MEDICAL LEAVE**

Employees who believe they need a medical leave should request one. Determinations regarding to grant the leave, the length of leave, reinstatement following the leave and continuation of benefits will be made in accordance with applicable law. Medical certification of the need for leave may be required. Leave under this policy runs concurrently with leave under applicable local, state or federal law.

### **ORGAN OR BONE MARROW DONOR**

#### **Bone Marrow Donor Leave**

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

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

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

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

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

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

#### **ORGAN DONOR LEAVE**

Eligible employees who undergo a medically necessary procedure to donate an organ to another person will be provided with up to 30 workdays off, without a loss in pay, and an additional 30 workdays off without pay, in any one-year period. For purposes of this policy, a "one-year period" is 12 consecutive months from the date the employee begins leave. Employees may take leave in one or more periods, as long as the leave does not exceed 60 days in any one-year period.

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

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

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

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

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

#### **TIME OFF TO VOTE**

The Company encourages all employees to fulfill their civic responsibilities and to vote in official public elections. Most employees' schedules provide sufficient time to vote either before or after working hours.

Any employees who do not have sufficient time outside of working hours to vote in a statewide public election, while the polls are open, may take up to two hours off from work, without loss of pay. Any additional time off will be without pay. Employees must take the time off at the beginning or end of their regular work schedule, whichever allows the most free time for voting and the least amount of time off from work, unless mutually agreed otherwise.

Employees must provide at least two working days' notice of the need for leave when, on the third working day prior to the election day, the employee knows or has reason to believe they will need time off to vote on election day. Otherwise, employees must give reasonable notice of the need to have time off to vote.

#### **ELECTION OFFICER LEAVE**

The Company will not terminate, suspend or otherwise discriminate against employees who miss work to serve as an election officer on Election Day.

Time off under this policy will be unpaid.

The Company asks that employees provide reasonable advance notice of the need for time off to serve as an election official, so that the time off can be scheduled to minimize disruption to normal work schedules.

Proof of having served as an election official may be required.

#### **CIVIL AIR PATROL LEAVE**

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

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

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

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

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

## SECTION 11

### TERMINATIONS AND REDUCTIONS IN WORK FORCE

All employment with the Foundation is at-will and can be terminated at any time, with or without cause or prior notice by either the employee or the Foundation.

#### LAYOFF (REDUCTIONS IN WORK FORCE)

Under some circumstances the Foundation may need to restructure or reduce its work force. If it becomes necessary to restructure our operations or reduce the number of employees, the Foundation will provide advance notice, if possible, to help minimize the impact on those affected. Generally, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff.

In determining which employees will be subject to layoff, the Foundation will consider, among other things, unit operational requirements, the skill of each individual impacted, their respective productivity, ability/knowledge, and past work performance and, where feasible, the employee's length of service.

The Foundation's Layoff Policy, Policy #208, outlines specific procedures to be followed. The Policy is designed to help provide stability of employment within the limits of projected financial resources and the service needs of the campus community. Complete information to this policy may be obtained from the Human Resources Department.

#### SEASONAL/TEMPORARY LAYOFF

During the summer, extended break periods and other times employees may be placed on "temporary layoff". These layoffs are based on work available, the skills and qualifications needed for the available work and length of service.

Those employees eligible for medical, dental and vision benefits will continue to be eligible for group coverage under the Foundations programs during the seasonal/temporary layoff. Employees are required to continue to pay their portion of any monthly premiums for continued coverage. An employee's accrued vacation time and personal holiday will be used during periods of temporary layoff. Vacation time or sick leave does not accrue during periods of layoff.

#### JOB ABANDONMENT

Failure to report to work on any scheduled day or during any scheduled period is unacceptable, and unless later excused, will result in disciplinary action. An absence of three scheduled workdays or more constitutes job abandonment and is considered a voluntary resignation.

All Foundation owned property, keys, uniforms, identification badges, parking permits, etc. must be returned immediately upon separation of employment.

#### RESIGNATIONS

As at "at-will" employer, employees can determine when/if they wish to resign from employment. At-will employment means that the employee is free to leave their jobs at any time and employers are likewise free to terminate the employee at any time for any lawful reason—or even for no reason. Written notice of resignation would be appreciated.

All Foundation owned property, keys, uniforms, identification badges, parking permits, etc., must be returned on the last day of employment or sooner if requested by the Foundation. A "Separation" Form should be completed and signed during the exit interview with the Human Resources Department.

## SECTION 12 WORKPLACE CONSIDERATIONS

### SMOKE FREE WORKPLACE

Smoking is prohibited on all university property, indoors and outdoors, as well as in all Foundation facilities and vehicles. Violation will result in disciplinary action up to and including citation and/or termination. For purposes of this policy, smoking includes the use of electronic smoking devices, such as electronic cigarettes, cigars, pipes or hookahs, that create an aerosol or vapor. Employees that observe other individuals smoking in the workplace have a right to object and should report the violation to their supervisor or to another member of management. Employees will not be disciplined or retaliated against for reporting smoking that violates this policy.

### SAFE PRACTICES

It is the policy of the Enterprise to protect employees from injury and illness in the workplace, to provide a safe and healthy work environment for all employees. It is the duty of each employee to comply with all safety rules and standards. The following may not contain every rule of safe practice but is a general guideline of what is expected for safe conduct and behavior. If in doubt about how to perform a job safely, ask a qualified person or contact Human Resources.

Supervisors and Managers will enforce safe practices and will insist that employees follow all Enterprise, State, and Federal safety standards and take action as necessary to ensure compliance. Employees who fail to follow safe practices will be subject to disciplinary action, up to and including termination.

- Employees should immediately report all on the job injuries, accidents or near misses, no matter how slight.
- Employees should cooperate with and assist in investigation of accidents to identify the causes and to help prevent reoccurrence.
- Employees should promptly report to a manager or supervisor all observed unsafe acts, practices, or conditions and inspect all equipment prior to use and report any unsafe conditions to a manager.
- Employees are expected to keep work areas clean and orderly at all times.
- Employees may not engage in any horseplay or distract other employees while working.
- Employees must obey all safety rules, work instructions, and follow the motor vehicle law if driving a company vehicle.
- Employees are expected to wear personal protective equipment (PPE) when working in hazardous areas, and/or as required by a supervisor.

### ILLNESS AND INJURY PREVENTION PROGRAM

Every employee is responsible for the safety of him/herself as well as others in the workplace. To achieve our goal of maintaining a safe workplace, everyone must always stay vigilant and follow policy. To help promote the concept of a safe workplace, the Foundation maintains an Injury and Illness Prevention Program (IIPP). The IIPP is available for review in each work location and is posted under the Human Resources section of the Foundation's website.

Any work-related injury, illness, or unsafe condition must be reported to the employee's supervisor immediately. Unless it is an emergency, a "Medical Service Order" signed by the supervisor must be taken to the medical facility in order to receive treatment.



To return to work the employee must have a release from a physician and must follow any work restrictions until authorized to return to full duty. The employee is expected to keep the Human Resources Department informed of the progress of the injury.

## **DRUG AND ALCOHOL ABUSE PROGRAM**

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

### **Drug Use/Distribution/Possession/Impairment**

The Company strictly prohibits the use, sale, attempted sale, conveyance, distribution, manufacture, purchase, attempted purchase, possession, cultivation and/or transfer of illegal drugs or other unlawful intoxicants at any time, and in any amount or any manner, regardless of occasion. "Illegal drugs" means all drugs whose use or possession is regulated or prohibited by federal, state or local law. These include prescription medication that is used in a manner inconsistent with the prescription or for which the individual does not have a valid prescription. To the extent permitted by state and local law, this policy also prohibits the use of marijuana and marijuana products. The Company will accommodate individuals who are medically certified to use marijuana by their home state where required to do so by law, but in no case may an employee use or possess marijuana or marijuana products at work or during work time or work while impaired."

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

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

### **Alcohol Use/Distribution/Possession/Impairment**

All employees are prohibited from coming onto company premises or reporting to work with alcohol in their systems. Additionally, employees may not distribute, dispense or consume alcohol while at work without an appropriate business purpose. Furthermore, lawful off-duty alcohol use, while generally not prohibited by this policy, must not interfere with an employee's job performance.

### **Prescription and Over-the-Counter Drugs**

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

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

The Company's general prohibition against the possession or use of marijuana at work applies regardless of whether an employee is certified to use marijuana for medical reasons under state law. Unless otherwise required by law, the Company will not accommodate the use or possession of marijuana by individuals who are medically authorized to use marijuana as a matter of state law but will offer such individuals alternative accommodations related to any underlying disability. Employees who have any questions regarding the Company's position concerning medical marijuana in a particular location should contact Human Resources.

### **Counseling and Rehabilitation**

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

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

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

The Company has established the following rules applicable to all employees and nonemployees that govern solicitation, distribution of written material and access to Company property:

- Employees may engage in solicitation activities only during nonworking times. No employee may engage in solicitation during their own working time or during the working time of the employee or the employees at whom such activity is directed;
- Employees may distribute or circulate any written or printed material only in non-work areas, during nonworking times. No employee may distribute or circulate any written or printed material in work areas at any time, or during their own working time or the working time of the employee or employees at whom such activity is directed;
- Nonemployees are not permitted to solicit or to distribute written material for any purpose on Company property; and
- Off-duty employees are not permitted in work areas.

Strict compliance with these rules is required.

As used in this policy, "working time" includes all time for which an employee is paid and/or is scheduled to be performing services for the Company; it does not include break periods, meal periods, or periods in which an employee is not performing and is not scheduled to be performing services or work for the Company.

### **KEYS**

Employees must follow security policies and procedures regarding all keys issued to them. The loss or misplacement of a key must be reported immediately.

On the last day of employment, an employee must return all keys to the Human Resources Department.

## **PHOTO IDENTIFICATION**

Unless otherwise notified, all employees are required to have a Cal Poly Bronco ID Card. ID cards are useful for borrowing books or other materials from the library, purchasing discount tickets for various venues, utilizing a meal plan, and spending available Bronco Bucks. ID cards are issued by the Admissions and Outreach Department (Enrollment Services). Please contact Enrollment Services at [fdnhr@cpp.edu](mailto:fdnhr@cpp.edu) or extension 4811 for a current schedule. On the last day of employment, an employee must return their Bronco I.D. to the Human Resources Department or reporting manager.

## **PROPERTY, SECURITY, PRIVACY AND SEARCHES POLICY**

Desks, storage areas, work areas, lockers, file cabinets, credenzas, all computer systems/hardware, office telephones, certain cell phones such as those provided by Enterprises, transmission radios, fax machines, copiers, Foundation owned vehicles, and all other Foundation property must be used and maintained according to this policy. All such areas and items must be kept clean and are to be used only for work purposes except as provided in this policy. The Foundation reserves the right, at all times, and without prior notice, to inspect and search any and all Foundation property for the purpose of determining whether this policy or any other Foundation policy has been violated or whether such inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. Such inspections may be conducted during or after business hours and in the presence or absence of the employee. At least two employees must be present during any inspection.

The Foundation's computer systems and other technical resources, including any voicemail, E-mail, or Internet access, cell phones, printers, tablets, smart devices and the like, are provided for the use in the pursuit of the Foundation's business and are to be reviewed, monitored and used primarily in that pursuit, except as provided in this policy. As a result, computer data, voicemail and E-mail are readily available to numerous persons. If, during this course of your employment, you perform or transmit work on the Foundation's computer systems or other technical resources, your work may be subject to the investigation, search and review of others in accordance with this policy. In addition, any electronically stored communications that you either send to or receive from others may be retrieved and reviewed where such investigation serves the legitimate business interests and obligations of the Foundation.

The Foundation recognizes that employees may occasionally find it necessary to use the Foundation's telephones for personal business. Such calls must be kept to a minimum and must be made only during break or lunch periods. All personal calls out of the local zone area and out-of-state telephone calls must be reported to your supervisor in a timely manner and charges remitted promptly. Each individual unit may have more specific policies or procedures in addition to this general policy.

Employees of the Foundation are not permitted to use Foundation's equipment for non-Foundation purposes without permission from their direct supervisors or as set forth herein. The employee has no right of privacy as to any information or file maintained in or on the Foundation's property or transmitted or stored through the Foundation's computer systems, voice mail, E-mail, Internet access or other technical resources. For purposes of inspecting, investigating or searching employee's computerized files or transmissions, voice mail, or E-mail, Internet access or any other technical resources, the Foundation may override any applicable passwords or codes in accordance with the best interests of the Enterprises, its employees, its clients, customers and visitors, all Foundation documents and communications are the property of the Foundation and may be reviewed and used for purposes that the Foundation considers appropriate.

Only Foundation employees may access files or programs, whether computerized or not, that they have permission to enter. Prior authorization must be obtained before any Foundation property may be removed from the premises. Unauthorized review, duplication, dissemination, removal, damage or alteration of files, passwords, computer systems or programs, or other property of the Enterprises, or improper use of information obtained by authorized or unauthorized means, may be grounds for disciplinary action, up to and including discharge.

## **SECURITY CAMERAS**

Security cameras will be limited to uses that do not violate the reasonable expectation of privacy as defined by law. Security cameras are placed in various locations throughout Foundation and serve three main objectives:

1. **Personal Safety:** We capture video and store it on a remote device so that if something unsafe or inappropriate occurs, the video may capture details of the event and thereby assist toward understanding what transpired and/or to assist in an investigation.
2. **Property Protection:** We will capture video and store it on a remote device so that if property is reported stolen or damaged, the video may provide a record of events to assist in the investigation.
3. Common examples of where security cameras will be placed include seating areas for customers, entryways, sales areas and where cash is handled.
4. **Routine monitoring:** There may be live video stream in areas which may be monitored by an authorized staff member during operating hours.

### **Guidelines:**

- Information obtained from the cameras will be used for law enforcement purposes, University judicial functions and customer insight and analytics.
- Cameras will be located to limit intrusions to personal privacy. No audio shall be recorded.
- Bathrooms, lactation areas and/or dressing rooms will not be monitored by security cameras.
- Cameras may be used to monitor cashiers and sales transactions.
- Typically, video camera installations will be visible.
- All recording or monitoring of activities of individuals or groups will be conducted in a manner consistent with University policy, and state and federal law.
- All individuals with access to security cameras must be pre-approved and shall only utilize the system for work purposes. All applicable legal, ethical, and policy rules must be followed when using monitoring equipment
- Requests for video footage, and questions about this policy, should be directed to the respective unit Director.
- Breaches of this policy may result in disciplinary action, in accordance with applicable employment standards.

## **VOICEMAIL, E-MAIL, WEB CONFERENCING, AND COMPUTER DATA STORAGE SYSTEMS**

The following are guidelines for all computer equipment including voicemail, E-mail, web conferencing services, computer systems usage and other electronic equipment, as well as an advisory concerning Foundation's access to and disclosure of messages and information stored on these systems.

All above listed equipment used by the Foundation are provided solely to further the Foundation's business operations in conjunction with California State Polytechnic University, Pomona. These systems and the information stored thereon are owned and belong to the Foundation. Although employee passwords may be used for company-oriented security reasons, the use of such passwords is not intended to assure employees that communications generated by or stored on these systems will be kept confidential. The Foundation maintains the right to access these systems and to retrieve information stored thereon at any time, and all employee passwords must be made known to the Foundation upon demand. Passwords/pass codes are the property of the Foundation and should be kept to work-appropriate language. These systems should not be used for personal communications.

Once again, employees should keep in mind that messages and all other data stored on the Foundation's voicemail, E-mail, web conferencing, and computer systems are subject to access by the Foundation at any time, and is not to be considered confidential or private. We ask you to exercise good judgment in using these systems.

