

**ARTICLE 8
DEVELOPMENT AND TRAINING**

A. GENERAL CONDITIONS

- 1. Employees may participate in career-related or position-related development programs, subject to approval by the University. Unless the University determines the proposed training/development is not position- or career-related, or denies release time based on operational considerations, employees shall be granted flexible or alternate work scheduling, leave without pay, leave at full or part pay, full or part payment of fees and expenses, and/or temporary or part-time reassignment in another department, provided that:**

 - a. the employee has completed her/his probationary period; and**
 - b. the employee's performance is satisfactory or better; and**
 - c. participation in education or training programs during scheduled work hours is approved in advance by the University.**

- 2. When the University requires attendance at an educational or training program, the University will pay the fees and related costs for materials, travel and per diem, and the employee's attendance at the actual program shall be considered time worked. However, when an individual is hired with the understanding that specific additional training is to be obtained or completed, that individual may be required to participate in such training on off-duty time, without expense to the University.**

 - a. Education or training which is suggested or recommended, but not required, is not "required" within the meaning of this Article.**
 - b. Education or training for the acquisition or maintenance of a license shall not qualify as "required" within the meaning of this Article.**

- 3. Employees attending University courses or seminars shall be eligible for fee reductions applicable to other staff employees at their campus/hospital/LBNL. Employees attending University courses or seminars shall not be eligible for the services or facilities of counseling centers, gymnasias, or student health services incidental to such reduced-fee registration.**

4. **Non-probationary career employees who are residents of the State of California are eligible to enroll in regular session courses for up to nine (9) units or three (3) courses per quarter or semester, upon payment of one-third of the University Registration Fee (URF) and one-third of the University Educational Fee (UEF). In the event the University provides additional URF and UEF reductions to other eligible staff employees, the employees in this unit shall receive such fee reductions, to the same degree that other staff employees are so eligible.**
5. **Eligibility for discounts for other University of California courses and programs, including University Extension courses, are at the sole discretion of the University.**
6. **Campus/hospital/LBNL staff training programs shall be available to employees covered by this Agreement to the same extent they are provided to all other staff employees.**
7. **Nothing contained in this Agreement will preclude the University from granting additional training and career development opportunities.**
8. **In the event the University establishes new training programs open to all staff employees, bargaining unit employees shall be eligible to participate in such programs to the same degree as other staff employees.**

B. RELEASE TIME AND SCHEDULING

1. **An employee who has completed the probationary period who wishes to participate in a development program during work time shall request advance approval in accordance with departmental procedures. On completion of the program, the employee may be required to submit verification of successful completion of the program and attendance at the program. Participation in educational or training programs during scheduled work hours must be approved by the University in advance. Such leaves must not interfere with staffing requirements.**
2. **A non-probationary employee is eligible for up to forty (40) hours of paid release time for job-related training per calendar year, prorated based on appointment rate. Except as described below, such paid release time may not be accumulated or carried over from year to year, and must be scheduled according to staffing requirements. Training courses provided by the University shall be included in the**

forty (40) hours. Time spent, if any, in career-related training programs shall count against the forty (40) hours.

No later than November 1 of any year, an employee may submit a written request in accordance with departmental procedures to carry over paid release time for job-related training. Such requests will be considered on a case by case basis and shall not be unreasonably denied. Any hours approved for carry over must be used within one (1) calendar year.

3. The provisions of Section B. do not apply to home study courses.
4. Development Leave Hours may be used for the time spent taking certification exams that are in furtherance of career-related or position-related development.

C. PILOT PROGRAM

The University may establish, on a campus by campus basis, a pilot program for the professional training and development of bargaining unit employees.

D. DISPUTES

1. Disputes arising from this Article may be appealed to the department head in writing within thirty (30) days of the denial. The department head, or his/her designee, shall respond in writing within ten (10) days stating reasons the appeal is denied. If the department head fails to provide the required response within ten (10) days, the employee may file a grievance in accordance with Article 10 – Grievance Procedure only through Step Two of the grievance procedure. In no circumstances shall such grievances be eligible for appeal to Step 3 of Article 10 – Grievance Procedure, or Article 3 – Arbitration Procedure. The remedy for grievances alleging a violation of this Development article shall be limited to providing the written reasons for the denial of training.
2. If an employee is denied leave for education or training based on operational considerations on three (3) separate and consecutive occasions, the department head, or his/her designee, shall discuss with the employee the possibility of scheduling alternative education or training for a future date when operational considerations do not bar such participation.

