



STAFF

PERSONNEL

POLICY AND PROCEDURE

HANDBOOK

HASTINGS COLLEGE OF THE LAW

HASTINGS COLLEGE OF THE LAW **STAFF PERSONNEL POLICIES**

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LEGAL

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POLICY

Staff Personnel Policy and Procedure Guidelines delineate the employment relationship between staff employees and Hastings College of the Law.

101.1 AUTHORITY OF DEAN

The Dean serves as the Chief Executive Officer of the College, with full authority to enforce all personnel policies and procedures.

Staff Personnel Policy and Procedure Guidelines, as adopted by the Hastings College of the Law Board of Directors, with an effective date of implementation of January 1, 1990, supersede any and all previously issued Hastings College of the Law Staff Personnel Policy publications.

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POLICY

Hastings College of the Law shall ensure that all persons are entitled to equal employment opportunity.

It is the policy of the College to:

- A. Recruit, hire and/or promote for all job classifications without regard to race, religion, color, national origin, ancestry, marital status, age, sex, sexual orientation, status as a Vietnam-era veteran or disabled veteran, or non-job related physical handicap or medical condition.
- B. Base decision of employment and promotion upon an individual's qualifications as related to the position being filled.
- C. Ensure that all other personnel actions such as compensation, benefits, transfers, layoffs, College-sponsored training, education, tuition assistance, and social and recreation programs will be administered without regard to race, religion, color, national origin, ancestry, marital status, age, sex, sexual orientation, status as a Vietnam-era veteran or disabled veteran, or non-job related physical handicap or medical condition.
- D. Continue to sustain and develop a reporting and auditing system that ensures the maintenance and application of College standards.

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POLICY

103.1 RESPONSIBILITY

The Director of Personnel is responsible for establishing procedures to implement this policy.

Department heads and all employees shall share in the responsibility for adhering to and enforcing this policy.

103.2 PROVISIONS

Hastings College of the Law recognizes drug and alcohol dependency as treatable conditions and provides information and assistance with respect to the availability of rehabilitation and support programs to assist employees with substance dependency problems. Employees are encouraged to seek assistance for drug and alcohol-related problems and may request leaves of absence without pay for this purpose, in addition to using approved vacation or sick leave, or attending support programs outside regular working hours. Information obtained regarding an employee during participation in a support program will be treated as confidential.

The College strives to maintain a workplace free from the illegal use, possession, or distribution of controlled substances as defined in schedules I through V of the Controlled Substances Act, 21 United States Code 812, as amended. Unlawful manufacture, distribution, dispensation, possession, or use of controlled substances by College employees in the workplace or on College business is prohibited. In addition, employees shall not use illegal substances or abuse legal substances in a manner that impairs performance of assigned tasks.

Employees found to be in violation of this policy may be subject to corrective action, up to and including dismissal of employment, under applicable College policies, or may be required, at the discretion of the College, to participate satisfactorily in a support program.

103.3 SPECIAL REQUIREMENTS FOR EMPLOYEES ENGAGED ON FEDERAL CONTRACTS AND GRANTS

The Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) requires that College employees directly engage in the performance of work on a Federal contract or grant shall

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abide by this policy as a condition of employment and shall notify the College within five (5) days if they are convicted of any criminal drug statute violation occurring in the workplace or while on College business. The College is required to notify the Federal contracting or granting agency within ten (10) days of receiving notice of such conviction and to take appropriate corrective action or require the employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program.

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POLICY

104.1 PROVISIONS

It is the policy of Hastings College of the Law to fully support the law prohibiting harassment because of race, sex, religion, color, national origin, ancestry, marital status, sexual orientation, physical handicap, medical condition and age as well as sexual harassment, and to maintain a workplace free of any such harassment. Harassment of any type has no place in the work environment and shall not be tolerated.

Specifically, it is against College policy for any employee or other person to subject another employee or another person to harassment. Acts of harassment include, but are not limited to:

- A. Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations, jokes, or comments;
- B. Physical conduct such as assault, blocking normal movement, or unwelcomed and unwanted intentional physical contact of a sexual nature;
- C. Visual conduct displayed in the workplace such as derogatory posters, cartoons, drawings or gestures;
- D. Threats and demands to submit to sexual requests in order to maintain employment or avoid some other loss, or offers of job benefits in return for sexual favors; threats of violence against persons, person's friends/relatives, person's property; or
- E. Retaliation for having reported the harassment.

Harassment is further defined as conduct which is made either explicitly or implicitly as a term or condition of employment; used as the basis for employment decisions; offered in order to receive special treatment or in exchange for or in consideration of any personnel action; and/or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

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If anyone engages in such conduct, that offending person should be told immediately and firmly by the employee that the conduct is considered offensive. Any continued acts of harassment should be immediately reported to the appropriate supervisor and/or the Director of Personnel. A thorough and objective investigation will be conducted and appropriate disciplinary and/or corrective action will be instituted against anyone found to have violated this policy. No employee will be retaliated against for reporting harassment or participating in an investigation thereof.

EMPLOYMENT PRACTICES

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POLICY

201.1 RESPONSIBILITY

The Director of Personnel is responsible for establishing job classifications.

201.2 PROVISIONS

Positions are classified on the basis of assigned duties and responsibilities. Positions with similar duties and responsibilities are grouped in the same job classification. Class specifications indicate the job title, concept, examples of typical tasks assigned, and minimum qualifications of each job classification.

201.3 CLASS TITLE

The job classification title is the official title of each position and is used on all official College documents.

201.4 CLASSIFICATION ACTION

Department heads and/or supervisors are responsible for notifying the Director of Personnel of requests for establishment of new job classifications and for review of established job classification(s) to determine whether sufficient change has occurred in the position responsibilities to merit either upward or downward reclassification.

With the exception of unusual and extenuating circumstances, all requests for reclassification shall occur annually, to coincide with the annual College budget process which normally occurs in the spring of each fiscal year.

No commitment shall be made to the affected incumbents in the classification by the department head until such time that they are approved by the Director of Personnel.

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POLICY

202.1 RESPONSIBILITY

The Director of Personnel is responsible for establishing effective recruitment programs and procedures to implement this policy, including methods of monitoring the effectiveness of various recruitment techniques.

The Director of Personnel/Affirmative Action Officer is responsible for reviewing, monitoring, and evaluating the effectiveness of recruitment programs in meeting equal employment opportunity objectives and shall consult and advise on affirmative action in recruitment activities. The Director of Personnel is responsible for utilizing a variety of recruitment methods to attract a wide range of potential applicants from the labor market.

The department head, with the assistance of the Director of Personnel, shall define the position's requirements, duties and responsibilities, and determine the most effective recruitment activity for each position to be filled.

The General Counsel may approve the implementing procedures.

202.2 PROVISIONS

The College shall recruit from both within and outside its work force to obtain qualified applicants. Special efforts will be made to ensure that the recruitment process facilitates attainment of equal employment opportunity objectives.

202.3 JOB VACANCIES

The department head shall notify the Director of Personnel of all career position vacancies. Recruitment activity will not commence if the position can be filled by one of the following methods:

- A. Intra-departmental demotion or lateral transfer of an employee;
- B. Recall of a laid off employee, or an employee on reduction in time;

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- C. Placement of an employee-participant who is in a governmentally funded program intended to develop career employment opportunities; or
- D. Interdepartmental lateral transfer of an employee along with the budgetary provision for that employee's position.

202.4 PREPARATION FOR RECRUITMENT AND SELECTION

The department head, with the assistance of the Director of Personnel, shall review the current classification to ensure that the critical job duties and tasks, knowledge, skills, abilities and other qualifications requiring successful job performance are current. After the classification is reviewed and updated, if appropriate, the Personnel Office shall develop a job announcement which states the duties and required knowledge, skills, abilities, and other qualifications of the position.

The job announcement shall be posted and distributed campus wide in addition to being sent to other appropriate labor markets with a final filing date sufficient enough to attract a qualified group of candidates.

202.5 INTERNAL AND EXTERNAL RECRUITMENT

A. External Recruitment

Most positions at the College are considered external recruitment and are advertised both internally as well as externally.

When there is not a sufficiently large enough pool of College employees who would be qualified to handle the vacant position's responsibilities, skills and knowledge, then the recruitment activity shall be considered internal and external recruitment and advertisement shall commence. Eligible College employees are encouraged to compete in an External Recruitment.

B. Internal Recruitment

To enhance opportunities for career development among current employees, all vacant positions shall be posted on bulletin boards throughout the campus and distributed to each department.

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If it is determined that an applicant is available of sufficient diversity to allow the department head a choice in obtaining the essential job-related knowledge, skills, abilities, and other qualifications, including meeting equal opportunity objectives, then the recruitment will be limited to qualified employees of the College.

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POLICY

203.1 RESPONSIBILITY

The Director of Personnel is responsible for referral of qualified applicants to the department and shall advise the department head about Staff Personnel Policies, interpretations of legal requirements after consultation with the General Counsel, and professional standards for selection methods. The department may, at its request, review all of the applications with the Director of Personnel.

The Director of Personnel/Affirmative Action Officer shall be responsible for reviewing, monitoring, and evaluating the effectiveness of selection processes and consulting and advising department heads in meeting the College's equal employment opportunity objectives.

The department head shall have final responsibility for the selection of an individual to fill an open position.

203.2 PROVISIONS

It is the policy of the College to select the applicant for the position who possesses the qualifications to perform the duties of the position most effectively. Within this policy, the selection process should facilitate the attainment of equal employment opportunity objectives.

The Director of Personnel shall keep records of employment practices, including records to show whether a practice has had an adverse impact on any group protected by Title VII or other relevant Federal and/or State law.

The department head, at the request of the Director of Personnel, shall record the reasons for selecting or not selecting each referred applicant and shall forward all required records of selection procedures and decisions to the Personnel Office.

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203.3 SELECTION PROCEDURES

All selection methods and criteria shall be objective and job related. Selection methods and criteria include, but are not limited to, any assessment technique, training programs, probationary periods used as qualifying mechanisms, physical examinations, education, and work experience requirements, formal and informal interviews, and application forms.

A selected candidate shall possess the minimum physical qualifications necessary to perform the essential duties of the position, if applicable. If a pre-employment physical examination is required, the examination will be paid for by the College.

Selection decisions regarding qualified handicapped persons shall be made in accordance with the College's guidelines applying to nondiscrimination on the basis of handicap, provisions of which govern reasonable accommodation, pre-employment inquiries, medical examinations, and other employment practices.

Positions designated as sensitive may require a pre-employment job-related background check which may require fingerprinting of applicants. Positions designated as sensitive shall be noted as such on the job announcement.

Employment and educational reference checks of current and former employers and institutions of higher education shall be conducted to verify information about an applicant's knowledge, skills, abilities, and qualifications that would be important to successful performance in the new position.

203.4 SELECTION CONSIDERATIONS

The Director of Personnel shall refer to the department for the first consideration those applicants with preference for reemployment who appears to meet the requirements (See Personnel Policy and Procedure Guideline No. 211, **Layoff and Reduction in Time**). If an employee with preference is not selected, the department head shall inform the Director of Personnel, in writing, as to the reasons the applicant with preference was not deemed qualified.

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The Director of Personnel shall refer all other qualified candidates to the department head for evaluation or the department head shall evaluate the submitted application form and other appropriate documentation to determine eligibility of applicants for further consideration. Interviews with selected candidates are then conducted to further determine skills, knowledge, abilities, and experience. The department head shall select the one candidate, who, in the department head's evaluation, possesses the qualifications to perform the position responsibilities most effectively.

If two or more applicants are substantially equally qualified, the department head shall give primary consideration to meeting equal employment opportunity objectives and secondly to providing promotional and transfer opportunities to career employees.

A career employee interviewing for another position within the College shall be granted reasonable time off with pay to interview for the position. Should the employee be selected for appointment to another position, the employee shall be released as soon as practicable.

203.5 APPOINTMENT CONSIDERATIONS

The Director of Personnel shall approve the entry salary rate before a commitment is made by the department head to an applicant.

An applicant under the age of eighteen who has neither graduated from high school or the equivalent nor awarded a certificate of proficiency may be employed with a permit to employ issued in accordance with State law.

