

**California Addendum**

This addendum contains provisions required by state and/or local law that apply only to the Organization’s California employees. There is no intent, explicit or implied, to extend any of the provisions below to the Organization’s employees outside of California. Where the Handbook is silent or in conflict with any of the provisions below, the contents of this Addendum shall control.

**Paid Sick Leave**

*Eligibility*

All employees who work at least thirty (30) days for SJVCi within a year in California, including per diem, seasonal, and temporary employees are eligible to accrue paid sick leave under this policy. However, these categories of employees may not use paid sick leave until their ninetieth (90th) day of employment.

All other provisions of this policy in the Handbook shall remain the same.

**Pregnancy Disability Leave (PDL)**

The Organization will provide eligible employees with unpaid, job-protected time off due to an inability to perform essential job functions as a result of pregnancy, childbirth or a pregnancy-related condition for up to 17 1/3 weeks (approximately four months). If an eligible employee is affected by pregnancy or a related medical condition, the employee may also be eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if this transfer is medically advisable.  If the employee enjoys health benefits under a group plan, the Organization will continue to make these benefits available during the leave, but the employee will still be responsible for his or her share of the premiums. The Organization reserves the right to recover its portion of the premium paid to maintain group health coverage, as permitted by law. The employee is also entitled to accrual of seniority and participation in other benefit plans.

Eligible employees will be required to obtain a certification from her health care provider documenting the pregnancy disability or the medical advisability of a transfer.

Subject to any exceptions provided by law, employees will be guaranteed reinstatement after termination of their pregnancy disability leave.

For further information concerning PDL, please contact [AskHR@embered.com](mailto:AskHR@embered.com).

**California Family Rights Act (CFRA)**

To be eligible for CFRA leave for serious health conditions, an employee must have completed at least twelve (12) months of service with the Organization, worked at least one thousand two hundred fifty (1,250) hours for the Organization in the 12-month period before the leave begins, and worked at a worksite where 50 or more employees are employed by the Organization within 75 miles (measured in surface miles, using surface transportation) of the worksite where the employee requesting leave is employed. If an employee is not eligible for CFRA leave at the start of a leave because the employee has not met the 12-month length of service requirement, the employee may nonetheless meet this requirement while on leave, because the leave to which the employee is otherwise entitled counts toward length of service (although not for the 1,250 hour requirement).

CFRA generally cannot be taken in addition to FMLA leave, as they run concurrently. However, employees are entitled to take CFRA leave, if eligible, in addition to any leave entitlement they might have under the pregnancy disability leave law.

An eligible employee may take CFRA leave on an unpaid basis to bond with an adopted or foster child or to bond with a newborn; care for a parent, spouse, or child with a serious health condition; or address the Employee’s own serious health condition. Employees may take leave of up to 12 work weeks in a 12-month period. The 12-month period is a rolling period measured backward from the date an employee uses any CFRA leave. Leave taken for the birth or adoption of a child must be completed within one year of the event. The leave does not need to be taken in one continuous period of time, although CFRA leaves must be taken in increments of two weeks or more.

Employees must provide 30 days advance notice of the need for a CFRA-qualifying leave to their immediate supervisor and [AskHR@embered.com](mailto:AskHR@embered.com). When this is not possible due to the unexpected nature of the leave, notice should be given as soon as practicable. Notice can be written or verbal and should include the timing and the anticipated duration of the leave.

The Organization requires written certification from the healthcare provider of the child, parent, spouse, or employee with a serious health condition stating the reasons for the leave and the probable duration of the condition. A form will be provided to the employee for this purpose. Absent extenuating circumstances, if the employee fails to return the certification within 15 days following the Organization’s request, the Organization reserves the right to deny CFRA protections until a sufficient certification is provided.

The Organization reserves the right to require an employee to use his or her accrued vacation time or other accumulated paid leave when permitted by applicable law. Otherwise, an employee is free to use their vacation other accumulated paid leave at their discretion to the extent permitted by law.

If the employee enjoys health benefits under a group plan, the Organization will continue to make these benefits available during the leave, but the employee will still be responsible for his or her share of the premiums. The Organization reserves the right to recover its portion of the premium paid to maintain group health coverage, as permitted by law. The employee is also entitled to accrual of seniority and participation in other benefit plans.