The appropriate use of the Foundation's voicemail, E-mail, web conferencing, computer systems and other electronic equipment are as follows:

- Voicemail, E-mail messages, web conference recordings, and other computer-stored data are considered business records and can be subpoenaed (and electronically retrieved, even after you "delete" them). Therefore, nothing should be included that you would not consider putting in a memo format.
- Employees should delete unwanted voicemail and E-mail messages as soon as practical and should log off when not using the computer system.
- Employees should exercise good judgment in the use of E-mail distribution lists; these lists are developed for the convenience of the addresses and unnecessary or frivolous messages should not be sent, thereby cluttering up user screens.

Although it is not possible to provide an exhaustive list of all types of misuse of company property, the following are some examples in which company property **must not** be used:

- Any illegal, discriminatory, threatening, harassing, abusive or offensive comments.
- Anything in conjunction with an employee's outside business endeavors or sales of any product or outside service (home products, cosmetics, etc.) or any activity that violates Foundation rules or applicable law.
- Anything relating to such materials considered obscene, harassing, discriminatory, violent or threatening, including downloading or forwarding of same.
- Messages or other communications violating a company policy or contrary to supervisory instructions.

Any violations of these guidelines for use or other provisions of this policy may result in disciplinary actions, up to and including possible termination.

As previously noted, the Foundation's voicemail, E-mail, computer systems and other electronic equipment are provided to facilitate the conduct of its business. All messages and other communications generated through and/or stored on these systems are considered business records. Employees who use the voicemail, E-mail, and/or computer systems should understand that information stored on these systems cannot be considered confidential or private. The Foundation reserves the right to access any voicemail, E-mail and other computer-stored information at any time in the service of its legitimate business interests.

Employees should understand that the "delete" function of the Foundation's voicemail, E-mail and/or computer systems does not necessarily "make the message or other information disappear." While deletions may occur at the user level, copies may remain on one of the system back-up files.

Under certain conditions, employees will need to communicate with clients and other external users via voicemail, E-mail and/or on the Internet. Employees are cautioned to exercise an additional level of discretion and sound judgment when communicating with third parties via these systems.

#### **UNIFORM AND EQUIPMENT ISSUANCE AGREEMENT**

Uniforms (i.e., specific hats, shirts, aprons, etc.) or equipment items may be provided by the Foundation to employees in certain working areas. Uniforms of a selected type may be provided at no cost to the employee when the employee is required to wear such specific items. Other company or departmental dress code requirements will be the responsibility of the employee.

It is also, the employee's responsibility for the maintenance, laundry and/or care of uniforms. Uniforms must always be kept neat and clean, and all equipment must be kept in working order.

For employees who are CalPERS Classic members, \$4.50 will be reported to CalPERS as "Special Compensation" on a pay period basis. For additional information please contact Human Resources.

Employee will be asked to review and sign the Uniform and Equipment Issuance Agreement upon receipt of uniform and/or equipment items. This Issuance Agreement explains procedures for replacement of lost, destroyed or damaged uniforms or equipment, replacing of normal wear and tear items, cleaning and caring of articles and returning of items upon separation where applicable.

## **SECTION 13 STANDARDS OF CONDUCT**

### **PERSONAL STANDARDS**

Each employee is a representative of the Foundation. It is important for employees to use common sense in their dress and appearance as they are expected to always present a positive and professional image. Each employee must report to work properly groomed and wearing appropriate business clothing in a manner that is consistent with their job duties. Avoid clothing that might create a safety hazard, is a distraction in the workplace, or is offensive to others.

Divisional Directors may develop specific Unit Standards related to their operations (i.e., uniforms, customer service, electronic devices, grooming, etc.). These standards are an addition to Foundation Standards that govern all divisions. Divisional management will communicate these standards to new employees during the orientation process. Employees are required to follow with the Unit Standards established for their division/department and may not begin working until fully compliant. Management may allow employees to begin work after they have rectified any compliance issues. An employee's repeated failure to meet Foundation or Unit Standards is cause for disciplinary action, up to and including termination.

If an employee is in dispute with the unit manager's determination, the employee may appeal to the Chief Human Resources Officer, or Executive Director/CEO or his/her designee for a final determination.

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

### **Religious, Medical and Disability Accommodations**

The Company will reasonably accommodate exceptions to this policy if required due to an employee's religious beliefs, medical condition or disability. Employees who need such an accommodation should contact their supervisor or Human Resources.

### **CUSTOMER RELATIONS**

The Foundation exists to provide services to campus customers. All employees are expected to be ethical, act with integrity and be courteous, prompt and attentive to every customer.

Our customers are defined as students, employees of the University, the general public and co-workers of the Foundation. When a situation arises where the employee does not feel comfortable or capable of handling any problems that might arise, the supervisor should be contacted immediately.

## **REPORTING ABSENCES OR TARDINESS**

If an employee is unable to report to work, or when an employee expects to be more than 15-minutes late, that employee must notify their supervisor or designee. Such notice should be given as far in advance as possible so that the supervisor can obtain a replacement or reschedule the department's work.

Employees must also inform their supervisor of expected duration of any absence. In those rare cases when an employee is unable to reach their immediate supervisor, they should contact their next level supervisor, designated manager on duty, or director.

Unforeseen absences due to emergencies or other uncontrollable circumstances must be reported as soon as possible along with an estimate on when the employee expects to return to work. In cases, where more than one day absence occurs, an employee is required to provide a daily status to their supervisor.

Planned absences must be arranged in advance and approved by your supervisor. All absences are subject to supervisory approval.

Instances of failure to call-in may be grounds for corrective discipline and can result in termination of employment. If an employee fails to report for work without any notification to the employee's supervisor for a period of three consecutive working days, the Foundation will consider that employee as resigned without notice as of the close of the business on the third day.

An employee's supervisor may provide more detailed Unit Standards for reporting absences according to procedures established by the respective department/division. Employees will be provided with these standards for reporting absences or tardiness during their unit orientation.

## **ATTENDANCE AND PUNCTUALITY**

Employees are expected to be punctual and adhere to their schedule. Tardiness and unplanned absences are problematic for co-workers and often negatively impact the services we provide to our customers.

Employees are expected to report to work fully prepared for their job duties by the beginning of their scheduled shift. Employees are also expected to remain at work for their entire work schedule, except for meal and rest periods or when required to leave on authorized Foundation business. Late arrival, early departure or other absences from scheduled hours are disruptive and must be avoided. Tardiness may not be "made up" by adding time onto the end of a scheduled shift or onto another day. Excessive absenteeism (unexcused) may be grounds for corrective discipline and/or up to and including termination of employment. Each situation of excessive absenteeism or tardiness shall be evaluated on a case-by-case basis.

An employee's supervisor may provide more detailed Unit Standards regarding attendance and punctuality according to procedures established by the respective division/department. Employees will be provided with the Unit Standard for attendance and punctuality during their unit orientation process.

## **CHILDREN IN THE WORKPLACE**

Employees are welcome to bring their children to visit their worksite, provided that the visits are infrequent, brief planned in a fashion that limits disruption to the workplace and takes place in public areas. While children are in the workplace, they must always be directly supervised by the host/parent. Employees are not permitted to bring ill children to work. This policy is not to be utilized as a backup childcare arrangement. If frequency, length or nature of visits become problematic, the employee will be advised of the situation and will be expected to take corrective action.

## **CONFIDENTIALITY/TRADE SECRETS**

The Company's confidential and proprietary information is vital to its current operations and future success. Each employee should use all reasonable care to protect or otherwise prevent the unauthorized disclosure of such information.

In no event should employees disclose or reveal confidential information within or outside the Company without proper authorization or purpose.

"Confidential Information" refers to a piece of information, or a compilation of information, in any form (on paper, in an electronic file, or otherwise), related to the Company's business that the Company has not made public or authorized to be made public, and that is not generally known to the public through proper means.

By way of example, confidential or proprietary information includes, but is not limited to, nonpublic information regarding the Company's business methods and plans, databases, systems, technology, intellectual property, know-how, marketing plans, business development, products, services, research, development, inventions, financial statements, financial projections, financing methods, pricing strategies, customer sources, employee health/medical records, system designs, customer lists and methods of competing. Additionally, employees who by virtue of their performance of their job responsibilities have the following information, should not disclose such information for any reason, except as required to complete job duties, without the permission of the employee at issue: social security numbers, driver's license or resident identification numbers, financial account, credit or debit card numbers, security and access codes or passwords that would permit access to medical, financial or other legally protected information.

Confidential Information does not include information lawfully acquired by non-management employees about wages, hours or other terms and conditions of employment, if used by them for purposes protected by §7 of the National Labor Relations Act such as joining or forming a union, engaging in collective bargaining, or engaging in other concerted activity for their mutual aid or protection. Nothing in this Employee Handbook prohibits an employee from communicating with any governmental authority or making a report in good faith and with a reasonable belief of any violations of law or regulation to a governmental authority, or disclosing Confidential Information which the employee acquired through lawful means in the course of employment to a governmental authority in connection with any communication or report, or from filing, testifying or participating in a legal proceeding relating to any violations, including making other disclosures protected or required by any whistleblower law or regulation to the Securities and Exchange Commission, the Department of Labor, or any other appropriate government authority.

Further, employees are hereby notified that under the 2016 Defend Trade Secrets Act (DTSA): (1) no individual will be held criminally or civilly liable under Federal or State trade secret law for the disclosure of a trade secret (as defined in the Economic Espionage Act) that: (A) is made in confidence to a Federal, State, or local government official, either directly or indirectly, or to an attorney; and made solely for the purpose of reporting or investigating a suspected violation of law; or, (B) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal so that it is not made public; and, (2) an individual who pursues a lawsuit for retaliation by an employer for reporting a suspected violation of the law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court or arbitration proceeding, if the individual files any document containing the trade secret under seal, and does not disclose the trade secret, except as permitted by order in that proceeding.

## **CONFLICT OF INTEREST**

All employees must conduct themselves in such a way as to avoid actual or potential conflicts of interest. The following are examples of prohibited conflicts of interest in any aspect of their jobs:



- Acting as a director, officer, consultant, agent or employee of a supplier, customer, competitor or any entity that engages in business with the Company;
- Owning a material interest in or being a creditor of or having other financial interest in a supplier, customer, competitor or any entity that engages in business with the Company;
- Receiving from or giving to any supplier, customer or competitor gifts, gratuities, special allowances, discounts or other advantages not generally available to employees of the Company;
- Having any significant direct or indirect personal interest in a business transaction involving the Company;
- Conducting outside activities that materially detract from or interfere with the full and timely performance of an employee's job duties for the Company;
- Influencing commercial transactions involving purchases, contracts or leases in a way that would have a negative impact on the Company or its business.

If an employee has, or is considering the assumption of, a financial interest or outside employment relationship that might involve a conflict of interest, or if the employee is in doubt concerning the proper application of this policy, they should promptly discuss the matter with Human Resources and refrain from exercising responsibility on the Company's behalf in any manner that might reasonably be considered to be affected by any adverse interest.

Failure to disclose the fact of a conflict or potential conflict may constitute grounds for disciplinary action.

This policy in no way prohibits employee affiliations or activities that are protected under applicable state and federal laws, including but not limited to any activity that is protected under Section 7 of the National Labor Relations Act, which includes the right of employees to organize collectively and to speak with others about their terms and conditions of employment.

## **PROHIBITED CONDUCT**

Like all organizations, the Foundation wants to provide a safe and secure work environment. For this reason, it may be helpful to identify some further examples of types of conduct that are impermissible and that may lead to disciplinary action, including termination of employment. Although it is not possible to provide an exhaustive list of all types of impermissible conduct and performance, the following are some common examples:

- Theft, dishonesty, including fraudulent or destructive use of Foundation or University property.
- Fraud in securing Foundation employment.
- Falsification of time records.
- Falsification of individual's application required by the Foundation.
- Unlawful conduct during working time or on Foundation premises.
- Conviction of any felony that prohibits employment on campus or around minors.
- Unsatisfactory performance.
- Violation of the Attendance Policy.
- Failure to comply with management directions regarding job duties.
- Physical fighting, intimidating, threatening other persons or provoking such action.
- Unsafe or hazardous work actions.
- Violation of unit or Foundation policies or procedures.
- Bearing of firearms or other weapons while on campus.

- Making threats or engaging in violent activities.
- Any action that affects the welfare of other employees or the service of the Foundation.
- Frequent or repetitive non-compliance with Foundation or Unit (divisional/departmental) Standards.

It should be remembered that employment continues only upon the mutual consent of the employee and the Foundation. Accordingly, either the employee or the Foundation can terminate the employment relationship at will, at any time, either with or without cause or advance notice. Nothing in this policy is intended or should be construed to alter at-will employment.

### **DISCIPLINARY ACTION**

Disciplinary action may consist of verbal warning, written warning, suspension and/or immediate discharge, or any combination of these steps, depending on the specific situation, in any order in the Foundation's sole discretion. For example, in one situation a verbal warning is appropriate and given to the employee, while in another situation, no verbal warning is given but instead, the employee is immediately suspended.

### **BUSINESS CONDUCT AND ETHICS**

No employee may accept a personal gift or gratuity having a value of more than \$25 from any vendor, supplier or other person doing business with the Foundation as it may give the appearance of influence regarding their business decision, transaction or service. Employees who may receive premiums, samples or free specials as a result of buying or business activities is required to turn such items over to their unit manager for disposition.

Expenses paid by such persons, vendors or suppliers for business trips or any other item of value must be discussed with Foundation senior management in advance of receipt. Vendors, suppliers and all other persons doing business with the Foundation should be advised of this policy against the receipt of gifts or gratuities.

The Foundation's Ethics Policy is based on three fundamental elements: (1) to create and maintain a culture of honesty and high ethics, (2) to evaluate the risks of fraud and implement the processes, procedures and controls needed to eliminate or reduce the opportunities for fraud, and (3) to develop an appropriate oversight process. It is the responsibility of the entire Foundation management team to implement and monitor these activities. A complete copy of the Foundation's Ethics Policy may be obtained by viewing it on the Foundation's website.

### **WORKPLACE VIOLENCE**

*(Zero Tolerance)*

The Foundation is dedicated in providing a safe workplace for all employees and the campus community. The Foundation and the University have a zero tolerance for all threats or acts of violence. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy. The complete policy is available on the Foundation's website.

Any potentially dangerous situations must be reported immediately to a supervisor or the Human Resources Department. Reports can be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. The Foundation will actively intervene at any indication of a possibly hostile or violent situation.

Human Resources takes reasonable risk reduction measures by conducting background investigations and reference checks on new full-time employees and those in sensitive positions to help reduce the risk of hiring individuals with a history of violent behavior.

The Foundation participates in the University's proactive program in establishing a climate in which individuals know how and when to respond to the threat of violence.

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination of employment, expulsion from the University or civil or criminal prosecution, as appropriate. Non-employees engaged in violent acts on the campus will be reported to the proper authorities and fully prosecuted.

#### **PAY TRANSPARENCY NONDISCRIMINATION PROVISION**

Foundation will not discharge or in any other manner discriminate against current employees or applicants because they have inquired about, discussed or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other Foundation employees or applicants as a part of their essential job functions (such as those employees who have administrative privileges in the payroll system, or any employee working in Human Resources) cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing or action, including an investigation conducted by the Enterprises, or (c) consistent with the Foundation's legal duty to furnish information.

**Employees who believe they have been subject to harassment or discrimination under any of the above areas should contact the Chief Human Resources Officer, 909-869-2948, or the Foundation Executive Director/CEO.**

#### **WHISTLE BLOWER PROTECTION**

Foundation employees are prohibited from engaging in any improper governmental activities or activities that create significant threats to the health and/or safety of the campus community in the performance of their work duties. Foundation employees and applicants for Foundation employment should be free to report waste, fraud, abuse of authority, violation of law or threat to public health at the Foundation without fear of retribution. No individual who makes a protected disclosure or participates in an investigation concerning allegations of improper governmental activity or the existence of a condition that may significantly threaten the health or safety of employees or the public shall for that reason be subjected to personnel action in addition to any penalty or civil liability provided by law. Employees or applicants for employment who believe that they have suffered reprisal, retaliation, threats, coercion or similar acts for having made a protected disclosure may file a written retaliation complaint with their supervisor, manager or directly with the Foundation Human Resources Department at extension 2958, 2953 or 4378. The complaint alleging retaliation must be signed by the complainant and contain a sworn statement that the contents of the written complaint are true or believed by the complainant to be true, under penalty of perjury.

