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CONCLUSION

WELCOME

We are pleased to welcome you to our team! As an employee of San Joaquin Valley College, you are an important member of a team effort. We hope you will find your position with the College rewarding, challenging, and productive.

Because our success depends upon the dedication of our employees, we are highly selective in choosing new members of our team. We look to you and the other employees to contribute to the success of the College. We believe that each employee should be treated with respect, dignity and courtesy. We will apply every employment policy in a fair, uniform and consistent manner.

We believe in a two-way system of communication that encourages management at all levels to discuss work related topics with all employees in an open, honest and fair manner and encourages interaction between employees and management about concerns, questions and ideas.

This handbook summarizes the policies and procedures in effect at the time of this publication. This handbook supersedes all previously issued handbooks and any policy or benefit statements or memoranda that are inconsistent with the policies described in this handbook.

There are many resources and departments to assist you to become more aware of the College's policies and procedures. Please take advantage of these resources. All of us are happy to assist you at any time as you adjust to your new job and surroundings.

Again, welcome!



Mark A. Perry, President



Michael D. Perry, Chief Executive Officer

SECTION 1: OBJECTIVES AND PURPOSE

1. INTRODUCTION

San Joaquin Valley College (“*SJVC*” or “*College*”) is a private, coeducational junior college offering programs in health, business, technical and general education.

The *SJVC* success story began with its founding in 1977 by Robert and Shirley Perry. Pioneers in vocational education, the Perrys have set examples of quality education and professional standards that have earned the College its fine reputation. Unyielding dedication to quality education is a tradition at the College.

The accreditations and approvals of the College and its programs demonstrate that *San Joaquin Valley College* is a leader in education. We adapt to the rapidly changing needs of the community and continue to improve timely curricula to meet the needs of the industry and the career and educational interests of our students.

San Joaquin Valley College has assisted thousands of students to achieve personal growth and meet their goals. These graduates now enjoy better, more productive ways of life. Our success story is their success story, and we continue to follow our dream in building brighter futures for a stronger America.

2. MISSION STATEMENT

San Joaquin Valley College prepares graduates for professional success in business, medical, and technical career fields. The College serves a diverse student population with a common interest in professional development through career-focused higher education. The College is committed to student development through the achievement of measurable learning outcomes, emphasizing a balance of hands-on training and academic instruction. The College identifies and responds to the educational and employment needs of the communities it serves. *The College is committed to the success of every student.*

3. CODE OF ETHICS

San Joaquin Valley College is responsible for providing a high quality education to its students and for assuring that the highest standards of ethical conduct and integrity are practiced in meeting our responsibilities. The professional conduct of each management, staff and faculty of the College is expected to be consistent with and fully comply with these principles. All management, staff and faculty are expected to engage in the following:

Trustworthy conduct – being truthful in our communications and actions; also includes dependability, and loyalty; truthfulness measures our integrity

Respectful behavior – treating everyone with civility, courtesy, tolerance and acceptance, and recognizing the worth, dignity and unique characteristics of each individual

Accountability – taking personal responsibility for one’s actions and decisions

Fair and just actions – being just or impartial in decision making; fairness measures our sincerity

Compassion – caring for others, both within and apart from the College, and providing the highest quality service to students and employees; promoting goodwill and better relationships

Good citizenship – assuring that the communities served by the College experience long-term benefit; our employees and students should benefit from our actions

Responsible management – including prudent use of College resources in a fiscally responsible manner

Standards of Conduct

All management, staff and faculty members of the College shall:

- Adhere to all applicable standards of professional practice and professional codes of ethics in carrying out the business of the College.
- Employ good judgment and display ethical behavior in decision making, never inducing or compelling others to take part in unethical, improper or illegal conduct.
- Follow the rules, adhering to College policies and procedures, regulatory agency requirements, federal and state laws and professional standards.

Management Responsibilities

Senior Management, Corporate Directors, Campus Directors, Deans, Managers and Supervisors are all charged with implementing established policies and procedures so that the College is well managed, are in compliance with applicable laws and regulations, are consistent in its administration of policies, are administered fairly and rationally, and reflect appropriately the diversity of the workforce.

4. EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

San Joaquin Valley College is an equal opportunity employer and makes employment decisions on the basis of merit. The College wants the best available person in each position. Company policies prohibits any form of unlawful discrimination prohibited by applicable federal, state or local law, which may include discrimination based on race/color, national origin/ancestry, sex, religion, age (for persons 40 and older), mental or physical disability, veteran status, medical condition (including genetic characteristics), marital status, registered domestic partner status, sexual orientation, gender identification, or pregnancy.

The College is committed to complying with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the College and prohibits unlawful discrimination by any employee of the company, including supervisors and co-workers.

SJVC encourages its employees to support and be a part of identifying, recruiting, and retaining talented individuals who strive for excellence and who want to be a part of our team, contribute to student success, and embrace our expectation of diversity and inclusion.

Accommodating Disabilities

To comply with applicable laws ensuring equal opportunity employment opportunities to qualified individuals with a disability, the College will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless undue hardship would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the Academic Dean [for faculty members], the Campus Director [for staff members] or the Human Resources Department and request such an accommodation. The individual with the disability should specify what accommodation he or she needs to perform the job. The College will then conduct an investigation to identify the barriers that make it difficult for the applicant or employee to have an equal opportunity to perform his or her job. The College will identify possible accommodations, if any, that will help eliminate the limitation. If the accommodation is reasonable and will not impose undue hardship, the College will make the accommodation. Sufficient documentation may be required before the determination for accommodation can be made.

Complaint Procedure

If you believe you have been subjected to any form of unlawful discrimination, provide a written complaint to your immediate supervisor, the Campus Director or the Human Resources Department. Your complaint should be specific and should include the names of individuals involved and the names of any witnesses. The College will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation. If the College determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. The College will not retaliate against an employee for filing a good-faith complaint and will not knowingly permit retaliation by management employees or co-workers.

5. EMPLOYMENT RELATIONSHIP

The contents of this handbook are presented as a matter of information. The plans, policies and procedures described are not conditions of employment. The language which appears in this handbook is not intended to create, nor is it to be construed to constitute, a contract between *San Joaquin Valley College* and any one or all of its employees.

The above notwithstanding, the “at-will” relationship described below can only be changed by a written agreement signed by the President of the College.

6. RIGHT TO REVISE

This employee handbook contains the employment policies and practices of *San Joaquin Valley College* in effect at the time of publication. All previously issued handbooks and any inconsistent policy statements or memoranda are superseded. The most up-to-date version is located on InfoZone. If you wish to receive a CD copy or hard

-copy you may request one from the Campus Administrative Assistant or Human Resources Department.

San Joaquin Valley College reserves the right to revise, modify, delete, or add to any or all policies, procedures, work rules, or benefits stated in this handbook or any other document, except for the policy of at-will employment unless changed by written agreement signed by the President of the College.

Any written changes to this handbook will be made available to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this handbook.

Nothing in this employee handbook or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

7. AT WILL EMPLOYMENT

Your employment with *San Joaquin Valley College* is voluntarily entered into and we recognize that you are free to resign at any time. Similarly, it should be recognized that we are free to conclude an employment relationship at any time we feel is appropriate. Nothing in this handbook shall limit the right to terminate at-will employment.

While we hope our relationship will be mutually beneficial, it needs to be emphasized that our relationship is “at-will”; that is, you or *San Joaquin Valley College* can end the relationship for any reason at any time, with or without cause or advance notice. No director, manager, supervisor, or employee of the College has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment other than at-will terms unless a different employment relationship has been expressly established in a written employment agreement signed by the President of the College or otherwise prohibited by state or local law.

8. ACCREDITATIONS AND APPROVALS

Accreditation assures students that a school is nationally recognized as a qualified institution of higher learning, that it offers approved programs of study meeting recognized academic standards, that it employs professional faculty; that it has adequate facilities and equipment and that the financial and organizational structure of the College has stability and permanence in the educational community.

Employees should refer to the current college catalog for a complete list of accreditations and approvals.

9. EMPLOYEE PARTICIPATION IN THE COLLEGE GOVERNANCE SYSTEM

It is the policy of SJVC to involve its employees in college governance. Participation in college governance is achieved through the following mechanisms:

- Attending department and/or campus management meetings

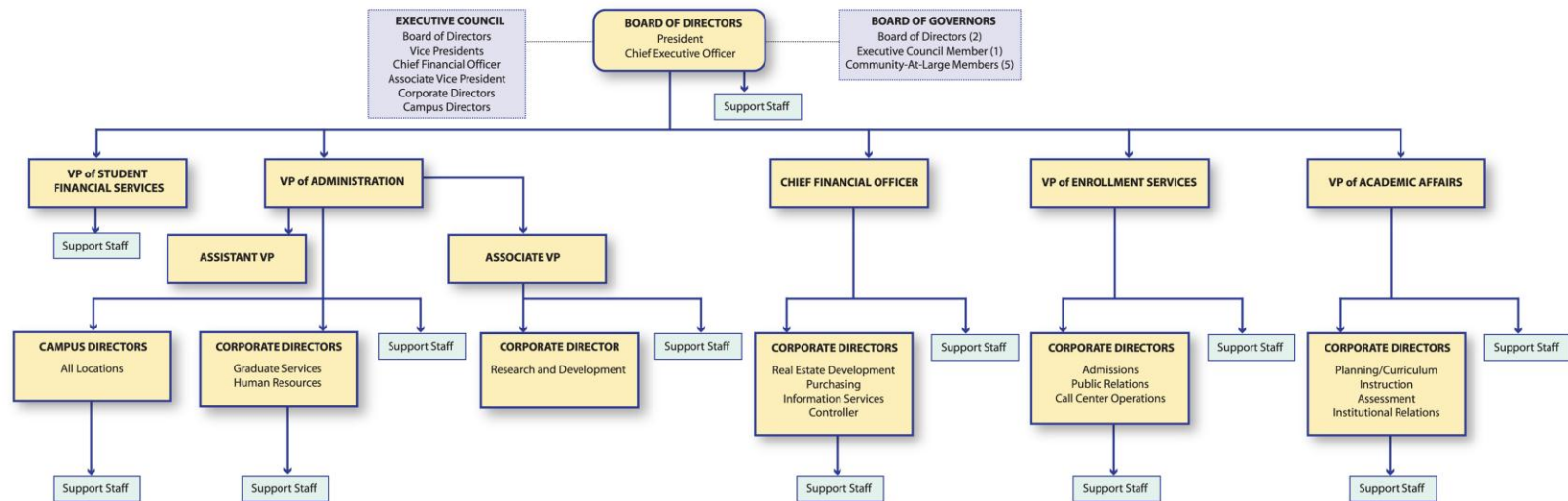
- Participation in the Instructional and Non-Instructional Program Review processes
- Participation in campus and/or institutional focus groups
- Participation in various campus and/or institutional surveys
- Attending designated campus-wide meetings with Campus Management and/or Executive Council member(s)
- Submitting ideas or recommendations for improvement directly to Campus Management and/or Executive Council Member(s)
- Participation in the Institutional Self-Study process

These mechanisms are available to assure that your interests are submitted to the appropriate college authorities. Any input you provide through these mechanisms will be given reasonable consideration in the formulation of the College's decisions and plans.

As a valued member of the college community, please avail yourselves of every opportunity for participation in the governance process and partner with us to effect positive change and fulfill the College mission.

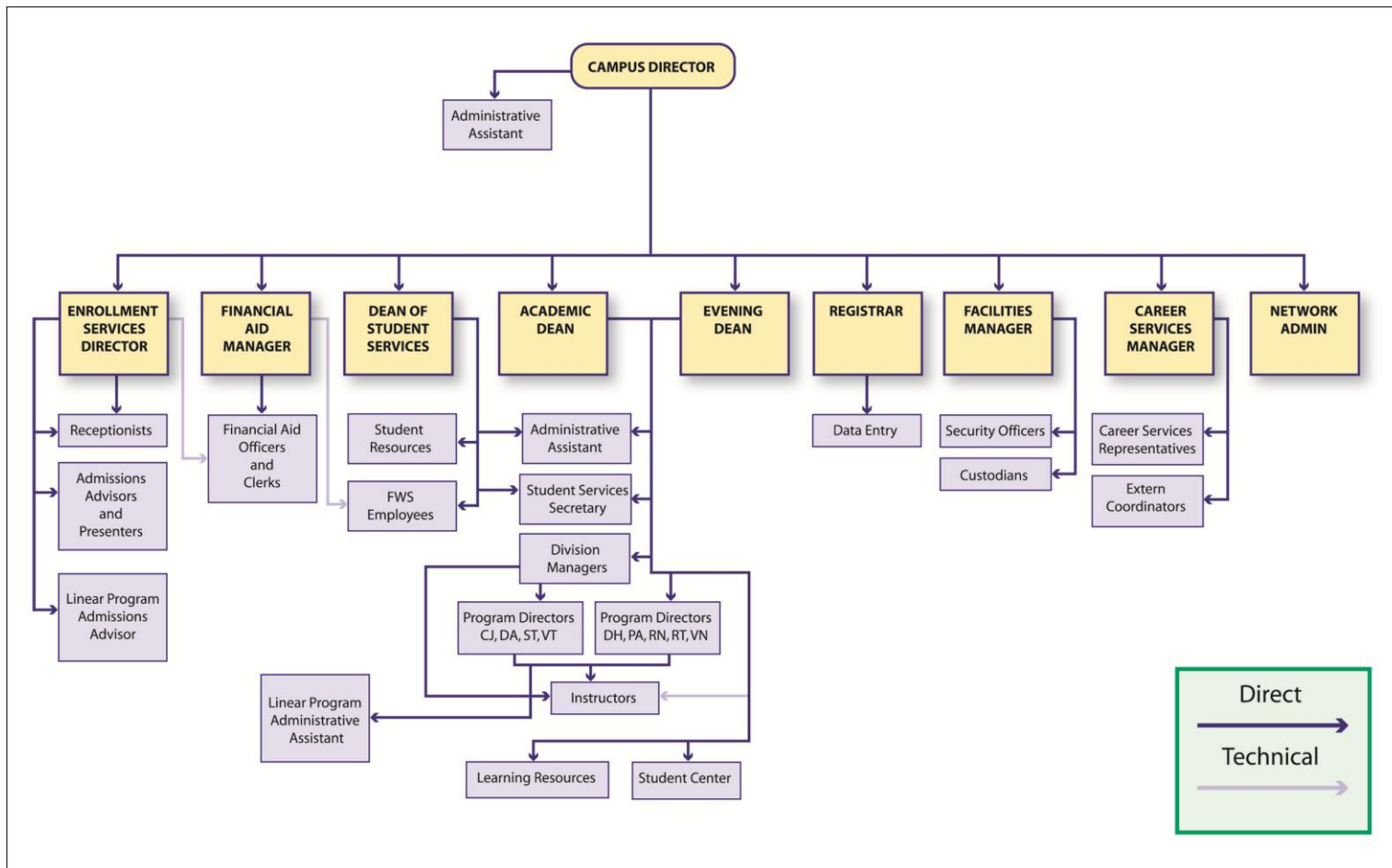
SECTION 2: ORGANIZATION AND STRUCTURE

COLLEGE ADMINISTRATION



SECTION 2: ORGANIZATION AND STRUCTURE, continued

CAMPUS OPERATIONS (NOTE: Positions are filled as business necessity dictates, not all positions are required for each location)



SECTION 3: EMPLOYEE RESPONSIBILITIES**A. GENERAL****1. ATTENDANCE**

As an employee of the College you are expected to be punctual and regular in attendance. It is assumed that you are available for work on a consistent basis. Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized College business. Late arrival, early departure, or other unanticipated and unapproved absences from scheduled work hours are disruptive and must be avoided. Excessive absenteeism may result in termination.

While we will make every effort to accommodate individual preferences, business necessity may make the following conditions necessary: overtime, shift work, rotation schedules, or schedules other than the normally scheduled workweek.

Reporting an Absence or Requesting Time-off

All absences from work must be approved in advance by your supervisor. If you are unable to report for work on any particular day, you must under all but the most extenuating circumstances call your supervisor at least one hour before the time you are scheduled to begin working for that day [if your immediate supervisor is unavailable you are required to leave a message for him/her and notify your Campus Administrative Assistant of your absence]. In all cases of absence or tardiness, employees must provide their supervisor with an honest reason or explanation. Employees also must inform their supervisor of the expected duration of any absence. The employee is required to call in each day of absence unless he or she has requested a formal leave of absence and has provided the required medical documentation.

These absences are manually input by the employee onto the electronic time card in the Time and Attendance program upon his/her return to work. Failure to do so may result in disciplinary action up to and including discharge.

Supervisors are required to report employee absence, due to medical reasons [for employee or employee's child, spouse, parent or registered domestic partner], of more than three [3] consecutive days immediately to the Campus Administrative Assistant to initiate a leave designation and notification process through the Human Resources Department. See Section 6: Leave of Absence.

Time-off for vacation, personal, leaves of absence, etc. must be requested in advance. Requests for vacation and/or personal time should be requested two-weeks in advance. Requests for leaves of absence should be requested thirty-days in advance [see leaves of absence for more information].

Time-off is requested through the Time and Attendance program on the Leaves of Absence Tab. Time-off may not be taken unless approved through the Time and Attendance program. Violations of this policy may result in disciplinary actions up to and

including discharge.

All employees have access to Time and Attendance [ADI Time] and guides to ADI Time on InfoZone →Community tab.