After CFRA leave concludes, employees are guaranteed a return to the same or comparable position. As a condition of an employee’s return from medical leave, the employer will require that the employee to obtain a release to return-to-work from his or her healthcare provider stating that he or she is able to resume work.

For further information concerning CFRA, please contact [AskHR@embered.com](mailto:AskHR@embered.com).

Employees on a CFRA leave of absence may also be eligible for six (6) weeks of Paid Family Leave, as described below. For further information, California Employment Development Department (EDD) at (800) 480-3287 or visit the web site at [www.edd.ca.gov](http://www.edd.ca.gov).

**New Parent Bonding Leave**

Employees who are not eligible for CFRA or FMLA for bonding with a new child due to working at a site with less than 50 employees within 75 miles may qualify for leave under this policy.

In order to be eligible, an employee must have completed at least twelve (12) months of service with the Organization, worked at least one thousand two hundred fifty (1,250) hours for the Organization in the 12-month period before the leave begins, and worked at a worksite where at least 20 employees are employed by the Organization within 75 miles (measured in surface miles, using surface transportation) of the worksite where the employee requesting leave is employed. An eligible employee may take leave on an unpaid basis to bond with an adopted or foster child or to bond with a newborn. Leave taken for the birth or adoption of a child must be completed within one year of the event. The leave does not need to be taken in one continuous period of time. An employee may use his or her accrued vacation time or other accumulated paid leave.

If the employee enjoys health benefits under a group plan, the Organization will continue to make these benefits available during the leave, but the employee will still be responsible for his or her share of the premiums. The Organization reserves the right to recover its portion of the premium paid to maintain group health coverage, as permitted by law. The employee is also entitled to accrual of seniority and participation in other benefit plans.

After CFRA leave, employees are guaranteed a return to the same or comparable position. For further information concerning New Parent Bonding Leave, please contact [AskHR@embered.com](mailto:AskHR@embered.com).

**Family School Partnership Leave**SJVCi encourages its employees to participate in the school activities of their child(ren). Parents, guardians, or grandparents having custody of one or more children in kindergarten or grades one to twelve may take time off for a school activity, to find, enroll, or re-enroll child(ren) in a school or with a licensed child care provider, or to address a child care provider or school emergency. The time off for school activity participation cannot exceed eight hours in any calendar month, or a total of 40 hours each school year. Employees planning to take time off for school visitations must provide as much advance notice as possible to their manager. Employees are required to apply any accrued vacation time to the absence.  If no vacation time is available, the time is unpaid. For more information, contact [AskHR@embered.com](mailto:AskHR@embered.com).

**Bone Marrow and Organ Donor Leave**

The Organization will grant an employee the following leaves of absence for the purpose of bone marrow or organ donation:

* A paid leave of absence of up to five business days in any one-year period for the purpose of donating the employee’s bone marrow to another person.
* A paid leave of absence of up to 30 business days in any one-year period for the purpose of the employee donating his or her organ to another person.
* A supplemental unpaid leave of absence of up to 30 business days in any one-year period for the purpose of the employee donating his or her organ to another person.

For purposes of this leave, the one-year period is the twelve-month period that begins on the date on which the employee's leave begins. Leave provided under this policy may be taken in one or more periods.

The Organization grants leaves of absence for the purpose of organ and bone marrow donations with pay, although supplemental leave for organ donation is unpaid. However, if an employee has accrued sick leave or vacation time, the employee is required to first use up to five days of paid sick leave or vacation for a bone marrow donation and up to two weeks of sick leave or vacation for organ donation.

Employees requesting a leave of absence to serve as an organ or bone marrow donor pursuant to this policy must provide reasonable notice of the planned leave and written verification to [AskHR@embered.com](mailto:AskHR@embered.com) that he or she is intends to serve as an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

Any leave taken for the donation of an organ or bone marrow will not constitute a break in service for purposes of the employee’s right to salary adjustments, sick leave, vacation, or seniority. During any leave taken under this policy, the Organization will maintain and pay for coverage under any group health plan, for the full duration of this leave. Leave taken under this policy will not run concurrently with any leave taken pursuant to the federal Family and Medical Leave Act or the California Family Rights Act.