Employment of an alien shall be in accordance with Federal law, the regulations of the Immigration Reform and Control Act of 1986 and the regulations of the Immigration and Naturalization Service. Generally an alien eligible for employment holds a valid visa and is:

- A. An immigrant;
- B. A non-immigrant authorized by the Immigration and Naturalization Service to engage in temporary employment; or
- C. A non-immigrant student whose employment is in accordance with Immigration and Naturalization Service regulations and who has the approval of the Academic Dean.

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POLICY

204.1 RESPONSIBILITY

The Director of Personnel is the custodian of the personnel files and is responsible for establishing procedures to assure compliance with this policy.

204.2 RETENTION

Personnel records are maintained in the Personnel Office in accordance with State and Federal guidelines.

Staff personnel records may include information pertaining to: employment, such as the application of employment, tests, and letters or statements of reference, pay and benefits, training, education, honors and awards, duties and job classification, performance, corrective, release, and dismissal actions, attendance, and other relevant or necessary information.

All personnel evaluations, as well as other forms, letters, and memorandums are to be addressed to or signed by the employee, acknowledging receipt of a copy prior to being placed in the personnel file. If an employee refuses to sign a form or letter, the supervisor shall sign his/her name as a witness to the fact that an employee has refused to sign, and the document shall then be placed in the employee's personnel file.

204.3 UPDATE

Employees are responsible for notifying the Director of Personnel of changes in name, address, telephone number, driver's license, number of dependents, marital status, beneficiary, education certificates or any other pertinent information.

204.4 ACCESS/CONFIDENTIALITY

The personnel employment records are confidential. Only those persons who are in direct supervisory line to an employee, or the Dean or General Counsel, may review that employee's personnel file. Employees may review their own file upon request. A copy of the employee's personnel record shall be made within thirty (30) days upon receipt of written request.

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Pre-employment references are not available for inspection nor are they contained within the personnel file since most employee references are obtained with the understanding that the identity of the source of information would not be disclosed.

Subject to approval by the Director of Personnel or by the employee, a Hearing Officer, College employee, and/or Hearing Committee may have access to specific information in an employee's personnel record which is necessary for the resolution of an employee's complaint. No information obtained shall be released to any other person except as necessary in the performance of the assigned College duties requiring the original access.

As required by law, the following employment information shall be released to members of the public upon request: the individual's name, date of hire, current position title, current rate of pay, organizational unit assignment, and current job description.

Personnel information must be released pursuant to a subpoena or in other circumstances where the College is required by law to release the information. Any questions concerning release of information under such circumstances or concerning records which may be subject to legal privilege shall be directed to the Office of the General Counsel.

204.5 RECORD OF DISCLOSURES

A record shall be maintained and the employee shall be notified of each disclosure of information which identifies the name, title, business address of the person to whom the disclosure was made, the date of the disclosure, the information disclosed and the purpose of the disclosure (grievance related disclosure and signed authorizations by employees for release of information are both exempt from this record-keeping requirement). This notification shall be prior to disclosure, if possible, and shall be maintained for three years.

204.6 REFERENCE/CREDIT INQUIRIES

The Personnel Office is authorized to verify position and employment information as identified for public access as indicated above. No other reference information will be released. Any other information, including address and phone numbers, may be released only with a written authorization from the employee.

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204.7 CORRECTIONS OR DELETIONS

An employee may request correction or deletion of a record by submitting a written request to the department head where the record originated and by sending a copy of the request to the Personnel Office. Within thirty (30) calendar days of receipt of a written request to amend a record, the department head shall make a recommendation to either amend or not amend the request to the Director of Personnel. If the recommendation is to refuse the request, the department head shall put forth the refusal, in writing, and state the reason for the refusal and that the individual may request the Dean to review the refusal. The Director of Personnel shall notify the employee of the decision.

For more detailed legal requirements covering all College records, see University of California Legal Requirements on Privacy of and Access to Information, located in the office of the General Counsel.

204.8 CHARGE FOR COPIES OF RECORDS

In accordance with the campus procedures, fees may be charged for making copies of personnel record information or extracts thereof; however, there is no charge for the first copy of an individual's own records.

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SUBJECT: HOURS OF WORK (205)

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POLICY

205.1 STANDARD WORKWEEK AND PROCEDURE

- A. Standard Workweek: A workweek is a period of time consisting of seven (7) consecutive days. The standard workweek is from midnight Sunday to midnight the following Sunday. When circumstances require such action, the Dean or his/her designated representative may approve alternative workweeks of any other seven (7) consecutive days.
- B. Standard Work Schedule: A work schedule is the normal hours of work for an employee within a workweek. The standard work schedule for full-time employees shall be eight (8) hours per day on five (5) consecutive days from 8:15 a.m. to 5:00 p.m., excluding forty-five (45) minutes for lunch period.

205.2 FLEXIBLE WORK SCHEDULES

The department head, in consultation with the Director of Personnel and with the approval of the appropriate senior manager, may implement flexible work schedules when circumstances warrant such action.

Changes to the standard work schedule shall be documented and placed in the employee's personnel file and applicable attendance record files maintained in the Personnel Office.

Flexible work schedules for full-time employees shall fall within a designated workweek and shall consist of forty (40) hours per week, excluding meal periods. A meal period of one-half (½) hour during each work shift of at least six (6) hours shall be scheduled and such meal period is not included as time worked.

205.3 REST PERIODS

Employees may take rest periods not to exceed fifteen (15) minutes, once during each work period of three (3) hours or more. The time shall not be taken at the beginning or end of the work period, shall not be accumulated and used at a later date, nor be added to the lunch period.

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205.4 ACTIVITIES BEFORE OR AFTER THE WORK SCHEDULE

When the nature of an employee's job requires that, before or after the work schedule, the employee must change into or out of uniform, engage in special washing or cleaning procedures, or perform other activities on or at a College facility, the time spent in the performance of such activities is considered time at work.

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POLICY

206.1 RESPONSIBILITY

The Director of Personnel is responsible for establishing procedures to implement this policy. Attendance records shall be maintained in the Personnel Office.

206.2 PROVISIONS

Consistent attendance and punctuality are considered imperative ingredients in the College's business operation and, therefore, an integral part of each employee's performance standard. Poor, uncertain, or irregular attendance produces disruptive results for College operations, lowers overall productivity and continuity of work, and often is burdensome to other employees.

Employees are expected and required to report to their designated work location at the prescribed time and manner work activity is to commence. Tardiness, unexcused absence, or failure to report as required may result in disciplinary action, up to and including termination of employment.

In the event an employee is unable to report to work as scheduled, the employee must notify his/her immediate supervisor within one-half (½) hour of the scheduled reporting time or be prepared to provide evidence of extenuating circumstances. In all cases of an employee's absence or tardiness, the employee shall provide supervisory personnel with a truthful reason for the absence and, if applicable, the probable duration of absence. An employee shall submit a physician certification for absences of five (5) or more days, however, the College reserves the right to require an employee to bring in an attending physician's certification for any sick leave time taken.

206.3 DATA REQUIRED

Attendance records shall contain the employee's name, workweek, and work schedule, if not standard. Records of time worked and leave accruals shall be maintained. All absences with and without pay, including, but not limited to sick leave, vacation, holidays, military leave, jury duty, voting time, and compensatory time off, shall be recorded to the nearest one-half (½) hour. All other time worked and overtime shall be recorded to the nearest one-quarter (¼) hour.

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206.4 SIGNATURES

The Employee Attendance Report (PO-1) shall be signed by the employee and approved by the supervisor. Signatures acknowledge that the information contained on the PO-1 is accurate and, failure to accurately reflect hours not worked may result in disciplinary action.

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POLICY

207.1 RESPONSIBILITY

The immediate supervisor of the employee is responsible for reviewing the work of the new employee and determining whether regular career position status should be granted or if the employee should be released during the probationary period.

A supervisor below the level of a department head may release an employee who has not attained regular status after consultation with the Director of Personnel and with the approval of the department head. A supervisor at the level of a department head may release an employee after consultation with the Director of Personnel.

207.2 PROVISIONS

All employees appointed to career positions shall serve a six-month probationary period during which time their work performance and general suitability for College employment shall be carefully evaluated.

Time on leave without pay is not qualifying service for completion of the probationary period. Employees in other than a laid-off status who are rehired following a break in service which exceeds four (4) months shall serve a new probationary period.

An employee promoted or reclassified to a new position within the College shall have performance evaluations in accordance with the same provisions afforded to probationary employees.

An employee shall not normally be considered for a change in position until the probationary period is satisfactorily completed.

207.3 TIMING OF EVALUATIONS

The supervisor shall conduct written performance evaluations for each probationary employee three (3) times during a full probationary period. The evaluations shall take place:

- A. On or about forty-five (45) working days (completion of two (2) months of service);

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- B. On or about ninety (90) working days (completion of four (4) months of service); and
- C. Approximately fifteen (15) calendar days prior to the completion of the probationary period or completion of six (6) months in a new position resulting from a promotion or reclassification.

In addition to these required evaluations, the supervisor shall conduct an evaluation at any time there is a question concerning the quality of an employee's performance or general suitability for College employment.

207.4 FINAL PROBATIONARY PERIOD ACTIONS

Prior to the conclusion of the employee's probationary period, the supervisor shall take one (1) of the following actions:

Regular Status Employee

The supervisor shall inform the employee, in writing, that the probationary period has been successfully completed and that the employee has attained regular employee status. The employee shall also be informed of any additional considerations which may be appropriate as provided in the staff personnel policies. The supervisor shall notify the Personnel Office when the probationary period is complete.

Dismissal During or at the Conclusion of the Probationary Period

If the employee's performance or general suitability for College employment is found to be unsatisfactory during the probationary period, the employee shall be dismissed.

Dismissal shall be preceded by an oral or written warning or the employee's receipt of a performance evaluation which outlines the nature of the deficient performance or conduct, except when the employee is absent from work without approval for five (5) consecutive, assigned working days or in those situations in which an employee knows or reasonably should have known that performance or conduct was unsatisfactory.

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The employee shall be informed, in writing, of the reason for the dismissal. The probationary employee has the right to place in his/her personnel file a response to the reason for termination. Probationary employees do not have the right to grieve termination of employment under the grievance procedure.

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POLICY

208.1 RESPONSIBILITY

The Director of Personnel is responsible for establishing appropriate performance appraisal forms and guidelines to meet the criteria of this policy.

208.2 PROVISIONS

Written performance evaluations shall be conducted on all employees at least annually for regular status employees; and as required and necessary for those employees in a probationary or newly promoted status or employees requiring more frequent performance evaluation and progress reports.

Performance evaluation shall include:

- A. Discussions to reach understanding on duties, responsibilities and objectives;
- B. Review of progress and performance to date and, as appropriate, planning for more effective performance;
- C. The opportunity for each employee to ask questions about work assignments and to review interest in upgrading present skills and in future development; and
- D. Written performance review and standards to inform and guide the employee and to provide direction for management in personnel decisions.

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POLICY

209.1 RESPONSIBILITY

The Director of Personnel is responsible for assuring compliance with this policy.

209.2 PROVISIONS

The employment of relatives or the promotion or transfer of an employee related to another employee is discouraged unless the Personnel Director determines that the applicant or employee will be in a position sufficiently remote from the employed relative so as to make it unlikely to result in a real or potential conflict of interest, lead to complaints of favoritism, lack of objectivity, or create the potential of poor employee morale.

Relatives include relations by blood or marriage and individuals in the employee's household.

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SUBJECT: PARTIAL-YEAR CAREER POSITIONS (210)
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POLICY

210.1 RESPONSIBILITY

The Director of Personnel, with approval of the Dean, is authorized to establish partial-year career positions.

210.2 PROVISIONS

Partial-year career positions are positions which include regularly scheduled periods, not to exceed three (3) months in each calendar year, during which time the position is not occupied, due to lack of need and/or work. The incumbent in the position remains an employee of the College, but is not at work or on an active pay status during this period of time.

210.3 ESTABLISHMENT OF PARTIAL-YEAR POSITIONS

The department head shall normally reassign an existing full-time position to a partial-year position when the position is vacant. However, the department head, after receiving approval, does have the authority to reassign a filled full-year position to a partial-year position.