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- 1. Position-related programs are directly related to the work assignments or conditions of the employee's current position. In improving performance or mastering responsibilities in the present job, the supervisor takes the lead by identifying development objectives along with corresponding action plans. This is done in conjunction with the employee performance evaluation process. All career employees are eligible for position-related programs. Employees in non-career appointments are eligible for position-related programs only when such training is specifically necessary for such employees to perform their respective assignments.**
- 2. Career-related programs are related to the development of skills, knowledge, and other qualifications that prepare an employee for other positions within the Laboratory for which an employee (as evaluated by the supervisor, department head, and Human Resources Operations Manager or designee) might be an effective competitor. In career planning and development, the employee takes the lead by self-assessing skills, values, career interests, and choices. After completion of the self-assessment, the employee discusses with the supervisor areas of interest to be developed. The supervisor is encouraged to act as the coach and advisor to the employee, helping to map out agreed-on developmental objectives along with corresponding action plans. All career employees are eligible for career-related programs. Employees in non-career appointments are not eligible for career-related programs.**
- 3. Educational enrichment programs are related to an employee's personal or career interests outside the Laboratory that are not related to Laboratory positions for which an employee might be an effective competitor. For example, a course such as music would be considered an educational enrichment program. Educational enrichment programs are the employee's responsibility and are not eligible for benefits under this policy.**
- 4. Attendance at all courses, seminars, and conferences of an instructional nature given by accredited universities and colleges, institutes, professional associations, and commercial training organizations is considered part of the Laboratory's education and training activities and may be part of a formal employee development plan. For administrative purposes, attendance at scientific meetings, professional society meetings, research conferences, and industrial conventions and shows is considered a work assignment and is not necessarily part of a development plan.**

5. **Every career employee is eligible to request a formal development plan. A formal development plan is developed by the employee and his/her supervisor and should be realistic and state job or career goals that are attainable within the Laboratory's job classification structure. Plans should be structured so that completion of the development program should result in greater employee capability. Formal plans often include a time frame longer than one year. When an employee takes three or more Laboratory-supported courses or training programs in a fiscal year, the development plan must be formalized by using the Employee Development Plan form. At a minimum, the plan should include developmental objectives and corresponding action plans for improving or mastering performance in the current position, qualifying for other Laboratory positions, or obtaining a specific degree or specialty certificate of value to the Laboratory's mission.**

6. **On-Site Training:**

A division director or department head is responsible for arranging specialized training with a department or division. Assistance or advice in any phase of a desired program may be obtained from the Training Administrator in the Human Resources Department. Various organizational units within the Laboratory, including the Environment, Health and Safety Division, Computing Sciences Directorate, and Human Resources Department, are responsible for developing and/or providing training programs to Laboratory employees in their areas of expertise and that are required by law or will enhance employee performance. Procedures for attending interdepartmental training may be found on the Employee Self Service Web site. The Workforce Diversity Office is responsible for administering apprenticeship training programs, other special skills training, and internships.

7. **Off-Site Training:**

With the approval of his or her supervisor and department head or division director, an employee may attend off-site training (e.g., outside seminars and workshops) that will be of direct benefit to the employee's assignment. The division director or department head will approve attendance at off-site training only when the benefits to the Laboratory will, in his or her judgment, more than offset the costs involved, when the required skill or knowledge is not readily available through Laboratory training resources, and when the employee's time away from the Laboratory will not adversely impact current work demands. The division will pay course fees, travel, and all other expenses as necessary.

8. College Degrees, Specialty Certificates, and College Level Courses:

Career employees who have passed probation may take college-level, specialty certificate, and continuing education courses as described below. Satisfactory job performance is a prerequisite to participation in these Tier 1 and Tier 2 programs. The employee must have an Employee Development Plan approved by his or her supervisor, division director, or the Operations Department Head, and the Human Resources Operations Manager or designee. Approval is based on:

- Relevance to the Laboratory's mission.
- Mutual benefit to the employee's career and the long-term interests of the Laboratory.
- Whether there is a reasonable expectation that the employee shall remain in the employ of the Laboratory for a sufficient period of time to provide a fair return for the training costs.
- Whether the proposed curriculum and timetable are realistic.
- Whether the department/division's work needs can be met during any employee absences due to attending class.