Extended Time-Off

In most cases requested time off for personal or vacation should not exceed one week due to business necessity; however, the College understands that on occasion there is a need for extended time off for personal reasons or vacations. The employee is required to have vacation and/or personal time accrued to cover the extended time-off that also allows for required time off at the Christmas break to be paid time off. Should the time exceed ten (10) consecutive workdays (including observed holidays that fall within the requested time-off) an approved Personal Leave is required. Refer to Personal Leave policies and procedures found in Section 6: Leaves of Absence to determine if you are eligible for a Personal Leave.

When Voluntary Resignation is Processed

The College will assume that an employee has voluntarily abandoned or resigned his/her employment on the second consecutive day of absence without call. For reported absence time beyond three consecutive workdays, see Section 6: Leave of Absence for your rights, eligibility and responsibilities.

Recording Time Worked

All onsite non-exempt employees as defined in Section 5.1 are responsible for accurately recording time of arrivals to and departures from work throughout the workday in Time and Attendance [ADI Time]. All offsite, non-exempt employees are responsible for accurately recording time spent working throughout the workday.

2. BREAKS AND MEAL PERIODS

Every non-exempt employee is entitled to a paid 10-minute rest period during every four hours (or major fraction) of a working period. When necessary the supervisor will determine when the break will be taken so that adequate coverage can be maintained; however, it is the responsibility of the employee to ensure that he/she takes his/her breaks. Any extensions or abuse of this privilege may be cause for dismissal.

Every non-exempt employee is also entitled to a minimum of one 30-minute unpaid meal period for every five hours continuously worked. Most employees are scheduled for one hour meal periods. Meal periods must be taken within every five [5] hours, but no less than three [3] hours after arriving to work. Meal periods may not be less than thirty [30] continuous minutes in length.

Waiving the Meal Period

An employee regularly scheduled to work only six [6] hours per day may waive the meal period by completing and signing the required form obtained from the Administrative Assistant or Human Resources. However, an employee scheduled to work more than

six hours per day may not waive the meal period and must take a meal break within every five [5] hours of continuous hours worked. An employee who has previously waived his/her meal period for days scheduled for no more than six [6] hours of continuous work may revoke the waiver [in writing] at any time and begin taking a meal period within every five [5] hours of continuous work.

Failure to Take a Meal Period

Employees who do not take their required meal period within every five [5] continuous hours of work [including rest periods] are violating labor laws and subjecting the College to penalty fees. Continuous violations will result in disciplinary action up to and including discharge.

Non-exempt employees are not permitted to “work through” meal periods or breaks to shorten their day, nor does the College allow “on-duty” meal periods for non-exempt employees.

Electronic Authorization of Timecards

An electronic authorization (signature) acknowledges the employee’s understanding that the electronic timecard is a legal document and by electronically approving the entries constitutes authorization to process the employee’s timecard. It also acknowledges the employee’s understanding that he/she is certifying the entries made are true and correct for the pay period indicated. The employee’s electronic signature also attests that he/she has taken all required rest and meal periods in accordance with federal, state and local laws.

The supervisor’s electronic authorization (signature) acknowledges that he/she has approved or denied all employee leave requests, reviewed the employee’s timecard and certifies the entries made by the employee are true and correct for the pay period indicated.

3. JOB DUTIES

During the introductory period, your supervisor will explain your job responsibilities and the performance standards expected of you. The College wants to form a partnership with you and assure that you clearly understand the requirements of your position with the College. It is important that you take ownership of your job duties and responsibilities. Be aware that your job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects, or to assist with other work necessary or important to the operation of your department or SJVC. Your cooperation and assistance in performing such additional work is expected and appreciated.

San Joaquin Valley College reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign, or transfer job positions, or assign additional job responsibilities.

4. OFF-DUTY CONDUCT

While *San Joaquin Valley College* does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the College's legitimate business interests. For this reason, employees are expected to conduct their personal affairs in a manner that does not adversely affect the College's or their own integrity, reputation or credibility. Illegal or immoral off-duty conduct by an employee that adversely affects the College's legitimate business interests or the employee's ability to perform his or her job will not be tolerated.

5. OTHER EMPLOYMENT

While employed by *San Joaquin Valley College* employees are expected to devote their energies to their jobs with the College. The following types of employment elsewhere are strictly prohibited:

- Additional employment that conflicts with an employee's work schedule, duties and responsibilities at the College;
- Additional employment that creates a conflict of interest or is incompatible with the employee's position with the College;
- Additional employment that impairs or has a detrimental effect on the employee's work performance with the College;
- Additional employment that requires the employee to conduct work or related activities on College property during the employee's work hours or using College facilities and/or equipment; and
- Additional employment that directly or indirectly competes with the business or the interests of the College.

Employees who wish to engage in additional employment that may create a real or apparent conflict of interest must submit a written request to *San Joaquin Valley College* explaining the details of the additional employment. If the additional employment is authorized, *San Joaquin Valley College* assumes no responsibility for it. *San Joaquin Valley College* shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time.

6. ACCOMMODATING NURSING MOTHERS

The College provides a reasonable amount of break time for nursing mothers in its employ to express breast milk. The break time used for this purpose includes the normal 10-minute break period entitlement to all non-exempt employees. Any additional time beyond the normal paid rest break needed for expressing milk will be unpaid. Exempt employees need to ensure that break time used to express breast milk is kept at a reasonable amount of time. Break time used for this purpose should not interfere with teaching schedules and/or job duties. Employees may choose to use lunch break time to express breast milk as well.

The College will provide a private place to express breast milk in a close proximity to the employee's work area (for those employees who physically work on campus). If the

employee's normal work area is a private office/area it may be used to express breast milk.

The storage of the breast milk is the employee's responsibility.

7. ATTIRE AND CONDUCT

Each employee of *San Joaquin Valley College* serves as a role model for the students and is a representative of the College in the eyes of the public, therefore it is expected that employees will report to work properly groomed and in appropriate dress.

The College has discretion on tattoos, gauges, and body piercing [excluding single or double pierced earlobes]. Tongue piercing is also prohibited if the stud is clearly noticeable and/or causes slurred or impaired speech.

Employees are expected to dress neatly and in a manner consistent with the work to be performed, as well as comply with the guidelines in applicable department handbooks. Employees who report to work inappropriately dressed may be asked to leave work and return in acceptable attire. The employee will not be paid for this time. All employees are to conduct themselves with positive business attitudes, behaviors and appearance, with common sense and courtesy as general guidelines.

8. FAMILY MEMBERS AND FRIENDS VISITING THE WORKPLACE

Visits from family members and friends should be kept at a minimum to ensure that employees are not distracted or detained from their work. Children should never be left unattended while on College premise.

9. CONFIDENTIALITY

The College has made a commitment to maintaining integrity and confidentiality in all aspects of our business. We expect cooperation in the following examples which are some but not all the ways in which confidentiality is maintained. Violations of these standards will lead to disciplinary action, based on the circumstances of the individual case, up to and including discharge and prosecution.

1. When leaving an office during the day, ensure that it is locked. At no times is a student to be left unattended in an office or classroom
2. Protect passwords and access to computer programs, email and voicemail
3. Allow no student to have access to curriculum, files, supply rooms or other areas that would be inappropriate.
4. Protect the confidentiality of the information and materials in student and employee files.
5. Protect the confidentiality of the information generated by student leads, applications and enrollments.
6. Protect the confidentiality of College information and/or curriculum.

Employees have access to trade secrets and confidential information. Disclosure to any person or entity outside of the College is unacceptable under any circumstances. Such trade secrets and confidential information include, but are not limited to, leads,

applications, student records, personnel records, financial records, curriculum and software.

All books, files, records, documents, appointment books and any other items relating to the College's business which have been or shall be prepared, possessed or controlled by employees during their employment and which either relate to the College's business or result from any work performed by the employee for the College are and shall forever remain the sole and exclusive property of the College. Accordingly, all employees shall surrender any and all such material to the College immediately upon request, or upon termination of their employment.

Upon employment, all employees are required to sign an agreement pertaining to non-disclosure of confidential information.

10. ELECTRONIC MEDIA USE

Purpose

This policy governs the use of electronic media by all *San Joaquin Valley College* employees, and applies to electronic media and all documents, recordings and other data contained in or recoverable from such media used by the College. This policy applies to all electronic media provided by the College as well as that used on College property for business purposes.

Online instructors working out of their homes and/or offices using their own electronic media must follow College policies and procedures that apply to conduct, behavior, responses, and teaching methods which represents the College and/or connects the online instructor to the College in any manner.

Scope

Electronic media include all types of electronic equipment, such as FAX machines, cell phones, voicemail systems, computers, computer peripherals, computer software, laptops, electronic mail (e-mail), Internet access, World Wide Web access, social media access, online information services, Course Management System, televisions, VCRs/DVDs and any other equipment that the College deems as electronic media.

Allowable Uses

Electronic media are provided to College employees to be used primarily for business related purposes. Allowable uses of College owned electronic media for College business purposes include:

- To facilitate performance of job functions
- To facilitate communication of information within the College
- To coordinate meetings of individuals, locations and resources of the College
- To communicate with outside organizations as required to perform an employee's job function.

Prohibited Uses

Electronic media provided by the College may not be used for personal purposes or any other purposes unrelated to College business. This prohibition applies at all times, whether the employee is on working time or not.

Prohibited uses of electronic media include, but are not limited to the following:

- Violating local, state and/or federal law
- Use in a way that may be disruptive, offensive to others, or harmful to morale
- Harassing or disparaging others in violation of applicable federal, state, or local law, which may include harassment or disparagement based on race/color, national origin/ancestry, sex, sexual orientation, gender identification, domestic partner status, age, disability, or religious or political beliefs. For example, the College prohibits the display or transmission of sexually explicit images, messages or cartoons, or any transmission or use of electronic communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others.
- Threatening others
- Soliciting or proselytizing others for commercial ventures, religious or political causes, outside organizations, or other non-job related matters
- Intentionally disrupting network traffic or crashing the network and connected systems (for example, sabotaging and/or intentionally introducing a computer virus)
- Accessing others' files without authorization and with no substantial business purpose
- Vandalizing the data of another user
- Forging electronic and/or voicemail messages
- Wasting system resources
- Misrepresentation of the College
- Inappropriate and/or unauthorized website logging [blogging] or threaded discussions
- Personal social networking
- Sending personal messages such as chain letters
- Downloading music or video
- Internet gambling
- Online personals, dating or chat rooms
- Online pornography
- Using electronic media inappropriately, in a way deemed by the College to violate the intended purpose of any electronic media

Privacy

Employees shall have no expectation that the information they convey, create, receive, view, file, store or delete in such media will be confidential or private.

The College reserves the right to unrestricted access to electronically stored information stored electronically. This may include, but is not limited to retrieving business

information, troubleshooting hardware and software problems, preventing system misuse, assuring compliance with software distribution policies and complying with legal and regulatory requests for information.

Supervisors, department managers, as well as the Information Systems staff of the College reserve the right to enter, search, monitor, copy and/or retrieve the computer files, voicemail, e-mail or any other type of electronic file of any employee, without notice, for business purposes including, but not limited to, investigating theft, disclosure of confidential business or proprietary information, use of the system for personal reasons or for any other purpose unrelated to College business, or for monitoring work flow or productivity.

Given these business requirements, the College cannot guarantee the privacy of documents and messages stored in company-owned files, desks, storage areas, and electronic media or produced by FAX machines. Information or files deleted from electronic media may not have been permanently deleted from the system. It is possible

to recover deleted computer files, deleted e-mail and deleted voicemail messages at any time.

Although the College reserves the right to access such information, employees are strictly prohibited from accessing another employee's computer diskettes or files, voicemail or e-mail messages. In addition to the foregoing provisions, employees should note that data, files, messages and information on the College's computers, servers, and voicemail system might be subject to disclosure pursuant to discovery in litigation.

Computers, Computer Software, Laptops, PDA's, Phones and Computer Files

The College's computers, software and files stored on the computer or network are College property and are used primarily for its business purposes. Although employees have passwords that restrict access to their computers, the College may access any files stored on or deleted from the computer system. For security purposes, when leaving an office employees should either lock or log off the computer even when locking their office.

All software that resides on any of the College's computers must be licensed; therefore employees are prohibited from installing or removing software on College-owned equipment. Employees are prohibited from removing or down loading information to diskette or CD, unless directly related to specific job assignments approved by an immediate supervisor.

Use of Personal Electronic Media Equipment

An employee may choose to use his/her personal electronic media that includes, but is not limited to; computers, computer software, laptops, PDA's, and computer files for *business use only* on College property in lieu of equipment provided by the College. Use of personal electronic media is not required or requested by SJVC. However, if you choose to use personal electronic media on College property, you must comply with and agree to the following College policies, requirements and guidelines:

- Any electronic media shall be used for SJVC business purposes only.
- There should be no expectation of privacy when using personal electronic media on College property. SJVC reserves the right to monitor, review, and access or record any information, files or programs displayed, stored or transmitted through the use of any electronic media you choose to use on any College property. Although employees may have passwords that restrict access to their electronic media, be advised that if you choose to use your personal electronic media on College property, SJVC may access the electronic media and any files, information, programs or e-mail messages stored on or deleted from any electronic media irrespective of such passwords. Any electronic media used on College property shall be made immediately available for inspection upon request by SJVC.
- The employee is responsible for ensuring that all software on the electronic media was legally purchased, and is responsible for maintaining all license agreements for all such software. All such license agreements must be made available to SJVC for inspection and verification upon request.
- The employee is responsible for maintaining current antivirus software on his/her personal equipment. The employee is also responsible for ensuring that access to any student, course or any College or business-related information on his/her personal equipment (electronic media) is restricted and limited to their own use and that of SJVC.
- The employee is responsible for ensuring that any student, course or any College or business-related information on personal equipment (electronic media) is backed up on an appropriate medium to ensure that no information is lost or destroyed.
- SJVC is not responsible for lost, stolen or damaged personal equipment.
- Because of the nature of the Internet and wireless communications, no privacy or safeguards can be assumed. Therefore, employees shall not use their electronic media to send confidential information, including any student information, through the Internet or through any wireless transmission. Any Email accounts used on electronic media on College property are to be used strictly for business purposes.
- The following use of the laptops are expressly prohibited on College property:
 - The use of electronic media on College property for any non-business use;
 - Visitation to any WEB sites that are not business related;
 - Visitation to any and all sexually explicit internet sites;
 - Displaying, posting, transmitting, storing or downloading inappropriate material, such as sexually explicit images, messages, or cartoons, materials or information containing ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on any protected category including, but not limited to, race, national origin, sex, sexual orientation, gender identity, age, disability, religion or political beliefs.

Online Information Service Use

Use of online information services, such as the Internet, Social Media and the World Wide Web and Course Management System, is restricted to approved plans and services provided by the College. Online information services may be used for College business related purposes and may not be used for personal reasons or any other

purpose unrelated to College business. Access to online information services should be limited to a reasonable amount of time. The standard for a reasonable amount of time will be established at the discretion of the College.

Passwords

Passwords are an important aspect of computer security and they are the front line for network user accounts. A poorly chosen password may result in the compromise of SJVC's entire corporate network. As such, all SJVC employees and contractors or vendors with access to SJVC systems are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

- All network passwords (e.g., user account, CampusVue, Evolution, etc.) must be changed at least every six months.
- When away from a computer it should be locked or logged off even if your office is secured.
- All passwords must conform to the guidelines described below.

Passwords must meet the following guidelines:

- Must be a minimum of eight characters long
- Contains at least one number
- May not be based on personal information, names of family, etc.

Do not share SJVC passwords with anyone; all passwords are to be treated as sensitive, confidential SJVC information.

If an account or password is suspected to have been compromised, report the incident to the SJVC Information Services Department and change all passwords.

Password cracking or guessing may be performed on a periodic or random basis by SJVC or its delegates. If a password is guessed or cracked during one of these audits, the user will be required to change it immediately.

Any employee found to have violated this policy may be subject to disciplinary action, up to and including discharge.

Voicemail

Although employees have passwords that restrict access to voicemail messages left for them on the system, employees should be aware that the College can access any messages stored in the voicemail system and may do so for any reason at any time. Therefore, employees may not assume that such messages are confidential.

E-mail / Threaded Discussions / Instant Messaging

Electronic mail, threaded discussions and instant messaging addressed to, generated by, or received by employees on the College's computers, servers, cell phones, etc. is the property of the College and should be used primarily for business related purposes. As with voicemail, although employees have passwords that restrict access to their

computers, the College may access any files, e-mail messages, threaded discussion and/or instant messaging stored on or deleted from the computer system. The College reserves the right to access such information for any purpose at any time.

Employees are to use only their SJVC address/email when corresponding and/or conducting business with College contacts, accrediting entities, agencies, etc.

When an employee separates from the College their email access is disabled and emails are forwarded to the supervisor for thirty days after employment ends. At the end of that period, the account is deleted.

Checking Email on a Regular Basis

The College uses email to communicate and distribute important and/or required information to its employees. To assure that everyone is well informed of important matters employees are required to check their email on a regular basis. At a minimum an employee should check his/her email once daily [on scheduled work days].

Social Media

Business Use

The College uses social media in limited circumstances for defined business purposes. Social media is a set of Internet tools that aid in the facilitation of interaction between people online. Use of Internet based programs such as Facebook, Linked In, and Twitter (this is not meant to be an exhaustive list – if you are unsure or have specific questions about which programs the College deems to be social media, consult with your supervisor or Human Resources) may be used in furtherance of College goals. The College's public relations department will develop approved sites for authorized employees to use. Your Campus Director will authorize you in writing if you can use these tools to perform your job duties. Your authorization is limited to business purposes and personal use of these tools during work hours is prohibited and can result in discipline up to and including discharge.