Employees in the affected class and department who are interested in having partial-year career positions shall be given first priority for those positions. Otherwise, the reassignment of filled positions to partial-year shall be considered an indefinite reduction in time, and the incumbent shall be transferred in accordance with the provisions of Staff Personnel Policy No. 211, Layoff and Reduction in Time. The provisions of that policy shall apply for right to recall for full-year positions except such rights shall be limited to full-year positions at the same percentage of time as the position held prior to the change to partial-year.

210.4 FURLOUGH

The scheduled periods during which employees in partial-year career positions are not at work shall be designated furloughs. Periods on furlough are without pay.

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210.5 BENEFITS

Employees on furlough shall be provided the College's contribution to the cost of College-sponsored health plans for a maximum period of three (3) months in a calendar year.

The College-provided life insurance continues during the furlough; however, the employee-paid life insurance is continued only if the employee makes a direct payment on the premium.

Non-industrial disability and short-term disability insurance are not provided when employees are on furlough.

Time on furlough is not qualifying time for determining salary increase eligibility, vacation leave, sick leave, and/or holiday pay for absences which result in a non-qualifying pay period.

Employees are eligible for unemployment insurance during furloughs if the employee is able to work, available for work, and actively seeking suitable work as determined by the State of California, Employment Development Department (EDD).

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POLICY

211.1 RESPONSIBILITY

The Director of Personnel may establish necessary procedures to implement this policy. The Director of Personnel shall assist the department head in applying this policy and make every reasonable effort to assure that an employee scheduled for indefinite layoff from a career position has the opportunity to be considered for transfer to another position for which the employee is qualified. The Director of Personnel shall provide records and reports as requested by the Dean by the departments to ensure compliance with this policy.

The department head shall determine when a layoff is necessary due to the lack of work or lack of funds. The department head shall first review the necessity for existing temporary and part-time positions within the department. When a vacancy exists in an active career position, the department head shall reassign an employee scheduled for layoff to that position, provided the employee is qualified to perform the duties of that position.

The department head has the authority to layoff an employee after reviewing the proposed action with the Director of Personnel.

211.2 PROVISIONS

The policy of the College is to minimize the effects of layoffs and reductions in time of employees in career positions when necessitated by lack of funds or lack of work. If a position is available within the same class, the College shall give affected employees who meet all the position requirements preferential opportunities for reassignment or transfer prior to layoff, the right to be recalled to the department from which laid off, and preference for reemployment in all departments of the College as defined in Section 211.8 of this policy.

211.3 SCOPE

This policy covers layoff and reduction in time, and transfer of an employee to a temporary position resulting from the elimination of a career position.

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TEMPORARY LAYOFF AND TEMPORARY REDUCTION IN TIME

211.4 DEFINITION

A layoff or reduction in time from a career position is considered temporary if less than four (4) calendar months and, as such, the provisions as outlined in this policy do not apply to a temporary layoff condition.

An employee shall be given written notice of the effective date and the ending date at least fifteen (15) days prior to its effective date, if possible.

If a layoff or reduction in time should occur during a temporary layoff or temporary reduction in time, the procedures as outlined in this policy statement shall then be applied.

LAYOFF AND REDUCTION IN TIME

211.5 DEFINITION

Layoff and reduction in time is affected by department and by class (title code). The order of layoff and reduction in time of employees in the same class within a department shall be in inverse order of seniority, except that the department head may retain employees irrespective of seniority who possess special skills, knowledge, or abilities which are necessary to perform the ongoing functions of the department and which are not possessed by other employees in the same class. All such exceptions shall be documented and shall be reviewed by the Director of Personnel.

211.6 SENIORITY

Seniority shall be calculated by full-time equivalent months (or hours) of College service in other than temporary status. Employment prior to a break in service shall not be counted.

In the event two (2) or more employees have the same number of full-time equivalent months (hours), the employee with the most recent date of appointment shall be laid off first.

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211.7 NOTICE

An employee shall receive at least fifteen (15) calendar days advance written notice prior to layoff or reduction in time, whenever feasible. If less than fifteen (15) calendar days notice is granted, the employee shall receive pay in lieu of notice for each additional day the employee would have been on pay status had the employee been given fifteen (15) calendar days notice. The affected employee shall be notified of benefit continuation and unemployment insurance processes and, in addition, a regular status employee shall be informed of the procedures for recall and preferential rehire.

REEMPLOYMENT FROM LAYOFF

211.8 RIGHT TO RECALL TO LAYOFF DEPARTMENT

An employee who has attained regular status and is separated or whose time is reduced because of layoff shall be recalled in order of seniority into any active and vacant career position for which the employee is qualified when the position is in the same class and department and at the same or lesser percentage of time as the position held by the employee at the time of layoff.

Regular status employees have recall and preference rights in accordance with the following schedule:

<u>YEARS OF SENIORITY</u>	<u>MAXIMUM PERIOD OF RECALL AND PREFERENCE RIGHTS</u>
Less than five (5) years seniority	One (1) year from date of layoff
More than five (5) – less than ten (10) years	Two (2) years from date of layoff
More than ten (10) years of seniority	Three (3) years from date of layoff

An employee may be required to respond to periodic inquiries as to the desire to continue the right to recall and preference and is responsible to maintain up-to-date address and telephone information with the Personnel Office.

Right to recall and preference for reemployment continues during, but does not extend temporary periods of employment in casual/temporary/restricted positions.

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211.9 TERMINATION OF RIGHT TO RECALL

Rights to recall and preference terminate if an employee:

- A. Refuses an offer to return, at the same or greater percentage of time to the class from which laid off;
- B. Accepts a career position at the same or higher salary level, and the same or greater percentage of time as the position held by the employee at the time of layoff; or
- C. Does not respond to written notice of an employment opportunity.

211.10 EFFECT ON BENEFITS

An employee on a temporary layoff or a layoff may continue in certain group insurance programs for the length of time provided by the regulations (C.O.B.R.A.), subject to the employee's payment of full premium. Information regarding the continuation of benefits is provided to each employee at the time of notice of layoff.

For employees on a three-month maximum temporary layoff, furlough, or reduction in time, the College will continue the contribution to the cost of a College-sponsored health plan.

Retirement system regulations determine the effect on retirement benefits while an employee is on indefinite or temporary layoff.

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POLICY

212.1 RESPONSIBILITY

A supervisor at the level of department head may take corrective action for probationary or regular status employees after consultation with the Director of Personnel. Supervisors below the level of department head also require the approval of the department head before taking corrective action.

212.2 PROVISIONS

Supervisors shall apply necessary and appropriate corrective action whenever an employee fails to meet the require standards of conduct or performance.

Corrective action may be necessary due to employment-related problems, including, but not limited to the inattention to duty, unsatisfactory performance, insubordination, absenteeism, violation of law or College policy or regulation, dishonesty, theft, or misappropriation of public funds or property, fighting on the job, acts endangering others, or other misconduct.

212.3 TYPES OF CORRECTIVE ACTION

The supervisor shall use progressive corrective action whenever an employee fails to meet the required standards of conduct or performance. Corrective action shall include oral warning, written warning, temporary or indefinite within-range salary decrease, demotion, suspension without pay, or termination of employment. The College does, however, reserve the right to use whatever corrective/disciplinary action is appropriate based upon the severity of the infraction. Grounds for corrective action may include, but are not limited to:

- A. Insubordination, including improper conduct toward a supervisor or refusal to perform tasks assigned by a supervisor in the appropriate manner.
- B. Possession, distribution, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on College property, while on duty, or while operating a vehicle on College business.
- C. Theft or unauthorized removal or possession of property from the College, other employees,

or anyone on College property.

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- D. Unauthorized or unexcused absence.
- E. Falsifying or making a material omission on employment application or making erroneous entries or material omissions on College records.
- F. Misusing, destroying, or damaging property of the College, another employee, or a College visitor.
- G. Actual or threatened physical violence towards any individual on campus.
- H. Possession or use of dangerous or unauthorized materials, such as explosives, firearms, or other similar items, while on College property, while on duty, or while operating a vehicle leased or owned by the College, except as required and approved by the position.
- I. Unsatisfactory job performance.
- J. Violating safety or health rules or practices or engaging in conduct that creates a safety or health hazard.
- K. Sexual harassment or other harassment of another individual.
- L. Excessive absenteeism, including abuse of any of the College's policies or procedures relating to leaves of absence.
- M. Repeated tardiness.
- N. Smoking in restricted areas or where non-smoking signs are posted.
- O. Any conduct that injures or threatens injury to the College's interests.

212.3 WRITTEN WARNINGS

Written warnings shall describe the nature of the offense or deficiency, the probable action to be taken if the offense is repeated or the deficiency persists, and state the employee's right to request review of the action under Personnel Policy and Procedure No. 214, **Grievance Procedure**, as

applicable.

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212.4 INVESTIGATORY LEAVE

A supervisor may place an employee on an investigatory leave without prior written warning or approval, usually for periods not to exceed fifteen (15) calendar days, in order to review or investigate actions including, but not limited to dishonesty, theft or misappropriation of College property, fighting on the job, insubordination, endangering others, or other serious misconduct of a nature which requires removing the employee from the premises.

The leave shall be confirmed, in writing, to the employee normally not later than two (2) working days after the leave is effective. The notice shall include the reasons for and the expected duration of the leave.

Upon conclusion of the investigation, if no suspension without pay or dismissal action is taken, the employee shall be paid for the leave period. If corrective action or dismissal action is deemed necessary, it shall be taken in conformance with this policy or the provisions of Personnel Policy and Procedure Guideline 213, **Dismissal**, as appropriate. The employee shall be advised whether the investigatory leave shall be with or without pay.

212.5 WRITTEN NOTICE OF CORRECTIVE ACTION

If corrective action (other than a written warning) is necessary, written notice of such action shall be given to the employee prior to the effective date. Such notice shall:

- A. State the intended corrective action, the reason for the corrective action, and the effective date of the action;
- B. Include a copy of the charges and materials upon which the corrective action is based;
- C. State that the employee has the right to respond, in writing, before the effective date of the action;

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- D. State the employee's right to request review of the action under Staff Personnel Policy and Procedure Guideline 214, **Grievance Procedure**, as applicable; and
- E. If the employee was on investigatory leave, state whether such leave shall be with or without pay.

The employee shall be notified of the decision, in writing.

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POLICY

213.1 RESPONSIBILITY

A supervisor below the level of department head may dismiss a regular status employee with the approval of the department head and after consultation with the Director of Personnel.

Department heads may dismiss an employee after consultation with the Director of Personnel.

Prior to taking any action, the Director of Personnel shall consult with the General Counsel on all dismissal actions.

213.2 PROVISIONS

It is essential that all employees perform to the best of their abilities at all times. In the event that an employee fails to perform his or her duties satisfactorily, violates College policy, or engages in inappropriate conduct, the College may choose to impose a form of corrective action short of discharge. Although one or more steps may be taken during corrective action (See Personnel Policy and Procedure Guideline No. 212, **Corrective Action**), the College may instead choose to terminate the employment relationship if the unsatisfactory performance or misconduct is so serious as to warrant immediate dismissal or if corrective action has not resulted in satisfactory improvement in performance or conduct.

213.3 WRITTEN WARNING

Dismissal shall be preceded by at least one written warning, except when the employee is absent from work without approval for five (5) consecutive, assigned working days or in those situations in which the employee knows or reasonably should have known that the performance or conduct was unsatisfactory. Such performance or conduct may include, but is not limited to dishonesty, theft or misappropriation of College property, fighting on the job, insubordination, acts endangering others, or other serious misconduct.

The written warning shall describe the nature of the offense or deficiency, the method or methods of correction, and the probable action to be taken if the offense is repeated or the deficiency persists. The written warning shall also state the employee's rights to request a review of the action.

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213.4 INVESTIGATORY LEAVE

An employee may be placed on an investigatory leave without prior written warning or approval, usually for periods not to exceed fifteen (15) calendar days, in order to review or investigate actions including, but not limited to dishonesty, theft or misappropriation of College property, fighting on the job, insubordination, acts endangering others, or other serious misconduct of a nature which requires removing the employee from the premises.