[https://cppfoundation.formstack.com/forms/covid\\_safety\\_inquiry\\_reporting](https://cppfoundation.formstack.com/forms/covid_safety_inquiry_reporting)

#### **COOPERATION DURING AN INVESTIGATION**

Although uncommon, it can become necessary for any employee to become involved in an internal investigation regarding a suspected policy violation. You must cooperate fully during any investigation or fact-finding we conduct unless you are informed that cooperation is voluntary. In any investigation, we expect honesty above all. This is true whether you are the complaining party, the accused party, or potential witness.

#### **NON-RETALIATION**

The Foundation encourages reporting of all perceived incidents. It is the policy of the Foundation] to promptly and thoroughly investigate such reports. Foundation prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports or provide cooperation during an investigation. Retaliation is a violation of this policy and may result in discipline, up to and including termination. No employee will be discriminated against, or discharged, because of bringing a good faith complaint forward or assisting in an investigation.

Retaliation is itself a violation of this policy and is a serious offense. Complaints regarding allegations of reprisal should be immediately brought to the attention of Chief Human Resources Officer. Retaliation includes any threat, discipline, discharge, demotion, suspension, reduction in employee hours, or any other adverse employment action against an employee for exercising their rights or participating in an investigation.

#### **SECTION 14 CONFLICT RESOLUTION**

The Conflict Resolution Policy, Policy #206 as posted on the Foundation's website, provides employees with a formal procedure for the resolution of problems arising in the course of their employment in a fair and orderly fashion if such problems cannot be resolved informally. Conflict Resolution Steps:

1. The employee should first discuss the problem with their immediate supervisor.
2. If the meeting does not resolve the problem, the problem should be stated in writing to the immediate supervisor. The supervisor will respond in writing.
3. If the employee is not satisfied with the supervisors written response, the employee may appeal in writing to the next level of authority up to and including the Executive Director/CEO.

#### **SECTION 15 PERSONNEL RECORDS**

##### **RIGHT TO REVIEW**

Employees have a right to inspect certain documents in their personnel file - in the presence of a Foundation Human Resources Representative at a mutually convenient time. A written request should be presented to a representative of the Human Resources Department to review records. Copies of documents are not permitted with the exception of documents that have been previously signed by the employee. An employee may add their version of any disputed item to the personnel file.

##### **EMPLOYEE REFERENCES OR VERIFICATIONS**

All official requests for references or employment verifications on behalf of the Foundation must be directed to the Human Resources Department. No other manager, supervisor or employee is authorized to release references or employment verifications for current or former employees.

Generally, the Foundation's practice relating to references or employment verification for current or present employees is to confirm the employee's name, position title, dates of employment, rate of pay (with employee authorization) and whether or not the employee is eligible for re-hire.

This policy is not intended to interfere with the ability of a unit manager to issue letters of reference when requested by individual current or former employees. Letters of reference, if so written, are voluntary and should not be written on Foundation letterhead unless approved to do so by the Executive Director/CEO.

##### **CHANGE OF PERSONAL RECORD INFORMATION**

It is each employee's responsibility to update their personal information whenever a change of address, telephone number or other important personal information has been changed. All active employees may access the payroll system to update their personal information.

## SECTION 16

### MISCELLANEOUS PROGRAMS AND RECREATIONAL ACTIVITIES

The Foundation or its insurer will not be liable for the payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social or athletic activity that is not part of the employee's work-related duties.

#### **403(B) TAX DEFERRED ANNUITIES**

Employees may participate in the Foundation's 403(b) plan. Funds withheld in a 403(b) are not taxed as income until it is withdrawn (usually at retirement). If an employee is interested in participating in a 403(b) or would like more information, please contact Human Resources or visit the Foundation website.

#### **457(B) PLANS**

All employees (except student employees) are permitted to elect pre-tax payroll contributions at their discretion as soon as they become employed with Foundation. If an employee is interested in participating in a 457(b) or would like more information, please contact Human Resources or visit the Foundation website.

#### **AFLAC**

(Regular Benefited Employees ONLY)

The AFLAC program allows eligible employees to enroll in two Flexible Spending Accounts and a variety of supplemental employee benefits plans. AFLAC's Flex One cafeteria plan (un-reimbursed medical expenses) allows an employee to set aside pre-tax dollars to use for specific un-reimbursed medical, dental and vision expenses. Additionally, the Flex Spending Account provides for a dependent care account to permit an employee to set aside pre-tax dollars to use for dependent care expenses.

AFLAC also offers eligible employees other supplemental plans including Personal Accident Expense Plan, Personal Short-Term Disability Plan, Personal Cancer Indemnity as well as other plans. For a complete description of AFLAC Plans, please contact the Human Resources Department. Open enrollment is held during the month of November each year and plans are effective January through December.

#### **USE OF CAMPUS FACILITIES**

Employees may use any public campus dining facilities including Campus Center Marketplace, Bronco Student Center, CenterPointe Dining Commons, Innovation Brew Works, various Cafés, and Kellogg West Restaurant (discounts may apply). Kellogg West Hotel & Conference Center, the Bronco Bookstore, and all other public-facing services are also available (discounts may apply).

The University's physical education facilities are primarily used for instructional purposes, however, they are available for use by employees, as designated by the Health, Physical Education and Recreation Department. Library services are also available to all employees who provide appropriate identification.

## **EMPLOYEE HANDBOOK ACKNOWLEDGMENT AND RECEIPT**

I hereby acknowledge receipt of the employee handbook of Cal Poly Pomona Enterprises. I understand and agree that it is my responsibility to read and comply with the policies in the handbook. I understand that the Foundation has provided me various alternative channels [including anonymous and confidential channels,] to raise concerns of violations of this handbook and company policies and encourages me to do so promptly so that the Foundation may effectively address such situations, and I understand that nothing herein interferes with any right to report concerns, make lawful disclosures, or communicate with any governmental authority regarding potential violations of laws or regulations

I understand that the handbook and all other written and oral materials provided to me are intended for informational purposes only. The handbook does not create an employment contract for continued employment. I understand that the policies and benefits, both in the handbook and those communicated to me in any other fashion, are subject to interpretation, review, removal, and change by management at any time without notice.

I further understand that I am an at-will employee. I understand that no representative of the company has any authority to enter into any agreement for employment for any specified period of time or to assure any other personnel action or to assure any benefits or terms or conditions of employment or make any agreement contrary to the foregoing.

I also understand and agree that this agreement may not be modified orally and that only the Executive Director/CEO of the Enterprise or an authorized representative may make a commitment for employment. I also understand that if such an agreement is made, it must be in writing and signed by the Executive Director/CEO or an authorized representative.

I understand and acknowledge that nothing in this Employee Handbook or in any other document or policy is intended to prohibit me from reporting concerns to, filing a charge or complaint with, making lawful disclosures to, providing documents or other information to or participating in an investigation or hearing conducted by the Equal Employment Opportunity Commission ("EEOC"), National Labor Relations Board ("NLRB"), Securities and Exchange Commission ("SEC") or any other federal, state or local agency charged with the enforcement of any laws.

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

By writing my name I (a) agree to the terms and conditions of the Employee Handbook and (b) agree that my writing my name is my electronic signature. An electronic signature is as legally binding as an ink signature.

# Memorandum

Date: February 24, 2022  
To: Board of Directors  
From: Christina Gonzales, Personnel Committee Chair  
Shari Benson, Director – Human Resources/CHRO  
Attachment: Holiday Calendar 2022  
Subject: **2022 Holiday Observances**



Each year the Foundation Holiday Observances calendar closely mirrors that of the University. This method has proven effective as the demand for most of our services are reliant upon campus foot traffic. This year, the Holiday Observances Calendar is identical with two notable exceptions.

- 1) Many units continue to operate during some holidays. Residents remain in the University Village, the Bronco Bookstore must prepare for the coming semester, CenterPointe continues to feed students in University Housing, payroll needs to be processed, and more. Eligible employees working on paid holidays are compensated accordingly.
- 2) December 24<sup>th</sup>, or workday immediately prior the 24<sup>th</sup>, is regularly granted to stateside employees by the Governor and University President in the preceding days. Last minute adjustments to service hours can result in confusion for employees and those we serve. Proactively scheduling the day as a Foundation Holiday allows for superior planning and communication.

## **PROPOSED ACTION:**

Management and the Personnel Committee recommend that the Board of Directors approve the 2022 Holiday Observances calendar as presented.

**THEREFORE, BE IT RESOLVED** that the Board of Directors approves the 2022 Holiday Calendar as presented.

**BE IT FURTHER RESOLVED** that upon approval of this resolution, the Executive Director/CEO and Director – Human Resources/CHRO are authorized and directed to take any and all action as may be necessary to effectuate this Resolution.

**PASSED AND ADOPTED THIS 24TH DAY OF FEBRUARY 2022.**

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Dr. Lea Dopson, Secretary/Treasurer  
Board of Directors

## Enterprise Foundation Holiday Calendar 2022

December	31	New Year's Day 2022 Holiday Observed
January	17	Martin Luther King, Jr. Day
March	31	Cesar Chavez Day
May	30	Memorial Day
July	04	Independence Day
September	05	Labor Day
November	11	Veterans' Day
November	24	Thanksgiving Day
November	25	Day After Thanksgiving
December	23	Foundation Holiday
December	26	Christmas Holiday Observed
December	27	Foundation Holiday
December	28	Foundation Holiday
December	29	Foundation Holiday
December	30	Campus Closed (Use Personal Holiday or Vacation Hours)
January	02	New Year's Day 2023 Holiday Observed



# Memorandum

Date: February 24, 2022

To: Board of Directors

From: Christina Gonzales, Personnel Committee Chair  
Jared Ceja, Executive Director/CEO

Subject: CalPERS Public Agency Valuation Reports for Foundation with Selected Pages from Each Valuation Report

Attachments: (1) First Tier Plan  
(2) Second Tier Plan  
(3) PEPPRA Miscellaneous Plan



The California Public Employee Retirement System (CalPERS) released new financial reports for the FY ending June 30, 2020 which detail the finances of CalPERS pension plans of contracting public agencies. Specific information related to the pension plans can be located on the CalPERS website under the Public Agency Valuation Report section. On that site one can locate detailed reports showing the financial status for each of the three Foundation pension plan tiers with established FY 2022-23 employer contribution rates and other important pension plan data. A summary of the most critical information follows:

- Miscellaneous First Tier Plan is based on the 2% at 55 formula with an estimated funding level of 80.5%. The projected employer contribution rate for FY 2022-23 is 12.32% of covered payroll. This is a slight cost rate decrease from the FY 2021-22 rate of 12.34%.
- Miscellaneous Second Tier Plan is based on 2% at 60 formula with an estimated funding level of 93.6%. The projected employer contribution rate for FY 2022-23 is 8.63%. This is a slight cost rate decrease from the FY 2021-22 rate of 8.65%.
- PEPPRA Miscellaneous Plan based on 2% at 62 formula with an estimated funding level of 91.8%. The projected employer contribution rate for FY 2022-23 is 7.47%. This is a moderate cost rate decrease from the FY 2021-22 rate of 7.59%.

In plentiful years Management prefers to take a pro-active approach to pay down the UAL by making payments above the minimum required for all 3 rate plans. No such additional payments are planned until our financial results substantially recover.

## **PROPOSED ACTION:**

Management and the Personal Committee recommend that the Board of Directors approve the CalPERS Public Agency Valuation Reports for Foundation with Selected Pages from Each Valuation Report.

**THEREFORE, BE IT RESOVLED** that the Board of Directors approves the CalPERS Public Agency Valuation Reports for Foundation with Selected Pages from Each Valuation Report.

**BE IT FURTHER RESOLVED** that upon approval of this resolution, the Executive Director/CEO is authorized and directed to take any and all action as may be necessary to the effectuate this Resolution.

**PASSED AND ADOPTED THIS 24TH DAY OF FEBRUARY 2022.**

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Dr. Lea Dopson, Secretary/Treasurer  
Board of Directors

## Required Employer Contributions

	Fiscal Year
<b>Required Employer Contributions</b>	<b>2022-23</b>
<b>Employer Normal Cost Rate</b>	<b>12.32%</b>
<i>Plus</i>	
<b>Required Payment on Amortization Bases<sup>1</sup></b>	<b>\$949,025</b>
<i>Paid either as</i>	
<b>1) Monthly Payment</b>	<b>\$79,085.42</b>
<i>Or</i>	
<b>2) Annual Prepayment Option*</b>	<b>\$917,457</b>
<p><i>The total minimum required employer contribution is the sum of the Plan's Employer Normal Cost Rate (expressed as a percentage of payroll and paid as payroll is reported) plus the Employer Unfunded Accrued Liability (UAL) Contribution Amount (billed monthly (1) or prepaid annually (2) in dollars).</i></p> <p><i>* Only the UAL portion of the employer contribution can be prepaid (which must be received in full no later than July 31).</i></p>	

	Fiscal Year	Fiscal Year
	2021-22	2022-23
<b>Development of Normal Cost as a Percentage of Payroll</b>		
Base Total Normal Cost for Formula	17.25%	17.24%
Surcharge for Class 1 Benefits <sup>2</sup>		
a) EE Contribution to State Level - Covered by SS	2.00%	2.00%
Phase out of Normal Cost Difference <sup>3</sup>	0.00%	0.00%
Plan's Total Normal Cost	19.25%	19.24%
Formula's Expected Employee Contribution Rate	6.91%	6.92%
Employer Normal Cost Rate	12.34%	12.32%

<sup>1</sup> The required payment on amortization bases does not take into account any additional discretionary payment made after April 30, 2021.

<sup>2</sup> Section 2 of this report contains a list of Class 1 benefits and corresponding surcharges for each benefit.

<sup>3</sup> The normal cost change is phased out over a five-year period in accordance with the CalPERS contribution allocation policy.

## Plan's Funded Status

	June 30, 2019	June 30, 2020
1. Present Value of Projected Benefits (PVB)	\$63,399,871	\$64,777,243
2. Entry Age Accrued Liability (AL)	57,826,777	60,797,996
3. Plan's Market Value of Assets (MVA)	47,429,503	48,922,702
4. Unfunded Accrued Liability (UAL) [(2) - (3)]	10,397,274	11,875,294
5. Funded Ratio [(3) / (2)]	82.0%	80.5%

This measure of funded status is an assessment of the need for future employer contributions based on the selected actuarial cost method used to fund the plan. The UAL is the present value of future employer contributions for service that has already been earned and is in addition to future normal cost contributions for active members. For a measure of funded status that is appropriate for assessing the sufficiency of plan assets to cover estimated termination liabilities, please see "Hypothetical Termination Liability" in the "Risk Analysis" section.

## Projected Employer Contributions

The table below shows the required and projected employer contributions (before cost sharing) for the next six fiscal years. The projection assumes that all actuarial assumptions will be realized and that no further changes to assumptions, contributions, benefits, or funding will occur during the projection period. Actual contribution rates during this projection period could be significantly higher or lower than the projection shown below.

	Required Contribution	Projected Future Employer Contributions (Assumes 7.00% Return for Fiscal Year 2020-21)				
Fiscal Year	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
	Rate Plan 10123 Results					
<b>Normal Cost %</b>	12.32%	12.3%	12.3%	12.3%	12.3%	12.3%
<b>UAL Payment</b>	\$949,025	\$1,044,000	\$1,145,000	\$1,207,000	\$1,264,000	\$1,293,000

For some sources of UAL, the change in UAL is amortized using a 5-year ramp up. For more information, please see "Amortization of the Unfunded Actuarial Accrued Liability" under "Actuarial Methods" in Appendix A of the Section 2 Report. This method phases in the impact of the change in UAL over a 5-year period in order to reduce employer cost volatility from year to year. As a result of this methodology, dramatic changes in the required employer contributions in any one year are less likely. However, required contributions can change gradually and significantly over the next five years. In years when there is a large increase in UAL, the relatively small amortization payments during the ramp up period could result in a funded ratio that is projected to decrease initially while the contribution impact of the increase in the UAL is phased in.