**Domestic Violence, Sexual Assault, and Stalking Leave**

If an employee is the victim of domestic violence, sexual assault, or stalking, time off may be necessary to seek judicial intervention to ensure the health, safety, or welfare of the employee or a child. This may include efforts to obtain a temporary restraining order, a permanent restraining order, or other relief from the court. If the employee needs time off from work for one of these purposes or any other purpose protected by law, reasonable notice must be given to Human Resources in writing by contacting [AskHR@embered.com](mailto:AskHR@embered.com). If an unscheduled or emergency court appearance is required for the health, safety, or welfare of the victim (employee or child), the employee must provide within a reasonable amount of time evidence from the court or prosecuting attorney that he or she has appeared in court.

**Other Types of Statutory Leave**

There may be other types of covered leaves of absence for which you may qualify, including, but not limited to, kin care, civil air patrol, volunteer firefighters, police, and other emergency personnel, literacy, and for drug and alcohol rehabilitation. To see if you qualify, please speak with the Organization’s Human Resources Department at [AskHR@embered.com](mailto:AskHR@embered.com).

**Paid Family Leave**

Under the California Disability Insurance Program an employee may be eligible for partial compensation for the illness of a family member, new child bonding, and other covered purposes. For more information, contact [AskHR@embered.com](mailto:AskHR@embered.com). The employee may also find information on the California Employment Development Department’s website at www.edd.ca.gov.

**State Disability Insurance**

State Disability Insurance (SDI) is offered to California employees. It is the responsibility of the employee to apply for SDI through his or her local Employment Development Department (EDD). The following link provides access to the EDD website <https://www.edd.ca.gov>

**Overtime**

Non-exempt employees are generally paid one-and-a-half times (1.5) their regular rate of pay for all hours worked over eight (8) hours in a single workday or forty (40) hours in any single workweek. Furthermore, non-exempt employees are generally paid one-and-a-half times (1.5) their regular rate of pay for all hours worked for the first eight (8) hours worked on the seventh (7th) consecutive day of work in any workweek. Overtime hours worked in excess of twelve (12) in one workday, and in excess of eight (8) hours on the seventh (7th) consecutive workday in a workweek, generally will be paid at two times (2.0) their regular rate of pay. Holidays, sick days, and PTO do not count as hours worked for overtime purposes.

**Meal and Rest Periods**

*Meal Periods*

The Organization provides each non-exempt employee who works more than five (5) hours with an unpaid 30-minute, duty-free meal break that must begin before the end of the fifth hour of work. A non-exempt employee who works more than ten (10) hours or more will be provided with a second unpaid 30-minute, duty-free meal break that must begin before the end of the tenth hour of work each workday. “Duty-free” means that the employee is relieved of all duties for the full uninterrupted 30-minute meal period, which includes the right to engage in personal activities, not be on-call, and to leave the premises if the employee so desires. Uninterrupted, duty-free meal periods for non-exempt employees will be unpaid.

Meal periods must be accurately reported in the Organization’s timekeeping system. If an eligible employee finds they cannot take a full 30-minute uninterrupted, duty-free meal period because of the direction of a supervisor or other demands of the job, the employee must accurately report the time taken for the meal period, if any, on their time card and inform [AskHR@embered.com](mailto:AskHR@embered.com) of the reason why a full 30-minute uninterrupted meal break could not be taken.

*Rest Periods*

Non-exempt employees are authorized to take one (1) paid duty-free 10-minute rest period during each four hours of work or major fraction of hours. (A “major fraction” is a period of more than two (2) hours.) An exception applies if an employee’s total daily work time is less than three and one-half (3.5) hours. If an employee works more than six (6) hours in a workday, the employee will be entitled to a second duty-free 10-minute rest period. Depending on the total number of hours worked in a workday, a non-exempt employee may be entitled to additional rest periods. Each rest break will be authorized and permitted near the midpoint of each work period, insofar as practicable. Rest periods may not be combined with each other or added to an employee’s meal period. “Duty-free” means that the employee is relieved of all duties for the full uninterrupted 10-minute meal period, which includes the right to engage in personal activities, not be on-call, and to leave the premises if the employee so desires.

Rest periods are not required to be recorded in the employer’s timekeeping system. However, if an employee finds he or she cannot take a required rest break because of the direction of a supervisor or other demands of the job, the employee must inform [AskHR@embered.com](mailto:AskHR@embered.com) of the reason why the rest break could not be taken.