The leave shall be confirmed, in writing, to the employee normally no later than two (2) working days after the leave is effective. The notice shall include the reasons for and the expected duration of the leave.

Upon conclusion of the investigation, if no corrective action or dismissal action is taken, the employee shall be paid for the leave period. If corrective action or dismissal action is deemed necessary, it shall be taken in conformance with the written warning statement provisions of Personnel Policy and Procedure Guideline No. 212, **Dismissal**, or as indicated below.

213.5 WRITTEN NOTICE OF INTENT TO DISMISS

A written Notice of Intent to Dismiss shall be given to the employee and include the following:

- A. Statement of the reason(s) for the intended dismissal;
- B. Include a copy of the charges and materials upon which the intention to dismiss is based; and
- C. State that the employee has the right to respond to the supervisor, in writing, within five (5) calendar days.

213.6 WRITTEN NOTICE OF DISMISSAL

An employee may respond to the Notice of Intent to Dismiss within five (5) calendar days from the date of receipt. The College's review process shall be completed within seven (7) calendar days of receipt of the employee's response. The College shall send a written determination regarding dismissal to the employee at the conclusion of the review process or shall send a confirmation of the effective date of dismissal if an employee elects not to respond to the Notice of Intent to Dismiss.

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If dismissal is appropriate, the employee shall be given advance written Notice of Dismissal. The effective date shall be at least five (5) calendar days from the date of issuance of Notice of Dismissal or fifteen (15) calendar days from the issuance of Notice of Intent to Dismiss.

No advance written notice is required in those situations in which an employee's performance or conduct may have included, but is not necessarily limited to dishonesty, theft or misappropriation of College property, physical altercation on the job, insubordination, acts endangering others, or serious misconduct. That notice shall include:

- A. The effective date of dismissal;
- B. The reason for dismissal;
- C. The employee's right to appeal; and
- D. If the employee was on an investigatory leave, state whether such leave plus the time up to the receipt of the employee's response or the five (5) calendar days provided in Section 213.5 shall be with or without pay.

If an employee was absent from work without approval, the five (5) days for response to the notice of intention are without pay.

213.7 ALTERNATIVE ACTIONS

If after an investigation, or after the employee has met and discussed the action with the supervisor and it is decided that dismissal is not appropriate, the supervisor shall inform the employee of this fact and state what other action(s), if any, shall be taken.

213.8 PAY IN LIEU OF NOTICE

The Dean, when appropriate, may approve up to fifteen (15) calendar days' pay in lieu of notice.

213.9 ELIGIBILITY FOR REEMPLOYMENT

A dismissed employee is not eligible for reemployment.

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SUBJECT: MEDICAL SEPARATION (214)
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POLICY

214.1 PROVISIONS

An employee who becomes unable to perform essential, assigned functions due to a disability or medical condition, may be separated. A regular status employee separated under this policy is eligible for special reemployment procedures.

214.2 BASIS FOR SEPARATION

- A. A medical separation shall be based on:
1. A statement by the department head describing the essential functions the employee is not performing; and
 2. Medical documentation to enable the College to determine whether reasonable accommodation(s) can be made or proceed with a medical separation. A medical separation also may be based on the receipt of disability benefits from a retirement system to which the College contributes. The College shall pay the reasonable costs of any medical examinations requested or required by the College.
- B. An employee shall not be separated under this policy while on sick leave. However, an employee may be separated for medical or other reasons if the date of separation was set prior to the commencement of sick leave or if the employee is afforded all rights provided by the employee's retirement system.

214.3 NOTICES

An employee shall be given advance written notice of the intention to separate. The notice shall state the reason for medical separation; include copies of the department head's statement and any other pertinent material considered; and state that the employee has the right to respond, in writing, within eight (8) calendar days regarding the separation. After the employee has responded or eight (8) calendar days have passed, the employee shall be notified of the decision. If it has been determined that separation is appropriate, the employee shall be given advance written notice of the separation date and notice of the right to appeal.

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The effective date of separation shall be at least ten (10) calendar days from date of issuance of notice of separation or eighteen (18) calendar days from date of issuance of notice of intention to separate, whichever is later.

214.4 SPECIAL REAPPOINTMENT PROCEDURES

For a period of one (1) year following the date of medical separation, a former employee may be selected for a position without the requirement that the position be publicized. If an employee is reappointed within the allowed period, a break in service does not occur.

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SUBJECT: REASONABLE ACCOMMODATION (215)
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POLICY

215.1 PROVISIONS

A qualified individual with a disability is: an individual with a disability who meets the skills, experience, education, and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of a job. A person with a “disability” is an individual who:

- A. Has a physical or mental impairment that substantially limits one or more of his/her major life activities;
- B. Has a record of such an impairment; or
- C. Is regarded as having such an impairment.

Reasonable accommodation is any change in the work environment or in the way things are usually done that results in equal employment opportunity for an individual with a disability. The College shall provide reasonable accommodation to an otherwise qualified employee who is disabled and needs assistance to perform the essential functions of their position.

215.2 MEDICAL DOCUMENTATION

The employee is responsible for requesting accommodation and for providing medical documentation to assist in understanding the nature of the employee’s functional limitations. This documentation may be subject to confirmation by a College-appointed, licensed healthcare provider(s).

215.3 TRIAL EMPLOYMENT

The purpose of trial employment is to determine if the employee is capable of performing the essential duties of the position with or without accommodation. A disabled regular status employee or a regular status employee who has been medically separated may be offered casual, trial employment for a period not to exceed one (1) year.

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215.4 SPECIAL SELECTION

An employee who is disabled may be selected for and reassigned to a position which has not been publicized.

215.5 DISABILITY BENEFITS

A retiree who is receiving disability benefits from a retirement system to which the College contributes may be given assistance in accordance with Sections 215.3 and 215.4 of this policy for a period of three (3) years from the date benefits commenced. If the employee is appointed within this period, a break in service does not occur.

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SUBJECT: GRIEVANCE PROCEDURE (216)
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POLICY

216.1 RESPONSIBILITY

The Director of Personnel is responsible for establishing procedures to implement this policy and shall establish appropriate forms and guides for the administration of this policy.

The Director of Personnel shall determine whether a complaint is within the scope of this policy. An employee may appeal the Director of Personnel's decision to the General Counsel who shall have final responsibility for determining whether a complaint is within the scope of this policy.

216.2 PROVISIONS

It is the policy of the College to encourage and facilitate the resolution of employee complaints in a prompt and equitable manner.

No employee shall be subject to reprisal for using or participating in the grievance process.

An employee may be self-represented or represented by another person at any stage of the process. The College shall be represented as the Dean deems appropriate.

All employees, other than Executive Management serving at the pleasure of the Board of Directors (e.g., General Counsel, Chief Financial Officer, Director of College Relations, and Director of Facilities and Planning), may utilize the grievance procedure.

Probationary employees have only limited access to the grievance procedure.

216.3 SCOPE

An individual employee may request resolution under this policy for complaints pertaining to:

- A. The corrective actions of temporary or indefinite within-range salary decrease, demotion, suspension without pay, and written warnings pertaining to such actions;

- B. Dismissal of regular status employees;

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- C. Discriminatory practices as listed in Personnel Policy and Procedure Guideline No. 102, **Non-Discrimination and Equal Opportunity**;
- D. Alleged improper implementation, inequitable application, or non-compliance of Staff Personnel Policies;
- E. Merit salary increase or other salary action; and
- F. The content of a performance evaluation.

Areas that are not subject to the grievance process include, but are not necessarily limited to:

- A. The policies, rules and regulations of the College;
- B. The selection of a candidate for transfer or promotion;
- C. The classification of employees and the salary level attached to that classification; and
- D. The termination of a probationary employee.

216.4 INFORMAL REVIEW

An employee who has a complaint is encouraged to resolve the complaint on an informal level. The complaint shall be discussed with the immediate supervisor who shall have an opportunity to resolve the complaint informally.

An employee who has a question concerning the interpretation or application of Staff Personnel Policies, including those related to grievance rights, nondiscrimination, working conditions, or other personnel matters, is encouraged to consult with the supervisor, the department head, and the Director of Personnel/Affirmative Action. If the complaint cannot be resolved through informal discussions, the employee may pursue the formal review process.

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216.5 FORMAL REVIEW

- A. **LEVEL ONE – DEPARTMENT HEAD REVIEW:** Grievances which are within the scope of this policy shall be submitted, in writing, to the Director of Personnel for transmittal to the department head. The grievance must be received by the Director of Personnel within thirty (30) calendar days after the date on which the employee could be expected to know of the event or action which gave rise to the grievance or within thirty (30) calendar days after the date of separation, whichever occurs first.

The written grievance shall describe the specific actions that are requested for review, any provisions of any Staff Personnel Policy or the implementing procedures alleged to be improperly applied, the manner in which they were improperly applied, how the employee was adversely affected, and the remedy requested.

The department head shall respond to the employee, in writing, within fifteen (15) calendar days from receipt of the written grievance, unless the employee and the department head agree to an extension. If the department head does not respond or the employee does not agree, in writing, to an extension, the grievance shall proceed to hearing.

An employee separated by layoff, who is eligible for recall or preference for reemployment as provided in Personnel Policy and Procedure Guideline No. 211, **Layoff and Reduction in Time**, may file a grievance alleging violations of recall and preference for reemployment within thirty (30) calendar days after the date on which the employee could be reasonably expected to know of the alleged violation, but no later than thirty (30) calendar days after the eligibility period ends.

Informal resolution of a grievance may be agreed to by the employee and the department head at any stage during the consideration of a grievance.

Failure of the grievant to take further action within fifteen (15) calendar days after receipt of the department head's decision will constitute withdrawal of the grievance.

- B. **LEVEL TWO – HEARING COMMITTEE:** If the employee wishes to appeal the department head's decision, the employee shall submit, within fifteen (15) calendar days from the date of the decision, a written appeal to the Dean which shall specify the specific portion(s) of the

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written grievance which were not resolved by the department head and shall indicate whether the grievant prefers that the grievance be heard by a College hearing committee or hearing officer.

1. College Hearing Committees and Hearing Officers: The Dean shall select and appoint the College hearing committee and/or College hearing officer(s). Hearing committee members and hearing officers shall be employees of the College except as provided when non-College hearing officers are designated.

Hearing Process: The hearing process shall provide an opportunity for the employee or the employee's representative and the department head or the department head's representative (see General Provisions) to examine witnesses and to submit relevant evidence. Each party shall provide the other with relevant material and names of all witnesses who are to be introduced at a hearing. To the extent possible, this material should be provided at least seven (7) calendar days prior to the hearing.

The hearing shall be closed to the general public unless both parties agree to an open hearing.

The hearing shall be recorded. The employee may procure a copy of the records subject to payment of the cost. In addition, either party may make provisions for a stenographic report of the hearing subject to payment of the cost or the parties may agree, in advance, to share the expense of a stenographic report.

2. Responsibility and Authority of the Hearing Committee or Officer: The hearing committee or officer shall,
 - a. Identify the grievance issues submitted in the original written grievance for hearing;
 - b. Conduct a hearing to determine the facts and whether the management action grieved was in violation of a Staff Personnel Policy or the implementing procedure or, if the grievance involves corrective action or dismissal, whether the management action was reasonable under the circumstances; and

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- c. Submit a hearing report, in writing, to the Dean. The report shall include a brief description of:
 - i. Each incident or management action grieved;
 - ii. Each issue under submission;
 - iii. The positions of the parties; and
 - iv. The findings of fact and policy violations, if any, and a recommendation for resolution of each issue of the grievance (findings of fact shall be supported by the evidence and recommendations shall be supported by the findings).

The hearing committee or officer shall have no authority to depart from or otherwise modify Staff Personnel Policies.

Except by mutual agreement of both parties, no new issue may be added to a grievance or introduced at a hearing that was not included in the original grievance addressed to the department head.

3. Decision of the Hearing Committee or Officer: The decision of the hearing committee or officer shall be final and binding when the issue reviewed under this policy alleges violations of Personnel Policy and Procedure Guideline No. 212, **Corrective Action**, Policy No. 213, **Dismissal**, or Policy No. 211, **Layoff, Furlough, and Reduction in Time**, and if the employee had regular status at the time the grievance was filed. Recommended decisions to resolve all other issues are advisory to the Dean.