For projected contributions under alternate investment return scenarios, please see the "Future Investment Return Scenarios" in the "Risk Analysis" section.

Our online pension plan modeling and projection tool, Pension Outlook, is available in the Employers section of the CalPERS website. Pension Outlook is a tool to help plan and budget pension costs into the future with results and charts that are easy to understand.

## Required Employer Contributions

	Fiscal Year
<b>Required Employer Contributions</b>	<b>2022-23</b>
<b>Employer Normal Cost Rate</b>	<b>8.63%</b>
<i>Plus</i>	
<b>Required Payment on Amortization Bases<sup>1</sup></b>	<b>\$8,992</b>
<i>Paid either as</i>	
<b>1) Monthly Payment</b>	<b>\$749.33</b>
<i>Or</i>	
<b>2) Annual Prepayment Option*</b>	<b>\$8,693</b>
<p><i>The total minimum required employer contribution is the sum of the Plan's Employer Normal Cost Rate (expressed as a percentage of payroll and paid as payroll is reported) plus the Employer Unfunded Accrued Liability (UAL) Contribution Amount (billed monthly (1) or prepaid annually (2) in dollars).</i></p> <p><i>* Only the UAL portion of the employer contribution can be prepaid (<b>which must be received in full no later than July 31</b>).</i></p>	

	Fiscal Year	Fiscal Year
	2021-22	2022-23
<b>Development of Normal Cost as a Percentage of Payroll</b>		
Base Total Normal Cost for Formula	15.57%	15.56%
Surcharge for Class 1 Benefits <sup>2</sup>		
None	0.00%	0.00%
Phase out of Normal Cost Difference <sup>3</sup>	0.00%	0.00%
Plan's Total Normal Cost	15.57%	15.56%
Formula's Expected Employee Contribution Rate	6.92%	6.93%
Employer Normal Cost Rate	8.65%	8.63%

<sup>1</sup> The required payment on amortization bases does not take into account any additional discretionary payment made after April 30, 2021.

<sup>2</sup> Section 2 of this report contains a list of Class 1 benefits and corresponding surcharges for each benefit.

<sup>3</sup> The normal cost change is phased out over a five-year period in accordance with the CalPERS contribution allocation policy.

## Plan's Funded Status

	June 30, 2019	June 30, 2020
1. Present Value of Projected Benefits (PVB)	\$3,843,583	\$3,922,321
2. Entry Age Accrued Liability (AL)	1,789,815	1,997,792
3. Plan's Market Value of Assets (MVA)	1,726,286	1,870,169
4. Unfunded Accrued Liability (UAL) [(2) - (3)]	63,529	127,623
5. Funded Ratio [(3) / (2)]	96.5%	93.6%

This measure of funded status is an assessment of the need for future employer contributions based on the selected actuarial cost method used to fund the plan. The UAL is the present value of future employer contributions for service that has already been earned and is in addition to future normal cost contributions for active members. For a measure of funded status that is appropriate for assessing the sufficiency of plan assets to cover estimated termination liabilities, please see "Hypothetical Termination Liability" in the "Risk Analysis" section.

## Projected Employer Contributions

The table below shows the required and projected employer contributions (before cost sharing) for the next six fiscal years. The projection assumes that all actuarial assumptions will be realized and that no further changes to assumptions, contributions, benefits, or funding will occur during the projection period. Actual contribution rates during this projection period could be significantly higher or lower than the projection shown below.

	Required Contribution	Projected Future Employer Contributions (Assumes 7.00% Return for Fiscal Year 2020-21)				
Fiscal Year	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
	Rate Plan 10124 Results					
<b>Normal Cost %</b>	8.63%	8.6%	8.6%	8.6%	8.6%	8.6%
<b>UAL Payment</b>	\$8,992	\$10,000	\$12,000	\$13,000	\$15,000	\$15,000

For some sources of UAL, the change in UAL is amortized using a 5-year ramp up. For more information, please see "Amortization of the Unfunded Actuarial Accrued Liability" under "Actuarial Methods" in Appendix A of the Section 2 Report. This method phases in the impact of the change in UAL over a 5-year period in order to reduce employer cost volatility from year to year. As a result of this methodology, dramatic changes in the required employer contributions in any one year are less likely. However, required contributions can change gradually and significantly over the next five years. In years when there is a large increase in UAL, the relatively small amortization payments during the ramp up period could result in a funded ratio that is projected to decrease initially while the contribution impact of the increase in the UAL is phased in.

For projected contributions under alternate investment return scenarios, please see the "Future Investment Return Scenarios" in the "Risk Analysis" section.

Our online pension plan modeling and projection tool, Pension Outlook, is available in the Employers section of the CalPERS website. Pension Outlook is a tool to help plan and budget pension costs into the future with results and charts that are easy to understand.

## Required Employer Contributions

	Fiscal Year
<b>Required Employer Contributions</b>	<b>2022-23</b>
<b>Employer Normal Cost Rate</b>	<b>7.47%</b>
<i>Plus</i>	
<b>Required Payment on Amortization Bases<sup>1</sup></b>	<b>\$22,422</b>
<i>Paid either as</i>	
<b>1) Monthly Payment</b>	<b>\$1,868.50</b>
<i>Or</i>	
<b>2) Annual Prepayment Option*</b>	<b>\$21,676</b>
<p><i>The total minimum required employer contribution is the sum of the Plan's Employer Normal Cost Rate (expressed as a percentage of payroll and paid as payroll is reported) plus the Employer Unfunded Accrued Liability (UAL) Contribution Amount (billed monthly (1) or prepaid annually (2) in dollars).</i></p> <p><i>* Only the UAL portion of the employer contribution can be prepaid (which must be received in full no later than July 31).</i></p>	

	Fiscal Year	Fiscal Year
	2021-22	2022-23
<b>Development of Normal Cost as a Percentage of Payroll</b>		
Base Total Normal Cost for Formula	14.34%	14.22%
Surcharge for Class 1 Benefits <sup>2</sup>		
None	0.00%	0.00%
Phase out of Normal Cost Difference <sup>3</sup>	0.00%	0.00%
Plan's Total Normal Cost	14.34%	14.22%
Plan's Employee Contribution Rate <sup>4</sup>	6.75%	6.75%
Employer Normal Cost Rate	7.59%	7.47%

<sup>1</sup> The required payment on amortization bases does not take into account any additional discretionary payment made after April 30, 2021.

<sup>2</sup> Section 2 of this report contains a list of Class 1 benefits and corresponding surcharges for each benefit.

<sup>3</sup> The normal cost change is phased out over a five-year period in accordance with the CalPERS contribution allocation policy.

<sup>4</sup> For detail regarding the determination of the required PEPRA employee contribution rate see Section on PEPRA Member Contribution Rates.

## Plan's Funded Status

	June 30, 2019	June 30, 2020
1. Present Value of Projected Benefits (PVB)	\$10,620,886	\$10,784,962
2. Entry Age Accrued Liability (AL)	2,861,707	3,681,209
3. Plan's Market Value of Assets (MVA)	2,700,835	3,381,115
4. Unfunded Accrued Liability (UAL) [(2) - (3)]	160,872	300,094
5. Funded Ratio [(3) / (2)]	94.4%	91.8%

This measure of funded status is an assessment of the need for future employer contributions based on the selected actuarial cost method used to fund the plan. The UAL is the present value of future employer contributions for service that has already been earned and is in addition to future normal cost contributions for active members. For a measure of funded status that is appropriate for assessing the sufficiency of plan assets to cover estimated termination liabilities, please see "Hypothetical Termination Liability" in the "Risk Analysis" section.

## Projected Employer Contributions

The table below shows the required and projected employer contributions (before cost sharing) for the next six fiscal years. The projection assumes that all actuarial assumptions will be realized and that no further changes to assumptions, contributions, benefits, or funding will occur during the projection period. Actual contribution rates during this projection period could be significantly higher or lower than the projection shown below.

	Required Contribution	Projected Future Employer Contributions (Assumes 7.00% Return for Fiscal Year 2020-21)				
Fiscal Year	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
	Rate Plan 27224 Results					
<b>Normal Cost %</b>	7.47%	7.5%	7.5%	7.5%	7.5%	7.5%
<b>UAL Payment</b>	\$22,422	\$25,000	\$28,000	\$31,000	\$33,000	\$34,000

For some sources of UAL, the change in UAL is amortized using a 5-year ramp up. For more information, please see "Amortization of the Unfunded Actuarial Accrued Liability" under "Actuarial Methods" in Appendix A of the Section 2 Report. This method phases in the impact of the change in UAL over a 5-year period in order to reduce employer cost volatility from year to year. As a result of this methodology, dramatic changes in the required employer contributions in any one year are less likely. However, required contributions can change gradually and significantly over the next five years. In years when there is a large increase in UAL, the relatively small amortization payments during the ramp up period could result in a funded ratio that is projected to decrease initially while the contribution impact of the increase in the UAL is phased in.

For projected contributions under alternate investment return scenarios, please see the "Future Investment Return Scenarios" in the "Risk Analysis" section.

Our online pension plan modeling and projection tool, Pension Outlook, is available in the Employers section of the CalPERS website. Pension Outlook is a tool to help plan and budget pension costs into the future with results and charts that are easy to understand.





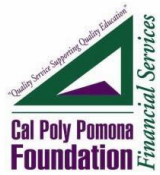
# Executive Director's Report

February 24, 2022

Board of Directors

# Discussion Topics

- ▶ Welcome Yvette Lane
- ▶ January/February COVID Impact
- ▶ Revenue History
- ▶ IBW in the news
- ▶ Poly Fresh Touch-free Technology
- ▶ Mt. SAC Potential
- ▶ Uncorked 4/22/22



**Cal Poly Pomona Foundation, Inc.**  
**Statement of Activities**  
**For Period Ending Dec 31, 2021**

	REVENUES		EXPENSES - Payroll		EXPENSES - Other		EXPENSES - Total		SURPLUS/(DEFICIT)			Annual Budget FY 21-22	Annual Forecast FY 21-22
	FY 21-22 YTD	FY 21-22 YTD	FY 21-22 YTD	FY 21-22 YTD	FY 21-22 YTD	FY 21-22 YTD	FY 21-22 YTD	FY 21-22 YTD	FY 21-22 YTD				
	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	\$ Variance		
<b>Enterprise Activities</b>													
Dining Services	6,109,934	4,939,836	2,125,774	1,717,292	4,232,121	3,438,319	6,357,895	5,155,611	(247,961)	(215,775)	(32,186)	(368,040)	(245,226)
Bookstore	4,331,730	3,887,620	710,071	631,504	3,761,411	3,362,203	4,471,483	3,993,707	(139,753)	(106,088)	(33,665)	13,105	4,440
Kellogg West	813,309	890,418	619,195	629,950	603,165	492,110	1,222,360	1,122,060	(409,050)	(231,642)	(177,408)	176,087	(41,321)
University Village	4,426,591	2,700,540	796,920	778,225	2,429,842	2,115,678	3,226,762	2,893,903	1,199,830	(193,363)	1,393,192	357,444	1,550,636
Real Estate/Rentals	4,093,094	3,375,756	181,872	160,984	2,747,500	2,176,617	2,929,372	2,337,601	1,163,722	1,038,154	125,568	1,722,370	1,847,938
<b>Total Enterprise Activities</b>	<b>19,774,659</b>	<b>15,794,169</b>	<b>4,433,831</b>	<b>3,917,955</b>	<b>13,774,040</b>	<b>11,584,926</b>	<b>18,207,871</b>	<b>15,502,882</b>	<b>1,566,788</b>	<b>291,287</b>	<b>1,275,501</b>	<b>1,900,966</b>	<b>3,116,467</b>
<b>Designated Funds</b>	28,177	0	1,428	0	175,069	125,000	176,497	125,000	(148,319)	(125,000)	(23,319)	(250,000)	(250,000)
<b>Support Activities</b>													
Research Office	673,792	693,542	85,848	58,601	609,852	624,941	695,700	683,542	(21,908)	10,000	(31,908)	20,000	20,000
Agriculture	2,289,451	1,643,872	642,723	629,666	1,227,326	1,016,727	1,870,049	1,646,393	419,402	(2,521)	421,923	(5,047)	295,000
Continuing Education	538,396	630,270	634,738	687,299	212,316	236,552	847,054	923,851	(308,658)	(293,581)	(15,077)	(355,178)	(70,255)
Foundation Programs	1,162,898	1,026,924	336,773	513,462	581,565	513,462	918,338	1,026,924	244,560	0	244,560	0	0
<b>Total Support Activities</b>	<b>4,664,537</b>	<b>3,994,608</b>	<b>1,700,083</b>	<b>1,889,029</b>	<b>2,631,059</b>	<b>2,391,682</b>	<b>4,331,141</b>	<b>4,280,710</b>	<b>333,396</b>	<b>(286,102)</b>	<b>619,498</b>	<b>(340,225)</b>	<b>244,745</b>
<b>Operating Surplus (Deficit)</b>	<b>24,467,373</b>	<b>19,788,777</b>	<b>6,135,342</b>	<b>5,806,984</b>	<b>16,580,167</b>	<b>14,101,608</b>	<b>22,715,509</b>	<b>19,908,592</b>	<b>1,751,865</b>	<b>(119,815)</b>	<b>1,871,680</b>	<b>1,310,741</b>	<b>3,111,212</b>
<b>Other Activities</b>													
Investments	1,742,837	905,577	0	0	48,876	73,880	48,876	73,880	1,693,961	831,697	862,264	1,663,394	1,725,658
Administration	1,688,777	1,575,123	1,938,751	2,288,238	364,750	597,494	2,303,501	2,885,731	(614,723)	(1,310,608)	695,885	(2,578,565)	(1,682,680)
<b>Total Other Activities</b>	<b>3,431,614</b>	<b>2,480,700</b>	<b>1,938,751</b>	<b>2,288,238</b>	<b>413,626</b>	<b>671,374</b>	<b>2,352,377</b>	<b>2,959,611</b>	<b>1,079,238</b>	<b>(478,911)</b>	<b>1,558,149</b>	<b>(915,171)</b>	<b>42,978</b>
<b>Unrestricted Surplus (Deficit)</b>	<b>27,898,988</b>	<b>22,269,477</b>	<b>8,074,092</b>	<b>8,095,222</b>	<b>16,993,793</b>	<b>14,772,982</b>	<b>25,067,885</b>	<b>22,868,203</b>	<b>2,831,102</b>	<b>(598,726)</b>	<b>3,429,828</b>	<b>395,570</b>	<b>3,154,190</b>
Grants and Contracts	8,178,835	6,388,888	0	0	8,178,835	6,388,888	8,178,835	6,388,888	0	0	0	0	0
Transfers	0	0	0	0	51,885	0	51,885	0	(51,885)	0	(51,885)	0	(51,885)
<b>Total Foundation Net</b>	<b>36,077,823</b>	<b>22,269,477</b>	<b>8,074,092</b>	<b>8,095,222</b>	<b>25,298,867</b>	<b>14,772,982</b>	<b>33,372,960</b>	<b>22,868,203</b>	<b>2,779,217</b>	<b>(598,726)</b>	<b>3,377,943</b>	<b>395,570</b>	<b>3,102,305</b>

Cal Poly Pomona Foundation, Inc.  
**Fund Balance and Net Position (Current only)**  
As of December, 31, 2021

<b>Current Assets</b>	<b>Unrestricted</b>
Cash	2,382,801
Investments	32,028,313
Receivables	10,389,554
Inventories	3,484,972
Prepaid	780,693
Due to/from	(9,892,514)
	-713,895
<b>Current Assets</b>	<b>38,459,923</b>