Personal Use

San Joaquin Valley College understands that its employees and students participate in social networks on a personal level on their own time outside of SJVC, and in acknowledging this the college expects that employees will do so in a responsible manner that does not reflect negatively on SJVC, its students, employees, and/or associates. The absence of explicit reference to specific sites does not limit the extent of the application of this policy. Where no policy or guidelines exist, employees should use their professional judgment and take the most prudent action possible. Employees should consult with his or her Campus or Corporate Director when uncertain.

- Employee published comments, information, videos and/or images should comply with the college's confidentiality and disclosure of proprietary information policies. This would apply to employee comments posted on other blogs, forums, v-logs and/or social networking sites.
- Employee personal blogs or v-logs should include disclaimers that clearly

establish that the views the employee has expressed are solely his or her views and do not represent the views of the college. Personal blogs or v-logs should be written / stated in a first person format so that it is clear that the employee is speaking for him/herself and not on behalf of the college.

- Employee personal blogs, v-logs, and/or postings on social networking sites should always be respectful to the college, its employees, students, associates and competitors.
- Employee participation in social media activities should not interfere with work commitments.
- Employee actions captured by images/videos, posts and/or comments should not be negatively and/or unprofessionally associated to the college.
- Employee references and/or citations may not be of a college employee, student, and/or associate.
- Employee should respect copyright laws, and reference or cite sources within these laws.
- Employee may not use the college logo and/or program emblems.

Violations of Policy

Violations within the college's media electronic use policy will be reviewed on a case-by-case basis and may result in disciplinary action, up to and including discharge.

11. PROHIBITING USE OF A CELL PHONE WHILE DRIVING

The College is concerned about the safety of its employees and emphasize that employees should not feel obligated to conduct work related calls or text messages while driving; therefore, San Joaquin Valley College employees are prohibited from using cell phones while driving on College business and/or College time. Personal and/or company provided cell phones are to be turned off any time you are driving on College business or College time.

If your job requires that you keep your cell phone turned on while you are driving, you must use a hands-free device and safely pull off the road before conducting College business. Under no circumstances should employees place phone calls or text messages while operating a motor vehicle while driving on College business and/or College time.

Persons under the age of 18 years are prohibited from driving a motor vehicle while using a wireless telephone, even if equipped with a hands-free device, or while using a mobile service device. The prohibition would not apply to such a person using a wireless telephone or a mobile service device for emergency purposes. Violating this policy is a violation of law and a violation of College policy that may result in disciplinary action up to and including discharge.

12. USING CAMERA PHONES OR OTHER RECORDING/PICTURE-TAKING DEVICES

Employees are not permitted to use any camera or any other recording / picture-taking device in any area without expressed permission and never in areas that the College has designated as secure.

Employees must also respect the privacy of fellow employees. Camera phones and/or any other recording/picture-taking devices are prohibited in restrooms, changing rooms, break rooms, lunchrooms and areas designated to provide and/or solely used by women to express breast milk.

Violations of this policy will be reviewed on a case-by-case basis and may result in disciplinary action, up to and including discharge.

13. PUBLIC REQUESTS FOR INFORMATION

The integrity of any business is dependent upon its presentation in the community. It is important that we give out only accurate and factual information that can be substantiated by the College.

The College has disclosure statements regarding the completion, placement, graduate salary and licensure exam pass rates as well as catalogs and handbooks available upon request.

The provisions of the Family Education Rights and Privacy Act of 1974 limits disclosure of certain types of information pertaining to students, including student records. Before releasing student information to anyone other than the student himself or herself, we ask that you consult with the Vice President of Administration.

All requests for verification of employment should be forwarded to the Human Resources Department.

14. NEWS MEDIA CONTACTS

Employees may be approached for interviews or comments by the news media. Only contact people designated by the CEO or President may comment to news reporters on *San Joaquin Valley College* policy or events relevant to *San Joaquin Valley College*.

15. AUTHORIZATION TO ENTER INTO CONTRACTS

Employees shall not enter into any agreements or contractual arrangements on behalf of *San Joaquin Valley College* except with written authorization from the Board of Directors.

16. EMPLOYEE INFORMATION

Employees are requested to immediately notify their Administrative Assistant and/or the Human Resources Department if there is a change of name, address, telephone, dependents, marital status, withholding, who to contact in case of an emergency or certification/ licensure renewals, and educational degree completion. Supporting documentation may be required.

Although a post office box may be used at an employee's request, each employee must provide a physical address for personnel records. Additionally, employees are requested to provide notification when a former dependent reaches age 19 and/or

ceases to be a dependent child under the terms of health, dental or life insurance plans. Failure to do so may result in loss of premium and/or denial of payment of pending claims.

17. COLLEGE NAME, LOGO AND SEAL

Employees shall not use the College name, logo or seal for any purpose except with written authorization from the Board of Directors.

18. ACADEMIC PROCESS

Employees must never put their interests ahead of academic assurance. Actions taken that disrupt the academic environment or process will be deemed contrary to College policy and may result in disciplinary action, up to and including discharge.

19. CIVILITY IN THE WORKPLACE

Employees are expected to treat everyone in the workplace (colleagues, students and guests on campus) and online, with respect and courtesy. In turn, they have a right to be treated with respect and courtesy. The College expressly prohibits behavior that is disruptive or interferes with the orderly operation of the workplace, including:

- Shouting, rude or offensive language;
- Threatening behavior; and
- Damaging or destroying property

Depending on the severity of the offense and/or previous warnings, violation of this policy may result in disciplinary action up to and including discharge.

The College maintains an active Diversity Committee whose goals support civility in the workplace. The mission and purpose of the Diversity Committee is to create a diverse culture, community and environment within the *SJVC* institution.

The committee supports the following goals and action plan:

- Educate staff, students and members of the community on the benefits and value of understanding the concepts and practice of diversity.
- Foster an environment which values and recognizes each individual for his or her unique differences and similarities.
- Create a vehicle through which a variety of internal and external activities related to diversity take place.
- Provide an institutional environment which will attract and retain individuals of diverse cultural, ethnic and racial backgrounds.

20. CAMPUS DISRUPTIONS

Campus disruptions apply to students, faculty, administrators and staff for the maintenance of public order on SJVC-owned or SJVC-controlled property and its sponsored events.

SJVC firmly supports the rights of all members of the SJVC community to express their views or to protest against actions and opinions with which they disagree. However, all members of our community also share a concurrent obligation not to disrupt normal SJVC operations or deny access to any part of the campus, as well as follow local, state and federal law.

To reconcile these objectives, the following conduct is prohibited:

- Obstruction or disruption of teaching, research, administration, disciplinary proceedings, pedestrian or vehicular traffic, or other SJVC activities, including public-service functions and other authorized activities on SJVC-owned or SJVC-controlled premises. SJVC may require any speech activity to be conducted fifteen (15) feet or more from any exit, entrance, staircase, parking lot, or roadway if necessary to allow access.
- Detention or physical abuse of any person on SJVC-owned or SJVC-controlled premises or conduct which threatens or endangers the health or safety of any such person.
- Destruction of or damage to SJVC premises or the property of any person where such property is located on SJVC-owned or SJVC-controlled property.
- Illegal or unauthorized possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instruments on SJVC-owned or SJVC-controlled premises.
- Entry on or use of SJVC facilities or property without authorization or violation of regulations governing the use of SJVC facilities or property.
- Failure to comply with directives of SJVC officials or law enforcement officers acting in performance of their duties.
- Aiding any other person to engage in any act or conduct herein proscribed.

Violations of this policy will be reviewed on a case-by-case basis and may result in disciplinary action, up to and including discharge.

21. SOLICITATION AND DISTRIBUTION OF LITERATURE

In order to ensure efficient operation of the College's business and to prevent disruption to employees, we have established control of solicitations and distribution of literature on College property. *San Joaquin Valley College* has enacted rules applicable to all employees governing solicitation, distribution of written material, and entry onto the premises and work areas. All employees are expected to comply strictly with these rules. Any employee who is in doubt concerning the application of these rules should consult with his or her supervisor.

No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed without prior approval from the Campus Director or Board of Directors.

No employee shall distribute or circulate any written or printed material in work areas at any time, or during his or her working time or during the working time of the employee or employees at whom such activity is directed without prior approval from a Campus or Corporate Director or Senior Management.

Non-employees will not be permitted to solicit or to distribute written materials for any purpose on College property without prior approval from a Campus or Corporate Director or Senior Management.

22. LANGUAGE USED IN THE WORKPLACE

College business is conducted in English; however, conversations in other languages are appropriate and welcome when:

- The time, place and topic of conversation are of a social nature (e.g., break time) and every participant is fluent in the language; or
- The conversation is being held with the family or friends of an applicant or student, when the primary language of the guest is not English.

Classroom and online instruction, the business of the College, and social conversations with monolingual English speaking employees, applicants and/or students are all conducted in English.

23. VOLUNTARY PARTICIPATION IN OFF-DUTY SOCIAL, RECREATIONAL AND/OR ATHLETIC ACTIVITY

Neither *San Joaquin Valley College* nor its insurers will be liable for payment of compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties (even if such activity is sponsored by or associated with the College).

Whether an employee chooses to participate or not in any voluntary off-duty social, recreational, athletic or other activity sponsored by or associated with the College, is entirely the employee's choice and will not affect any aspect of his or her employment or any employment benefits. SJVC neither requires nor expects employee participation in such activities – it is not a condition of employment, and the employee may stop his or her participation at any time. As a result, SJVC takes the position that if an employee is injured or suffers a loss directly or indirectly in the course of participating in such voluntary activities, the injury or loss are not compensable under SJVC's Workers' Compensation policies or based on any other theory of liability.

Employees who participate in such activities will be required to sign a release of liability agreement prior to participating in such activities sponsored by or associated with the College. It is the employee's responsibility to see the Administrative Assistant to sign the agreement prior to participation in any off-duty social, recreational and/or athletic activity.

B. HARASSMENT PREVENTION

1. POLICY

San Joaquin Valley College is committed to providing a work environment that is healthy, safe and free from all forms of discrimination and unlawful harassment. It is our objective that all employees work together comfortably and productively.

Harassment is against the law and whether committed by employees, management personnel, vendors, students or other non-employees it will not be tolerated. Harassment is prohibited on the College property as well as *SJVC* sponsored events and trips.

Every employee should be aware of what unlawful harassment including sexual harassment is, what steps to take if harassment occurs, and the law prohibiting retaliation for reporting sexual harassment.

2. DEFINITIONS

Sexual Harassment

The Equal Employment Opportunity Commission, which enforces federal prohibitions

against sexual harassment, defines sexual harassment as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.” Such requests, advances, or sexual conduct constitute sexual harassment when:

- It is an employment condition – submission to such conduct is made a term or condition of employment;
- It is an employment consequence – submission to or rejection of such conduct is used as a basis for employment decisions affecting individuals; or
- It is offensive job interference – such conduct has a purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment applies to both sexes, and may include sexually explicit statements or creation of a hostile environment by women toward men or by men towards women. The U.S. Supreme Court has held that sexual harassment of a member of the same sex violates the law as well.

Some examples of sexual harassment, all of which are prohibited by *San Joaquin Valley College*, include:

Verbal: Sexual comments, slurs, jokes, remarks, commentaries or epithets

For example: name calling, belittling, sexually oriented, sexually explicit or degrading words to describe an individual; sexually explicit jokes; comments about an employee’s anatomy or dress; sexually oriented noises or remarks; questions about a person’s sexual practices; verbal abuse; or graphic verbal commentaries about the body.

Nonverbal: Leering, looking someone up and down, making sexual gestures

For example: staring at an employee’s anatomy; unwanted love letters or notes.

Visual: Displaying sexual or gender-based objects, pictures, cartoons or electronic programs

For example: writing obscene letters or invitations; displaying sexual pictures, writings, objects, photographs, magazines, calendars, posters, computer graphics or cartoons.

Physical: Any physical interference with normal work or movement including touching, impeding or blocking movement; attempted sexual assault or sexual assault.

Reprisal: Actual or threatened reprisal for failure to submit to sexual demands. For example: continued requests for dates; any threat of demotion, termination, etc. if requested sexual favors are not given; making or threatening reprisals after a negative response to sexual advances.

It is impossible to define every action or all words that could be interpreted as sexual harassment. The examples listed above are not meant to be a complete list of objectionable behavior, nor do they always constitute sexual harassment.

General Harassment

In addition to sexual harassment, *San Joaquin Valley College* also prohibits harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, gender, national origin or ancestry, sex, physical or mental disability, medical condition (including genetic characteristics), marital status, registered domestic partner status, age (for persons 40 and older), veteran status, sexual orientation, gender identification or any other basis protected by federal, state or local law or ordinance or regulation. All such harassment is unlawful.

Because it is impossible to know all coworkers well, because each person has different life experiences and cultural influences, using one's own personal standard of what is offensive or welcome is not an effective way to determine if a behavior is considered harassment.

In assessing behavior that might be considered harassment, the motivation of the person doing the behavior is not a consideration. What is at issue is whether the behavior is welcomed, the effect of the behavior and whether it is in accord with College policy. "I was just kidding" is not an acceptable response against a claim of harassment. Conversely, an employee who at one time engages in the telling of sexual jokes or innuendoes can legitimately make a future claim of sexual harassment.

Harassment can exist in same-sex, same-race, same-religion, etc., relationships. If the behavior is unwelcome, offensive or prohibited by *SJVC*, "same" is no excuse for behavior that is prohibited by the College.

It is important to reiterate that *San Joaquin Valley College* prohibits these actions regardless of the mindset of an employee group or the culture of a work area. For example, the posting of sexual materials is unacceptable even if all employees laugh and no one complains.

3. RESOLUTION

If you feel you or other employees have been subjected to unlawful harassment, you are encouraged to immediately identify the offensive behavior to the harasser and request that it stop. If you are uncomfortable in addressing the matter directly with the harasser or if you do so and the behavior does not stop, then discuss the matter immediately with

your supervisor, another supervisor, Campus Director or Director of Human Resources. Campus Directors and/or supervisors who receive a harassment complaint are to contact the Director of Human Resources immediately.

4. COMPLAINT PROCEDURE

Because time is of the essence in the College's ability to effectively investigate and resolve complaints of harassment, the maximum time frame for reporting is one year from the date of such events.

If you believe that you have been unlawfully harassed, submit a written complaint to your own or any other College supervisor, or Campus Director. If these management team members do not appropriately address your concerns, or if you are not comfortable in making the report at this level, submit a written complaint directly to the Director of Human Resources or Vice President of Administration. The College encourages all employees to report any incident of harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

All complaints will be investigated promptly, impartially and discreetly. Upon completion of the investigation, the appropriate parties will be notified of the findings. Any supervisor, agent, or other employee who has been found to have harassed an employee will be subject to appropriate corrective action, ranging from disciplinary warning to discharge.

The College will not retaliate against you for filing a complaint and will not tolerate or permit retaliation by management, employees or co-workers.

5. INVESTIGATIONS

Effectively addressing a complaint of harassment will include a timely, fair and thorough investigation by the Campus Director, Director of Human Resources, and/or Vice President of Administration. An employee accused of harassment may, depending on the severity of the complaint, be placed on an administrative leave during this period. The severity of the complaint will determine whether the leave is paid or unpaid. The employee will be notified of the status of the leave.

The purpose of an investigation is to obtain facts and evidence to support the allegations. The complaining and accused employees will be notified of the outcome of the investigation. Witnesses are not informed of the outcome.

Either employee may appeal the outcome of an investigation by submitting a written statement to the College President. Time is of the essence for appeals concerning the outcome of an investigation because the passage of time can compromise the ability of SJVC to review events and obtain accurate and relevant information. Accordingly, employees must submit their written statement of appeal within 30 days of receiving notification of the outcome of the investigation. Timely appeals are considered only if there is a concern regarding impartiality of the investigator or if there is new information available. The employee will receive written notification of the results of a timely appeal.

6. CONFIDENTIALITY

It is the responsibility of every employee involved in an investigation to keep all information and interview discussions confidential. Management, Director of Human Resources or Vice President of Administration will only share information regarding the allegations, investigation and outcome with those with a business need-to-know.

Violation of confidentiality will result in disciplinary action up to and including discharge.

7. DISCIPLINE

A harassment investigation is a serious matter and requires the cooperation and honesty of employees. Employees who file a false claim of harassment, obstruct an investigation, or are not truthful in an investigation are subject to disciplinary action, up to and including discharge.

An employee found to have engaged in harassment may be personally liable for monetary damages. Depending on the circumstances, the harassing employee may or may not be eligible for indemnification from the College.

Depending on the circumstances of each case and the seriousness of the offense, the College will take appropriate action, up to and including discharge, against any employee who engages in harassment or who retaliates, or threatens to retaliate against any person who files a complaint, or assists in the investigation of a complaint.

8. RESPONSIBILITIES OF MANAGEMENT

It is the responsibility of management personnel to ensure that the work environment is free of harassment and to take appropriate action to stop possible harassment once aware of it. Employees can expect management personnel to act on a possible situation once there is knowledge, regardless of whether a complaint has been filed or received.

“Knowledge” includes first party reports, third party reports, observation or anonymous reports. Management personnel will notify either the Campus Director, Human Resources Department, or Vice President of Administration once a situation is known.

Employees can also expect that management will responsibly inform them of their right to raise, and how to raise, the issue with the organization in accordance with this policy statement.