A recommended decision of a hearing committee or officer shall be either accepted, rejected, or modified by the Dean within fifteen (15) calendar days after receipt. The decision of the Dean is final. The decision shall be in writing and forwarded, with a copy of the hearing report, to the respective parties.

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216.6 REMEDY

If the management action grieved is determined to be in violation of a Staff Personnel Policy or the implementing procedure or, if the corrective action or dismissal is determined not to be reasonable under the circumstances, the remedy shall not exceed restoring to the employee the pay, benefits, or rights lost as a result of the action, less any income earned from any other employment.

The resolution of any employee grievance shall be in accordance with the appropriate Staff Personnel Policies and the implementing procedures. Any decision, whether recommended or final and binding, that involves an exception to Staff Personnel Policy requires the prior approval of the Dean.

216.7 GENERAL PROVISIONS

Individual grievances of two (2) or more employees may be included in one (1) hearing when the grievances arise from the same action and when it is agreed upon by the employees and the department head prior to the hearing. All grievances from one (1) employee which related to a single incident or issue shall be included in one (1) hearing.

All employees are subject to the established hearing procedures and guidelines of the College.

An employee may be self-represented or may be represented by another person at any stage of the review of a grievance. If the employee is represented by a legal counsel, the College shall be represented by the Office of the General Counsel. Otherwise, the College shall be represented as the Dean deems appropriate.

216.8 TIME LIMITS

The total time period from the initial date of filing of the formal grievance to the final decision shall not exceed ninety (90) calendar days, unless extensions are granted in accordance with the provisions of this policy.

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216.9 PAY STATUS FOR TIME SPENT IN GRIEVANCE RESOLUTION

The department head shall approve requests for reasonable time off with pay during scheduled working hours to an employee and to an employee's representative (if the representative is an employee of the College and is not paid for such representation by the employee filing the grievance or others) for time spent in informal resolution of a complaint, in investigating a complaint, and in presenting a grievance at a formal hearing. Time spent by the employee or representative in the above activities outside scheduled working hours is without pay and is not considered time worked.

An employee who serves as a witness shall be on pay status while testifying at a College grievance hearing. In addition, the department head shall grant reasonable time off with pay during scheduled working hours to an employee-witness for other meetings related to resolution of an employee complaint; however, an employee-witness's time spent outside of schedule working hours, other than testifying at a hearing, shall be without pay.

**COMPENSATION
AND
BENEFITS**

PERSONNEL POLICY AND PROCEDURE GUIDELINE

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POLICY

301.1 RESPONSIBILITY

The Director of Personnel shall establish commensurate salary ranges for all positions. This policy applies to all staff level personnel.

The department head is authorized to approve or withhold merit salary adjustments based on the contents of a performance appraisal and subject to funding availability.

301.2 SALARY RANGES

- A. Staff Range Structure: Salary ranges normally have six (6) steps at intervals of approximately five percent (5%). Salary ranges with fewer or more than six (6) steps are established when warranted by comparative pay data.
- B. Adjustment of Salary Ranges: The Dean shall adjust staff salary ranges on the basis of justification and to the extent that funds are made available for such purposes. Salary-setting guidelines used are:
 - 1. Payment of salaries which reflect prevailing rates of pay within appropriate labor markets, thereby enabling the College to successfully recruit, retain, and motivate employees; and
 - 2. Provision of any differentials that effectively recognize differences among related classes and occupational groups with regard to required skills, difficulty of duties, and level of responsibility.

301.3 PERFORMANCE-BASED MERIT INCREASES

Merit Salary Adjustments are granted to eligible employees on the basis of meritorious performance and subject to the availability of funds.

The department head is required to prepare a written performance evaluation indicative of the employee's performance for the twelve (12) months preceding the effective date of an annual merit salary adjustment.

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301.4 MERIT SALARY ADJUSTMENT ELIGIBILITY

- A. An employee in a career position in an eligible class with an established six (6) step salary range may receive a one-step merit salary adjustment on an annual basis, following the completion of twelve (12) months of qualifying service. This eligibility criteria is relative to progression in salary for steps two (2) through six (6) inclusively.
- B. The effective date of the merit salary adjustment shall be the first of the month following the completion of twelve (12) months of qualifying service in the current job classification.
- C. An employee shall earn a month of qualifying service for merit salary adjustment eligibility if on pay status a minimum of fifty percent (50%) of the working days of any given month.

Service must be continuous for merit salary adjustment. Periods on pay status before and after an approve leave without pay, temporary layoff, or furlough are continuous service. The merit salary adjustment may be effective immediately following return from leave, temporary layoff, or furlough.

- D. Reemployment: If reemployment follows a break in service, an employee shall be subject to a new period of eligibility for a merit salary adjustment. Reemployment during the period of right to recall or preference for reemployment (see Personnel Policy and Procedure Guideline No. 211, **Layoff, Furlough, and Reduction in Time**) does not require a new period of eligibility for merit salary adjustment.
- E. Promotion and Upward Reclassification: A new period of eligibility starts if the employee receives a salary increase of one (1) step or more upon promotion or upward reclassification of the currently held position.
- F. Demotion and Downward Reclassification: Upon demotion or downward reclassification, a new period of eligibility for a merit salary adjustment commences on the effective date of the action.
- G. Military Service: Periods covered by military leave without pay shall be credited toward qualifying service for appropriate merit increases.

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- H. Work-Incurred Injury or Illness: A period covered by leave without pay in connection with work-incurred injury or illness found to be compensable under the California Workers' Compensation Act shall be included as qualifying service toward merit increases. The merit increase may be effective concurrent with the employee's return from leave, if the employee is eligible.

301.5 MERIT SALARY ADJUSTMENT GRANTED

A merit salary adjustment may be granted to an eligible employee only if it is justified on the basis of the employee's performance.

301.6 MERIT SALARY ADJUSTMENT DELAYED

A merit salary adjustment may be delayed if it is not justified by the employee's performance. It may be granted at a later date if sufficiently improved performance is realized. No more than an additional three (3) months of qualifying service shall be required in order to make the review and determination.

301.7 MERIT SALARY ADJUSTMENT NOT GRANTED

If a merit salary adjustment is not granted on the basis of the employee's unacceptable performance, the employee shall not be considered for a merit salary adjustment until the employee's next normal review date.

301.8 APPOINTMENT SALARY

Normally, new employees are appointed at the minimum of the established salary range. The Director of Personnel is authorized to approve appointments above the minimum of the established salary range but not to exceed the mid-range, when necessary to recruit qualified employees.

301.9 PROMOTION, RECLASSIFICATION, DEMOTION, OR TRANSFER

- A. Salary Adjustments Upon Promotion or Upward Reclassification: The change of an employee from one (1) position to another in a class having a higher salary range is a promotion. The change of an employee's current job classification to a job classification

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having a higher salary range is termed an upward reclassification. Upon promotion or upward reclassification, an employee may be granted a salary increase to the minimum of the salary range for the new class or an amount not less than five percent (5%), whichever is the greater, to assume placement in the new salary range, provided that the new rate does not exceed the maximum of the new class.

- B. **Salary Adjustment Upon Demotion or Downward Reclassification:** the change of an employee from one (1) position to another position, which is in a class having a lower salary range, is termed a demotion. Upon demotion, an employee will normally receive a salary decrease. The specific rate in the lower range, not exceeding the maximum of the new class, shall depend upon the circumstances related to the demotion and upon the employee's employment record.
- C. A change to the employee's job classification to a job classification having a lower salary range is a downward reclassification. Upon downward reclassification, an employee may receive a salary decrease; however, the employee's current salary rate may be retained, even though the salary is above the maximum of the salary range for the new class. In such a case, the employee shall not be granted merit salary adjustments or salary range adjustments until such adjustments are appropriate within the new salary range.
- D. **Salary Adjustment Upon Transfer or Lateral Reclassification:** The change of an employee from one (1) position to another in the same class or in another class with the same salary range is a transfer. The change of an employee's current position title to a class having the same salary range is a lateral reclassification. Upon transfer or lateral reclassification, an employee's salary will remain the same.
- E. **Promotion, Reclassification, Transfer; or Demotion on Date of Other Salary Increases or Range Adjustments:** If more than one (1) salary adjustment takes place on the same date, actions occur in the following order:
1. Annual merit salary adjustment;
 2. Salary action resulting from promotion, reclassification, transfer, or demotion; and
 3. Salary range adjustment.

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301.10 ADMINISTRATIVE SALARY ADJUSTMENT FOR TEMPORARY ASSIGNMENTS

An administrative adjustment may be paid to an employee who is temporarily assigned for no less than a two (2) consecutive week period responsibilities of a higher level position or other significant duties not part of the employee's regular position. In recognition, the employee's adjusted base salary shall not exceed the maximum salary of the higher-level position.

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POLICY

302.1 RESPONSIBILITY

The Director of Personnel is responsible for implementing procedures to assure compliance with this policy.

302.2 PROVISIONS

It is the policy of this College that overtime shall be assigned only in emergency situations or where the overtime is determined by the department head to be necessary to meet essential operating needs of the College.

All overtime must be approved in advance.

302.3 EMPLOYEE NOTIFICATION

As soon as possible after the need for overtime is determined, the department head shall notify the employee that overtime must be worked. Upon request, an employee is expected to work overtime. However, in assigning overtime, the department head will take into account employee preference for overtime assignments.

302.4 DEFINITION

Overtime is time worked which exceeds forty (40) hours on pay status in a workweek. Pay status includes time worked and paid leave such as sick leave, vacation leave, holidays, military leave, compensatory time off, and administrative leave with pay.

Overtime shall be reported and compensated on the basis of the nearest one-quarter (¼) hour.

302.5 COMPENSATION OF OVERTIME

Compensation Rate: Non-exempt employees in classes designated in the Title and Pay Plan as eligible for premium overtime shall be compensated at the rate of one and one-half (1½) times the straight time rate for hours worked which exceed forty (40) hours of actual work in a workweek.

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Under the 1985 amendments to the Fair Labor Standards Act, hours worked in excess of forty (40) hours in the established workweek may be compensable in the form of “comp time” credited at time and one-half (½) up to a maximum accumulation of 240 hours (160 overtime hours worked), provided the department head and employee have so agreed. Discussion between the department head and the employee(s) regarding the method of compensation shall take place prior to scheduling the employee for overtime assignments.

302.6 OVERTIME CLASSIFICATION AND APPROVALS

- A. Intermittent Overtime: Overtime worked on an irregular basis is designated as intermittent overtime. Intermittent overtime shall be approved in advance and confirmed in writing by the department head using the appropriate form.
- B. Extended Workweek: Planned overtime which is required on a regular and continuing basis for a period of approximately six (6) months or longer and which is the only practicable solution to work requirements is designated as an extended workweek. Such arrangements shall be approved in advance and confirmed, in writing, by the department head.
- C. Dual-Employment: Overtime worked by an employee who holds a full-time position is designated as dual employment if the overtime is worked in another department or in a different class in the same department. Such overtime normally is not permitted. However, upon request of the department head, exceptions may be approved by the Director of Personnel when:
 - 1. It is impractical to employ another person;
 - 2. The additional appointment will not exceed a total of twelve (12) calendar months;
 - 3. The time worked on the additional appointment will not be detrimental to the employee’s health or affect performance adversely; and
 - 4. The employee’s full time department head agrees to the arrangement.

If dual employment is necessary for a period in excess of twelve (12) calendar months, the Dean is authorized to approve individual exceptions.

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302.7 CALL-BACK, ON-CALL, AND TRAVEL TIME

- A. Call-Back Time: Call-back refers only to those instances when an employee is ordered back to work without prior notice or in those instances when prior notice is given but the work begins at least three (3) hours after the completion of the regular work schedule. The use of call-back should be resorted to only in emergency situations or unusual instances when it is not possible for the work to be accomplished through normal scheduling or scheduling of overtime.

An employee who is called back shall receive credit for a minimum of two (2) hours of work time. The two (2) hours, whether or not actually worked, are subject to the appropriate overtime provisions.