<b>Current Liabilities</b>	<b>Unrestricted</b>
Accounts Payable	3,747,050
Accrued Liabilities	1,680,978
Deferred Income	883,548
<b>Current Liabilities</b>	<b>6,311,576</b>

<b>Total Fund Balance</b>	<b>Unrestricted</b>
Net Assets Beginning	21,021,571
Net Change in Position	2,472,542
<b>Fund Balances</b>	<b>23,494,112</b>

<b>Liquidity Ratio</b>	<b>CPPF</b>	<b>Benchmark</b>
Current Ratio	6.09	1.5-3
Quick Ratio	5.54	>=1
Absolute liquidity ratio	5.45	>0.5

<b>Available Resources</b>	
Unrestricted current assets	38,459,923
Less Inventory	(3,484,972)
Less Current Liabilities	(6,311,576)

**Total Available Resources for period ending Dec 2021** 28,663,375

Total operating surplus/(deficit) as of Dec 2021 2,472,542

**Total unrestricted funds available as of Dec 2021** **31,135,917**

Total forecasted surplus/(deficit) at year-end 2,813,358

**Total unrestricted funds forecasted to year-end** **31,476,732**

**Notes**

Foundation's total fund balance as of 12/31/21 is \$35.3M

The overall surplus/(deficit) as of December 31, 2021 is \$2.8M

Restricted funds in the Foundation include sponsored programs and foundation programs

Liquidity ratios:

- Current Ratio = Current Assets/Current Liabilities
- Quick Ratio = (Current Assets- Inventory)/Current Liabilities
- Absolute liquidity ratio = (Cash + Marketable Securities)/Current Liabilities

Cal Poly Pomona Foundation

Cash Flow Forecast

February 2022 - June 2022

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22
Operating cash - Beginning Balance	5,676,821	2,594,660	2,556,359	808,366	1,661,195	1,906,238	2,855,978	2,696,658	1,393,425	1,710,193	1,946,294	2,336,698
<b>Cash Inflow</b>	<b>Jul-21</b>	<b>Aug-21</b>	<b>Sep-21</b>	<b>Oct-21</b>	<b>Nov-21</b>	<b>Dec-21</b>	<b>Jan-22</b>					
<b>Operating cash inflow</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Forecast</b>	<b>Forecast</b>	<b>Forecast</b>	<b>Forecast</b>	<b>Forecast</b>	<b>Forecast</b>	<b>Forecast</b>	<b>Forecast</b>
Cash from operations	2,841,254	4,012,501	3,623,448	4,352,675	3,790,354	4,175,325	3,442,054	4,413,751	4,413,751	4,614,376	4,815,001	2,808,751
Grants & Contracts	1,945,104	814,908	2,092,726	845,663	109,655	1,492,779	958,071	896,399	896,399	937,144	977,890	570,436
<b>Financing Activities</b>												
GIP - withdrawals	-	-	-	-	-	-	-	-	-	-	-	-
LOC - withdrawals	-	-	-	2,000,000	3,500,000	-	-	-	-	-	-	2,000,000
Other financing	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Cash Inflow</b>	<b>4,786,358</b>	<b>4,827,409</b>	<b>5,716,174</b>	<b>7,198,338</b>	<b>7,400,009</b>	<b>5,668,104</b>	<b>4,400,125</b>	<b>5,310,150</b>	<b>5,310,150</b>	<b>5,551,520</b>	<b>5,792,891</b>	<b>5,379,186</b>
<b>Cash Outflow</b>	<b>Jul-21</b>											
<b>Operating cash outflow</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Forecast</b>	<b>Forecast</b>	<b>Forecast</b>	<b>Forecast</b>	<b>Forecast</b>	<b>Forecast</b>	<b>Forecast</b>	<b>Forecast</b>
Expenses from operations	5,068,519	3,149,681	5,616,297	2,955,382	4,065,403	2,350,141	3,105,023	3,149,681	3,149,681	3,464,649	3,464,649	2,834,713
Salaries/wages	1,016,506	1,042,820	982,457	1,030,054	1,091,075	1,479,624	868,044	1,094,961	1,094,961	1,105,389	1,115,817	1,042,820
Tax/Benefit payments	1,714,624	663,988	767,280	481,854	901,919	641,855	525,398	697,187	697,187	703,827	710,467	663,988
	-	-	-	-	-	-	-	-	-	-	-	-
<b>Capital Expenditure</b>												
Capital projects	68,870	9,221	90,044	376,900	93,352	238,140	55,303	125,000	45,000	35,000	105,000	65,000
<b>Financing Activities</b>												
GIP - deposits	-	-	-	-	-	-	-	-	-	-	-	-
LOC - repayment	-	-	-	1,500,000	1,000,000	5,028	-	500,000	-	-	-	-
LOC - interest	-	-	8,089	1,319	3,216	3,578	5,676	6,553	6,553	6,553	6,553	10,303
Lease payments	-	-	-	-	-	-	-	1,040,000	-	-	-	1,040,000
Other financing	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Cash Outflow</b>	<b>7,868,519</b>	<b>4,865,710</b>	<b>7,464,167</b>	<b>6,345,509</b>	<b>7,154,965</b>	<b>4,718,365</b>	<b>4,559,444</b>	<b>6,613,383</b>	<b>4,993,383</b>	<b>5,315,419</b>	<b>5,402,487</b>	<b>5,656,824</b>
<b>Net Cash Activities</b>	<b>(3,082,161)</b>	<b>(38,301)</b>	<b>(1,747,993)</b>	<b>852,829</b>	<b>245,043</b>	<b>949,739</b>	<b>(159,320)</b>	<b>(1,303,233)</b>	<b>316,767</b>	<b>236,102</b>	<b>390,404</b>	<b>(277,638)</b>
Operating cash - Ending Balance	2,594,660	2,556,359	808,366	1,661,195	1,906,238	2,855,978	2,696,658	1,393,425	1,710,193	1,946,294	2,336,698	2,059,060

## Memorandum

**Date:** February 24, 2022  
**To:** Board of Directors  
**From:** Dr. David Speak, Audit Committee Chair  
Joanne Mathew, Director of Financial Services/Chief Financial Officer  
**Subject:** **EXTERNAL FINANCIAL, SINGLE AND CDE AUDIT FIRM SELECTION – FY2022-FY2027**

Management issued a Request for Proposals (RFP) to perform the Child Development Grant, Financial, and Single audits for fiscal years 2021-2022 (child development grant audit only) and 2022-2023 (Financial and Single audits) through 2026-2027 to nine certified public accounting firms. Responses were received from five firms, two of which were Aldrich CPAs & Advisors and GYL CPAs & Advisors, who are currently engaged in the single and financial audits, and the child development grant audit respectively.

A Selection Committee consisting of Chair David Speak, Ruby Suchecki, Jared Ceja, Lilia Maciel and Joanne Mathew interviewed and evaluated each firm based on the firms' demonstrated experience with public agencies and not-for-profit organizations under GASB, as well as compliance standards 2 CFR 200 relating to federal programs and single audit requirements, and the California Department of Education audit guide.

Jared Ceja and Joanne Mathew performed reference checks of the Selection Committee's top choice - CohnReznick LLP. Responses were outstanding and consistent with the impression left on the Selection Committee.

### **PROPOSED ACTION:**

Management and the Audit Committee recommend that the Board of Directors approve the EXTERNAL FINANCIAL, SINGLE AND CDE AUDIT FIRM SELECTION – FY2022-FY2027 as presented.

**THEREFORE, BE IT RESOLVED** that the Board of Directors approves the selection of CohnReznick LLP for the fiscal year 2021-2022 through 2026-2027 CDE audit and fiscal year 2022-2023 through 2026-2027 financial and single audits as recommended by the Finance & Investment Committee.

**BE IT FURTHER RESOLVED** that upon approval of this resolution, the Executive Director/Chief Executive Officer and Director of Financial Services/Chief Financial Officer are authorized and directed to take any and all action as may be necessary to effectuate this Resolution.

**PASSED AND ADOPTED THIS 24<sup>TH</sup> DAY OF FEBRUARY 2022.**

By: \_\_\_\_\_  
Dr. Lea Dopson, Secretary/Treasurer  
Board of Directors

# Memorandum



Date: February 24, 2022  
To: Board of Directors  
From: Christina Gonzales, Personnel Committee Chair  
Jared Ceja – Executive Director/CEO

Attachment: CAL POLY POMONA FOUNDATION, INC. EMPLOYMENT AGREEMENT

Subject: APPOINTING STEVEN WHIPPIE AS AN INTERIM FACILITIES MANAGER

WHEREAS, Government (Gov.) Code section 21221(h) of the Public Employees' Retirement Law permits the governing body to appoint a CalPERS retiree to a vacant position requiring specialized skills during recruitment for a permanent appointment, and provides that such appointment will not subject the retired person to reinstatement from retirement or loss of benefits so long as it is a single appointment that does not exceed 960 hours in a fiscal year; and

WHEREAS, the Cal Poly Pomona Foundation, Inc. desires to appoint Steven Whippie as an interim appointment retired annuitant to the vacant position of Facilities Manager under Gov. Code section 21221(h), effective March 7, 2022; and

WHEREAS, the Personnel Committee, the Cal Poly Foundation, Inc. and Steven Whippie certify that Steven Whippie has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, an appointment under Gov. Code section 21221(h) requires the retiree is appointed into the interim appointment during recruitment for a permanent appointment; and

WHEREAS, a search for a permanent Facilities Manager is currently active; and

WHEREAS, this Gov. Code section 21221(h) appointment shall only be made once and therefore will end upon the successful hiring, onboarding, and training of a full-time Facilities Manager, no later than June 30, 2022; and

WHEREAS, the entire employment agreement with Steven Whippie has been reviewed by this body and is attached herein; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is \$8,195.20 and the hourly equivalent is \$47.28; the minimum base salary for this position is \$6,583.33 and the hourly equivalent is \$37.98; and

WHEREAS, the hourly rate paid to Steven Whippie will be \$42.00; and

WHEREAS, Steven Whippie has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate; and

THEREFORE, BE IT RESOLVED THAT the Personnel Committee hereby certifies the nature of the employment of Steven Whippie as described in the attached employment agreement and that this appointment is necessary to fill the critically needed position of Facilities Manager by March 7, 2022 because the current competitive employment environment resulted in two failed recruitment attempts for this essential role.

**PROPOSED ACTION:**

Management and the Personnel Committee recommend that the Board of Directors approve the APPOINTING STEVEN WHIPPIE AS AN INTERIM FACILTIES MANAGER as presented.

**THEREFORE, BE IT RESOLVED** that the Board of Directors approves the APPOINTING STEVEN WHIPPIE AS AN INTERIM FACILTIES MANAGER as presented.

**BE IT FURTHER RESOLVED** that upon approval of this resolution, the Executive Director/CEO and Director – Human Resources/CHRO are authorized and directed to take any and all action as may be necessary to effectuate this Resolution.

**PASSED AND ADOPTED THIS 24<sup>th</sup> DAY OF FEBRUARY, 2022.**

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Dr. Lea Dopson, Secretary/Treasurer  
Board of Directors



# CAL POLY POMONA FOUNDATION, INC. EMPLOYMENT AGREEMENT

This employment agreement ("Agreement") is made and effective as of March 7, 2022 by and between a(n) **Individual** and Cal Poly Pomona Foundation, Inc ("Employer") and Steven Whippie ("Employee") with a mailing address of 1169 N. Greycliff Avenue, City of Valinda, State of California ("Employee").

WHEREAS the Employer intends to hire the Employee for the position of Interim Facilities Manager and the Employee desires to provide their services on the conditions set forth.

IN CONSIDERATION of promises and other good and valuable consideration the parties agree to the following:

**I. Employee Duties.** The Employee agrees that they will act in accordance with this Agreement and with the best interests of the Employer in mind, which may or may not require them to present the best of their skills, experience, and talents, to perform all the duties required of the position. In carrying out the duties and responsibilities of their position, the Employee agrees to adhere to any and all policies, procedures, rules, regulations, as administered by the Employer. In addition, the Employee agrees to abide by all local, county, State, and Federal laws while employed by the Employer.

**II. Responsibilities.** The Employee shall be given the job title of Facilities Manager ("Position") which shall involve:

- Responsibilities to include providing continuity for the Facilities department while the search is underway for the new Manager.
- We are in the midst of preparing annual budgets and Employee will provide facility related proposals to various departments to implement in their budgets.
- Will continue to Provides training, supervision, and technical direction related to proper usage of facilities and equipment.
- Will continue to provide training, supervision, and technical direction related to proper usage of facilities and equipment for all maintenance technicians.
- Employee will also assign and prioritize maintenance work, and coordinate maintenance training controls for the work order system on a daily basis.
- Once the new Manager is hired, employee will provide the new Manager with specific training related to the Foundation operations and will address SOP's specifically related to the facilities department.
- The Employer may also assign duties to the Employee from time to time by the Employer.
- The Employee shall be expected to work  full-time  part-time (scheduled between 16-24 hours per week).

**III. Employment Period.** The Employer agrees to hire the Employee: (check one)

- **At-Will** which means this Agreement may be terminated at any time by either the Employee or Employer. After termination by any of the Parties, neither will have any obligation other than the non-disclosure of the Employer's proprietary information as outlined in Section XII and any non-compete listed in Section XIII.

- a.) **Employee's Termination.** The Employee shall have the right to terminate this Agreement by providing at least \_\_\_ days' notice. If the Employee should terminate this Agreement, he or she shall be entitled to severance, equal to their pay at the time of termination, for a period of \_\_\_\_\_.
- b.) **Employer's Termination.** The Employer shall have the right to terminate this Agreement by providing at least \_\_\_ days' notice. If the Employer should terminate this Agreement,

Employee's Initials - SW Employer's initials - RW

the Employee shall be entitled to severance, equal to their pay at the time of termination, for a period of \_\_\_\_\_.

- For a Specified Time-Period beginning on the 7th day of March, 2022 and ending on the 30th day of June, 2022. At the end of said time-period, both parties will no longer have any obligation to one another.

- a.) **Employee's Termination.** The Employee  \*shall  shall not have the right to terminate this Agreement. \*If allowed, the Employee shall be required to provide at least 30 days' notice. If the Employee should terminate this Agreement before the expiration date, he or she shall not be entitled to severance.
- b.) **Employer's Termination.** The Employer  \*shall  shall not have the right to terminate this Agreement. \*If allowed, the Employer shall be required to provide at least 30 days' notice. If the Employer should terminate this Agreement, the Employee shall be entitled to severance, equal to their pay at the time of termination, for a period of two (2) weeks.

**IV. Pay.** As compensation for the services provided, the Employee shall be paid "Forty Seven dollars (\$47.00)  per hour  salary on an annual basis ("Compensation"). The Compensation is a gross amount that is subject to all local, State, Federal, and any other taxes and deductions as prescribed by law. Payment shall be distributed to the Employee on a  weekly  bi-weekly  monthly  quarterly  annual basis.

**V. Employee Benefits.** During the period of employment, the Employee shall be eligible to participate in benefits established by the Employer. These include accrual of sick time hours.

The aforementioned benefits may change at any time by the Employer.

**VI. Out-of-Pocket Expenses.** The Employer agrees to reimburse the Employee for any expenses that are incurred including: (check all that apply)

- Travel
- Food
- Lodging
- Other: Allowable expenses associated with work output and maintenance.

**VII. Federal Holidays.** The Employee shall not be entitled to federal holidays per calendar year. This is subject to change by the Employer from time to time. If for any reason the Employee should request a Federal Holiday off, the Employer shall determine if the Employee may do so and if it shall be without pay. Federal Holidays are determined by the Employer and may change every calendar year.