9. RESPONSIBILITIES OF EMPLOYEES

It is the responsibility of employees to adhere to the spirit and intent of this policy. Any employee who is aware of potential harassment should inform his or her supervisor, the Campus Director, Human Resources Department, or Vice President of Administration.

10. HARASSMENT TRAINING REQUIREMENTS

In accordance with state law, the College will provide all supervisory employees with at least two hours of classroom or other interactive training or education regarding sexual

harassment. This training will occur every two years for active employees. New hires in supervisory positions will receive this training within their first six months of employment, and every two years as scheduled.

It is the responsibility of every supervisor to keep track of and participate in this required training as scheduled. Vacation or leaves of absence for elective medical procedures/surgeries or personal reasons will not be granted on the day training is scheduled. Failure to attend training will result in disciplinary action up to and including termination.

11. POLICY IMPLEMENTATION

In keeping with the College's commitment to a harassment-free work environment, we require everyone to abide by this policy. Any questions about this policy should be addressed to the Human Resources Department.

12. APPLICABILITY TO STUDENTS

The standards of behavior outlined in this section also govern the quality of the campus environment and relationships between employees and students, including but not limited to:

- College prohibits sexual harassment of students and/or potential students (applicants);
- The definition of sexual harassment applies to conduct between employee and students and/or potential students (applicants);
- The examples of sexual harassment are applicable in employee-student or potential student (applicant) relations;
- The definition of general harassment applies to conduct between employee and student and/or potential student (applicant);
- Any employee who observes or becomes aware of a potential harassment situation is urged to report it immediately;
- The investigation protocol will be used in complaints of harassment from employee to student and/or potential student (applicant) and student and/or potential student (applicant) to employee;
- Disciplinary action will be taken against an employee found to have engaged in harassment of a student, potential student (applicant), an employee who retaliates against a complaining student and/or potential student (applicant), or a supervisor who knows of such behaviors occurring and failed to report it.

13. CONTACTS

To file a complaint of harassment of any kind, contact the appropriate Campus Director and/or Human Resources Department.

Campus Director
San Joaquin Valley College
8400 W. Mineral King Avenue
Visalia, CA 93291
(559)651-2500

Campus Director
San Joaquin Valley College
201 New Stine Road
Bakersfield, CA 93309
(661)834-0126

Campus Director
San Joaquin Valley College
295 E. Sierra Avenue
Fresno, CA 93710
(559)448-8282

Campus Director
San Joaquin Valley College
4985 E. Anderson Avenue
Fresno, CA 93727
(559)453-0123

Campus Director
SJVC
10641 Church Street
Rancho Cucamonga, CA
91730
(909)948-7582
(888)755-5701 Toll Free

Campus Director
SJVC - Online
801 S. Akers Street
Visalia, CA 93277
(559)734-7582
(877)367-7582 Toll Free
SJVOnline.edu

Campus Director
San Joaquin Valley College
5380 Pirrone Road
Salida, CA 95368
(209) 543-8800

Campus Director
San Joaquin Valley College
11050 Olson Drive, Suite 210
Rancho Cordova, CA 93570
(916) 638-7582

Campus Director
San Joaquin Valley College
215 West 7th Street
Hanford, CA 93230
(559) 584-8840

Campus Director
SJVC
9331 Mariposa Road
Hesperia, CA 92344
(760) 948-1947

Campus Director
SJVC
27270 Madison Ave., 3rd Floor
Suite 305
Temecula, CA 92590
(951) 296-6015

Director of Call Center
Operations
San Joaquin Valley College
1325 Corona Pointe Court
Corona, CA 92879
(951) 893-6400
(855) 667-9557 Toll Free

Director of Human Resources
San Joaquin Valley College
801 S. Akers Street, Suite 150
Visalia, CA 93277
(559)734-9000

To file a written appeal following an investigation:

Mark Perry, President
San Joaquin Valley College
801 S. Akers Street, Suite 150
Visalia, CA 93277

SECTION 4: BENEFITS

The benefits listed in this section are provided to full-time employees who have completed their introductory period or other designated period. Full-time employees in their introductory period are eligible only for paid holidays, sick leave, accrual of vacation and/or personal time, and applicable worker's compensation, state disability and unemployment.

Part-time employees are not eligible for benefits, with the exception of applicable worker's compensation, state disability and unemployment insurance. A part-time employee who changes status to become a full-time employee is not eligible for benefits until he or she completes ninety days of full-time employment. Until then, these full-time employees are eligible only for paid holidays, sick leave and the accrual of vacation and/or personal time, as well as applicable worker's compensation, state disability and unemployment.

A temporary full-time employee is not eligible for any benefits except for paid holidays, applicable worker's compensation, state disability and unemployment.

Any questions regarding your benefits should be addressed to the Campus Administrative Assistant or to the Human Resources Department. You may also access information and forms through InfoZone as follows:

Community → Employee Benefits → Login: sjvc
Password: benefits

1. EDUCATIONAL ASSISTANCE

The College provides in-house training and seminars to employees at no cost, or reduced cost. It is the responsibility of each instructor to maintain licenses related to the profession being taught and all other employment eligibility requirements. The College will pay the tuition and reasonable costs associated with courses which, while not related to the licensure, are otherwise required in order to be qualified to teach a course.

For example, a Dental Assistant instructor is required to have an Associate degree as an employment eligibility requirement, and a current RDA license as a requirement of the profession being taught. The employee assumes responsibility for maintenance of licenses and credentials. The College would pay the tuition and reasonable costs associated with the instructor becoming certified as a CPR instructor; although not related to licensure, it is required in order to teach CPR to Dental Assistant students.

2. TUITION ASSISTANCE

A tuition scholarship for *San Joaquin Valley College* programs is available, following approval by a member of the Board of Directors, to the spouse and dependents who reside with eligible employees:

LENGTH OF FULL TIME SERVICE	AMOUNT OF SCHOLARSHIP (Percentage of total tuition)
1 – 5 years	15%
6 – 10 years	35%
11 – 15 years	70%
16+ years	100%

Recipients must meet applicable College and program entrance requirements and may receive the scholarship one time only. Certain restrictions may apply.

A tuition scholarship of 25% for *San Joaquin Valley College* programs is available to all eligible employees following one year of full-time employment, providing that the commitment to classes and study does not interfere with the employee's ability to perform their regularly scheduled job duties. If the requirements of the program do not allow the employee to continue his or her employment with *SJVC*, he or she is not eligible for a tuition scholarship.

The Employee Tuition Scholarship flowchart and application is located on InfoZone → Document Center → Forms

3. CREDIT UNION

After 90 days of employment, eligible employees may join the credit union(s) in the selected areas the College has membership. This is an important benefit, since the credit unions offer a full range of financial services. You may obtain information and application from your Campus Administrative Assistant.

4. HEALTH AND DENTAL INSURANCE

San Joaquin Valley College provides health insurance on a participating basis. Eligible employees who elect to cover themselves under the group health plan pay a small portion of the premium. The premium for dependent coverage is paid solely by the employee.

Group dental insurance is also available, with the entire premium paid by the employee who elects coverage.

An employee must be a full-time, non-introductory employee in order to qualify for health and dental insurance. Certain events, such as reduction in the number of hours worked, termination, exceeding twelve weeks of FMLA, a change in marital status, or a dependent reaching age 19, may affect the employee's or dependent's eligibility for benefits. When such events occur, the employee and dependents may be entitled to continued health and dental insurance under the College's COBRA plan for a certain period of time. Notice of such right will be provided to the employee when there has been a change of status affecting an employee's or dependent's eligibility.

5. EMPLOYEE ASSISTANCE PROGRAM

The College provides an Employee Assistance Program to employees who reside in the

Tulare, Kern, Fresno, San Bernardino and Sacramento counties within the state of California. The College encourages its employees to utilize this beneficial service provided to them. An EAP is designed to help employees and their families identify, assess and resolve issues that may be affecting the employee's job performance. The EAP is available to the employee and/or anyone in the employee's immediate family who is living in the employee's home. The College encourages all employees to utilize this benefit as needed.

The program allows for three individual counseling sessions per each employee family unit per six months at no cost to the employee. The full cost of the services is paid by the College.

The services are confidential and can help you and your family members resolve personal issues. You can obtain additional information from your Campus Administrative Assistant or the Human Resources Department. In addition, you can obtain information from the Benefit Website located on InfoZone:

InfoZone → Community → Employee Benefits

Login: sjvc
Password: benefits

EAP tab

6. HOLIDAYS

All eligible employees in full-time positions (including temporary full time positions) will be entitled to receive holiday pay from date of hire for:

New Year's Day	Memorial Day	Labor Day
Martin Luther King Day	Independence Day	Thanksgiving Break (2 days)
President's Day	Veteran's Day	Christmas Day
*Good Friday afternoon		

If one of these holidays occurs on a weekend, the holiday will be observed either the Friday before or the Monday after.

Non-exempt employees scheduled to work less than eight hours on any of these holidays will be paid only for the hours normally scheduled. Employees working an alternative workweek schedule will be paid for the hours normally scheduled.

If an employee is required to work on a designated paid holiday the employee will receive his/her regular wages for time actually worked and holiday pay, if eligible, as indicated above.

If an employee is not scheduled to work on a designated paid holiday the employee is not eligible for a paid day off or holiday pay for the designated holiday.

An employee is not eligible for holiday pay while on a leave of absence if the holiday falls within a full week of absence.

*On Good Friday non-exempt employees will begin work at their normally scheduled start time and work until the campus is closed at noon. This will assure adequate coverage for each department.

7. VACATION TIME

Full-time employees accrue vacation with pay from date of hire. Vacation does not accrue during unpaid leave of absence. Temporary and part-time employees do not accrue paid vacation.

Full-time employees accrue or earn vacation depending on the length of time they have been employed with the College. The accrual schedule shows rates for full-time employees regularly scheduled to work forty hours per week. Vacation accrual for full-time non-exempt employees regularly scheduled to work less than forty hours per week is prorated based on the number of hours they are regularly scheduled to work.

Length of Employment	NON EXEMPT EMPLOYEES	EXEMPT EMPLOYEES
	Vacation Hours Earned on Annual Basis	Vacation Days Earned on Annual Basis
Start Date through 5 years	80 hours	10 days
6 through 12 years	120 hours	15 days
13 through 19 years	160 hours	20 days
20+ years	200 hours	25 days

The supervisor must approve vacation time in advance. Vacation will be granted on the basis of the needs of the business. Vacation periods generally may not extend beyond one regular workweek. Supervisor approval must be obtained prior taking an extended vacation. Any absence more than ten (10) days (including observed holidays that fall within a full week of absence) not related to a medical condition will require an approved Personal Leave. Refer to SECTION 6: Leaves of Absence, Personal Leave to determine if you are eligible for a Personal Leave.

Approved vacations may be suspended if the needs of the business require full or expanded coverage.

Employees are not permitted to take time off for vacation in excess of their accrued vacation time. The exception is, the period of time between Christmas and New Year’s Day within the first year of employment a non-exempt employee is allowed to take this time unpaid only if unable to accrue enough vacation or personal time. An exempt employee is not allowed to be docked pay that reduces his/her salary below the minimum requirement due to the break. Therefore, exempt employees who would not accrue enough vacation time, based on length of time to accrue within the first year of employment, will be provided work assignments during the break.

The following chart is a tool to assist employees [within their first year of employment] with managing their accrued vacation for the Christmas break.

Month / Day Employment Begins	Accrual Rate (Per Pay Period) 1 st Year of Employment		Approx. Number of Pay Periods	Will Accrue Number of Required Vacation Days	
	Non- Exempt (NE)	Exempt (E)		NE = 32 hrs	NE = 40 hrs
				E = 4 days	E = 5 days
Jan 1 – Jun 1	3.08 hrs.	.385 day	26 - 15	Yes	Yes
Jul 1			13	Yes	Yes
Aug 1			11	Yes	No*
Sep 1 – Dec 30			9 - 0	No*	No*

***NOTE:** Although the employee may not accrue enough time to cover the entire break, he/she will be expected to maintain what is accrued to cover as much of the break as possible.

Please refer to Chart A [non-exempt] and Chart B [exempt] below for required days off.

Required Use of Accrued Vacation during Christmas Break

In recognition of the holiday season the College does not schedule classes Christmas Eve through New Year’s Day. Although the business office is open, most employees are required to take vacation during this time and use their accrued vacation.

Non-Exempt Employees

Designated non-exempt employees will be required to work during the break, while all other non-exempt employees will be required to take vacation using accrued vacation and/or personal time.

The following chart provides the dates and number of vacation days affected non-exempt employees are required to take during the break.

Chart A

YEAR	CHRISTMAS BREAK		REQUIRED VACATION DAYS
	Begins on	Ends on	
2011	12/26/11	01/02/12	4
2012	12/24/12	01/01/13	5
2013	12/24/13	01/01/14	5
2014	12/24/14	01/01/15	4

NOTE: The total number of hours depends on the employee’s regular schedule.

Exempt Employees

Designated exempt employees will be required to work during the break. All other exempt employees will be required to take vacation using accrued vacation when there is a full workweek of no scheduled classes (including observed holidays). When classes are scheduled for part of the workweek vacation for that workweek is on a voluntary basis. The College will determine the work assignment for exempt employees who opt to work during a partial workweek.

The following chart provides dates and number of required and optional vacation days for exempt employees

Chart B

YEAR	CHRISTMAS BREAK		REQUIRED VACATION DAYS	OPTIONAL VACATION DAYS
	Begins on	Ends on		
2011	Monday, 12/26/11	Monday, 01/02/12	4 12/27 – 12/30/11	0
2012	Monday, 12/24/12	Tuesday, 01/01/13	4 12/24, 12/26 – 12/28/12	1 12/31/12
2013	Tuesday, 12/24/13	Wednesday, 01/01/14	0	5 12/24, 12/26 – 12/27, 12/30 – 12/31/13
2014	Wednesday, 12/24/14	Thursday, 01/01/15	0	5 12/24, 12/26, 12/29 -12/31/14

Employee Designation to Work

Employee designation to work is determined by the Campus Director based on business and student service needs. Corporate office designation to work is determined by Senior Management and/or Corporate Directors.

Employee Responsibility

It is the responsibility of the employee to manage his/her vacation time throughout the year, so required time off during the break is paid time off by use of vacation time.

Exempt employees may not apply sick days to this time off from work, as sick days are for bona fide illness only.

Violation of policy may result in disciplinary action up to and including termination.

Required Use of Vacation before Unpaid Time Off Due to Illness

Employees are required to take accrued and unused vacation before taking unpaid leave, or having unpaid absences. Family and Medical Leave (under both state and federal law) is included in this requirement, unless the absence is pregnancy related.

If an employee is absent for a reason that qualifies for Paid Family Leave (PFL) payments, the employee is required to first use any accrued and unused vacation, up to a maximum of two weeks in a 12-month period. If the employee does not have accrued vacation, the employee will be required to use accrued sick days (for exempt employees) or personal time (for non-exempt employees) for the first 7 days before PFL payments begin.

PFL benefits do not replace all of the employee’s usual wages. The employee’s PFL

benefits will be supplemented with any accrued and unused sick days or personal time.

If the employee has no sick days or personal time, or once the employee has exhausted his/her sick days or personal time, accrued and unused vacation will be used to supplement the employee's PFL benefits.

Employees who are absent because of their own disability may be eligible for State Disability Insurance (SDI) benefits. SDI payments do not begin until after the employee has been absent from work for seven (7) calendar days. If the employee has accrued sick days or personal time, it will be used for the first 7 days before SDI payments begin. If the employee does not have accrued sick days or personal time, but does have accrued vacation, vacation will be substituted for the unpaid absence.

SDI benefits do not replace all of the employee's usual wages. The employee's SDI benefits will be supplemented with any accrued and unused sick days or personal time. If the employee has no sick days or personal time, or once he/she has exhausted his/her sick days or personal time, accrued and unused vacation will be used to supplement the employee's SDI benefits.

It is the employee's responsibility to apply for PFL or SDI benefits through the local Employment Development Department (EDD).

Employees are Encouraged to Take Vacation

Employees are encouraged to take their vacation during the service year in which it accrues. An employee may continue to accrue vacation until the employee reaches the maximum number of days accruable in two years. An employee with 175% vacation time accrued will accrue no more time until the balance has been reduced through the use of a portion of the accrued time.

Increments of Vacation

Exempt employees take vacation in full day increments, with the exception of Good Friday morning, which has the value of one-half vacation day.

Non-exempt employees take vacation time in increments as small as a quarter of an hour.

Donating Vacation

In certain situations, employees may be permitted to "donate" accrued but unused vacation time to another College employee. Contact your Campus Administrative Assistant or the Human Resources Department for more information concerning this practice.

8. PERSONAL TIME

From date of hire, eligible non-exempt, full-time employees earn the same number of hours of personal time per year that they are regularly scheduled to work per week. For example, a 30-hour per week employee would earn 30 hours per year; a 40-hour per

week employee would earn 40 hours per year.

Personal time is taken in increments as small as a quarter of an hour, and should be requested in advance, if possible.

Unused personal time will be paid to the employee on the anniversary of each year that the employee remains with the College, or at the time the employee's employment with the College is terminated.

9. SICK DAYS

The College provides five paid sick days per year as a benefit to exempt employees.