- B. On-Call: On-call is time when an employee is not required to be at the work location or at the employee's residence but is required to restrict activities and be available for return to work. On-call arrangements and the rate of compensation while in on-call status shall be approved by the Director of Personnel or the designated representative. If called to work, the time actually worked is regular time or overtime, as appropriate. Payment for on-call time is included as part of compensation in calculating the premium overtime rate. An employee in on-call status is not eligible for minimum call-back payments.
- C. Travel Time: Travel time between home and the work place is not time worked.
- D. One-Day Trips: Travel time between home and the destination which is comparable to normal commuting time is not considered to be time worked.
- E. Overnight Trips: An employee traveling as a passenger is considered to be working as long as the travel occurs during the employee's normal working hours, whether or not the travel occurs on the employee's day off. If the employee is **required** to drive an automobile, all such time is work time. In neither case are meal periods or sleep time considered time worked.

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302.8 OTHER PROVISIONS

- A. Payment of Overtime Upon Transfer: An employee who is transferred to another department shall be paid for any accrued, authorized overtime by the department in which the overtime was worked. At the request of an employee and with the approval of the new department head, accrued overtime can be transferred.

- B. Reporting of Overtime: The department head is responsible for the analysis and control of all overtime and the submission of such reports as may be requested by the Director of Personnel.

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SUBJECT: HOLIDAYS (303)
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POLICY

303.1 GENERAL

Employees are eligible for holiday pay in accordance with the nature of their appointment.

- A. The holidays listed below and any other holidays as designated by the Dean are observed as paid holidays:
1. New Year's Day
 2. Martin Luther King Day (Third Monday in January)
 3. President's Day (Third Monday in February)
 4. Memorial Day (Last Monday in May)
 5. Independence Day (July 4th)
 6. Labor Day (First Monday in September)
 7. Veterans' Day (November 11th)
 8. Thanksgiving Day (Fourth Thursday in November)
 9. Friday Following Thanksgiving Day
 10. Christmas Eve Day (December 31st)
 11. New Years Eve Day (December 31st)
 12. Personal Holiday

303.2 ELIGIBILITY

- A. An employee shall receive holiday pay:
1. If on pay status on the employee's last scheduled work day before the holiday and on their first scheduled work day following the holiday (non-exempt employees only).
 2. For a holiday which falls in a week in which the employee is on pay status (exempt employees only).
 3. When the holiday immediately precedes the employee's date of appointment provided the holiday is the first working day(s) of the month.

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4. When the holiday immediately follows the employee's last day of work provided the holiday is the last working day(s) of the month.
- B. No employee shall receive holiday pay for any holiday which is immediately preceded by or followed by an unauthorized absence or a suspension for disciplinary reasons.
- C. Part-time employees shall receive holiday pay in proportion to the percentage of appointment.

303.3 PROVISIONS

- A. **Holidays on Saturday or Sunday:** When a holiday falls on a Sunday, the following Monday is observed as a holiday. When a holiday falls on a Saturday, the preceding Friday is observed as a holiday unless an alternative day is designated by the Dean.
- B. **Special or Religious Holidays:** An employee may observe a special or religious holiday, provided that the work schedules can be accommodated without undue hardship to the department and provided that the time is charged to either vacation or compensatory time off or is without pay.
- C. **Compensation for Holiday Work:** an employee who is required to work on a holiday observed by the College shall be paid regular pay for all hours worked.

In addition, the employee receives either holiday pay at the regular straight time rate or Holiday Credit.

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POLICY

304.1 RESPONSIBILITY

The Director of Personnel is responsible for establishing appropriate procedures to implement this policy.

304.2 PROVISIONS

Vacation credit for eligible employees is earned each month based on the percent of time or number of hours on pay status for that month at a rate determined by the length of qualifying service. Employees must be on pay status at least one-half (½) of the working hours to earn vacation credit for that month.

304.3 SCOPE

- A. Rate of Earning Vacation: Vacation credit shall be earned by an eligible employee beginning the first of the month during which the required qualifying service is completed, at the following rates:
1. At a rate of ten (10) hours per month (maximum accumulation rate of two hundred forty (240) hours) for an employee who has rendered less than ten (10) years of qualifying service;
 2. At the rate of twelve (12) hours per month (up to a maximum accumulation rate of two hundred eighty-eight (288) hours) for an employee who has rendered at least ten (10) but less than fifteen (15) years of qualifying service;
 3. At the rate of fourteen (14) hours per month (up to a maximum accumulation rate of three hundred thirty-six (336) hours) for an employee who has rendered at least fifteen (15) but less than twenty (20) years of qualifying service; and
 4. At the rate of sixteen (16) hours per month (up to a maximum accumulation rate of three hundred eighty-four (384) hours) for an employee who has rendered twenty (20) years or more of qualifying service and professional librarians.

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- B. Qualifying Service to Determine Rate of Vacation: Qualifying service to determine the rate of vacation credit shall be calculated as follows:
1. One (1) month of service at one-half (½) time or more is one (1) month of qualifying service;
 2. Payment for service must have been made by Hastings College of the Law, University of California, or the State of California;
 3. Time on military leave from Hastings College of the Law, University of California, or the State of California is included; and
 4. Service need not be continuous.

304.4 ELIGIBILITY

- A. Eligibility to Earn Vacation: An employee appointed at fifty percent (50%) or more of full-time is eligible to earn vacation from the date of appointment.
- B. Waiting Period to Take Vacation: Eligible employees who accrue vacation credit shall not use such vacation until completing six (6) months of continuous service.

An eligible employee who was employed from the State of California or University of California service following completion of six (6) months of State or UC service at one-half (½) time or more shall not serve another waiting period if the change did not involve a break in employment of more than fifteen (15) calendar days.

College service at one-half (½) time or more in an academic or Management Program position shall be included in determining the six (6) months waiting period to use vacation.

An eligible reemployed person who previously completed the required waiting period may use vacation credit without serving another waiting period, provided the break in service is less than six (6) months or the person is reemployed from recall or preferential rehire status.

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- C. Accrual of Vacation: An employee shall accrue full or proportionate vacation credit for a qualifying month, based on the following criteria:
1. Vacation credit shall accrue during leave with pay;
 2. Vacation credit for each month shall accrue at the end of the month, except that an eligible separating employee accrues proportionate vacation through the last day on pay status;
 3. A full-time career employee who is approved leave without pay receives full vacation credit for that month provided the employee is on pay status at least one-half (½) the working hours of the month;
 4. A regular status employee ceases to accrue vacation credit upon reaching an amount of vacation equal to two (2) times the employee's yearly accrual rate;

A part-time employee, on a proportionate basis, shall accrue vacation credit to the same maximum number of hours as a full-time employee with comparable years of service; and
 5. An employee is responsible for requesting vacation leave to keep their accrual levels below the stated maximums.

304.5 PROVISIONS

- A. Scheduling Vacation: Vacation leave shall be requested in advance and be scheduled at the convenience of the department and in accordance with the following:
1. Vacation leave requires advance approval by the supervisor before being taken.
 2. Vacation credit shall not be used prior to the time it is accrued, except that, upon a timely request and with supervisory approval, an employee, under special circumstances, shall be able to use vacation accrual before it is earned (i.e., religious holidays, College holiday closure).

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3. Absence for illness, disability, or personal reasons: for example, special or religious holidays may be charged to vacation.
 4. A department head is authorized to require annual vacation leave of at least five (5) consecutive days.
- B. Transfer of Vacation: An employee who is transferred, promoted, or demoted from one (1) College position or funding source to another College position or funding source shall have the vacation credit transferred.
- An employee who is transferred, promoted, or demoted to another College position in which the employee will not be eligible to accrue vacation credit shall be paid for accrued vacation.
- C. Terminal Vacation Pay: An eligible employee who separates from College employment or who is granted extended military leave shall be paid for vacation credit accrued through the employee's last day of work. The effective date of separation shall be the last day of work, except that an employee who is retiring may use vacation up to the effective date of retirement.

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SUBJECT: SICK LEAVE (305)
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POLICY

305.1 RESPONSIBILITY

The Director of Personnel is responsible for establishing appropriate procedures to implement this policy.

305.2 PROVISIONS

Sick Leave is provided to continue the salary of eligible employees who are unable to work because of illness, disability, medical appointments, and on a limited basis, in the event of illness or bereavement as defined in 305.4C and 305.4E.

305.3 SICK LEAVE ACCRUAL

- A. Sick leave accrues at the rate of eight hours per qualifying month of service for full-time employment and on a proportionate basis for part-time employment.
- B. Overtime hours worked shall not be included as qualifying service when computing the amount of sick leave accrued.
- C. There is no limit on the amount of sick leave which can be accrued.
- D. An employee must be on pay status at least one-half (½) of the working days of the month to accrue sick leave for that month.
- E. Sick leave earned shall be credited on the first day of the following month.

305.4 USE OF SICK LEAVE

- A. An employee shall not use sick leave:
 - 1. Prior to the time it is accrued;
 - 2. Beyond a predetermined date of separation, retirement or indefinite layoff; and

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3. During a temporary layoff, furlough, or leave without pay, except that an employee may use accrued sick leave during pregnancy disability leave or family and medical leave (see Personnel Policy and Procedure Guideline No. 306, **Leaves of Absence**.
- B. An employee may be required to submit satisfactory proof of inability to work, illness in the family, or bereavement. Absences in excess of five (5) scheduled work days for self-sick, illness in the family, or bereavement shall require written satisfactory proof of reason(s) for absence.
- C. An employee shall be permitted to use up to thirty (30) days of accrued sick leave in any calendar year when required to be in attendance or to provide care, because of the illness of the employee's spouse, parent, child, sibling, grandparent, or grandchild. In-law and step-relatives in the relationships listed are also covered. This provision also covers other persons residing in the employee's household. The Dean may authorize exceptions beyond the thirty-day limit, including the exhaustion of all sick leave in the event of catastrophic illness in the employee's family or household.
- D. An employee who becomes ill while on vacation shall be permitted to use accrued sick leave if that employee is under the care of a healthcare provider and submits to the College upon return to work a written medical certification from the healthcare provider.
- E. An employee shall be permitted to use up to five (5) days of accrued sick leave when that employee's absence is required due to the death of the employee's spouse, parent, child, sibling, grandparent, or grandchild. In-laws and step relatives in the relationships listed are also covered. This provision also covers other persons residing in the employee's household.

305.5 TRANSFER AND REINSTATEMENT OF SICK LEAVE

- A. An employee who is transferred, promoted, or demoted from one College position to another College position in which sick leave accrues shall have the sick leave transferred.

An employee who is transferred, promoted or demoted to a position in which sick leave does not accrue shall not have prior sick leave transferred. However, if the employee later transfers to a position in which sick leave accrues, the previously accrued sick leave shall be reinstated.

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- B. An employee who is reemployed after a break in service of less than fifteen (15) calendar days shall have all sick leave from prior service reinstated.
- C. An employee who is reemployed after a break of service of fifteen (15) calendar days or more but less than six (6) months shall have accrued sick leave from prior service not in excess of eighty (80) hours reinstated.
- D. If separation or break in service is for six (6) months (one hundred eighty (180) days) or more, accrued sick leave shall not be reinstated. For purposes of this section only, University of California and State of California service shall be treated the same as College Service.
- E. An employee who is reemployed during the period of recall and referential rehire status shall have all accrued sick leave from prior service reinstated.

305.6 LEAVE RECORDS

- A. Exempt Employees: Records of sick leave used shall be recorded in one-day increments only. When an exempt employee has exhausted all accrued sick leave, salary shall not be reduced for absences of less than one (1) full day.
- B. Non-Exempt Employees: Records of accrued sick leave usage shall be maintained to the nearest one-quarter ($\frac{1}{4}$) hour.

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POLICY

306.1 RESPONSIBILITY

It is the responsibility of the department head to review all written requests for leaves of absence (with or without pay) and following consultation with the Director of Personnel, inform the employee of the status of the requested leave. The Director of Personnel is responsible for implementing procedures to ensure compliance with this policy.

306.2 PROVISIONS

An employee may be granted a pregnancy disability leave, family and medical leave, supplemental family and medical leave, work incurred disability leave, personal leave, or military leave as provided in the following sections, except that a leave of absence shall not extend beyond a predetermined separation date.