**VIII. Confidentiality.** The Employee understands and agrees to keep any and all information confidential regarding the business plans, inventions, designs, products, services, processes, trade secrets, copyrights, trademarks, customer information, customer lists, prices, analytics data, costs, affairs, and any other information that could be considered proprietary to the Employer ("Confidential Information"). The Employee understands that disclosure of any such Confidential Information, either directly or indirectly, shall result in litigation with the Employer eligible for equitable relief to the furthest extent of the law, including but not limited to, filing claims for losses and/or damages. In addition, if it is found that the Employee divulged Confidential Information to a third (3<sup>rd</sup>) party with the Employer shall be entitled any and all reimbursement for their legal and attorney's fees.

- a.) **Post Termination.** After the Employee has terminated their employment with the Employer, the Employee shall be bound to **Section VIII** of this Agreement for a period of One (1) Year

Employee's Initials      Employer's initials - RW

("Confidentiality Term"). If the Confidentiality Term is beyond any limit set by local, State, or Federal laws, then the Confidentiality Term shall be the maximum allowed legal time-frame.

**IX. Non-Compete.** (check one)

- There shall be no Non-Compete established in this Agreement.

- During the term of employment, the Employee understands that he or she will be subject to learning proprietary information, including trade secrets, which could be applied to competitors of the employer. Therefore, in order to protect the fiduciary interests of the Employer, the Employee agrees to: (check all that apply)

- Withhold from working in the following industry(ies): \_\_\_\_\_

- Withhold from working for the following employer(s): \_\_\_\_\_

- Withhold from working in the same industry(ies) as the Employer in the following area(s): \_\_\_\_\_

- Other: \_\_\_\_\_

This Non-Compete shall be in effect for \_\_\_\_  Months  Years following the date of Employee's termination.

This Section shall be applied to the Employee engaging, directly or indirectly, any competitive industry. This includes, but is not limited to:

- a.) Communicating with related business owners, partners, members, officers, or agents;
- b.) Being employed by or consulting any related business;
- c.) Being self-employed in a related business; or
- d.) Soliciting any customer, client, affiliate, vendor, or any other relationship of the Employer.

**X. Employee's Role.** The Employee  shall  shall not have the right to act in the capacity of the Employer. This includes, but is not limited to, making written or verbal agreements with any customer, client, affiliate, vendor, or third (3<sup>rd</sup>) party; within constraints of role.

**XI. Appearance.** The Employee must appear at the Employer's desired workplace at the time scheduled. If the Employee does not appear, for any reason, on more than three (3) separate occasions during the term of this Agreement the Employer has the right to terminate this Agreement immediately. In such event, the Employee would not be granted severance as stated in Section III.

**XII. Compliance.** The Employee agrees to adhere to all sections of this Agreement in addition to any rules, regulations, or conduct standards of the Employer including obeying all local and federal laws. If the Employee does not adhere to this Agreement, company policies, including any task or obligation that is related to the responsibilities of their position, the Employer may immediately terminate this Agreement without severance as stated in Section III.

**XIII. Return of Property.** The Employee agrees to return any and all property of the Employer upon the termination of employment. This includes, but is not limited to, equipment, electronics, records, access, notes, data, tests, vehicles, reports, models, or any property that is requested by the Employer.

Employee's Initials -      Employer's initials - RW

**XIV. Notices.** All notices that are to be sent under this Agreement shall be done in writing and to be delivered via Certified Mail (return receipt) to the following mailing addresses:

**Employer**  
Cal Poly Pomona Foundation, Inc.  
3801 Temple Ave. Bldg. 55  
Pomona, CA 91768  
Attn: Executive Director

**Employee**  
Steven Whippie  
of 1169 N. Greycliff Avenue,  
City of Valinda, CA 91744

The aforementioned addresses may be changed with the act of either party providing written notice.

**XV. Amendments.** This Agreement may be modified or amended under the condition that any such amendment is attached and authorized by all parties.

**XVI. Severability.** This Agreement shall remain in effect in the event a section or provision is unenforceable or invalid. All remaining sections and provisions shall be deemed legally binding unless a court rules that any such provision or section is invalid or unenforceable, thus, limiting the effect of another provision or section. In such case, the affected provision or section shall be enforced as so limited.

**XXII. Waiver of Contractual Right.** If the Employer or Employee fails to enforce a provision or section of this Agreement, it shall not be determined as a waiver or limitation. Either party shall remain the right to enforce and compel the compliance of this Agreement to its fullest extent.

**XII. Governing Law.** This Agreement shall be governed under the laws in the State of California.

**XIX. Entire Agreement.** This Agreement, along with any attachments or addendums, represents the entire agreement between the parties. Therefore, this Agreement supersedes any prior agreements, promises, conditions, or understandings between the Employer and Employee.

**EMPLOYER**

Randy A. Wallace Jr Date 2-9-2022  
Signature

Randy A. Wallace Jr.  
Print Name

Director of Real Estate and Facilities  
Title

**EMPLOYEE**

SW Whippie Date February 9, 2022  
Signature

FACILITIES MANAGER  
Title

Employee's Initials - SW Employer's initials - RW

# Memorandum



Date: February 24, 2022

To: Board of Directors

From: Ysabel Trinidad, Chair, Finance & Investment Committee  
Joanne Mathew, Director of Financial Services/ CFO

Attachment: Graystone Consulting Portfolio Review  
CommonFund 12/31/21 Report

**Subject: INVESTMENT HIGHLIGHTS – 2<sup>nd</sup> Quarter 2021-2022**

The Foundation's General Investment Policy 131 requires a comprehensive quarterly report of the investment portfolio's performance be provided to the members of the Finance & Investment Committee and Board of Directors at each regularly scheduled meeting.

## **GENERAL INVESTMENT PORTFOLIO**

The General Investment Portfolio ("Portfolio") has a current market value of \$31.2 million as of December 31, 2021 with 24% Fixed Income & Preferred, 54% Equities, 20% Alternatives, and 1% Cash. All allocations are within current policy ranges. The majority portion managed by Graystone Consulting has a current market value of \$31.1 million. The last twelve-month return (12/31/20-12/31/21) was 10.89%. Additional information is included in the report provided by Graystone.

Management received capital call notices and has contributed \$234,375 against its commitment of \$250,000 to Capital Partners IV and \$697,500 against its commitment of \$750,000 to Capital Private Equity Partners VII. The value of the Non-Marketable Investments are \$444,765. The CommonFund Summary Investment and Performance Reports are available for further details.

## **PROPOSED ACTION:**

The Foundation Administration has reviewed the Graystone Consulting Portfolio Review CommonFund 12/31/21 Report and believe the report is in compliance with the investment policy and recommends the quarterly investment report be presented to the Board of Directors.

**THEREFORE, BE IT RESOLVED** that the Board of Directors approves the Graystone Consulting Portfolio Review CommonFund 12/31/21 Report as presented.

**BE IT FUTHER RESOLVED** that upon approval of this resolution, the Executive Director/CEO and Director of Financial Services/ CFO are authorized and directed to take any and all action as may be necessary to effectuate this Resolution.

**PASSED AND ADOPTED THIS 24TH DAY OF FEBRUARY 2022.**

By:

\_\_\_\_\_  
Dr. Lea Dopson, Secretary/Treasurer  
Board of Trustees

# Cal Poly Pomona Foundation



## Portfolio Review As of December 31, 2021

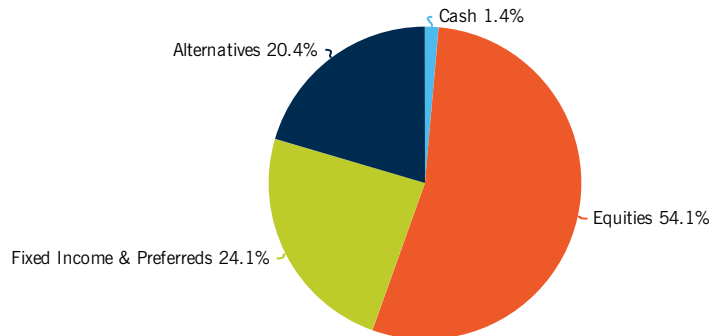
**Andrew B. Price, CIMA**, (310) 788-2043  
Managing Director, Wealth Management  
Institutional Consulting Director  
andrew.price@msgraystone.com

**Karin Longhurst, CTFA**, (310) 788-2156  
Senior Vice President, Wealth Management  
Senior Institutional Consultant  
karin.longhurst@msgraystone.com

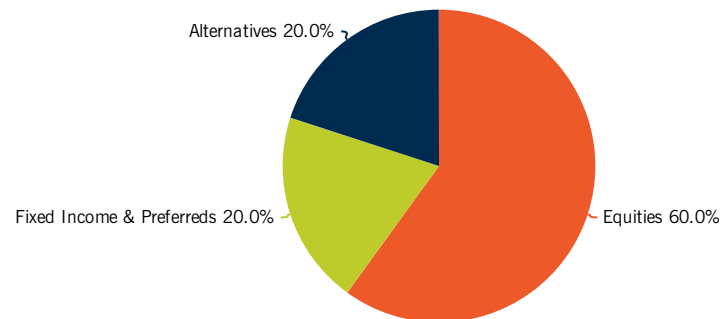
1999 Avenue of the Stars, Suite 2400  
Los Angeles, CA 90067

**ACTUAL VS. TARGET**

**Actual**

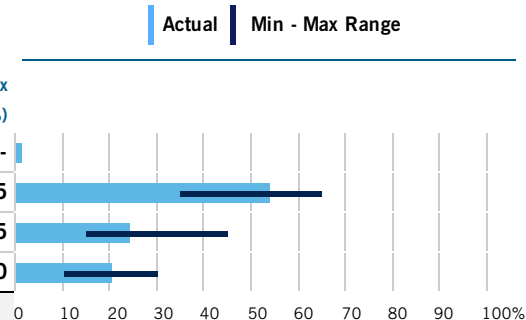


**Target**



**ASSET ALLOCATION: ACTUAL VS. TARGET WITH MIN-MAX RANGE**

Asset Class	Actual 12/31/2021		Target		Difference		Min-Max Range (%)
	(\$)	(%)	(\$)	(%)	(\$)	(%)	
Cash	433,414.87	1.39	0.00	0.00	433,414.87	1.39	-
Equities	16,864,717.92	54.09	18,708,709.80	60.00	-1,843,991.87	-5.91	35 - 65
Fixed Income & Preferreds	7,506,883.79	24.08	6,236,236.60	20.00	1,270,647.19	4.08	15 - 45
Alternatives	6,376,166.41	20.45	6,236,236.60	20.00	139,929.81	0.45	10 - 30
<b>Total Assets</b>	<b>31,181,183.00</b>	<b>100.00</b>	<b>31,181,183.00</b>	<b>100.00</b>			



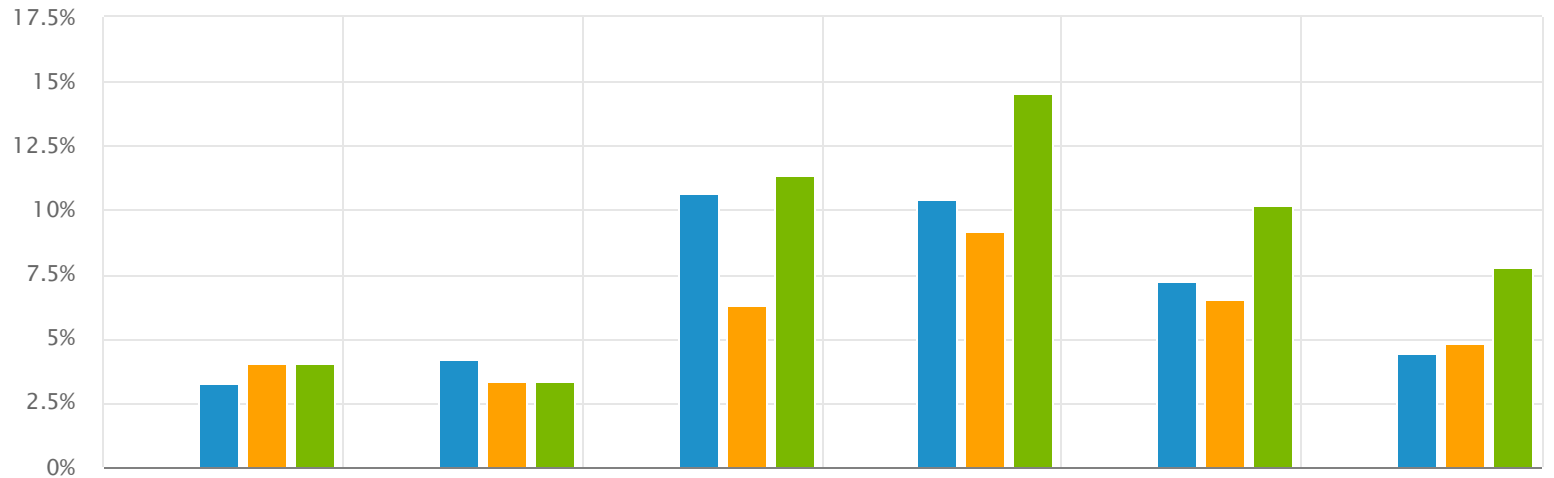
Target Allocation as determined by you and your Financial Advisor for this account only.



OCIO - Cal Poly Pomona Foundation

As of December 31, 2021 | Reporting Currency: USD

## RETURN % (GROSS AND NET OF FEES) VS. BENCHMARKS (ANNUALIZED)



	Quarter to Date 09/30/21 - 12/31/21	Custom Period 06/30/21 - 12/31/21	Last 12 Months 12/31/20 - 12/31/21	Last 3 Years 12/31/18 - 12/31/21	Last 5 Years 12/31/16 - 12/31/21	Performance Inception 03/04/13 - 12/31/21
Beginning Total Value (\$)	30,843,689.68	30,561,867.95	29,320,565.82	65,124,515.88	42,243,041.72	24,450,830.11
Net Contributions/Withdrawals (\$)	-422,840.17	-422,840.17	-976,840.16	-44,700,847.99	-23,805,492.24	-7,497,179.35
Investment Earnings (\$)	1,002,055.57	1,283,877.30	3,079,179.42	10,999,237.19	12,985,355.61	14,469,254.32
Ending Total Value (\$)	31,422,905.08	31,422,905.08	31,422,905.08	31,422,905.08	31,422,905.08	31,422,905.08
Return % (Gross of Fees)	3.33	4.36	10.98	10.71	7.48	4.72
Return % (Net of Fees)	3.25	4.20	10.66	10.43	7.21	4.47
Allocation Over Time (%)	4.02	3.37	6.30	9.15	6.50	4.81
Cal Poly Pomona Policy BM (%)	4.02	3.37	11.32	14.55	10.17	7.76

The investment returns shown on this page are time-weighted measurements which exclude the effect of the timing and amount of your contributions and withdrawals.

