



CSU Bakersfield

Business and Administrative Services

Office of Human Resources

Mail Stop: 37 ADM
9001 Stockdale Highway
Bakersfield, California 93311-1022

(661) 654-2266
(661) 654-2299 FAX
www.csub.edu/bas/hr

MEMORANDUM

DATE: February 12, 2016

TO: All Appropriate Administrators
Department Heads, PI's

c: Cabinet

FROM: Kellie Garcia, Associate Vice President
Human Resources & Administrative Services 

SUBJECT: Procedures for HR-Related Situations

This memorandum is being provided as a reminder regarding some key procedures to be followed when handling HR related situations. Outlined below, you will find the process to follow for specific issues.

OVERTIME

Employees are categorized as exempt or non-exempt in regards to their time reporting status. "Exempt" employees are expected to work an average 40 hours per week work schedule and are not eligible for overtime pay. Exempt employees are expected to work the number of hours it takes to get the job done. Employees classified as "non-exempt" are eligible for overtime pay (time and a half) after 40 hours worked in a week. Any overtime worked must be pre-approved by the appropriate administrator and the appropriate administrator should inform the employee if the time will be paid or recorded as CTO (compensatory time off) to be used at a later date.

Occasionally, an employee may be asked to do a small additional job – completely separate from their normal duties – i.e. proctoring a test for the Testing Department. When an opportunity such as this occurs – it is very important to select an employee who has the same time reporting status as the additional job. For instance, the job classification for someone proctoring a test is a "casual worker". This is a non-exempt position and therefore, if you are selecting a current employee to do this work, you should select a non-exempt employee. There are tax rules that get very complicated when an employee is paid under two different reporting types. Please be aware that these additional jobs may cause an overtime situation which results in additional costs charged to the employee's primary department.

BREAKS – LUNCHES

The CSU allows all employees two 15 minute breaks during each work day. Each break should be taken approximately half way through a 4-hour work period. Breaks are not cumulative and employees cannot save them to use at the end of the day. While some employees may not want to take a break from their work, the supervisor should ensure that the employee takes it.

All employees must take at least a 30-minute lunch break after approximately 5 hours of work. If the employee's work day will be completed in 6 hours or less, the employee and supervisor, may, mutually agree to waive the lunch period.

Although an employee may prefer to stay at their desk and handle some personal business, it is best for employees to leave their work areas during a work break. Individuals tend to do personal business or make personal phone calls at their desk and other employees or individuals visiting the work area do not perceive the person is on a break. Instead a perception is created that employees do personal tasks during work time.

DOCTOR'S NOTES FOR ABSENCES

Occasionally, employees may be out of the office due to an illness, injury or because they are required to take care of a family member. When this occurs, the employee must inform their supervisor as soon as possible. If the employee will be out in excess of 5 days (returning on the 6th day or later), (Units 1, 3, and 11 require documentation after 3 days, returning on the 4th day or later) the employee must provide a doctor's note stipulating that the employee is under their care and identifying an expected return date. The supervisor may not inquire about the nature of the illness or injury unless the employee volunteers the information. If the doctor has specified a reason, the supervisor should not discuss this with the employee, nor should this information be shared or discussed with anyone other than the HR Department. Any communication regarding medical information is extremely confidential. Please ensure that any documentation you receive from the doctor or employee is forwarded immediately to HR. There are strict HIPPA laws that insure an individual's medical privacy and any employee can be held in violation of these laws for disclosing/discussing personal medical information. Once an employee is out under a doctor's care, often further communication will be handled through the HR office. The Assistant Director of Human Resources will maintain contact with the employee and keep the supervisor informed of any new information. When an employee is out with a doctor's note, they may not do work from home or come to work for any reason without a doctor's note specifying the hours and type of work that can be completed. Sometimes, when an employee returns, they return with a doctor's release indicating "restricted duty". This means the employee can return to work but has certain restrictions. The supervisor should contact HR and work with them to determine if the restrictions can be met. If they can, HR will assist you in developing documentation to be provided to the employee outlining the restrictions. CSUB believes strongly in bringing employees back to work as soon as possible in accordance with their doctor's recommendations. Our employees are a valuable resource even in a limited capacity.

It is also important to let our Assistant Director of Human Resources know when your employee is out in excess of one week. Even though the employee may be utilizing their own accrued sick leave or vacation time, there are certain reporting and notification obligations that we must comply with. We can only do that with the information you provide us.

RESIGNATIONS

When an employee chooses to leave CSUB, it is important to provide HR with their notification as soon as possible. The employee should provide you a written Letter of Resignation including their intended last day of employment. There are very strict labor laws regarding the payment of wages at the time an employee separates from the University. Fines can be imposed when the employee's pay is not processed in accordance with the guidelines.

STUDENT ASSISTANTS – EMPLOYMENT ENDING

Many departments on campus employ Student Assistants within their offices. Please remember when you are ending the employment of a student there are specific steps that need to be followed:

1. Ensure that you have provided the student clear directions and expectations during their employment. Provide periodic feedback regarding the student's work performance. We should be providing our student employees the experience to develop productive work habits.
2. If you have determined that you will no longer utilize the student, you must provide HR and Payroll with a Separation/Dismissal Form 109 documenting your intent with the expected last day of employment outlined. Labor laws require that the University provide the employee, which includes students, with all payable wages at the time their employment ends. This process takes several days; therefore, you must plan accordingly and provide Payroll with at least 3 days' notice of the intended separation. You cannot end an individual's employment without first consulting HR or Payroll.

FEE WAIVER

In accordance with the applicable bargaining unit contract, many employees may enjoy a Fee Waiver benefit. This benefit generally allows an employee to take up to 6 units or 2 classes, whichever is greater, each semester. Classes must be either job-related or part of a Career Development Plan on file in HR. Employees may take up to one class per semester as "Release Time". This means that the employee is "released" from their regular duties for the time of the class. They do not "make-up" any time. This decision is made by the appropriate administrator and is dependent on the operational needs of the department as determined by the appropriate administrator.

There may be an occasion that the employee does not ask for "release time" or the request cannot be approved. In either case, the employee may request to work a flexible schedule during that semester. Working a flexible schedule results in the employee working their regular hours, but being excused to go to class. For example, an employee may extend their workday by 30 minutes or take a 30-minute lunch vs a one-hour lunch during the week if release time is not desired or available. These schedules can benefit both the employee and the department. If a flexible schedule is approved, please ensure that a copy of the schedule is attached to the Application for Fee Waiver Course Plan. Requests for Release Time or a Flexible Schedule should be reviewed each semester on an individual basis.

These are just a few of the HR situations that arise each year within the University. This guide is intended to provide you a quick overview of processes to follow. As always, please do not hesitate to call our office for questions or assistance.

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