*Complaint Procedures*

If an employee believes he or she is in any manner being directed, impeded, or discouraged from taking a required meal or rest break under this policy, the employee should immediately report the situation to [AskHR@embered.com](mailto:AskHR@embered.com), which will undertake a prompt, thorough investigation of any such complaints and take appropriate corrective action where necessary. The Organization strictly prohibits retaliation against any employee for reporting meal or rest period violations.

**Recovery Periods**

Employees who are required to conduct work outside in temperatures 85 degrees or more are allowed and encouraged to take a cool down rest (recovery period) in the shade or indoors and take other cooling measures, including, but not limited to, drinking sufficient amounts of water, making adjustments to work severity and duration, and wearing appropriate work clothing and personal protective equipment. The recovery period should be no less than five (5) minutes at a time when the employee feels the need to do so to be protected from overheating. There is no limit to the number of recovery periods available. Employees are paid for the time taken for recovery periods.

**Day of Rest**

Employees are entitled to take a day of rest in a seven-day workweek in accordance with the day-of-rest law. Employees who wish to work all seven days in the workweek and who are informed by the supervisor that they can work seven days may voluntarily choose to do so. Nonexempt employees who work all seven days in a workweek will be paid overtime required by law.

**Accommodating Nursing Mothers**

SJVCi provides a reasonable amount of break time for all nursing mothers to express breast milk. The break time used for this purpose includes, but is not limited to, the 10-minute rest period(s). Any additional time beyond the normal paid rest break needed for expressing milk will be unpaid. Exempt employees may take a reasonable amount of time during the workday for the same purpose. Employees may also choose to use unpaid meal break time to express breast milk.

The Organization will make reasonable efforts to provide employees who need a lactation accommodation with the use of a room or other private location, other than a restroom, that is located close to the employee’s work area (for those employees who physically work at an SJVCi location), and free from intrusion from coworkers and the public. If the employee’s normal work area is a private office, it may be used to express breast milk. In either case, The room will:

* Be safe, clean, and free of hazardous or toxic materials;
* Have a surface to place a breast pump and other personal items;
* Have a place to sit; and
* Have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump.

SJVCi will also provide a refrigerator close to an employee’s work area for the employee to store breast milk and access to a sink with running water. If a refrigerator cannot be provided, the Organization may provide another cooling device suitable for storing milk, such as a cooler.

Employees have a right to request a lactation accommodation by submitting a written request to their direct supervisors or [AskHR@embered.com](mailto:AskHR@embered.com). Where required by applicable law, if the Organization is unable to comply with the employee’s request, it will issue a written response to the employee identifying why it denied the request.

The Organization prohibits retaliation against employees for requesting or utilizing a lactation accommodation. If the employee believes her rights concerning lactation accommodations have been violated, the employee may file a complaint with [AskHR@embered.com](mailto:AskHR@embered.com) or the California Labor Commissioner in accordance with Chapter 3.8 of the California Labor Code.

**Access to Personnel and Payroll Records**

Employees have the right to inspect certain documents in his or her personnel file and payroll records, as provided by California law. The employee may submit a written or verbal request to inspect his or her payroll records to Human Resources. The Organization will honor the request within 21 days of the date the request is received.

To inspect certain documents in your personnel file, the employee must submit a written request directly to Human Resources. The Organization will only permit inspection of those documents required by California law. After receiving the request, Human Resources will schedule the inspection to occur at a reasonable time, not exceed thirty (30) calendar days.

**Cal-COBRA**

Employees may be able to continue their insurance coverage beyond the maximum allowed under the federal COBRA law. Employees who are eligible will receive an option to continue their insurance coverage under California law (Cal-COBRA) for an additional period of up to 18 months, when applicable. To qualify, employees must satisfy applicable requirements and pay the premiums as outlined in the documents they receive. Please be advised that the premium rates for the additional period provided by Cal-COBRA may exceed those in effect during the first 18 months of coverage. For additional information, please go to [www.dmhc.ca.gov/HealthCareinCalifornia/TypesofPlans/KeepYourHealthCoverage(COBRA)](http://www.dmhc.ca.gov/HealthCareinCalifornia/TypesofPlans/KeepYourHealthCoverage(COBRA))