

Personnel Policies for Staff Members

2. Definition of Terms

September 1, 2009

Active duty or call to active duty status. For purposes of Family and Medical Leave Act Qualifying Exigency Leave, “active duty or call to active duty status” is defined as duty under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation, as defined under the FMLA.

Break in Service. A break in service is any separation from employment status. In addition, a break in service occurs, effective the last day on pay status, whether or not a separation form is submitted, when an employee is off pay status for four complete, consecutive calendar months without an approved leave without pay, furlough, or temporary layoff.

A return to pay status from an approved leave without pay, furlough, temporary layoff, indefinite layoff during a period of right to recall and preference for reemployment, or on the next working day following a separation, is not a break in service.

Class. The term "class" applies to an established job title, published in the Universitywide Title and Pay Plan, and designated by a four-digit title code.

Covered servicemember. For purposes of Family and Medical Leave Act Military Caregiver Leave, a covered servicemember is (a) a current member of the regular Armed Forces, (b) a member of the Reserves or the National Guard, or (c) a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list and who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is on the temporary disability retired list.

Covered military member. For purposes of Family and Medical Leave Act Qualifying Exigency Leave, a covered military member is a member of the reserve components (Army National Guard of the United States, Army Reserve, Navy Reserve, Air National Guard of the United States, Air Force Reserve, and Coast Guard Reserve) or a retired member of the regular Armed Forces or Reserve who is on “active duty or call to active duty status” in support of a contingency operation.

Demotion. The change of an employee from one position to another position which has a lower salary range maximum is termed a demotion.

Domestic Partner. A domestic partner means the individual designated as an employee’s domestic partner under one of the following methods: (i) registration of the partnership with the State of California; (ii) establishment of a same-sex legal union, other than marriage, formed in another jurisdiction that is substantially equivalent to a State of California-registered domestic

partnership; or (iii) filing of a Declaration of Domestic Partnership form with the University. If an individual has not been designated as an employee's domestic partner by any of the foregoing methods, the following criteria are applicable in defining domestic partner: each individual is the other's sole domestic partner in a long-term, committed relationship with the intention to remain so indefinitely; neither individual is legally married, a partner in another domestic partnership, or related by blood to a degree of closeness that would prohibit legal marriage in the State of California; each individual is 18 years of age or older and capable of consenting to the relationship; the individuals share a common residence; and the individuals are financially interdependent.

Exempt Employee. Exempt employees are defined as employees who, based on duties performed and manner of compensation, shall be exempt from the Fair Labor Standards Act (FLSA) minimum wage and overtime provisions. Because of hourly pay practices, an employee appointed to a per diem position in an exempt title shall be treated as a non-exempt employee subject to FLSA minimum wage and overtime provisions.

Exempt employees shall be paid an established monthly or annual salary and are expected to fulfill the duties of their positions regardless of hours worked. Exempt employees are not eligible to receive overtime compensation or compensatory time off, and are not required to adhere to strict time, record keeping, and attendance rules for pay purposes. Exempt titles are identified in Universitywide title and pay plans.

Furlough. The scheduled periods during which employees in partial-year career positions are not at work are designated as furloughs.

Next of kin. For purposes of Family and Medical Leave Act Military Caregiver Leave, next of kin is defined as (a) the nearest blood relative of the covered servicemember (other than the covered servicemember's spouse, domestic partner, parent, son or daughter) or (b) the person who the covered servicemember has designated in writing as his or her nearest blood relative, for purposes of Military Caregiver Leave.**Non-Exempt Employee.** Non-exempt employees are defined as employees who, based on duties performed and manner of compensation, shall be subject to all FLSA provisions. Because of hourly pay practices, an employee appointed to a per diem position shall be treated as a non-exempt employee subject to FLSA minimum wage and overtime provisions.

Non-exempt employees shall be required to account for time worked on an hourly and fractional hourly basis and are to be compensated for qualified overtime hours at the premium (time-and-one-half) rate. Non-exempt titles are identified in title and pay plans.

Outpatient status. For purposes of Family and Medical Leave Act Military Caregiver Leave, "outpatient status" is the status of a servicemember assigned to a military medical treatment facility as an outpatient, or assigned to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Parent of a covered military member. For purposes of Family and Medical Leave Act Qualifying Exigency Leave, a parent of a covered military member is a biological, adopted, or

foster parent or any other individual who stood in loco parentis to the covered military member. The definition does not include parents “in law”.

Parent of a covered servicemember. For purposes of Family and Medical Leave Act Military Caregiver Leave, a parent of a covered servicemember is a biological, adopted, or foster parent or any other individual who stood in loco parentis to the covered servicemember. The definition does not include parents “in law”.

Pay Status. Pay status includes any period of time for which an employee receives pay for time worked, including compensatory time off, or for time on paid leave. Paid leave time includes sick leave, extended sick leave, vacations, administrative leave with pay, holidays, or military leave with pay.

Period of military conflict. For purposes of Military Spouse/Domestic Partner Leave, a period of military conflict is a period of war declared by the United States Congress, or a period of deployment for which a member of a reserve component is ordered to activity duty as defined in Military & Veterans Code Section 395.10.

Probationary Employee. A probationary employee is an employee in a career position who has not completed the probationary period.

Promotion. The change of an employee from one position to another position which has a higher salary range maximum is termed a promotion.

Qualified Member. For purposes of Military Spouse/Domestic Partner Leave, a “qualified member” is a person who is (1) a member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States, (2) a member of the National Guard who has been deployed during a period of military conflict, or (3) a member of the Reserves who has been deployed during a period of military conflict.

Reclassification, Downward (PSS Salary Grades). The movement of an employee's current position to a different class or salary grade having a lower salary range maximum is termed a downward reclassification.

Reclassification, Lateral (PSS Salary Grades). The movement of an employee's current position to a different class having the same salary range maximum is termed a lateral reclassification.

Reclassification, Upward (PSS Salary Grades). The movement of an employee's current position to a different class or salary grade having a higher salary range maximum is termed an upward reclassification.

Regrading (MSP and SMG Salary Grades). An action to move an employee's current position to a different salary grade based on market analysis or job evaluation.

Regular Rate. The regular rate of pay applicable to non-exempt employees only is specifically defined in the provisions of the Fair Labor Standards Act and is integral to the formula used to calculate premium overtime pay. The regular rate of pay is derived by dividing the total remuneration in a workweek (excluding pay for sick leave, vacation leave, holidays, premium overtime, and other types of non-productive pay) by the total number of hours actually worked in that workweek. The regular rate of pay is an hourly rate, either actual or derived.

Regular Status Employee. A regular status employee is a career employee who is not required to serve a probationary period, or a career employee who has successfully completed a required probationary period and any extension thereof.

Rehire. Any return to pay status of a person following a break in service is a rehire. Prior University service is not included for purposes of staff personnel policy, retirement policy, or employee group health and insurance plans, unless specifically provided in the appropriate policy.

Serious injury or illness. For purposes of Family and Medical Leave Act Military Caregiver Leave, a serious injury or illness is an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

Son or daughter of a covered military member. For purposes of Family and Medical Leave Act Qualifying Exigency Leave, a son or daughter of a covered military member is of any age and is a biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered military member stood in loco parentis.

Son or daughter of a covered servicemember. For purposes of Family and Medical Leave Act Military Caregiver Leave, a son or daughter of a covered servicemember is of any age and is a biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis.

Transfer. The change of an employee from one position to another position which has the same salary range maximum is termed a transfer.

Workweek. A workweek for non-exempt employees is generally a fixed period of seven consecutive 24-hour periods.