Sick leave is intended to be used only for the bona fide illness of the employee or to care for qualified dependents. Kin Care allows employees to use up to half of their sick time to care for qualified dependents. The College has rounded it up to three (3) days per anniversary year. Sick leave is not permitted to be used for other purposes. An exempt employee who has used all his/her sick leave [days] will be required to use available vacation time [days] to cover the absence. An exempt employee will be docked for full day absences, due to his/her own illness or to care for a qualified dependent that is ill, if he/she has exhausted both his/her sick leave [days] and accrued vacation. Absences that are not covered by sick leave and/or vacation may be subjected to disciplinary action up to and including termination. The exception would be absence during an approved FMLA/CFRA leave or any other protected leave the employee is eligible to take.

Unused sick leave benefits do not carry over from one anniversary year to the next. On the anniversary of employment date, the sick leave balance will be adjusted to five days. For example, if on the anniversary date the employee has three sick days remaining, a credit of two sick days will be made.

Sick days are applied to medical leaves of absence for an employee's own illness/injury and/or their qualified dependent's illness/injury [Kin Care requirements apply to medical leaves for qualified dependents]. If an employee has exhausted his/her current balance of sick days while on leave and his/her anniversary of employment occurs, sick days will not be added or made available to use until the employee returns from leave.

Because sick days are intended to provide income protection in the event of actual illness, sick leave benefits have no cash value and therefore will not be cashed out when an employee leaves the College.

Sick days are used in full day increments, with the exception of Good Friday morning. In the event of absence due to illness on Good Friday morning, one-half sick day is applied.

10. WORKER'S COMPENSATION, STATE DISABILITY, AND UNEMPLOYMENT

The College participates in providing the necessary administrative and financial contributions for mandated programs, as applicable.

11. PROFIT SHARING PLAN

The College participates in an approved profit sharing and optional 401(k) plan for eligible employees. All active employees are eligible for participation in the profit sharing plan once they have worked 1,000 hours in the preceding fiscal year (July 1 – June 30). Employees are vested at a rate of 20% for each year after the first year waiting period. All active employees 18 years old and older who have completed six months of continuous service and a minimum of 500 hours may participate in the optional 401(k) plan. Participation begins the first of the month following six months of service and 500 hours. To begin participation you need to fill out the appropriate enrollment forms and forward them to the Human Resources Department.

The College may contribute a discretionary percentage of the amount of your salary deferrals, which percentage we will determine each year. Matching contributions will vest in accordance with the Plan's vesting schedule. In order to share in the matching contribution you must satisfy the following condition(s):

- You must be actively employed on the last day of the Plan Year
- You must have completed at least 1,000 hour of service with the College during the Plan Year

The above condition(s) do not apply in the year of your death, disability, or the year in which you retire at or after your normal retirement age.

If you are eligible to share in the matching contribution, the Administrator will allocate to your account the matching contribution made to the Plan on your behalf at the end of the Plan Year.

Employees residing outside of the United States may fall under restrictions governed by applicable laws.

12. LIFE INSURANCE

A life insurance policy is provided for all eligible employees. All questions regarding this benefit, and notification of change in beneficiary should be forwarded to the Human Resources Department.

SECTION 5: SJVC POLICIES**1. EMPLOYEE CATEGORIES**

For purposes of determining the level of benefits and entitlement or exemption from overtime pay, all employees of the College are assigned position categories:

INTRODUCTORY: Employees are introductory employees for their first 90 days of employment. Introductory employees are not eligible for employee benefits listed in Section 4 of this handbook, with the exception of paid holidays, accrual of vacation and/or personal time for full-time employees, and applicable worker's compensation, state disability and unemployment for all eligible employees. An introductory period is a training and get-acquainted period, completion of which does not guarantee continued employment. Following completion of the introductory period, you still may resign and the College still has the right to terminate your employment at any time, with or without cause. Appropriate state or local laws will be applied to states and/or countries that do not recognize at-will employment.

TEMPORARY: A temporary employee is one who is employed by the College for a specific, limited period of time. The fact that the temporary employee is to work for the College for a limited period of time in no way alters his or her at-will status when it applies. Temporary employees are not eligible for the employee benefits listed in Section 4 of this handbook, with the exception of applicable worker's compensation, state disability, and unemployment benefits. Full time temporary employees are eligible for paid holidays as well. Temporary employees are non-exempt and paid on an hourly basis.

FULL or PART-TIME: Full-time non-exempt employees are scheduled to work 30 hours or more per week. Part-time non-exempt employees are scheduled to work 29 hours or less per week. Part-time faculty are scheduled to teach one or two classes (onsite instructors teach 11 – 22 hours per week, online instructors teach no more than 30 hours per week). Full-time faculty is exempt and will teach an average of 2.5 classes each term.

EXEMPT or NON-EXEMPT: Exempt employees do not receive overtime compensation. A non-exempt employee will be paid overtime in compliance with all applicable wage and hour laws.

2. PERFORMANCE EVALUATIONS

Each employee will receive periodic performance evaluations conducted by his or supervisor. Your first performance evaluation will take place after completion of your introductory period. Subsequent performance evaluations will be conducted annually on or around the date of your last increase or evaluation. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

Your performance evaluations may review factors such as the quality and quantity of the work you perform, your knowledge of your duties and responsibilities, your initiative, your

work attitude, your attitude toward others and other competencies. The performance evaluations are intended to make you aware of your progress, areas for improvement, and objectives and goals for future work performance. Favorable performance evaluations do not guarantee increases in salary. Salary increases are solely within the discretion of *San Joaquin Valley College* and depend upon many factors in addition to performance. After the review, you will be required to sign the evaluation form simply to acknowledge that it has been presented to you, that you have discussed it with your supervisor, and that you are aware of its contents.

3. BRIDGING OF TIME

San Joaquin Valley College will give credit to employees previously employed with the College, provided the break in service does not exceed five (5) years. The break in service will be deducted from the employee's original service date for purposes of the following:

- Seniority date
- Vacation accrual
- Personal time accrual [applies to non-exempt employees only]
- Sick leave time [applies to exempt employees only]

Employees whose break in service is less than the 90-day waiting period for health benefits will be reinstated into the health benefit plan in which they were enrolled prior to their separation from the College.

4. EMPLOYMENT OF RELATIVES

Relatives of employees may be eligible for employment with *San Joaquin Valley College* only if individuals involved do not work in a direct supervisory relationship, or in job positions in which a conflict of interest could arise. The College may refuse to hire relatives of current employees if doing so could result in actual or potential problems in supervision, security, safety, or morale. The College defines "relatives" as spouses, registered domestic partners, children, siblings, parents, in-laws, and step-relatives. Present employees who marry or become registered domestic partners will be permitted to continue working in the job held only if they do not work in a direct supervisory relationship with one another or in job positions involving conflict of interest.

5. ONSITE INSTRUCTORS TEACHING ONLINE

Policy and Procedure

1. Current SJVC instructors interested in teaching online courses will need to go through the application/interview process. These instructors must meet all minimum requirements to teach online. Instructors will need to log onto <http://de.sjvc.edu/faculty/employment.php> for application directions. As part of the application process instructors will be required to obtain approval from their current Campus Director and Academic Dean to qualify for online teaching assignments.
2. Instructors selected to go through the process will be required to participate in an

orientation that includes completion of a 4-week training course. Instructors will not be paid for this orientation and/or training course. There is no guarantee that the instructor will be chosen to teach online even after completing this orientation/training.

3. Current full-time instructors may substitute an online course for one of their 10:4 ratio of courses, and will be paid their regular salary with no additional compensation.

NOTE: Core instructors will not be allowed to teach online courses due to their responsibilities as a ground core instructor.

4. Part-time instructors may teach both ground and online courses simultaneously as long as the online course does not cause the instructor to work over 8 hours in a day or 40 hours in a week for both ground and online courses. Part-time instructors will be given a set number of hours for their online course and must stay within those hours. Part-time instructors will be required to sign an agreement regarding total hours worked. Part-time instructors will be paid hourly for their time teaching both ground and online.

NOTE: If teaching online courses causes a part-time instructor to work over 29 hours in a week, the instructor will be considered full-time temporary and will not be eligible for benefits. However, if the instructor remains full-time for 90 days and his/her schedule appears to keep him or her full-time he/she will need to be converted to exempt full-time regular. The instructor will then be paid a salary with no additional compensation for online courses.

5. Should an exempt full-time instructor decide to teach only online courses full-time, he/she will be paid a set fee for each course taught on a set pay schedule in line with online instruction. Should a non-exempt part-time instructor decide to teach only online courses part-time, he/she will be paid an hourly rate for the set hours scheduled for the online courses. The same policies in number 4 apply regarding scheduled hours.
6. Instructors will work from home for online courses and will set their own work hours within the guidelines. Instructors will need to provide their own computer equipment and supplies to teach the online course.
7. All instructors (including online instructors) are prohibited from interacting with students in person, unless on an SJVC campus for tutoring or addressing student questions and/or concerns. All other interactions and communications with students must be conducted over the telephone or online.
8. Questions regarding instruction of online courses may be directed to:

801 S. Akers Street
Visalia, CA 93277
(559)734-7582
(877)367-7582 Toll Free
SJVCOnline.edu

6. BACKGROUND INVESTIGATIONS

The College conducts background investigations on its employees to assure it maintains a safe working environment and meets the requirements of its insurance providers.

Background investigations are conducted on designated positions. Those positions that require DMV background investigations will be subjected to a DMV check periodically

throughout their employment with SJVC.

7. DRUG SCREENS, PHYSICAL EXAMS, AND TB TESTS

The College conducts drug screens, physical exams, TB tests and any other required exam at post-offer and pre-employment for designated positions.

8. GENERAL RULES OF CONDUCT

All companies, no matter what their business, have certain rules of behavior which must be observed, and the College is no exception. Generally, no conduct which is immoral, unethical or illegal will be tolerated.

The following are examples of some, but not all, of the rules we must all follow. Violation of these rules will lead to disciplinary action based on the circumstances of the individual case, up to and including discharge.

The list of prohibited conduct is not meant to be exhaustive and does not in any way affect the College's at-will relationship with its employees.

1. Falsification of employment records, employment information or other company records, including timesheets and/or input of time into the payroll systems.
2. Recording the work time of another employee or allowing any other employee to record your work time, or allowing falsification of any timesheet or input of information into the payroll systems, either your own or another employee's.
3. Theft or attempted theft of any College property, or the property of any employee or student.
4. Removing or borrowing College property without prior authorization.
5. Unauthorized use of the College's equipment, time, materials, or facilities.
6. Possession, use or being under the influence of alcohol or illegal drugs on College premises at any time.
7. Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management.
8. Use of loud or abusive, offensive, foul or threatening language toward anyone during work hours and/or on College premise.
9. Failure to notify a supervisor when unable to report to work.
10. Unauthorized absence from work area during scheduled work hours.
11. Habitual tardiness, early departures or absenteeism.
12. Failure to observe work schedules, including rest and meal periods.
13. Failure to provide a physician's certificate when requested or required to do so.
14. Careless waste of materials, or abuse of College tools, or equipment.
15. Deliberate or careless destruction of or damage to College property.
16. Making or accepting personal telephone calls / text messages, including cell phone calls / text messages that impact work performance or those around you.
17. Violating any safety, health, security or College policy, rule or procedure
18. Instigating and/or participating in rumors, gossip and/or innuendos.
19. Provoking a fight and/or fighting during working hours or on College property.
20. Participating in horseplay or practical jokes on College time and/or on College

- premises.
21. Carrying firearms or any other dangerous weapons on College premises at any time.
 22. Engaging in criminal conduct whether or not related to job performance.
 23. Causing, creating or participating in a disruption of any kind during working hours on College property.
 24. Sleeping or malingering on the job.
 25. Working overtime without authorization or refusing to work assigned overtime.
 26. Working make-up time without authorization or in violation of policy.
 27. Committing a fraudulent act or a breach of trust under any circumstances.
 28. Committing of or involvement in any act of unlawful harassment of another individual
 29. Dating and/or other inappropriate conduct between an employee and a student and/or prospective student (applicant) that could give rise to a conflict of interest or give the perception of favoritism or bias.
 30. Bringing personal conflicts onto College premises.
 31. Solicitation during work time. Distribution of literature, handbills or similar materials is not allowed at any time on campus.

Discipline may be administered if behavior, actions or performance are considered to be unacceptable to the supervisor. While the College supports corrective counseling, certain offenses may make it necessary to dispense with any counseling prior to termination. The College will institute corrective counseling at its discretion. Use or non-use of corrective counseling in no way alters an employee's at-will employment status. Either you or San Joaquin Valley College remains free to terminate the employment relationship at any time, with or without reason or advance notice.

9. FRATERNIZATION

San Joaquin Valley College is committed to supporting a professional work environment, and recognizes that intimate personal relationships between supervisors and subordinates may detract from such an environment by perceived or actual lack of objectivity in supervising or evaluating employees, perception of favoritism and the potential for sexual harassment claims should the relationship end.

Dating between supervisors and the employees they directly supervise is expressly prohibited. The College reserves the right to review, on a case-by-case basis, dating or personal / social relationships between supervisors and any employee that have the potential for conflict of interest, perception of favoritism or undue influence.

Applicability to Students

SJVC has zero tolerance for employees dating or engaging in other inappropriate conduct with a student and/or a prospective student (applicant) that could give rise to a conflict of interest, give the perception of favoritism or bias, or place the College in any type of liability.

10. INTRODUCTORY PERIOD OF EMPLOYMENT

The first 90 days of your active employment are an introductory period. During this

period, your supervisor will orient you to your job and the College. You will be given the necessary training and explanation of College policies, benefits and regulations. Your potential and performance are carefully evaluated during this period to determine whether your qualifications are best suited to the essential duties and responsibilities of the position you are assigned. In some instances, the introductory period may be extended.

During your introductory period of employment you will not be eligible for benefits excluding paid holidays, sick leave, vacation and personal time accrual and applicable worker's compensation, state disability and unemployment.

After successful completion of your introductory period, you may be eligible for various employee benefits. Your "length of service" dates to the initial date of your employment. Completion of the introductory period in no way alters your at-will employment status.

11. FAIR TREATMENT AND DISPUTE RESOLUTION

Policies are developed to encourage open communication; however, in any group of people there are differences of opinion regarding working conditions or other matters.

Any time you have a suggestion, problem or complaint, discuss it with your supervisor. You can expect to receive fair and courteous consideration and a prompt reply. We believe that anyone having a complaint must have the opportunity to be heard and to have any discrepancy resolved without fear of recrimination or penalty. There will be no discrimination against any employee for presentation of a complaint, problem or concern.

The procedure for resolving a concern is:

STEP 1: Within a week of the occurrence, discuss the matter with your direct supervisor, who will investigate and provide a solution or explanation. If it is necessary to seek the advice of others, your supervisor will try to respond within five working days. If the situation is not appropriate to take to your supervisor, you may proceed immediately to the second step. These cases should be rare since your supervisor is usually best qualified to properly handle your questions on work-related problems.

STEP 2: If the discussion with your supervisor does not resolve the situation, you may describe it in writing and present it to your Campus Director (corporate staff should notify the appropriate Corporate Director) within a week of receiving a solution or explanation from your supervisor. The Campus Director (or Corporate Director) will investigate and, if possible, respond to you within five working days with a solution or explanation.

STEP 3: If you are unsatisfied at this point, you may bring your written concern to Senior Management. The Director of Human Resources will further investigate and provide facts and evidence to Senior Management. Senior Management's response will be provided within 30 working days and constitutes the final answer.

12. COMPLIANCE LINE

San Joaquin Valley College encourages employees to report concerns regarding compliance with College policies and procedures and/or regulatory requirements through

the link located on InfoZone. These concerns are received by the Director of Human Resources to process and assure appropriate actions are taken and resolutions are achieved contingent on the validity of the concern.

You can access the Compliance Line on InfoZone → Community → Compliance Contact

13. PROMOTION FROM WITHIN

The College is committed to encouraging upward mobility and whenever feasible will promote from within. Generally, employees must complete a minimum of one year of service in a position for which they were hired or promoted in order to be considered for a higher level position. *San Joaquin Valley College* believes it is important for an employee to have made a significant contribution in one position before taking on the responsibilities of another. This is an eligibility requirement and does not imply a contract for a term of employment or in any way supersede the College's at-will employment policy. Additionally, the College requires that the employee who wishes to move to a higher level position provide a letter of recommendation from his or her current supervisor. As professional courtesy an employee should notify his/her supervisor prior to applying for another position within the College, including those that would not be considered a higher level position.

Promotion to non-exempt positions may be approved at the campus level; however, promotions to any exempt position or corporate position must be approved by the Board of Directors.

Employees must formally apply for promotional positions, following the guidelines in the posted announcement. The College may simultaneously recruit externally for any or all promotional positions in order to ensure finding the person who best meets the needs of the organization.

14. PERSONNEL RECORDS

The College believes the rights of its employees as individuals are very important and will try to minimize requests for and retention of personal information about employees. Information contained in the personnel file will be limited to that required for business reasons or legal requirements. The employee personnel file will be maintained in a safe, secure location.

The employee may access his or her personnel file at any time by making a written request to the Campus Director, or, in the corporate offices, to a member of the Board of Directors.

15. VOLUNTARY RESIGNATIONS

The following conditions will be considered a voluntary resignation for the purposes of all the above leave policies:

1. Failure to advise the College of availability to work;
2. Application for unemployment benefits;
3. Obtaining another position;

4. Engaging in another business;
5. Failure to return to work when notified; or
6. Continued absence from work beyond the time approved by the College.

16. OUTSIDE INQUIRIES/EMPLOYMENT REFERENCES

The College will release only your job title and dates of employment to third parties unless you sign a written authorization to disclose further information about your employment. Upon request, the College will provide you with an authorization form.