## TIME WEIGHTED PERFORMANCE DETAIL

OCIO - Cal Poly Pomona Foundation

As of December 31, 2021 | Reporting Currency: USD

## RETURN % (GROSS OF FEES) VS. BENCHMARKS

	Account Number	Investment Description/ Benchmark	Performance Inception Date	Total Value (\$) 12/31/21	% Of Portfolio 12/31/21	Month to Date (%) 11/30/21 - 12/31/21	Quarter to Date (%) 09/30/21 - 12/31/21	Year to Date (%) 12/31/20 - 12/31/21	Last 12 Months (%) 12/31/20 - 12/31/21	Last 3 Years (%) 12/31/18 - 12/31/21	Last 5 Years (%) 12/31/16 - 12/31/21	Performance Inception Month End (%) to 12/31/21
<b>US Large Cap Growth</b>				<b>4,469,184.69</b>	<b>14.23</b>							
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	Vanguard Growth ETF <i>CRSP Lg Cap Gr</i>	12/22/21	2,234,225.14	7.12	1.47 2.20	1.47 2.20	1.47 2.20	- -	- -	- -	- -
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	Brown Advisory LC Sustain Grth <i>Russell 1000 Gr</i>	05/21/21	1,118,983.19	3.56	0.93 2.11	8.77 11.64	25.67 21.38	- -	- -	- -	23.04 20.01
Polen Large Cap Growth Equity <i>Russell 1000 Gr</i>			05/21/21	1,115,976.36	3.55	2.24 2.11	4.95 11.64	16.21 21.38	- -	- -	- -	16.21 21.38
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	Polen Large Cap Growth Equity <i>Russell 1000 Gr</i>	05/21/21	1,115,976.36	3.55	2.24 2.11	4.95 11.64	16.21 21.38	- -	- -	- -	14.33 20.01
<b>US Large Cap Value</b>				<b>3,931,417.15</b>	<b>12.52</b>							
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	Boston Partners LC Value <i>Russell 1000 Value</i>	05/21/21	1,819,506.29	5.79	6.97 6.31	9.54 7.77	6.57 7.09	- -	- -	- -	5.48 5.71
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	ClearBridge Large Value ESG <i>Russell 1000 Value</i>	05/21/21	1,814,859.72	5.78	5.85 6.31	8.46 7.77	8.41 7.09	- -	- -	- -	7.30 5.71
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	Vanguard Value ETF <i>CRSP Lg VL</i>	12/22/21	297,051.15	0.95	2.12 2.60	2.12 2.60	2.12 2.60	- -	- -	- -	- -
<b>US Mid Cap</b>				<b>832,820.55</b>	<b>2.65</b>							
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	Earnest Prnts Small/Mid Core <i>Russell Midcap</i>	05/21/21	832,820.55	2.65	5.31 4.08	7.76 6.44	10.77 8.94	- -	- -	- -	8.80 7.00
<b>US Equities Other</b>				<b>568,233.90</b>	<b>1.81</b>							
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	Vanguard Financials ETF <i>MSCI US IMI Financials Index</i>	12/22/21	568,233.90	1.81	1.42 1.91	1.42 1.91	1.42 1.91	- -	- -	- -	- -
<b>International Equities</b>				<b>4,779,134.11</b>	<b>15.22</b>							
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	Harding Loevner Intl Eq ADR <i>MSCI ACWI Ex USA NR USD</i>	05/21/21	2,024,230.27	6.45	4.17 4.13	4.35 1.82	4.88 0.02	- -	- -	- -	3.00 -1.76
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	iShares ESG Aware MSCI EAFE <i>MSCI EAFE ESG Focus NR USD</i>	05/21/21	1,433,940.54	4.57	4.28 5.36	2.53 2.85	1.45 -	- -	- -	- -	0.37 1.37

The investment returns shown on this page are time-weighted measurements which exclude the effect of the timing and amount of your contributions and withdrawals. Year to Date(YTD), Quarter to Date(QTD) and Month to Date(MTD): Returns are for the period in which position or account was open.

## TIME WEIGHTED PERFORMANCE DETAIL

OCIO - Cal Poly Pomona Foundation

As of December 31, 2021 | Reporting Currency: USD

## RETURN % (GROSS OF FEES) VS. BENCHMARKS (Continued)

	Account Number	Investment Description/ Benchmark	Performance Inception Date	Total Value (\$) 12/31/21	% Of Portfolio 12/31/21	Month to Date (%) 11/30/21 - 12/31/21	Quarter to Date (%) 09/30/21 - 12/31/21	Year to Date (%) 12/31/20 - 12/31/21	Last 12 Months (%) 12/31/20 - 12/31/21	Last 3 Years (%) 12/31/18 - 12/31/21	Last 5 Years (%) 12/31/16 - 12/31/21	Performance Inception Month End (%) to 12/31/21
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	Causeway Intl ADR <i>MSCI EAFE Net</i>	05/21/21	1,320,963.30	4.21	6.36 5.12	1.46 2.69	-1.13 2.32	-	-	-	-2.39 0.77
<b>Japan Equities</b>				<b>309,760.61</b>	<b>0.99</b>							
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	Matthews Japan Fund <i>MSCI Japan Net</i>	05/21/21	309,760.61	0.99	0.13 1.89	-1.10 -3.96	5.25 1.44	-	-	-	3.98 -0.55
<b>Emerging Market Equities</b>				<b>2,325,790.06</b>	<b>7.41</b>							
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	Martin Currie Emerging Markets <i>MSCI EM Net</i>	05/21/21	1,163,517.22	3.71	-0.01 1.88	-0.58 -1.31	-4.69 -5.84	-	-	-	-7.62 -8.09
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	iShares ESG Aware MSCI EM <i>MSCI EM ESG Focus NR USD</i>	05/21/21	1,162,272.84	3.70	1.24 1.38	-2.03 -2.03	-5.26 -	-	-	-	-8.12 -9.19
<b>Ultra-Short Term FI.</b>				<b>2,245,509.44</b>	<b>7.15</b>							
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	iShares BC Short Treasury Bd <i>90-Day T-Bills</i>	05/21/21	2,245,509.44	7.15	0.02 0.00	-0.05 0.01	-0.09 0.02	-	-	-	-0.08 0.02
<b>US Taxable Core</b>				<b>4,593,758.21</b>	<b>14.63</b>							
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	Western Core Plus Fixed Income <i>Barclays Aggregate</i>	05/27/21	2,476,445.63	7.89	0.33 -0.26	0.27 0.01	0.96 0.77	-	-	-	0.90 0.77
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	CCM Community Impact Bond Fund <i>Barclays Aggregate</i>	05/21/21	1,058,718.90	3.37	-0.16 -0.26	-0.66 0.01	-0.68 1.18	-	-	-	-0.59 0.77
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	iShares Int Govt/Crdt Bd ETF <i>BC Gov/Cr Intm</i>	09/16/21	1,058,593.68	3.37	-0.29 -0.13	-0.74 -0.57	-1.30 -1.18	-	-	-	-0.74 -0.57
<b>High Yield Fixed Income</b>				<b>781,607.62</b>	<b>2.49</b>							
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	Pax High Yield Bond Fd <i>BC Corp High Yield TR</i>	05/21/21	781,607.62	2.49	1.63 1.87	0.40 0.71	2.52 3.40	-	-	-	2.31 2.96
<b>Alternatives</b>				<b>5,903,466.80</b>	<b>18.80</b>							
CAL POLY POMONA FOUNDATION INC (Alternative Investments Advisory) - Short Term FI	812-XXX416	Alternative Investments Advisory <i>HFRI Fund Weighted Comp</i>	06/25/21	3,082,833.13	9.82	0.39 1.15	1.63 0.44	5.45 -	-	-	-	5.45 0.04
CAL POLY POMONA FOUNDATION INC (Alternative Investments Advisory) - Hamilton Lane	812-XXX325	Alternative Investments Advisory <i>HFRI Fund Weighted Comp</i>	06/05/17	2,820,633.67	8.98	0.00 1.15	0.00 0.44	38.41 10.16	38.41 10.16	16.24 10.81	-	13.92 7.06

The investment returns shown on this page are time-weighted measurements which exclude the effect of the timing and amount of your contributions and withdrawals. Year to Date(YTD), Quarter to Date(QTD) and Month to Date(MTD): Returns are for the period in which position or account was open.

## TIME WEIGHTED PERFORMANCE DETAIL

OCIO - Cal Poly Pomona Foundation

As of December 31, 2021 | Reporting Currency: USD

## RETURN % (GROSS OF FEES) VS. BENCHMARKS (Continued)

	Account Number	Investment Description/ Benchmark	Performance Inception Date	Total Value (\$) 12/31/21	% Of Portfolio 12/31/21	Month to Date (%) 11/30/21 - 12/31/21	Quarter to Date (%) 09/30/21 - 12/31/21	Year to Date (%) 12/31/20 - 12/31/21	Last 12 Months (%) 12/31/20 - 12/31/21	Last 3 Years (%) 12/31/18 - 12/31/21	Last 5 Years (%) 12/31/16 - 12/31/21	Performance Inception Month End (%) to 12/31/21
<b>Real Estate/REITs</b>				<b>534,768.44</b>	<b>1.70</b>							
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	Cohen & Steers Realty Shares <i>FTSE NAREIT All Equity REITS</i>	09/16/21	534,768.44	1.70	9.32	15.85	10.52	-	-	-	15.85
						9.60	16.17	10.72	-	-	-	16.17
<b>Other</b>				<b>565.59</b>	<b>0.00</b>							
N/A			06/24/21	565.59	0.00	0.62	1.57	224.23	-	-	-	224.23
CAL POLY POMONA FOUNDATION INC (AAA)	812-XXX507	N/A	06/24/21	374.47	0.00	-	-	-	-	-	-	-
CAL POLY POMONA FOUNDATION INC (AAA) - Aristotle	812-XXX711	N/A	07/12/21	187.61	0.00	-	-	-	-	-	-	-
CAL POLY POMONA FOUNDATION INC (Select UMA) - Short Term FI	812-XXX415	N/A	12/31/21	3.51	0.00	-	-	-	-	-	-	-
<b>Cash</b>				<b>122,114.43</b>	<b>0.39</b>							
CAL POLY POMONA FOUNDATION INC (AAA) - Short Term FI	812-XXX546	Cash	03/07/13	79,403.13	0.25	-	-	-	-	-	-	-
CAL POLY POMONA FOUNDATION INC (Alternative Investments Advisory) - Hamilton Lane	812-XXX325	Alternative Investments Advisory	06/05/17	40,380.68	0.13	-	-	-	-	-	-	-
CAL POLY POMONA FOUNDATION INC (Alternative Investments Advisory) - Short Term FI	812-XXX416	Alternative Investments Advisory	06/22/21	2,330.62	0.01	-	-	-	-	-	-	-

The investment returns shown on this page are time-weighted measurements which exclude the effect of the timing and amount of your contributions and withdrawals. Year to Date(YTD), Quarter to Date(QTD) and Month to Date(MTD): Returns are for the period in which position or account was open.

# CLIENT OVERVIEW

## CAL POLY POMONA FOUNDATION PORTFOLIO ANALYSIS

REPORTING DATE: FEB 2022

### CLIENT PROFILE

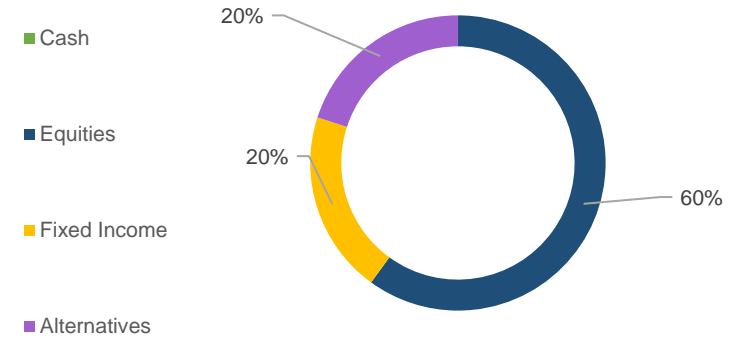
Client Name	Cal Poly Pomona Foundation
Client Type	Endowment, Educational
Portfolio Value	31,318,750
Tax Status	Tax-Exempt

### INVESTMENT POLICY STATEMENT

### ACCOUNTS INCLUDED

XXX-XXXX16	(3,085,747)
XXX-XXXX15	(25,371,988)
XXX-XXXX25	(2,861,014)

### POLICY BENCHMARK ASSET ALLOCATION



### POLICY BENCHMARK INDICES

INDEX NAME	WEIGHT
<b>FIXED INCOME</b>	<b>20.0%</b>
<i>Bloomberg Barclays US Agg TR UH</i>	<i>20.0%</i>
<b>EQUITIES</b>	<b>60.0%</b>
<i>MSCI AC World Net TR</i>	<i>60.0%</i>
<b>ALTERNATIVES</b>	<b>20.0%</b>
<i>HFRX Global Hedge Fund</i>	<i>20.0%</i>

Past performance is no guarantee of future results. Estimates of future performance are based on assumptions that may not be realized. This material is not a solicitation of any offer to buy or sell any security or other financial instrument or to participate in any trading strategy. Please refer to important information, disclosures and qualifications at the end of this material.

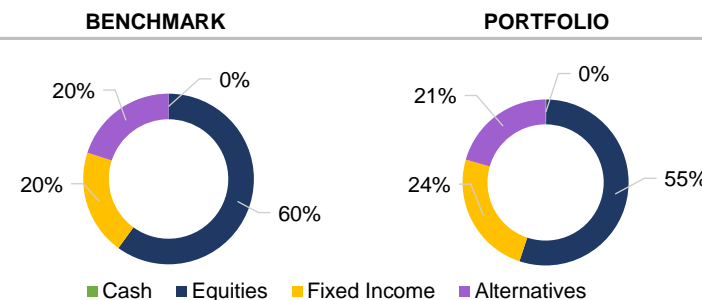
# CUSTOM SOLUTIONS PORTFOLIO POSITIONING

CAL POLY POMONA FOUNDATION PORTFOLIO ANALYSIS

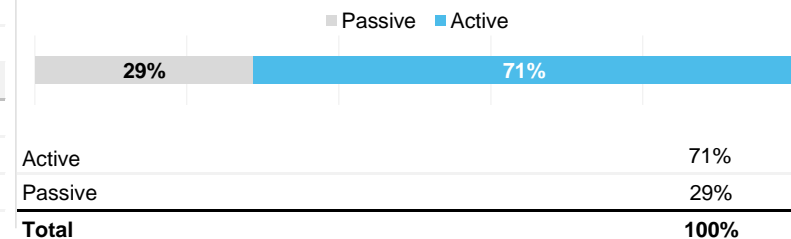
REPORTING DATE: FEB 2022

## PORTFOLIO POSITIONING VS. POLICY BENCHMARK

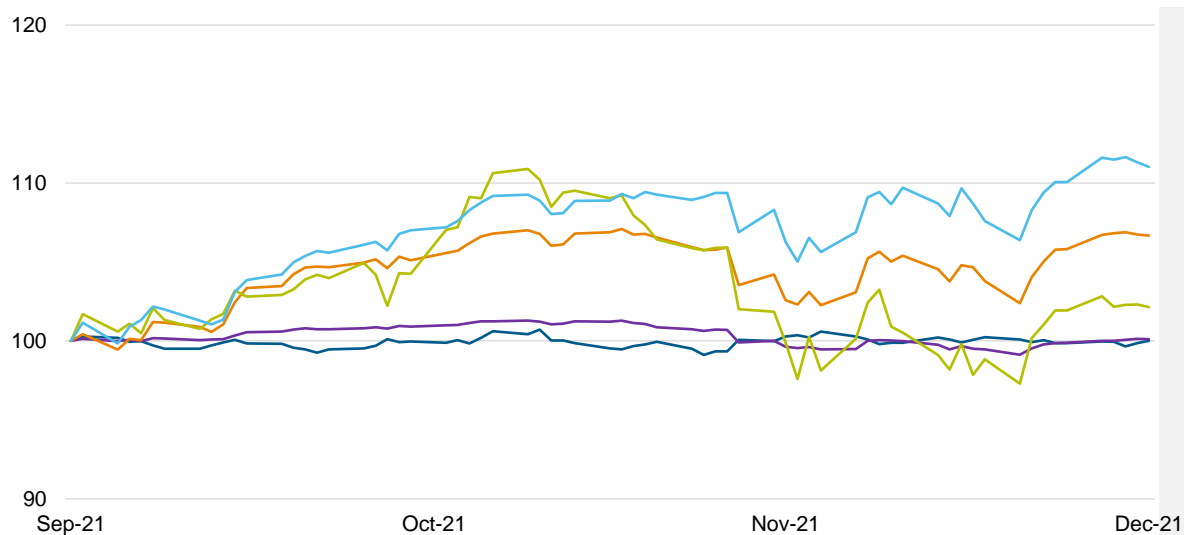
ASSET CLASS	BENCHMARK	PORTFOLIO	UNDERWEIGHT	NEUTRAL	OVERWEIGHT
<b>Cash</b>	-	<b>0.1%</b>		■	
<b>Equities</b>	<b>60.0%</b>	<b>55.0%</b>	■		
US Large Cap	31.0%	28.6%	■		
US SMID Cap	3.6%	2.7%		■	
International	17.5%	16.2%	■		
Emerging Market	7.8%	7.4%		■	
<b>Fixed Income</b>	<b>20.0%</b>	<b>24.3%</b>			■
Investment Grade FI	20.0%	21.8%			■
Non-US Fixed Income	-	-			
Sub-Investment Grade FI	-	2.5%			■
Tax Exempt Fixed Income	-	-			
<b>Alternatives</b>	<b>20.0%</b>	<b>20.6%</b>		■	
Real Assets	-	1.7%			■
Hedged Strategies	20.0%	6.3%	■		
Private Investments	-	12.5%			■