Employees may be reimbursed as noted below for tuition, laboratory fees, educational fees, and other fees required for registration when the employee submits proof of successful course completion and receipts for payment of fees to the Training Administrator in the Human Resources Department. Nonresident tuition is not reimbursable. Successful completion is receipt of a grade of at least a "C" for undergraduate work or "B" for graduate work if the institution uses the "A-F" system of grading. If there is a choice between receiving a letter grade or a "Pass/Fail" evaluation, the employee must take the letter grade. Reimbursement is also allowed when an employee is forced to withdraw from a course because of work requirements, provided he/she submits evidence from the instructor that the employee's work in the course was satisfactory at the time of forced withdrawal. When necessary, the Human Resources Operations Manager or designee may advance payment of the costs provided the employee agrees to return the payment if the employee is unable to provide evidence of satisfactory completion. Employees who are eligible for the University of California Reduced-Fee Enrollment Benefit must take advantage of that benefit. Employees who terminate employment before the end of the quarter or semester are not eligible for reimbursement of fees unless the termination is due to an involuntary layoff and when the employee was notified of layoff after the beginning of the class.

Employees whose fees have been paid through an advance agreement must repay the advance at termination.

Time off with pay may be granted when the employee's absence will not adversely affect progress of work, in accordance with the following provisions:

- **The employee must remain in career status during the entire quarter or semester.**
- **The course or courses must be listed on the Employee Development Plan and approved before registration for each academic quarter or semester.**
- **Time off to attend and register for approved courses may be allowed only when such courses cannot reasonably be taken outside the employee's scheduled working hours.**
- **Time off with pay may not exceed six hours per week, including time for travel and registration. Time off with pay is not allowed for study, library, or faculty consultation time. Additional time required must be accounted for by an adjusted work schedule or by use of vacation credit.**
- **Time off with pay to take Web/Internet based courses is not allowed.**

a. Tier 1:

College-level courses leading to an academic degree (A.A., B.S., Ph.D., etc.) or a specialty certificate (Certified Compensation Professional, Certified Cisco Network Technician, Integrated Circuit Engineering, etc.). Degree courses must be offered by an accredited college or university. Specialty certificate courses must be offered by an accredited college or university, university extension program, or recognized professional society. Continuing education units (CEUs) may be reimbursed under Tier 1 when they are part of an approved degree or specialty certificate program. These may be either position- or career-related programs. The employee must exhibit satisfactory progress towards attainment of the degree or certificate for continued eligibility under Tier 1, with the understanding that unanticipated department/division work needs may affect that progress. Employees may be reimbursed 100% for tuition, laboratory fees, educational fees, and other fees required for registration when the employee submits proof of successful course completion and receipts for payment of fees to the Training Administrator in the Human Resources Department.

b. Tier 2:

Career-related academic programs not leading to an academic degree or a specialty certificate. Courses must be offered by an accredited college or university. Continuing education units (CEUs) may be reimbursed under Tier 2 only when offered by a university or college continuing education program. Employees may be reimbursed two-thirds for tuition, laboratory fees, educational fees, and other fees required for registration when the employee submits proof of successful course completion and receipts for payment of fees to the Training Administrator in the Human Resources Department.

9. Government Licensing and/or Professional Certification:

For the purposes of this section, government licenses and/or professional certifications are those licenses and certifications required by the employee to hold his or her current position as documented in the position description. Continuing education credit (CEU) courses required for the maintenance of a professional license or certification as noted above are considered position-related courses. The course must be approved by the licensing or certifying agency. The request for course fee reimbursement is the same as for all other position-related training. Fees for license or certifications renewals as defined above are an allowable expenditure. The request is made in writing to the Financial Services Department and must include:

- Request for Issuance of Check form with valid project ID and approval;**
- Endorsement by the cognizant division director that the cost is allowable as cited; and**
- Copy of the license renewal or issuance documentation.**

10. Professional Research or Teaching Leave

- a. To promote the continuing professional growth and competence of senior administrative and scientific staff members, the Laboratory Director may, with prior written approval of DOE, grant Professional Research or Teaching Leave to a limited number of employees. Approval and recommendation from the division director are obtained before submitting the request to the Laboratory Director. DOE approval for such leave will be based on evidence that the Laboratory will benefit from the proposed work and that the candidate will continue employment with the Berkeley Lab or**

another DOE-funded employer for a reasonable period following the leave. The leave may be spent at appropriate institutions either within or outside the United States.

b. Qualifications:

The candidate must have outstanding professional ability and propose a firm plan of study, teaching, or research that is clearly relevant to the interests of the Laboratory and within the individual's competence. The candidate must also have been continuously employed by the Laboratory for four (4) years or more.