17. JURY AND WITNESS DUTY

When required to serve on jury or witness duty, a non-exempt employee is entitled to

receive full salary or wages minus the amount received in compensation. For jury duty the maximum is ten working days each calendar year, and for witness duty the maximum is one working day each calendar year. You are responsible for keeping your supervisor informed regarding your duty status. On those days when you serve less than a full day of jury or witness duty, contact your supervisor to determine whether you should report back to work.

Employees who work evening hours or online are required to report to work and work their normally scheduled hours once they have been dismissed from jury or witness duty for the day or altogether. Serving jury or witness duty does not constitute a day off from work when there is no conflict with an employee's scheduled hours to work.

Exempt employees will receive full salary up to a maximum of ten working days each calendar year minus the amount received in compensation for jury duty and a maximum of one day each calendar year for witness duty.

If you are called as a juror during a particularly busy time at the College or if your jury duty conflicts with your job duties and responsibilities, we may ask you to request the court to postpone your jury duty to a more convenient time.

Employees in California, who are victims of crime, will be allowed to take unpaid time off to appear in court regarding the crime, or, in situation of domestic violence or sexual assault, to ensure their safety and welfare or that of their children.

All employees are required to furnish documentation from the court regarding your jury or witness duty service or need to appear in court.

18. TIME OFF FOR VOTING

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take enough time off from work to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two hours combined. Under these circumstances, the employee will be allowed a maximum of two hours of time off during an election day without loss of pay. When possible, an employee

requesting time off to vote shall give his or her supervisor at least two days notice.

19. POWER OUTAGES

When it is confirmed that the power to the campus or corporate office will be off for a prolonged or an indefinite period of time the Campus Director or Senior Management will make the decision to send employees home. If the power comes back on during business hours employees may be expected to return to work. It is the responsibility of the employee to call in each hour to see if he or she should return to work.

The law states that non-exempt employees are to be paid for the time actually worked and exempt employees a full day's pay for working any part of the day of a power outage.

20. SEVERE WEATHER

When it is determined by the Campus Director or Senior Management that it is unsafe to travel and classes have been cancelled due to inclement weather employees will be sent home or notified not to come into work (if notification is possible) for the day.

If a non-exempt employee reports to work as scheduled (or pursuant to his or her employer's directions), but is not put to work or is given less than half of the hours he or she was scheduled to work or usually works he or she is owed reporting time pay. In this case, the non-exempt employee is paid for at least half of the hours he or she was scheduled to work or usually works, but not less than two hours pay and no more than four hours pay. If a non-exempt employee does not report to work on any given day due to unsafe conditions to travel or is notified by SJVC not to come in due to unsafe conditions, the non-exempt employee will not receive any pay for the day. The non-exempt employee may apply available personal and/or vacation time to the absence from work.

Exempt employees are paid their normal salary unless the campus is closed for an entire week. In the case that the campus is closed an entire week, the exempt employee will not receive their normal salary. The exempt employee may apply available vacation time to a full week absence.

21. OTHER TIME OFF

Depending on where you live, your state may provide other legally-mandated time off from work. Please speak with the Human Resources Department for more information or refer to the Leaves of Absence section of this handbook.

22. EMPLOYEE REFERRAL PROGRAM FOR IDENTIFIED OPEN POSITIONS

The College encourages employees to take advantage of the College's Referral Program. Employees can obtain information on designated positions eligible for the program from the Director of Human Resources. The required form and documents must be signed by both the designating employee and the referred candidate and turned in to the Director of Human Resources prior to the interview process for the employee to be considered eligible for a referral bonus. Current employees cannot be referred for

designated positions and/or referral bonuses.

23. CODE OF SAFE PRACTICES

We are committed to maintaining a safe environment for the students, employees and visitors in our facilities. Your cooperation with the Campus Safety Program is an essential part of your employment with the College. Failure to comply with the standards of the program will result in disciplinary action including reprimand, suspension and/or termination. You can review a hard copy of the IIPP located in the Campus Director's office or an electronic copy on InfoZone.

24. FACILITY SECURITY

Facility security is a serious matter and requires the cooperation and honesty of all employees and students. It is the policy of the College to report all crimes to the law enforcement agency with jurisdiction at the campus. The College cannot assume responsibility or liability for personal items that are lost, stolen or damaged. In the event that an employee is the victim of a crime on a SJVC facility, it should be reported immediately to the security officer and Campus Director, who will complete the report and refer the employee to the appropriate support resources in the community.

In the event that an employee is accused or suspected of committing a crime on a SJVC facility, the College will fully cooperate with the appropriate law enforcement agency and will impose the appropriate sanction, up to and including discharge, in the event the employee is found guilty.

All guests and visitors of employees are required to check in and out at the reception desk upon arrival on campus. Guests and visitors are not allowed in the classroom without the prior approval of the Campus Director.

25. PARKING

Employees may park their vehicles in designated areas, if space permits. If space is unavailable, employees must park in permissible public areas in the vicinity of College property. Employees may not use parking areas specifically designated for customers, vendors, College vehicles, or otherwise reserved. San Joaquin Valley College is not responsible for any loss or damage to employee vehicles or contents while parked on College property. Employees should secure their belongings and keep them out of sight.

Some SJVC locations require parking permits. Employees must display permits so they are easily identified. Some locations also share parking areas with other businesses. Employees must follow required guidelines and remain courteous to fellow business persons at all times.

Parking areas may be monitored with video or other surveillance for purposes of protecting College property only. This surveillance system is in no way to provide employees with personal security.

26. HOUSEKEEPING

Housekeeping in each department is a responsibility that is shared by everyone. Each person is expected to help keep his or her work area clean and in order. This extends to the restrooms, lunch and break areas and the parking lot.

27. WORKPLACE VIOLENCE PREVENTION

San Joaquin Valley College is committed to workplace safety. As a part of this commitment, *SJVC* is specifically committed to providing a workplace that is free of threats or acts of violence and to protecting its employees and students from such conduct on College premises. In keeping with this commitment and in conjunction with other policies, we have established a strict policy that prohibits any employee from behavior that is violent, threatening or intimidating while conducting College business.

This policy applies to all employees. *SJVC* has zero tolerance for employees who make threats, engage in threatening behavior, or commit acts of violence against others. In addition, the College is committed to preventing violent or threatening behavior on its premises by students, visitors, guests or family members of student and employees.

This policy prohibits not only physically violent behavior but also behavior that is threatening, harassing or intimidating. Prohibited behavior includes, but is not limited to:

- Possession or use of firearms, explosives, weapons such as knives, or any other hazardous or dangerous devices on College property or at any College function, whether on or off campus.
- Disorderly conduct on College property, including fighting, inciting or provoking another to fight, battery, attempted bodily injury or physically abusing an employee, student or visitor.
- Directly or indirectly using abusive or threatening language, coercing, threatening, or otherwise harassing any employee, student or visitor.
- Actual or direct or indirect threatened physical violence towards another employee, student or visitor.

Keeping the workplace free of violence can only be accomplished if every employee takes personal responsibility for being aware of and reporting potentially violent behavior. Therefore, all employees are responsible for immediately reporting to their supervisor any incident involving threats or acts of violence. Violation of this policy will lead to disciplinary action, up to and including immediate discharge. Employees making such reports will not be retaliated against, nor will the College tolerate any such

retaliation.

In addition, in order to assist the College in its efforts to maintain a violence-free workplace, employees are strongly urged to notify the Campus Director about any restraining order in effect for themselves or students, or any potentially violent situation outside work that could result in violence in the workplace.

28. PAY PERIOD, PAYDAY AND WORKWEEK

There is a fourteen day pay period ending every other Saturday at midnight. For purposes of overtime, the workweek begins at midnight Saturday of each week. Paydays are the Thursday following the end of the pay period. Online instructors are paid according to their offer letters.

Automatic deposit of payroll checks is available at the individual employee's request for employees who work onsite; however, all online instructors are encouraged to utilize the automatic deposit of payroll checks to ensure they receive their pay in a timely manner. Online instructors who choose not to utilize direct deposit will have their paychecks mailed to them via the U.S. Postal Service post marked the date of the payday.

The workweek for full-time faculty is five days; for part-time faculty the workweek is four days, or as assigned.

The College takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. It is the responsibility of the employee to turn in accurate time records in a timely manner for payroll processing. In the unlikely event that there is an error of any kind in the amount of pay, accrual or use of vacation time, personal time or sick days, the employee should promptly bring the discrepancy to the attention of the Administrative Assistant, so that corrections can be made as quickly as possible. The College will make payment of any error in the employee's favor no later than the following pay period it is brought to its attention. Employees are responsible to repay any overpayment of wages, vacation or personal time; preferably by the following pay period. A payroll authorization form will be generated by the Campus Administrative Assistant or Human Resources Department.

29. PAY ADVANCES AND VACATION ADVANCES

San Joaquin Valley College does not permit advances against paychecks or against unaccrued vacation.

30. MILEAGE REIMBURSEMENT

Employees will be reimbursed at the SJVC rate for mileage expended on business-related use of their personal vehicles. For the purposes of this policy, business-related use includes:

- Trips between the College's offices and other locations for work purposes.
- Work-related trips between an employee's home and a work location other than the employee's regular work location to the extent that the distance exceeds the employee's ordinary commute to his/her regular work location.

Employees will not be reimbursed for their ordinary commute to and from their regular work location.

For the purpose of this policy, the employee's "regular work location" is the College

location to which the employee is assigned. Each employee will be notified of his/her regular work location at the time of hire. Employees with questions regarding their regular work location or the College's mileage reimbursement policy, in general, should contact the Human Resources Department.

A record of mileage must be submitted the first week of each month for the previous month's mileage. Reimbursement forms submitted early will be rejected and require resubmission the first week of the month. An electronic SJVC Mileage Reimbursement Form is located on InfoZone in the Document Center under eForms. The Mileage Reimbursement eForm User Instructions are located in the Document Center under Policies & Procedures.

Reimbursement checks are generated through the Accounts Payable Department and disbursed on a monthly basis.

31. TRAVEL TIME

Non-exempt employees will be considered as working during periods of travel time:

- Traveling to a client during the workday;
- Traveling to a meeting place to receive instructions or collect materials; and
- Travel time on a one-day out-of-town trip (except for meal times and travel between home and the transportation departure location).

32. PAY FOR MANDATORY MEETINGS / TRAINING / EVENTS

San Joaquin Valley College will pay non-exempt employees for their attendance at meetings, lectures, training programs and events under the following conditions:

- Attendance is mandatory; and
- The meeting, lecture, training or event is directly related to the employee's job; and
- The employee who is required to attend such meetings, lectures, training programs, or events will be notified of the necessity for such attendance by his or her supervisor.

The College has graduation ceremonies for its students on a regular basis. Non-exempt employees required to participate in the ceremony will be compensated at their regular rate of pay (and overtime if applicable). Those who attend to show support of our graduates and the goals of the College attend voluntarily and are not compensated for their time.

NOTE: If possible, the workday start and end times should be adjusted or a split-shift assigned to keep non-exempt employees require to attend the graduation ceremony at their regular number of hours.

33. OVERTIME

When the needs of the business are such that overtime is required, the employee should receive the prior approval of his/her supervisor, unless an emergency exists. All non-

exempt employees will be paid overtime in compliance with all wage and hour laws:

OVERTIME	RATE
Hours over 8 in a workday*	1.5 times regular rate of pay
Hours over 12 in a workday	2.0 times regular rate of pay
Hours over 40 in a workweek	1.5 times regular rate of pay
First 8 hours on 7 th day of work in workweek	1.5 times regular rate of pay
Hours over 8 on 7 th day of work in workweek	2.0 times regular rate of pay
Hours over scheduled hours in a workday for an alternative workweek schedule less than 12	1.5 time regular rate of pay
Hours over scheduled hours in a workday for an alternative workweek schedule more than 12	2.0 times regular rate of pay

*NOTE: Does not apply to alternative workweek schedules.

Overtime calculations are based on actual time worked. For example, if Monday is a holiday and an employee regularly scheduled to work Monday through Friday eight hours a day works eight hours on Saturday, those eight hours are paid at the regular rate of pay and not at time and a half.

It is important to reiterate that all non-exempt employees (both on-site and off-site) must receive prior approval from his/her supervisor prior to working overtime hours. An employee who continues to work overtime hours without prior approval will be subject to disciplinary action up to and including discharge.

34. MAKE UP TIME

A non-exempt employee has the opportunity to make up absence time, without earning overtime pay, under the following conditions:

- The employee submits a signed, written request to make up lost work time for each occasion (this form can be obtained from the Administrative Assistant);
- The employee makes up the lost work time after the absence has occurred and within the same workweek;
- The employee does not have vacation and/or personal time available;
- The supervisor and the Campus Director approves the requests; and
- The make up time does not cause the employee to work more than eleven hours in a workday, or forty hours in a workweek.

35. AIDS

The College recognizes that Human Immunodeficiency Virus (HIV) disease and its related conditions, including the Acquired Immune Deficiency Syndrome (AIDS) or HIV-seropositive test results, pose potentially important issues for its employees. We have established the following guidelines for handling workplace issues that may arise should an employee become affected by this disease or other life threatening illnesses.

1. The College is committed to maintaining a safe and healthy work environment for all employees.

2. Consistent with this commitment, the College will treat HIV disease the same as other illnesses in terms of our employee policies and benefits, such as group health and life insurance, disability leaves of absence, and other disability benefits.

The overwhelming preponderance of available medical and scientific opinion, including statements from the U.S. Public Health Service and Centers for Disease Control, shows that HIV is not casually transmitted in ordinary social or occupational settings. Therefore, subject to changes in available medical information, an employee with AIDS or any other HIV-related condition may continue to work, and the College will provide the individual with reasonable accommodation, as long as the employee is able to perform the duties of his or her position.

Harassment or other forms of discrimination against an HIV-infected employee will not be tolerated and should be reported immediately.

Health Studies Division instructors or other employees involved in the collection or handling of blood or other bodily fluids of students or others are required to use the universal precautions recommended by the Centers for Disease Control.

36. COMMUNICABLE DISEASES

The College recognizes that employees may be exposed to communicable diseases in the workplace or while traveling. Such illnesses include but are not limited to influenza, tuberculosis, and severe acute respiratory syndrome (SARS). Obviously, exposure to and the risks of these communicable diseases vary widely. In general, the College abides by the recommendations of the Centers for Disease Control and Prevention (CDC).

Travel Alerts and Advisories

Before traveling, employees should check the CDC website for travel alerts or advisories regarding the potential for exposure to various diseases. If the CDC issues a travel advisory for an area to which an employee is scheduled for business travel, the employee is to discuss with his or her supervisor whether to postpone or cancel the trip and use an alternative method of communication, such as teleconference or videoconference. Employees are expected to identify medical care resources when traveling to areas subject to travel alert or advisory.

Workplace Health and Safety Standards

Employees are expected to comply with all health and safety standards, especially when there is an outbreak of a communicable illness in the workplace or when they have one. For example, employees sick with the flu should remain at home to reduce exposing others at work. Employees are to wash their hands regularly and cover their mouths when sneezing or coughing. Employees are to report any areas of the workplace that need to be cleaned.

Reporting Communicable Illness

Employees diagnosed with a communicable sickness are expected to follow the instructions of healthcare providers and inform the company about their infection when directed to do so by their physician or public health officials.

The College will issue reports of communicable diseases as required by law to local health officials, workers' compensation carriers, and the like. Employees and managers should contact the Human Resources department if they believe that they or any other employee needs information about an illness or concern arises about the possible contagious nature of an employee's illness. Employees are expected to report information only as applicable law requires.

Confidentiality

An employee's medical condition is confidential, and information about an employee's health is to be provided only to those persons with a need to know.

Reports from Health Providers

The Campus Director, Director of Human Resources, and if appropriate, a consulting physician will determine if a statement should be obtained from the employee's treating healthcare provider that the employee's continued presence at work will pose no significant risk of substantial harm to the employee, co-workers or students.

Fitness for Duty

The College has the right to require an employee to undergo a medical examination to determine fitness for duty. When the company has reason to believe an employee has a communicable disease, the employee will be encouraged to take paid time off for a physical exam by a healthcare provider of his or her choice.

Accommodations

The College will accommodate employees with communicable illnesses consistent with the business needs of the company and applicable law. If the American with Disabilities Act or California Fair Employment and Housing act applies to a particular disease, the College will make reasonable accommodations for the employee.

Leaves of Absence

Employees with communicable diseases may have rights for leave under the College's medical leave policy or Family and Medical Leave Act or California Family Rights Act.

Workers' Compensation

If a communicable illness is work related, the employee must report it by completing a workers' compensation claim form in accordance with College policy.

37. ARBITRATION

The College requires its employees to agree to arbitrate any dispute, claim or controversy they may have against each other, including their current and former agents, owners, officers, directors, or employees, which arises from the employment relationship between the College and its employees or the termination thereof.

Claims covered by the Arbitration Agreement include, but are not limited to, claims of employment discrimination and harassment under Title VII of the Civil Rights Act, as amended, the California Fair Employment & Housing Act, the Age Discrimination in Employment Act, as amended, the Americans with Disabilities Act, 42 U.S.C. section 1981, the Employment Retirement Income Security Act, the California Labor Code,

breach of employment contract or the implied covenant of good faith and fair dealing, wrongful discharge, or conduct (whether intentional or negligent) including defamation, misrepresentation, fraud, infliction of emotional distress, but excluding claims for workers' compensation benefits to remedy work-related injury or illness. The College and its employees are to understand and agree that they are waiving their rights to bring such claims to court, including the right to a jury trial.