306.3 PREGNANCY DISABILITY LEAVE

- A. An employee who is disabled from working because of pregnancy, childbirth, or related medical conditions shall be granted upon written request, a leave of absence for up to four (4) months during the period of disability. Pregnancy disability leave may consist of leave without pay and/or paid leave such as accrued sick leave, vacation, and compensatory time off.
- B. If an employee on an approved pregnancy disability leave also is eligible for family and medical leave under Section 304.6, up to twelve (12) workweeks of pregnancy disability leave shall run concurrently with family and medical leave under Federal law. Upon termination of a pregnancy disability leave that runs concurrently with Federal family and medical leave, an employee is also entitled to up to twelve (12) workweeks of State family and medical leave for any covered reason except pregnancy or related medical conditions.
- C. Advance Notice: Whenever possible, an employee shall provide at least thirty (30) days advance notice. If thirty (30) days notice is not practicable because of a medical emergency, for example, notice shall be given as soon as practicable.

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- D. Reinstatement: Reinstatement shall be to the same position provided that the employee returns to work within four (4) months and immediately following termination of pregnancy disability leave. If the employee would have been laid off or terminated had the employee remained on pay status during the leave period, reinstatement shall be to a similar job at the College. If a similar position is not available, the employee shall be afforded the same considerations afforded other employees who are laid off or terminated.
- E. Light Duty: As an alternative to pregnancy disability leave, the College shall temporarily modify a pregnant employee's position or transfer a pregnant employee to a less strenuous or hazardous position upon request and with the written advice of the employee's healthcare provider/attending medical physician, if the temporary modification or transfer can be reasonably accommodated. A temporary modification or transfer shall not be counted toward an employee's entitlement of up to four (4) months pregnancy disability leave. An employee shall be reinstated to the same or similar position in accordance with Section 306.3(D), **Reinstatement**.

306.4 FAMILY AND MEDICAL LEAVE

- A. Family and medical leave is provided for an eligible employee's serious health condition, the serious health condition of the employee's child, spouse, parent, or to bond with the employee's newborn, adopted, or foster care child in accordance with State and Federal law in effect at the time the leave is granted. Leave usage for either bereavement or for the care of family members or others (see Personnel Policy and Procedure Guideline No. 305.4, **Use of Sick Leave**). Leave granted for bonding purposes shall be concluded within twelve (12) months following the child's birth or placement for adoption or foster care.
- B. Eligibility: An employee is entitled to up to twelve (12) workweeks of family and medical leave during the twelve-month leave year, provided that:
1. The employee has at least twelve (12) cumulative months of College service (all prior College service, including service with the University of California or State of California, shall be used to calculate the twelve-month service requirements); and
 2. The employee has worked at least 1,250 actual hours during the twelve (12) months

immediately preceding the commencement date of the leave.

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- D. Use of Paid Leave: Family and medical leave is unpaid leave, except under the following circumstances:
1. Accrued vacation may be used at the employee's option for leave granted for the employee's own serious health condition or for pregnancy disability. Accrued vacation shall be used during a leave granted for any other covered reason.
 2. Accrued sick leave earned may be used during a family and medical leave granted for an employee's serious health condition and to the extent permitted by Personnel Policy and Procedure Guideline No. 305. Sick leave, Family Illness, during a family and medical leave granted to care for a child, spouse, or parent with a serious health condition.
- E. Advance Notice: Whenever possible, an employee shall provide at least thirty (30) days advance notice. If thirty (30) days notice is not practicable because of a medical emergency, notice shall be given as soon as practicable. Failure to comply with these notice requirements may result in postponement of family and medical leave.
- F. Reinstatement: Reinstatement shall be to the same position provided that the employee returns to work immediately following termination of the leave. If the employee would have been laid off or terminated had the employee remained on pay status during the leave period, the employee shall be afforded the same considerations afforded to other employees who are laid off or terminated.
- G. Return to Work Certification: An employee who is granted leave for the employee's own serious health condition shall be required to present written medical certification prior to returning to work.

306.5 SUPPLEMENTAL FAMILY AND MEDICAL LEAVE

If the need for a family and medical leave that is in progress continues beyond twelve (12) workweeks, a regular status employee shall be entitled to supplemental leave for up to twelve (12) workweeks or until the end of the leave year, whichever is less. The aggregate of pregnancy disability leave, family and medical leave, and supplemental family and medical leave shall not

exceed seven (7) months during the leave year. An employee who has been granted supplemental family and medical leave shall be reinstated, subject to the provisions of 306.4(F).

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306.6 WORK INCURRED ILLNESS AND INJURY LEAVE

An employee who is off pay status and receiving temporary disability payments under the Workers' Compensation Act may be granted, at the discretion of the department head, a leave without pay for all or part of the period during which such temporary disability payments are received, except that an employee who is also eligible for family and medical leave shall be granted leave pursuant to family and medical leave.

306.7 PERSONAL LEAVE

A career employee may be granted a leave without pay for personal reasons up to six (6) months. Reinstatement shall be to the same or, at the department's discretion, a similar position in the same department provided that the employee returns to work immediately following termination of the leave. If the employee would have been laid off or terminated had the employee remained on pay status during the leave period, the employee shall be afforded the same considerations afforded other employees who are laid off or terminated.

306.8 MILITARY LEAVE

- A. General: An employee shall be granted military leave as specified below, provided that the employee gives advance written notice of the leave except when such notice is precluded by military necessity, impossibility, or unreasonableness. In the granting of such leave, the College may require verification of an employee's military orders.
- B. Types of Military Leave: Military leave consists of:
 - 1. Reserve training leave for inactive duty, such as weekly or monthly meetings or weekend drills;
 - 2. Temporary military leave when ordered to full-time active military duty for training for a period not to exceed one hundred eighty (180) calendar days, including time spent traveling to and from such duty.

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3. Extended military leave when an employee enlists or is ordered into active duty service of any length or active duty training in excess of one hundred eighty (180) calendar days or when an employee is ordered into active Federal military duty as a member of the National Guard or Naval Militia. Such leave shall be granted for a period not to exceed five (5) years. In addition, leave shall be granted for a period up to six (6) months from the date of release from duty.
4. Emergency National Guard leave when an employee who, as a member of the National Guard, is called to active duty by proclamation of the Governor during a state of emergency. An employee who, as a member of the National Guard, is called to active Federal military duty at the request of the President of the United States is not eligible for emergency National Guard leave, but shall be granted extended military leave.
5. Physical examination leave when an employee is required to take a pre-enlistment physical examination to fulfill a commitment under a Selective Service or comparable law, or during a period of war or comparable national emergency.

C. Pay for Leave

1. An employee granted temporary military leave for active duty training or extended military leave is entitled to receive the employee's regular College pay for the first thirty (30) calendar days of such leave in any one (1) fiscal year, provided that the employee has completed twelve (12) months of continuous college service immediately prior to the granting of the leave (all prior full-time military service shall be included in calculating this College service requirement) and provided that the aggregate of payments for temporary military leave, extended military leave, and military leave for physical examination do not exceed thirty (30) calendar days' pay in any one (1) fiscal year.
2. An employee granted physical examination leave is entitled to receive the employee's regular College pay provided that:
 - a. The physical examination is a pre-induction or pre-enlistment physical

examination required to fulfill a commitment under a Selective Service or comparable law, or during a period of war or comparable national emergency; and

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- b. The aggregate of payments for temporary military leave, extended military leave, and military leave for physical examination do not exceed thirty (30) calendar days' pay in any one (1) fiscal year.

Time off for other physical examinations in connection with military service may be charged to accrued sick leave, accrued vacation leave, or accrued compensatory time off, or shall be without pay.

3. An employee granted military leave for emergency National Guard duty is entitled to receive the employee's regular College pay for a period not to exceed thirty (30) calendar days in any one (1) fiscal year. An employee is eligible for pay regardless of the length of College service, and such pay is in addition to any College payment for temporary military for active duty training, extended military leave, and military leave for physical examinations.
 4. Leave granted for reserve training for inactive duty is without pay.
 5. An employee who is not eligible for military leave with pay may have such absences charged to accrued vacation or compensatory time off, or the military leave shall be without pay.
- D. Reinstatement: Following release from military service, an employee shall have such right to return, and only such right as may be required by State and Federal law in effect at the time the employee applies for reinstatement.

306.9 EFFECT ON BENEFITS

- A. Periods of approved leave without pay are not counted as College service.
- B. An employee on an approved family and medical leave shall be entitled to continue participation in health plan coverage as if on pay status for a period of up to twelve (12) work weeks in a twelve-month period.

- C. For the effect of a leave without pay on retirement and group insurance plans, please contact Personnel Services.

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- D. Accrued vacation shall be used prior to a leave without pay unless otherwise requested by the employee and approved by the department head, except that an employee shall not be required to exhaust accrued vacation prior to leave without pay granted for the employee's own health condition or pregnancy disability leave.

PERSONNEL POLICY AND PROCEDURE GUIDELINE
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SUBJECT: ADMINISTRATIVE LEAVE (306A)
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POLICY

306A.1 PROVISIONS

Eligible employees may be granted administrative leave to participate in specified College and civic activities, or because of natural or other emergencies. Administrative leave status shall not be required for exempt employees for absences of less than one (1) full day when the absence occurs because of activities covered by this policy.

306A.2 LEAVES APPLYING TO EXEMPT EMPLOYEES ONLY

Jury and Witness Duty, including Grand Jury Duty and College Proceedings: Exempt employees shall be granted administrative leave with pay for work days spent in jury duty or, when required, on behalf of the College to be in attendance in an administrative or legal proceeding involving the College. An exempt employee who is required to be in attendance for a full day at an administrative or legal proceeding not involving the College may have such absence charged to accrued vacation, compensatory time off, or personal holiday.

306A.3 LEAVES APPLYING TO NON-EXEMPT EMPLOYEES ONLY

- A. Jury and Witness duty, including Grand Jury Duty: A Non-exempt career employee shall be granted administrative leave with pay for actual time spent on jury duty or as a witness when served with a subpoena and in related travel, not to exceed the number of hours in the employee's normal work day and the employee's normal work week.
- B. College Proceedings: when a non-exempt employee is required to attend administrative or legal proceedings on behalf of the College, attendance is counted as time worked.
- C. Voting Privileges: A non-exempt employee shall be granted leave with pay, up to a maximum of two (2) hours, for voting in a statewide primary or general election if the employee does not have time to vote outside of working hours.
- D. Other Administrative Leaves: A non-exempt employee may be granted leave with pay

during regularly scheduled hours of work to attend College meetings or functions. A non-exempt employee may be granted administrative leave with pay for up to two (2) hours to donate blood.

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- E. Emergencies: An employee may be granted administrative leave with pay for absences due to natural or other emergencies as authorized by the Dean.

PERSONNEL POLICY AND PROCEDURE GUIDELINE
Hastings College of the Law

SUBJECT: RETIREMENT (307)
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POLICY

307.1 PROVISIONS

Retirement occurs when an employee exercises the provisions of the retirement system to which the College contributes.

307.2 REAPPOINTMENT FOLLOWING RETIREMENT

Reappointment retirement shall be in conformance with the applicable retirement system rules and provisions as set forth in the retirement system plan documents.

PERSONNEL POLICY AND PROCEDURE GUIDELINE

Hastings College of the Law

SUBJECT: TRAINING AND DEVELOPMENT (309)
Page 1 of 2

POLICY

309.1 RESPONSIBILITY

The Director of Personnel is responsible for coordinating a training program and administering the training budget.

The department head is responsible for approving the attendance of and budgeting for seminars and conferences and for approving and budgeting for membership in appropriate technical and professional associations.

309.2 PROVISIONS

Hastings College of the Law is vitally concerned that our employees further their knowledge in their field and keep abreast of advanced technology through a variety of educational methods. We offer a variety of methods to accomplish this goal.