## ACTIVE/PASSIVE ALLOCATION



## MARKET INDICES PERFORMANCE



INDEX (Total Return Indices)	10/1/21 - 12/31/21
Barclays U.S. Aggregate	0.01%
S&P 500	11.03%
Russell 2000	2.14%
MSCI All-Country World	6.68%
HFRX Global Hedge Fund	0.11%

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# PORTFOLIO PERFORMANCE SUMMARY

CAL POLY POMONA FOUNDATION PORTFOLIO ANALYSIS

REPORTING DATE: FEB 2022

## PERFORMANCE SUMMARY

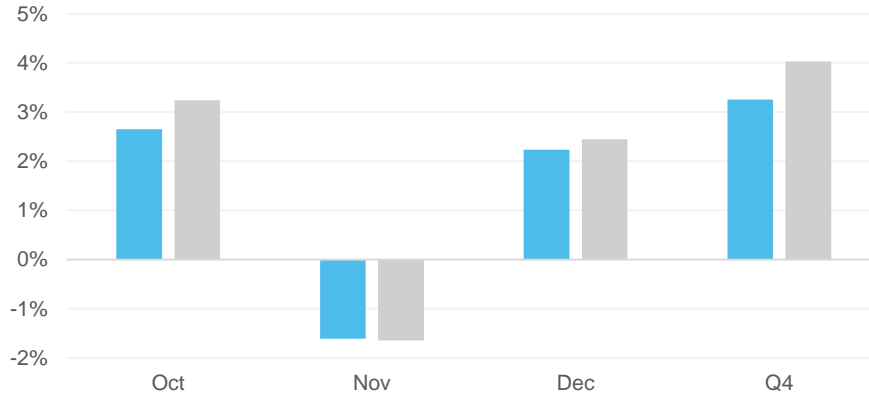
Asset Class	Market Value (10/01/21)	Market Value (12/31/21)	Net Contributions & Withdrawals
Cash	138,542.98	42,714.81	-95,748.44
Fixed Income	9,203,493.53	7,620,875.27	-1,569,075.37
Equities	15,053,647.61	17,216,341.06	1,290,981.90
Alternatives	6,366,342.35	6,438,818.64	-47,458.12
<b>Total Portfolio</b>	<b>30,762,026.47</b>	<b>31,318,749.77</b>	<b>-421,300.03</b>

Gross Portfolio Return	3.26%
Net Portfolio Return	3.18%
<i>Benchmark Return</i>	<i>4.03%</i>

Data source: Morgan Stanley Performance Measurement (MSPM) and Custom Solutions Proprietary

## TRAILING PERIOD PERFORMANCE

As of Date 10/01/21 - 12/31/21



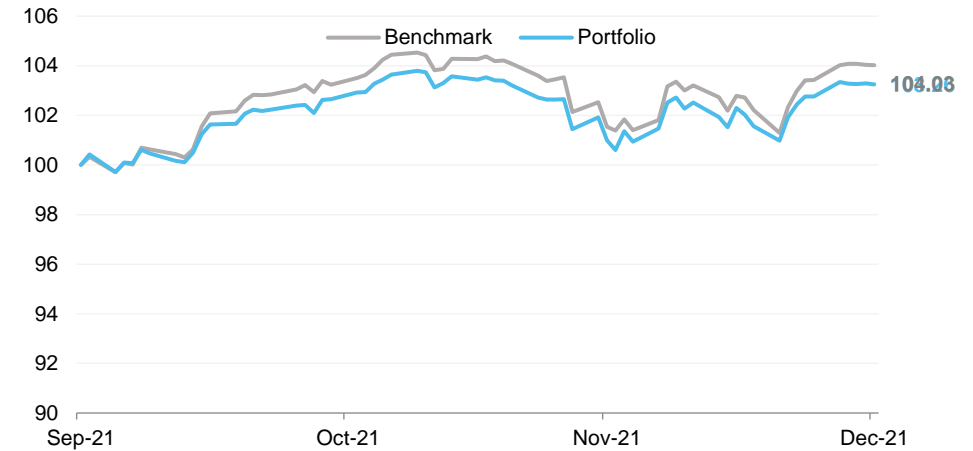
	Oct	Nov	Dec	Q4
Gross Portfolio Return	2.65%	-1.61%	2.23%	3.26%
Benchmark Return	3.24%	-1.64%	2.45%	4.03%
Difference	-0.59%	0.03%	-0.21%	-0.77%

Data source: Morgan Stanley Performance Measurement (MSPM) and Custom Solutions Proprietary

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## GROWTH OF \$100 PORTFOLIO

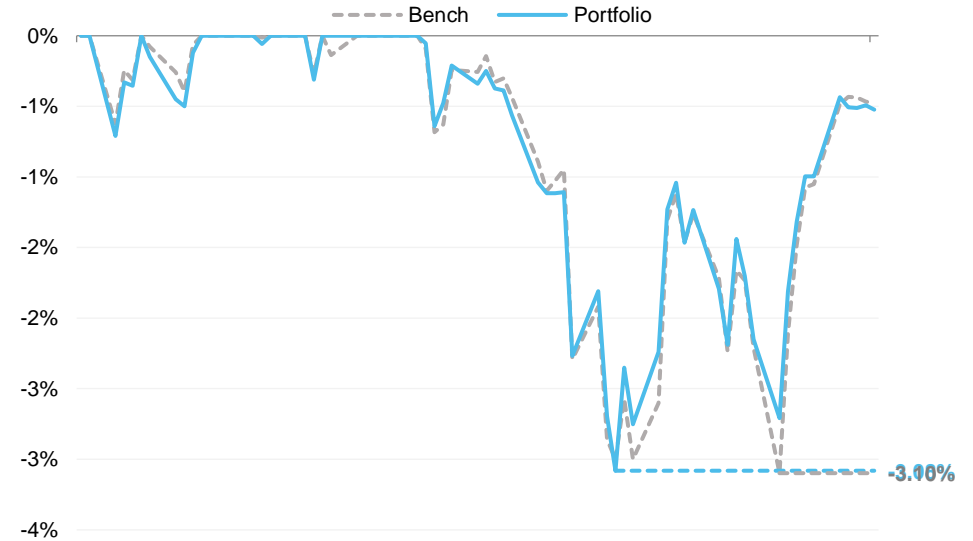
As of Date 10/01/21 - 12/31/21



Data source: Morgan Stanley Performance Measurement (MSPM) and Custom Solutions Proprietary

## MAX DRAWDOWN

As of Date 10/01/21 - 12/31/21



Data source: Morgan Stanley Performance Measurement (MSPM) and Custom Solutions Proprietary

# All Accounts

ACCOUNT SUMMARY AS OF 12/31/2021

	Vintage Year	Capital Committed	Capital Called	Remaining Capital to be Called	Capital Distributions	Capital Balance	Multiple	IRR	Value Date
General Fund - 06									
Commonfund Real Estate									
Realty Investors 2004-12 (Tranche)	2005	\$1,500,000	\$1,500,000	\$0	(\$283,096)		0.2	-26.2%	
<b>Total Commonfund Real Estate</b>		<b>\$1,500,000</b>	<b>\$1,500,000</b>	<b>\$0</b>	<b>(\$283,096)</b>		<b>0.2</b>	<b>-26.2%</b>	
US Private Equity									
Private Equity Partners VII	2007	\$750,000	\$697,500	\$52,500	(\$1,234,089)	\$397,814	2.3	14.4%	9/30/2021
<b>Total US Private Equity</b>		<b>\$750,000</b>	<b>\$697,500</b>	<b>\$52,500</b>	<b>(\$1,234,089)</b>	<b>\$397,814</b>	<b>2.3</b>	<b>14.4%</b>	<b>9/30/2021</b>
Multi-Asset									
Capital Partners IV	2007	\$250,000	\$234,375	\$15,625	(\$364,147)	\$105,979	2.0	10.6%	9/30/2021
<b>Total Multi-Asset</b>		<b>\$250,000</b>	<b>\$234,375</b>	<b>\$15,625</b>	<b>(\$364,147)</b>	<b>\$105,979</b>	<b>2.0</b>	<b>10.6%</b>	<b>9/30/2021</b>
<b>Total General Fund - 06</b>		<b>\$2,500,000</b>	<b>\$2,431,875</b>	<b>\$68,125</b>	<b>(\$1,881,332)</b>	<b>\$503,793</b>	<b>1.0</b>	<b>-0.5%</b>	<b>9/30/2021</b>
<b>Grand Total</b>		<b>\$2,500,000</b>	<b>\$2,431,875</b>	<b>\$68,125</b>	<b>(\$1,881,332)</b>	<b>\$503,793</b>	<b>1.0</b>	<b>-0.5%</b>	<b>9/30/2021</b>

## Explanatory Notes:

- Performance data is net of all fees and carried interest. Transaction flows and capital for these funds are included in the appropriate totals.
- Multiple, also referred to as TVPI, total value to invested capital net of the general partners and special limited partners (Capital Distributions + Capital Balance/Capital Distributions).
- Each partnership's net IRR (Internal Rate of Return) should be evaluated in light of information on such partnership's investment program, the risks associated therewith, and partnership performance as disclosed in the respective Offering Memorandum and Annual and Quarterly Reports. Return information calculated on a dollar-weighted (e.g., internal rate of return), since inception basis, which is standard for the private capital industry, rather than the time-weighted (e.g., annual or other period rate of return) basis. Comparison of returns calculated on a net IRR basis with returns on a time-weighted basis is not appropriate. There can be no assurance that unrealized investments ultimately will be realized at the valuations used in calculating net IRRs or Net Multiples or that the calculated net IRRs will be obtained. Actual realized returns will depend on, among other factors, future operating results, the value of assets and market conditions at the time of disposition, any related transaction costs and the timing and manner of sale.
- Capital Called and Capital Distributions are since inception through the report End Date.

Fund performance is depicted net of fees. Manager and strategy performance is net of sub-advisor management fees and gross of other Commonfund Fund expenses. Past performance is not indicative of future performance.



# All Accounts

## NON-MARKETABLE INVESTMENTS ROLL FORWARD FROM VALUE DATE TO 12/31/2021

Non-Marketable Fund	Incep. Date	Commitment	Valuation Date	Most Recent Valuation	Capital Calls since Valuation Date	Distributions since Valuation Date	Adjusted Market Value
Private Equity Partners VII	9/30/2007	\$750,000.00	9/30/2021	\$397,814.00	\$0.00	(\$51,530.00)	\$346,284.00
Capital Partners IV	9/30/2007	\$250,000.00	9/30/2021	\$105,979.00	\$0.00	(\$7,498.00)	\$98,481.00
<b>Total Core Funds</b>		<b>\$1,000,000.00</b>	<b>9/30/2021</b>	<b>\$503,793.00</b>	<b>\$0.00</b>	<b>(\$59,028.00)</b>	<b>\$444,765.00</b>
<b>Non-Marketable Total</b>		<b>\$1,000,000.00</b>	<b>9/30/2021</b>	<b>\$503,793.00</b>	<b>\$0.00</b>	<b>(\$59,028.00)</b>	<b>\$444,765.00</b>

Fund performance is depicted net of fees. Manager and strategy performance is net of sub-advisor management fees and gross of other Commonfund Fund expenses. Past performance is not indicative of future performance.

# All Accounts

## TRANSACTIONS (10/1/2021 - 12/31/2021)

<b>Fund Name</b>	<b>Transaction Date</b>	<b>Trade Shares</b>	<b>Trade Amount (USD)</b>	<b>Transaction Type</b>
Capital Partners IV	12/31/2021	0.000	(\$7,498.00)	Distribution
Private Equity Partners VII	12/8/2021	0.000	(\$29,446.00)	Distribution
Private Equity Partners VII	12/30/2021	0.000	(\$22,084.00)	Distribution

Fund performance is depicted net of fees. Manager and strategy performance is net of sub-advisor management fees and gross of other Commonfund Fund expenses. Past performance is not indicative of future performance.

# All Accounts

## PERFORMANCE AS OF 12/31/2021

Performance Item	QTD	1 Year	3 Years	5 Years	10 Years
Private Equity Partners VII	0.00	32.23	18.53	19.96	17.76
US Private Equity	0.00	32.23	18.53	19.96	17.76
Capital Partners IV	0.00	32.73	13.78	14.99	13.40
Multi-Asset	0.00	32.73	13.78	14.99	13.40
<b>Total Non-Marketable</b>	<b>0.00</b>	<b>32.35</b>	<b>17.41</b>	<b>18.78</b>	<b>16.67</b>
<b>Total Portfolio</b>	<b>0.00</b>	<b>32.35</b>	<b>17.41</b>	<b>18.78</b>	<b>18.40</b>

Investments in Programs for closed-end investment products are carried as of the most recent valuation date, which may not correspond to the marketable securities valuation dates. Distressed Debt programs are reported with a one quarter lag. For example, if the report 'As of' date is 9/30/YY then Distressed Debt programs are represented using 6/30/YY, or previous quarter values. Private Capital programs are reported with a one quarter lag. For example, if the report 'As of' date is 9/30/YY then Private Capital and Real Estate programs are represented using 6/30/YY, or previous quarter values. Private Investment returns are normally reported as an Internal Rate of Return (IRR). All other Commonfund investment returns are reported as Time Weighted Rates of Return (TWR). For Consolidated Performance reporting purposes, TWRs are used for all individual and composite returns.

Fund performance is depicted net of fees. Manager and strategy performance is net of sub-advisor management fees and gross of other Commonfund Fund expenses. Past performance is not indicative of future performance.

# Memorandum



Date: February 24, 2022  
To: Board of Directors  
From: Ysabel Trinidad, Vice Chair  
Joanne Mathew, Director of Financial Services/CFO  
Attached: 990 Tax Forms and Supporting Schedules  
**Subject: INCOME TAX RETURN FORM 990 & 990-T Review**

The Foundation is required to annually file the following Federal returns:

Form 990 Return of Organization Exempt from Income Tax  
Form 990-T Exempt Organization Business Income Tax Return

In addition, the Foundation must also file the corresponding State returns:

Form 199  
Form 109  
Form RRF-1 Annual Registration Renewal Fee Report to Attorney General of California

Aldrich was hired to prepare the documents prior to Management's review.

Form 990 Review Policy #124 provides the governing guidelines for this review before finalizing and filing the returns as per Part VI, Section B on the 990 form that requests confirmation whether the organization has provided a copy of the form to all members of its governing body before filing.

Accordingly, we provided all members of the Board a complete copy of Form 990 and supporting schedules via a secured folder: [click here](#). (Password to open the file has been provided to the Board in an email).

## **PROPOSED ACTION:**

Foundation Administration recommends that the INCOME TAX RETURN FORM 990 & 990-T Review forward the returns as presented to the Board of Directors for review and approval at their next regularly scheduled meeting.

**THEREFORE, BE IT RESOLVED** that the Board of Directors accepts the INCOME TAX RETURN FORM 990 & 990-T Review as presented.

**BE IT FURTHER RESOLVED** that upon approval of this resolution, the Executive Director/CEO and Director of Financial Services/CFO are authorized and directed to take any and all action as may be necessary to effectuate this Resolution.

**PASSED AND ADOPTED THIS 24th DAY OF FEBRUARY 2022.**

By: \_\_\_\_\_  
Dr. Lea Dopson, Secretary/Treasurer  
Board of Directors