Employees are to refer to the San Joaquin Valley College Arbitration Agreement signed at time of adoption or hire for complete details on their rights and obligation under this agreement.

SECTION 6: LEAVE OF ABSENCE**1. FAMILY AND MEDICAL LEAVE**

College policy regarding employee leaves of absence combines the standards of the Federal Family and Medical Leave Act (FMLA), California Paid Family Leave (PFL), Americans with Disabilities Act (ADA), and for employees residing in California the California Family Rights Act (CFRA), the Worker's Compensation Act (WC), the Pregnancy Disability Leave (PDL), and Bone Marrow and Organ Donor Leave.

State and federal family and medical leave laws provide up to twelve [12] workweeks of unpaid family and medical leave within a 12-month period under the following conditions:

- The employee has more than twelve [12] months of service;
- The employee has worked at least 1,250 hours during the previous 12-month period before the need for leave; and
- The employee is employed at a work site where there are 50 or more employees within a 75-mile radius.

The only exception to this eligibility requirement is pregnancy disability leave, where there is no length of service eligibility standard.

Those employees who do not meet this eligibility requirement will be notified of their options and responsibilities at the time leave is requested.

An employee may take family leave for one or more of the following reasons:

Baby bonding: This includes birth of a child to an employee, or placement of a child with an employee in connection with the adoption or foster care of the child;

Family care: This includes care of a child, parent, spouse, or registered domestic partner who has a serious health condition (NOTE: An employee may use CFRA-only leave to care for a register domestic partner; therefore, this applies only to employees who reside in California)¹:

- **Child:** A biological, adopted, foster son or daughter; a stepson or stepdaughter; a legal ward; or a child of an employee who stand in loco parentis² to that child. A child must be either under 18 years of age or an adult dependent child.

¹ FMLA does not provide domestic partners with leave. In California registered domestic partners have the same legal rights as a spouse. Therefore, an eligible employee would be entitled up to 12 weeks of leave that is CFRA only to care for his/her domestic partner.

² Day-to-day care or financial support may establish an in loco parentis relationship. An employee does not need a legal or biological relationship to the child he/she provides day-to-day care or financial support. Examples include: 1) An aunt who cares for a young niece and nephew when their single parent has been called to active military duty, 2) A grandfather who assumes responsibility for his sick grandchild when his own child is debilitated, 3) An employee who intends to share parenting responsibilities with his or her same sex partner who wants leave to bond with their child, 4) etc. Contact Human Resources for further guidance.

- **Parent:** A biological, foster, or adoptive parent; a stepparent; a legal guardian; or other person who stood in loco parentis to the employee when the employee was a child. Parent does not include a parent-in-law; and
- **Spouse:** A partner in a legal marriage (does include persons who are legally married and do not live together).
- **Registered Domestic Partner:** A domestic partnership shall be established in California when both persons file a Declaration of Domestic Partnership with the Secretary of State and meet all requirements (Family Code, Section 297-297.5).

Medical leave: This means an employee's own serious health condition that makes the employee either unable to work at all, or unable to perform one or more essential functions of his/her job.

Employees who are absent because of illness for more than three consecutive workdays are required to provide medical documentation certifying their illness. In addition, these absences may be counted automatically against the employees' FMLA and/or CFRA and/or PDL entitlement, as provided under law.

Definition of a Serious Health Condition

A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves either:

- Inpatient care (for example, an overnight stay) in a hospital, hospice, or residential medical care facility; or
- Continuing treatment by, or under the supervision of, a health care provider.

A serious health condition involving continuing treatment by a health care provider includes any one or more the following:

- A period of incapacity (inability to work, attend school or perform other regular daily activities) of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:

Treatment two or more times by a health care provider, nurse/physician's assistance under orders of, or on referral by, a health care provider (NOTE: The two visits must occur within 30 days of the beginning of the period of incapacity and the first visit to the health care provider must take place within seven days of the first day of incapacity); or

Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider (NOTE: The first visit to the health care provider must take place within seven days of the first day of incapacity).

- Any period of incapacity due to pregnancy, or prenatal care;
- Any period of incapacity or treatment for such incapacity due to chronic serious health conditions requiring periodic visits (NOTE: The required "periodic visits" are defined as at least two to the health care provider per year) for treatment by a

health care provider or nurse/physician's assistant under direct supervision of a health care provider, which continues over an extended period of time (including re-occurring episodes of a single underlying condition); and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes or epilepsy);

- Any period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (for example, Alzheimer's, a severe stroke or the terminal stages of a disease); or
- Any period of absence to receive multiple treatments (and any recovery from the treatments) by a health care provider or under the direction of a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (for example, chemotherapy or radiation for a cancer patient).

NOTE: FMLA regulations specify that "treatment" does not include routine physical examinations, eye examinations, or dental examinations. For purposes of the FMLA, taking over-the-counter medications such as aspirin and antihistamines or using salves, bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider do not establish a regimen of "continuing treatment."

FMLA regulations specify that "serious health conditions" do not include cosmetic surgery, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches (other than migraine), routine dental or orthodontia problems, and periodontal disease, unless hospital care or complications develop.

Military Qualifying Exigency: An employee who is the spouse, son, daughter, or parent of an individual on active military duty (or has been notified of an impending call or order to active duty) qualifies for twelve (12) weeks of FMLA (when FMLA requirements are met) to manage their affairs while the member serving in the National Guard or Reserves is on active duty or called to active duty status in support of a contingency operation.

Qualifying Exigency includes:

1. Attending certain military events,
2. Arranging alternative childcare,
3. Addressing certain financial and legal arrangements,
4. Attending certain counseling sessions, and
5. Attending post-deployment reintegration briefings.

Situations arising out of a family member's military service not listed above may also constitute a qualifying exigency. Please contact Human Resources.

Military Caregiver: An employee who has a family member or next of kin serving in the military will be able to take up to twenty-six [26] workweeks of leave in a "single 12-month period" to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty. The twenty-six [26] workweek entitlement is a one-time entitlement with its own 12-month period. Additional leave for this purpose may be available for subsequent injuries or additional service members in the family.

Leave Request Procedure

Providing Notice: Employees should provide the College **with at least thirty [30] days advance notice before the leave is to begin.** If the need is not foreseeable, notice must be given as soon as practicable. Leave requests should be made in writing and include the reason(s) for the requested leave, the start date and anticipated duration of the leave.

Leave requests should be submitted to the Administrative Assistant who will forward them to the Human Resources Department, for review and processing. See below for medical certification requirements.

Whether or not the employee gives notice of the leave, the College will begin tracking the employee's leave for purposes of state and federal family and medical leave laws after the employee has missed work due to any of the conditions listed above. If the College has not received required medical documentation that would enable the College to make appropriate determination on whether or not the condition qualifies for Family and Medical leave, the employee will be placed on a "conditionally granted" FMLA/CFRA leave if he/she meets all other eligibility requirements. Furthermore, if the employee continues to fail to provide sufficient documentation, or it is determined the medical condition does not qualify for FMLA the leave will be denied and the employee may be subjected to disciplinary action up to and including termination for excessive absenteeism.

It is the responsibility of the employee to keep continuous open communication with his/her supervisor, Campus Administrative Assistant and/or Human Resources Department to ensure the College is fully aware of the employee's needs regarding the leave of absence.

Medical Certification: Employees who request a family and medical leave of absence because of their own or a family member's serious health condition must submit written medical certification from a health care provider to support the leave request.

Employees need to see the Campus Administrative Assistant (corporate employees need to see the Safety and Compliance Manager) for a "Family and Medical Leave Certification Form" for your physician to complete. The College will only accept this form to grant a FMLA/CFRA eligible leave of absence. It is the employee's responsibility to ensure the College receives the FMLA Certification Form after his/her treating physician has fully completed the form.

If the College deems the medical certification to be incomplete or insufficient, the College will specify in writing what information is lacking, and give the employee seven calendar days to provide complete and sufficient medical certification. Failure to provide complete and sufficient medical certification may result in denial of leave and disciplinary action up to and including discharge may occur.

Any fees charged by the employee's physician for medical documentation will be the responsibility of the employee.

Clarify or Authenticate Medical Certification: The employee's permission is not required for the employer's representative to contact the employee's health care provider in order to clarify or authenticate medical certification. The representative may be the employer's health care provider, human resources professional, leave administrator, or management official. It may not be the employee's direct supervisor.

Doctor's Release: All employees returning from a medical leave must provide a medical release of their fitness to return to work **prior to reporting for work**. This medical release must indicate the exact date the employee may return and address the employee's ability to perform the essential functions of the employee's job. If the employee is unable to conduct all the essential function of his/her job the treating physician must provide sufficient medical documentation and the College will need to access its ability to reasonably accommodate the employee prior to the employee's return to work.

Where reasonable job safety concerns exist, the College may require a fitness-for-duty certification before the employee may return to work when the employee takes intermittent leave.

The required "Authorization for Employee Return to Work Form" and job description will be enclosed in the notification letter to the employee. It is the responsibility of the employee to provide copies of this form and his/her job description to his/her treating physician to complete and assure that the College receives the completed form **prior** to his/her return to work.

Employees may be eligible to transfer to a less strenuous or hazardous position or job duties, if such a transfer is medically advisable and may be reasonably accommodated.

Leave Extensions: All employees requesting a leave extension should do so in writing, if possible, two weeks prior to the end of the scheduled leave, but no later than the end date of the scheduled leave. Documentation from your treating physician with exact or approximate dates must accompany any request for leave extensions. Leaves requiring an extension beyond the employee's FMLA/CFRA eligibility will be assessed for approval based on business necessity and/or eligibility under Americans with Disabilities Act (ADA), Pregnancy Disabilities Leave (PDL), or workers' compensation (WC). So the College may appropriately assess its ability to extend a leave beyond twelve [12] weeks, the employee is required to provide updated medical certification from his/her treating physician every thirty [30] days. The College cannot guarantee employment beyond FMLA/CFRA eligibility. The College cannot approve an indefinite length of time for a leave; therefore, the inability of the employee's treating physician to provide a definite length of time required for a leave of absence may result in termination of employment.

Failure to Comply with Leave Procedure: Failure to provide the required medical certification of the need for leave or extension of leave will result in denial of leave or continued leave and may subject the employee to disciplinary action for excessive absences up to and including discharge. Failure to provide an adequate doctor's release will result in an unpaid administrative leave of absence. Continued failure to provide required release will result in disciplinary action up to and including discharge for excessive absences and failure to abide by College policy.

Duration of Family and Medical Leave: Eligible employee will be entitled to a cumulative maximum of twelve weeks or sixty (60) days of family/medical leave within a rolling twelve-month period. Each time an employee takes family leave, the remaining leave entitlement in any balance of the 12 workweeks which has not been used during the immediately preceding 12 months will be applied. The exception to the rolling twelve-month period is when FMLA is used for Military Qualifying Exigency [MQE] or Military Caregiver [MC] leaves. For MQE or MC leaves the 12-month period begins on the first day of leave.

The following charts summarize the leave policies applicable for each leave reason:

Serious Health Condition of Employee

MAXIMUM LEAVE	APPLICABLE LEAVE
Weeks 1 – 12	FMLA and CFRA
Weeks 13+	ADA , if applicable

NOTE: If the employee is ineligible for FMLA/CFRA, non-FMLA/non-CFRA under ADA, if applicable, will begin week 1 (as a reasonable accommodation)

Serious Health Condition of Employee’s Spouse, Child or Parent

MAXIMUM LEAVE	APPLICABLE LEAVE
Weeks 1 – 12	FMLA and CFRA ¹

Disability Due to Pregnancy or Childbirth

MAXIMUM LEAVE	APPLICABLE LEAVE
Weeks 1 – 12	FMLA and PDL
Weeks 13 – 16	PDL
Weeks 17 – 28	CFRA (following childbirth) ²

Childbirth (without pregnancy disability)

MAXIMUM LEAVE	APPLICABLE LEAVE
Weeks 1 – 12	FMLA and CFRA

Work-Related Injury

MAXIMUM LEAVE	APPLICABLE LEAVE
Weeks 1 – 12	FMLA and CFRA
Weeks 13+	ADA and/or WC ³ , if applicable

¹ Parents who both work for the College are entitled to each take up to 12 weeks of leave in a twelve-month period to care for a child with a serious health condition.

² Parents who both work for the College are entitled to a combined total of 12 weeks leave in a twelve-month period for the birth, adoption or foster care placement of their child.

³ Employees on workers’ compensation leave of absence will be granted leave consistent with the College’s obligations under law. If the work-related injury or illness also meets the criteria of a serious health condition for medical leave purposes, the leave will be counted against family/medical leave entitlement.

Military Exigency

MAXIMUM LEAVE	APPLICABLE LEAVE
Weeks 1 – 12	FMLA only

Military Caregiver

MAXIMUM LEAVE	APPLICABLE LEAVE
Weeks 1 – 12	FMLA / CFRA
Weeks 13 – 26	FMLA only

Bone Marrow and Organ Donor

MAXIMUM LEAVE	APPLICABLE LEAVE
5 workdays	FMLA / Bone Marrow
30 workdays	FMLA / Organ Donor

Compensation during Leave/Coordination with Benefits

Generally, family and medical leave is unpaid. Refer to Bone Marrow and Organ Donor Leave for information on pay requirements for these specific leaves. Length of service credit will continue to accrue only during the paid portion of a family/medical leave. However, family/medical leave shall not constitute a break in service for purposes of longevity, seniority or any employee benefit plan. The chart on the next page summarizes College policy regarding benefits continuation and use of vacation, personal/sick time during family/medical leaves of absence:

LEAVE	ARE BENEFITS CONTINUED? ⁴	IS EMPLOYEE REQUIRED TO USE:	
		VT / PT	SICK DAYS
FMLA/CFRA [Employee]	YES	YES / YES	YES
FMLA/CFRA [Family Care]	YES	YES / YES	YES, but no more than 3 days w/in the employee's anniversary year
Non-FMLA ⁵	NO	YES / YES	YES
CFRA	YES	YES / YES	YES
PDL	YES	NO / YES	YES

Although benefits provided under this policy will only be extended for a cumulative maximum of twelve weeks of leave, additional benefits may be available under state worker's compensation law.

⁴ Does not include paid holidays unless the holiday falls within a workweek that the employee was not on leave the entire workweek or the holiday(s) occurs when the employee is not generally expected to report for work (i.e. Christmas break); does include that portion of medical benefits usually paid by the College for up to 12-weeks in combination of all leave types.

⁵ Employees who have not been employed by the College for twelve months or more and who have not worked at least 1,250 hours during the preceding twelve-month period will be placed on a non-FMLA leave. An employee's job is not protected during a non-FMLA leave. Extended time off from work on an unprotected leave of absence may be subjected to disciplinary action for excessive absences.

W/C ⁶	YES	NO / YES	YES
MILITARY	YES	NO/YES	N/A
FAMILY MILITARY ⁷	YES	NO/YES	N/A
MILITARY CAREGIVER / FMLA / CFRA ⁸	YES	NO/YES	YES, but no more than 3 days w/in the employee's anniversary year
MILITARY EXIGENCY ⁹ / FMLA only	YES	NO/YES	N/A
BONE MARROW AND *ORGAN DONOR	YES	YES, *up to two weeks only	YES
DOMESTIC VIOLENCE	YES	YES/YES	N/A
VICTIMS OF CRIME	YES	YES/YES	N/A
SCHOOL ACTIVITIES	YES	YES/YES	N/A
CIVIL SERVICE	YES	NO/YES	N/A
PERSONAL LEAVE	YES	YES/YES	N/A

It is important to refer to the policy and procedure for each type of leave before requesting a leave.

State Disability Insurance and California Paid Family Leave Benefits

California employees who take medical leave for their own serious health condition may qualify for State Disability Insurance (SDI) benefits. In addition, employees who take family leave to care for a seriously ill family member [parent, child, spouse or registered domestic partner] or for the birth or adoption of a new child may qualify for Paid Family Leave (PFL) benefits from the State of California for up to six weeks of limited compensation (wage replacement) after an unpaid, seven-day waiting period, within a 12-month period. This Paid Family Leave benefit is a component of the California State Disability Insurance (“SDI”) program and is administered by the State Employment Development Department’s (“EDD”) Disability Insurance Branch. It does not provide additional leave, job protection or reinstatement rights beyond those provided by the FMLA or CFRA. Once an employee has exhausted his or her six weeks of Paid Family Leave benefits (as well as any accrued vacation, and/or personal or sick leave), the remaining leave period of family/medical leave will be unpaid, as described above.

It is the responsibility of an employee on family or medical leave to apply for State Disability Insurance (SDI) benefits, workers’ compensation benefits, or Paid Family Leave (PFL), as applicable. For more information about SDI or PFL benefits, please see your Campus Administrative Assistant or Human Resources Department for brochures.

Please refer to Section 4: Benefits, number 23 “Vacation Time” for applicable use of vacation.

⁶ It is the responsibility of the employee to apply for worker’s compensation benefits, as applicable.

⁷ Family Military leave may run concurrently with Military Exigency leave.

⁸ Military Caregiver leave is 26-weeks of FMLA and 12-weeks of CFRA. FMLA and CFRA run concurrently.

⁹ Military Exigency is not covered under CFRA; therefore, CFRA leave is not exhausted when FMLA is used.