309.3 TUITION REIMBURSEMENT

Hastings College of the Law will reimburse regular employees who desire to further their education for the purpose of enhancing job performance and to provide opportunities of continued education for those employees desiring career advancement up to a maximum of One Thousand Dollars (\$1,000.00) per year. Interested employees must receive approval prior to class registration. Approval from the supervisor and department head shall be given for courses related to the scope of the employee's employment field and job responsibilities and funding availability. Class and study time must be outside of the employee's regular working hours and the completion of the course must result in at least a C grade or its equivalent to receive reimbursement. To receive tuition and book reimbursement, the employee shall submit the final grade statement along with any receipts for tuition and fees.

Hastings College of the Law may pay tuition or other costs for completion of undergraduate or graduate degree programs up to the maximum yearly amount specified above. An employee who desires to obtain an undergraduate or an advanced degree under this program shall commit twelve

(12) full months of employment service for each annual dollar benefit. If an employee leaves the

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PERSONNEL POLICY AND PROCEDURE GUIDELINE
Hastings College of the Law

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Page 2 of 2

employment of Hastings College of the Law prior to the completion of the twelve-month period, the tuition-refund benefit shall be pro-rated and any monies in excess of the pro-ration shall be reimbursed by the employee to the College.

309.4 INTERNAL EDUCATION PROGRAM

Professional development seminars will be conducted on topics of professional interest on an ad hoc basis. The College shall bring in outside lecturers to conduct internal seminars and workshops for employees. Employees will be notified of those seminars applicable to their area of specialty and encouraged to attend.

309.5 CONFERENCE AND SEMINARS

The College encourages employees to attend appropriate conferences and seminars to maintain up-to-date professional knowledge and skills. An employee may request approval to attend an appropriate seminar or conference and receive reimbursement up to a specified amount. Approval to attend these conferences and seminars will be made on a case-by-case basis and be determined by workshop contents, budgetary considerations, and frequency of attendance at other similar type of programs. A request to attend a conference or seminar shall be submitted during the budgetary process and, if approved, requires approval by the department head prior to making financial commitments.

309.6 TECHNICAL AND PROFESSIONAL SOCIETIES

Hastings College of the Law encourages our employees to maintain an active role with local professional organizations. We shall reimburse the cost of attending local lunch or dinner meetings, if approved in advance.

PERSONNEL POLICY AND PROCEDURE GUIDELINE
Hastings College of the Law

SUBJECT: PROTECTIVE CLOTHING, EQUIPMENT, AND UNIFORMS (310)
Page 1 of 2

POLICY

310.1 RESPONSIBILITY

The department head shall recommend that the use of uniforms and their replacement to the Director of Personnel.

310.2 PROVISIONS

It is the policy of the College to provide certain protective clothing and safety equipment and to pay reasonable replacement allowances for certain uniforms.

310.3 DEFINITIONS

- A. Protective Work Clothing and Safety Equipment: Protective work clothing is attire worn over or in place of regular clothing to protect the employee's clothing from damage or abnormal soiling. Safety equipment protects the employee and includes head covers, gloves, goggles, prescription safety glasses, safety shoes, and handcuffs. Protective work clothing and safety equipment, except prescription lenses and sized safety shoes, which are provided to an employee by the College for use on the job shall be returned upon completion of the assignment. College-provided items damaged or worn out in the performance of duties shall be repaired or replaced by the College. An employee required to wear prescription safety glasses will pay for the medical eye examinations. The College shall supply the safety lenses and frames.
- B. Uniforms: Uniforms are attire, excluding shoes, which are worn for the purpose of ready visual identification of personnel in the safety and security occupations. Uniforms are authorized for wear only while an employee is on duty or traveling to and from the duty location. Uniform components are shirts, ties, pants, dresses, skirts, blouses, and jackets which are of the same design, color and style.

PERSONNEL POLICY AND PROCEDURE GUIDELINE**Hastings College of the Law**

SUBJECT: PROTECTIVE CLOTHING, EQUIPMENT, AND UNIFORMS (310)

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310.4 UNIFORM REPLACEMENT ALLOWANCE

When a uniform is required, the employee at the time of employment shall be responsible for the purchase of uniform components specified by the College. A uniform replacement allowance shall be paid to such employee on July 1st of each year as follows:

- A. A full-time employee who is required to wear a uniform and who has completed twelve (12) months of service since the previous July 1st shall receive a full allowance.
- B. A full-time employee who has completed less than twelve (12) months of service, and a part-time employee shall receive an allowance pro-rated on the basis of the percent of time worked in uniform since the previous July 1st.

PERSONNEL POLICY AND PROCEDURE GUIDELINE**Hastings College of the Law**

SUBJECT: DEATH PAYMENTS (311)
Page 1 of 1

POLICY311.1 RESPONSIBILITY

When advised of an employee's death, the department head shall immediately notify the Director of Personnel of the date and, if known, the cause of death.

The department head shall initiate the necessary action in order that payment of any vacation, salary, overtime, or other monies due to deceased employee can be made. Payment shall include the deceased employee's salary for the day of death, unless the employee use on leave without pay on the day of death.

311.2 PROVISIONS

Upon the death of an employee of the College, a sum equal to one (1) month's salary of the deceased shall be paid to the surviving spouse, or if there is no surviving spouse, to the eligible dependent(s), or if there is neither a surviving spouse nor eligible dependent(s), to the beneficiary designated in the deceased's College-paid life insurance policy.

For the purpose of this payment, an eligible employee is one who has completed six (6) continuous months on pay status at fifty percent (50%) time or more without a break in service prior to death.

For the purpose of this payment, an eligible dependent(s) is one receiving the majority of support from the deceased employee in accordance with Internal Revenue Service standards.

**RULES
AND
REGULATIONS**

PERSONNEL POLICY AND PROCEDURE GUIDELINE

Hastings College of the Law

SUBJECT: CONFLICT OF INTEREST (401)
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POLICY

401.1 PROVISIONS

An employee shall not engage in any activity which creates a conflict of interest between the employee's assigned function(s) and any other interest or obligation.

401.2 PERFORMANCE OF DUTIES

An employee shall not devote to private purposes any portion of time due to the College nor shall any outside employment interfere with the performance of College duties.

401.3 GIFTS/GRATITUITIES

To avoid an appearance of favoritism, an employee shall not accept any gift or gratuity from any source which is offered or reasonably appears to be offered because of the College position held by the employee, nor should an employee extend an offer of a gift on a similar basis unless it has a value of less than Twenty-Five Dollars (\$25.00) and can be shared with co-workers (e.g., perishable items such as candy, fruit, etc.) in which case it can be accepted.

401.4 FINANCIAL CONFLICT OF INTEREST

An employee may not make or participate in the making of a decision if there exists a financial conflict of interest. An employee who has been identified as a "designated official" in the College's Conflict of Interest Codes shall file a financial disclosure statement each year.

Financial Disclosure Statements are distributed on an annual basis by the Office of the General Counsel.

401.5 EMPLOYEE-VENDOR RELATIONS

It is the policy of the College to maintain a clear separation between the employee's private interest and the employee's duty towards the College so as to safeguard both the College and the employee from charges of favoritism or bias in the acquisition of goods and services. Goods or services shall not be purchased from an employee or a near relative of the employee. Near relatives include relations by blood or marriage and individuals in the employee's household.

PERSONNEL POLICY AND PROCEDURE GUIDELINE
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To avoid any semblance of undue bias towards a particular vendor of goods or services, a College employee shall not engage in outside employment with a vendor of goods or services which is under contract with the College, or procure outside employment through such a vendor of goods and services.

Purchase of goods and/or services are to be made only for those goods and/or services that relate directly to College business and shall not be used to purchase material for individual or non-College activities.

PERSONNEL POLICY AND PROCEDURE GUIDELINE

Hastings College of the Law

SUBJECT: NON-SMOKING IN WORKPLACE (402)
Hastings Facilities – SMOKEFREE
Page 1 of 1

POLICY

402.1 RESPONSIBILITY

The Director of Personnel is responsible for establishing procedures to implement this policy.

Department heads and all employees shall share in the responsibility for adhering to and enforcing this policy.

402.2 PROVISIONS

The Surgeon General of the United States has determined that cigarette smoking is the leading preventable cause of illness and premature death in the United States. Moreover, research indicates that nonsmokers who are regularly exposed to passive (second-hand) tobacco smoke are also at increased risk of illness. Passive tobacco smoke appears to be especially harmful to the health of certain population groups including persons with allergies, asthma, respiratory disease or cardiovascular disease.

The College is strongly committed to maintaining and improving the health and wellbeing of all employees; and in providing a safe and healthy work environment, free from potential health hazards. As such, smoking is prohibited throughout Hastings College of the Law facilities and all buildings are designated as SMOKEFREE buildings. “No Smoking” signs will be posted in accordance with Health and Safety Code, Sections 25941 and 25944.

UNIVERSITY OF CALIFORNIA
HASTINGS COLLEGE OF THE LAW
CATASTROPHIC LEAVE SHARING PROGRAM
April 2001

PURPOSE

The Catastrophic Leave Sharing Program provides eligible staff employees with an opportunity to support their colleagues who are facing a major health crisis, whether their own or that of a family member, or member of their household. The program fosters the College's commitment to community spirit by giving employees the opportunity to voluntarily donate accrued vacation leave to their fellow employee(s) who have exhausted their paid leave balances due to their own serious health condition or in caring for a seriously ill/injured family member of the employee's household. Such donations ensure salary continuation during the employees time of need.

DEFINITIONS

Catastrophic illness or injury is defined as a "serious health condition", as defined by the Family and Medical Leave Act, that is expected to incapacitate the employee or the employee's family member and which creates a financial hardship to the employee due to exhausted leave credits (i.e., sick leave, vacation, compensatory time off, holiday credit, and personal holiday) and if the Employee Paid Disability Plan coverage is not applicable (i.e., serious health condition of a family member).

Eligible Donating Employee includes staff employees who have passed probation and have accrued sufficient vacation leave to cover the donation.

Eligible Receiving Employee includes staff employees who have passed probation and have exhausted all paid leave earned pursuant to applicable personnel policies covering vacation, sick leave, compensatory time off, holiday credit and personal holiday.

Eligible family member includes the employee's spouse, domestic partner, parent, child, sibling, grandparent or grandchild; in-laws and step-relatives in these relationships; any other person residing in the employee's household for whom there is a personal obligation.

Nature of Donations: Donations must be:

- of accrued vacation leave only;
- anonymous (that is, management will not identify the donor, the donor may choose to self-identify);

- entirely voluntary;

- eight (8) hours or more of the donor's accrued vacation leave, and in whole hour increments; and
- limited to the number of vacation hours required to ensure continuation of the receiving employee's regular salary during the period of catastrophic leave.

PROCEDURES

1. Employee submits a written request to Personnel Services with a copy to the department head seeking participation in the Catastrophic Leave Sharing Program. The request must provide appropriate medical verification of the illness or injury (serious health condition). If due to incapacitation the employee is unable to make this request, a representative (family member or other) may submit the request on the employee's behalf (Employee Request-Catastrophic Leave Sharing Program Form - Exhibit A).

All eligible employees will have donated vacation leave credited to their accounts on an hour-for-hour basis, as needed. The total amount of donated leave may not exceed an amount sufficient to ensure the continuance of regular compensation. An employee who receives donated time shall first use any leave credits accrued prior to using donated time provided by this program.

2. Personnel Services reviews the written request and, prior to the final decision, consults with department head to ensure that the employee requesting participation in the program meets the established eligibility criteria. If the request is approved, Personnel Services shall notify the requesting employee and send written notification (Request for Participation and Employee Donation Form - Exhibit B) to all College departments seeking out individuals to voluntarily donate vacation leave credit to their colleague. This notice shall specify that the donation will be anonymous. Employees shall be instructed to return the Employee Donation Form to Personnel Services.
3. Personnel Services collects the returned Employee Donation Forms, reviews the receiving employee's leave record and applies the donated hours accordingly. Once the hours are donated and credited/applied to the receiving employee's leave account, the leave donations are irrevocable.

In the event an eligible employee receives more donations than are initially needed, surplus hours will be held and, if needed, will be applied accordingly to absences that occur within a ninety-day period. If at the conclusion of the ninety-day period there remains a surplus of donated hours, the hours will be returned to the appropriate donors.

Personnel Services will maintain records pertaining to employee donations, usage rates will notify the donor and the recipient of their adjusted vacation leave balances accordingly.