Affect on Group Insurance Benefits

The College will continue an eligible employee's group insurance benefits; health, dental, and vision for up to twelve weeks in a rolling year while on an approved FMLA/CFRA leave. If an employee is on a leave for longer than twelve weeks (in a rolling year), the employee's group insurances will be discontinued. The employee will be offered COBRA. COBRA is offered at 102% of the total cost of insurance.

Employees continue to be responsible for their insurance contributions during a leave of absence. Should the employee's vacation, personal and/or sick time become exhausted during the leave and the employee no longer receives compensation, the employee must begin making his/her contribution payments every two weeks. The payments are due on the regularly scheduled paycheck dates. Checks are made payable to "SJVC" and mailed to:

San Joaquin Valley College
Attn: Human Resources Department
801 S. Akers Street, Suite 150
Visalia, CA 93277

Non-Eligible Employees

Employees who have not been employed with the College for twelve consecutive months and have not worked 1,250 hours within those 12-months are not eligible for FMLA. Therefore, an employee who goes out on a non-FMLA leave will lose his/her insurance coverage during his/her leave and will be offered COBRA. Once the employee returns to work, his/her insurance benefits will be reinstated within the insurance companies' policies. This applies to PDL, as well, if the employee is not eligible for FMLA. For more information regarding reinstatement of insurance coverage you may contact the Human Resources Department.

Notification

The Human Resources Department will send out a leave of absence letter outlining your eligibility, rights and contribution payments if applicable. Also enclosed are forms that may require completion by the employee and/or the employee's treating physician and important information about state disability and/or paid family leave. This letter is mailed out "certified" or Federal Express [FedEx] / United Parcel Service [UPS] to your home address and/or post office box. If you miss delivery at your home address, it is your responsibility to follow the directions of your mail carrier or delivery service and/or have it picked up at the post office or delivery service location as soon as possible.

Affect on 401k Contributions and Participant Loans

An employee's contributions will be suspended during any portion of the leave the employee no longer receives compensation due to exhausting vacation, personal and/or sick time.

The employee continues to be responsible to make his/her Participant Loan payments every two weeks. Once the employee no longer receives compensation due to

exhausting vacation, personal and/or sick time, the employee must make loan payments every two weeks. The payments are due on the regularly schedule paycheck dates. Cashier's checks are made payable to "SJVC" and mailed to:

San Joaquin Valley College
Attn: Human Resources Department
801 S. Akers Street, Suite 150
Visalia, CA 93277

The College will make the payment to Nationwide on the employee's behalf as done when the employee is receiving a paycheck.

Return to Work

Employees returning to work from a worker's compensation or family/medical leave will be returned to the same position held prior to the leave or one that is equivalent in pay, benefits and the terms and conditions of employment. The only exception to this is if the job has ceased to exist or the College could not keep the job open and operate safely and/or efficiently. If the employee's prior or equivalent position is not available at the end of the leave, employment will be terminated.

Employees returning from a pregnancy disability leave will be returned to their same position unless that job has ceased to exist or the College could not keep the position open; in that event the College will seek to provide one that is equivalent in pay, benefits and the terms and conditions of employment.

Employees who are unable to return to work after taking the maximum of leave allowed may be terminated if consistent with applicable law. Such individuals will be eligible for rehire and are encouraged to apply for available positions.

2. BEREAVEMENT LEAVE

In the event of a death in an employee's immediate family, a full-time employee may be allowed a paid leave of up to five [5] consecutive working days immediately following the death. In the event the employee only requires time off for the funeral services the employee may wait to take a day of bereavement when the funeral is scheduled. Bereavement leave may not be taken intermittently. For the purposes of the benefit, immediate family includes: current spouse, registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son- or daughter-in-law. The Campus Director or member of the Board of Directors may approve additional unpaid time off if necessary.

All requests at the campus level must receive the approval of the Campus Director; at corporate, a member of the Board of Directors must give approval. In either case, the request should be made through an employee's immediate supervisor.

3. PERSONAL LEAVE

The purpose of a personal leave is to provide a means for the College to offer employees excused leave without pay when exceptional circumstances (such as

education, research, travel, family or other unusual personal needs) necessitate. A Personal Leave is required anytime an employee requests to be off from work more than ten (10) consecutive days including observed holidays that fall within a workweek that would result in the employee being off the entire workweek. For example: If an employee requested 02/12/10 – 02/19/10 with President's Day on 02/15/10 the time requested equals eleven (11) days and would require an approved Personal Leave. However, if the employee requested 02/16/10 – 02/22/10 this would only equal ten (10) days due to the requested time falling after the observed holiday and would not require a Personal Leave.

The College will consider requests for unpaid leaves of absence from employees who have at least one year of continuous service with the College. The length of the leave approved will be contingent upon the length of service of the employee and business necessity. The maximum length of a personal leave is six months. An employee will not be eligible for a personal leave of absence for twelve (12) months from his/her return date from the most recent leave of absence (including FMLA, CFRA, ADA, WC, PDL, Personal and any Military associated leaves of absence).

Requesting a Personal Leave

Requests for personal leaves of absence must be submitted to the employee's supervisor in writing by completing a Personal Leave Request form, specifying the reason and duration of the leave, at least three (3) months in advance. Short notice or emergency requests will be considered based on the specific circumstances of the request.

Under all circumstances, the Personal Leave Request form must be completed and signed by the employee and the supervisor, and then forwarded to the Campus Director for campus-level approval. The Campus Director will forward the request to the Human Resources Department who will coordinate approval of the leave with the Vice President of Administration. The employee will then be provided with a copy of the form and the original will be forwarded and maintained in the employee's personal leave file.

Considerations to be Made

The supervisor and Campus Director will consider the current level of department activity, the availability of replacements and/or coverage, along with the employee's job performance, attendance and the necessity of the request.

Reinstatement

Approval of the leave does not guarantee job reinstatement; however, the College will make an effort to reinstate the employee to the same or a comparable position if available. If no position is available, the employee's employment with *SJVC* will be terminated. Such individuals will be eligible for re-hire and are encouraged to apply for available positions.

Reinstatement after a leave is at the discretion of the College.

If the employee's position or a comparable position is available upon the expiration of the leave, and the employee does not return to work, the employee will be terminated as of the last day of the leave of absence.

Upon reinstatement, the employee's length of service and/or full-time employment will be adjusted to reflect actual time of service minus the period of time for the leave of absence.

Extension

Extension of a personal leave may be requested. However, business necessity will determine whether or not the extension is approved. The extension may not lengthen the personal leave beyond six months.

Effects on Benefits

- Non-exempt and exempt employees must apply his/her accrued vacation time to the leave.
- Non-exempt employees' personal time will be applied and paid during the leave. Exempt employees' sick leave will remain intact [sick days may not be applied toward a Personal Leave].
- Vacation and personal time accruals will cease during the leave.
- The employee will not be eligible for holiday pay for any observed holidays that fall within a workweek that results in the employee being off the entire workweek.
- The adjustment to the employee's length of service and/or full-time employment date may affect vacation accrual when the employee becomes eligible for the next level of vacation accrual.

Health insurance must be maintained if the employee wishes to have immediate coverage upon return to work without having to meet a 90-day waiting period or waiting for the next open enrollment (whichever comes first). During the first three-month period of the leave the College will maintain the employee's health insurance only if the contribution (the employee's portion of the premium) is paid in full by the employee (for the duration of the leave) **prior to the employee going on leave**. Thereafter, the employee will be offered COBRA at the mandated 102% of premium. If an employee returns within six months, they will resume their insurance coverage the first of the month following his/her return to work. For information on how a personal leave will affect all other insurance coverage (dental, vision, life, etc.) please contact the Benefits and Human Resources Manager at the corporate office.

During an approved personal leave, an employee participating in the 401(k) Profit Sharing Plan will not continue to contribute, but the previously credited income will not be affected. Employees are required to work 500 consecutive hours in the fiscal year in order to participate in the 401(k) Plan. Employees are required to work 1,000 consecutive hours in the fiscal year to be eligible for Profit Sharing.

4. MILITARY LEAVE

An unpaid leave will be granted to reservists who need temporary leave from their job to serve in the military.

Re-employment: To qualify for re-employment rights following military service, employees must meet the following five eligibility criteria:

- Left a civilian job;
- Gave notice that they were leaving to perform military service;
- Participated in a cumulative period of service of less than five years;
- Released from service under honorable or general conditions; and
- Reported back to work or applied for re-employment within time constraints prescribed by law.

The only exception to the notice requirement is military necessity (e.g. a classified recall) that precludes an employee from giving notice.

There is a set five-year cumulative limit on the amount of military leave employees can perform and still retain re-employment rights with a given employer. There are exceptions that allow employees to participate in military service beyond five years yet still retain their re-employment rights. Among those exceptions are: service due to national emergencies or war; service that requires the person, at no fault of his/her own, to remain on active duty beyond five years; employee is hospitalized for or is convalescing from an illness or injury incurred in, or aggravated during military service (limit may extend up to an additional two years); drills (inactive duty training); annual training; involuntary active duty extensions (including training certified as necessary by their service); and recalls due to a war or national emergency.

Health Benefits: For leaves up to six months, health insurance must be maintained if the employee wishes to have immediate coverage upon return to work without waiting for the next open enrollment. During the first three-month period, the contribution (the employee's portion) must be paid in advance. Thereafter, the employee will be offered COBRA at the mandated 102% of premium. Upon return from "active military duty" the employee's health insurance will resume effective on the employee's return date.

Vacation and Personal Time Accrual and Sick Leave: Vacation and personal time accrual will stop during the employee's military leave; however, appropriate increases to accrual rates will be made as if the employee was not on a military leave. The non-exempt and exempt employee's vacation time will not be applied to the leave unless the employee requests the College to do so in writing. The non-exempt employee's personal time will be applied and paid during the leave. An exempt employee's sick leave will remain intact [sick days may not be applied toward a Military Leave] and will be increased to five days on the employee's full-time anniversary date.

Seniority: The employee's length of service with *SJVC* will not be adjusted; meaning the employee's length of service will remain as though the employee had not been on a military leave.

FMLA: The College will count the period of time the employee is on military leave to qualify the employee for FMLA leave when returned to work.

5. FAMILY MILITARY LEAVE

The College will grant ten [10] days of unpaid leave for a “qualified” employee if the employee’s military spouse is on a leave from deployment in a combat zone with the active duty, reserve military or National Guard during a period of military conflict.

A qualified employee is one who works an average of twenty [20] or more hours per week. The qualified employee must be the spouse of a “qualified” member of the military.

Under Family Code section 297.5, the term spouse includes registered domestic partners. Accordingly, the College will provide a qualified employee with leave under A.B. 392 if he or she is a registered domestic partner of a qualified member of the military.

Military Conflict and Qualified Service Member Defined

The statute defines period of “military conflict” as either 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 active duty either by the Governor or the President of the United States.

A “qualified member” is defined as 1) a member of the Armed Forces of the United States (i.e. Army, Navy, Air Force, Marines, Coast Guard) 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; or 2) a member of the Armed Forces Reserve Components or the National Guard who has been deployed during a period of military conflict.

Leave Request Requirements

In order to take a Family Military Leave, a qualified employee must provide the College with notice of his or her intention to take leave within two business days of receiving official notice that the military spouse will be on leave from deployment. An employee must also submit written documentation to the College certifying that the military member will be on military leave from deployment during the time of the requested leave.

The non-exempt and exempt employee’s vacation time will not be applied to the leave unless the employee requests the College to do so in writing. The non-exempt employee’s personal time will be applied and paid during the leave. An exempt employee’s sick leave will remain intact [sick days may not be applied to a Family Military Leave].

Family Military Leave Provided by Other States

Family Military Leave requirements vary among those states that have adopted the leave. These family military leave statutes range from fifteen [15] to fifty [50] or more employees, the length of unpaid leave ranges from ten [10] to thirty [30] days, with and without advance notice requirements, depending on the size of the workforce.

California's Military Leave requirements are twenty-five [25] or more employees and ten [10] days with advance notice as mentioned above. The College will abide by each participating state's law regarding family military leave for those employees who reside outside of California.

6. DOMESTIC VIOLENCE LEAVE

Employees who are victims of domestic violence are eligible for unpaid leave. An employee may request leave if he/she is involved in a judicial action, such as obtaining restraining orders, or appearing in court to obtain relief to ensure his/her health, safety, or welfare, or that of his/her child.

The College requires the employee provide notice and certification of his/her need to take leave under this policy. Certification may be sufficiently provided by any of the following:

- A police report indicating that the employee was a victim of domestic violence;
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence advocate, health-care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.

San Joaquin Valley College will, to the extent allowed by law, maintain confidentiality of an employee requesting leave under this provision.

The length of unpaid leave an employee may take is limited to 12-weeks provided by the federal Family Medical Leave Act of 1993 for eligible employees.

7. VICTIMS OF A CRIME LEAVE

An employee who is a victim or has a family member who is a victim of a violent felony or serious felony may take time off from work under the following circumstances:

- The crime must be a violent or serious felony, as defined by law; and
- The employee must be a victim of a crime, or an immediate family member, registered domestic partner, or child of registered domestic partner is a victim.

An immediate family member is defined as: a spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father or stepfather. A registered domestic partner means a domestic partner who is registered in accordance with California state law.

The absence from work must be in order to attend judicial proceedings related to a crime listed above. Before an employee may take time off for such reason, the employee must

provide documentation of the scheduled proceeding. Such notice is typically given to the victim of the crime by a court or government agency setting the hearing, a district attorney or prosecuting attorney's office or a victim/witness office.

If advance notice is not possible, the employee must provide appropriate documentation within a reasonable time after the absence.

The employee is required to use any accrued vacation and/or personal time toward the absence to attend a judicial proceeding. If no vacation and/or personal time is available, the time is unpaid.

8. SCHOOL ACTIVITIES LEAVE

Employees are encouraged to participate in the school activities of their child(ren). The absence is subject to all of the following conditions:

- 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;
- The time off for school activity participation cannot exceed eight hours in any calendar month, or a total of forty hours each school year;
- Employees planning to take time off for school visitations must provide as much advance notice as possible to their supervisor;
- If both parents are employed by *San Joaquin Valley College*, the first employee to request such leave will receive time off. The other parent will receive the time off only if the leave is approved by his or her supervisor;
- Employees are required to apply any accrued vacation and/or personal time to the absence. If no vacation or personal time is available, the time is unpaid; and
- Employees must provide their supervisor with documentation from the child's school verifying that the employee attended a school activity on the day of the absence for that purpose.

Child Suspension from School

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should notify his or her supervisor as soon as possible before leaving work. In agreement with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

9. VOLUNTEER CIVIL SERVICE LEAVE

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer firefighter, peace officer, or emergency rescue personnel. These individuals are also eligible for unpaid leave for required training. Employees who are official volunteers are required to notify their supervisor that they may need to take time off for

emergency duty. When called to emergency duty, the employee is to notify his/her supervisor before leaving if possible, or as soon as possible.

10. BONE MARROW AND ORGAN DONOR LEAVE

The law requires private employers with fifteen [15] or more employees to permit employees who have exhausted all available sick leave be permitted to take a leave of absence with pay for the purpose of bone marrow and organ donation.

Employees who are donors for bone marrow or organ may take paid time off as follows:

Employees may take up to five [5] workdays of leave in any one-year period for the purpose of donating bone marrow to another person.

Employees may take up to thirty [30] workdays of leave in any one-year period for the purpose of donating an organ to another person.

San Joaquin Valley College, requires that employees taking leave for bone marrow donation use five [5] days of accrued, but unused sick or personal and/or vacation. *San Joaquin Valley College*, requires that employees taking leave for organ donation use two weeks of accrued but unused sick or personal and/or vacation. Once a Donor has exhausted the required paid sick or personal and/or vacation time, the employee will be paid for the remaining leave of absence, if additional leave is needed, up to the maximum allowed by law (as indicated above).

Employees who wish to take a leave of absence to donate bone marrow or an organ will be required to provide written verification of the need for leave, including confirmation that the employee is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

Leave taken for the purpose of bone marrow or organ donation is not leave for the purpose of family medical leave under state law, The California Family Rights Act [CFRA]. However, if the employee is eligible for family medical leave under federal law, Family and Medical Leave Act [FMLA] and works at an SJVC location with fifty [50] or more employees within a seventy-five [75] mile radius, leave will run concurrently with FMLA.

During the leave for bone marrow or organ donors, *San Joaquin Valley College*, will continue to provide and pay for any group health plan benefits the employee was enrolled in prior to the leave of absence.

This leave is not a break in service for the purpose of salary adjustments or sick or personal, and/or vacation accrual, or seniority.

Leave taken for the purpose of bone marrow or organ donation is not leave for the purpose of family medical leave under state law, The California Family Rights Act [CFRA]. However, if the employee is eligible for family medical leave under federal law,

Family and Medical Leave Act [FMLA] and works at an SJVC location with fifty [50] or more employees within a seventy-five [75] mile radius, leave will run concurrently with FMLA.

Employee returning from donor leave will be reinstated to the position held before the leave began, or a position with equivalent seniority status, benefits, pay and other terms and conditions of employment.

CONCLUSION

It is the intention of the College to clearly communicate policies and procedures. If you have questions regarding these policies and procedures, please do not hesitate to discuss them with your supervisor, the Campus Director, or contact the Human Resources Department.

The College holds the best interest of both its employees and business necessity to ensure that policies and procedures are written in a manner that is fair, and abides by state and federal laws.

Again, we would like to welcome you to the SJVC team, and we hope that your employment with the College is a growing experience that will mutually benefit you and the College.

Welcome aboard!

