



**JOHN PAUL  
THE GREAT**  
CATHOLIC UNIVERSITY

# Employee Handbook

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*Version 01.2020*

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## Message from the President

On November 2, 2000, while visiting Franciscan University in Steubenville, Ohio I saw something that would change my life. I saw a campus full of students on fire for the Lord. I had never seen that level of excitement about Jesus Christ by so many on a University campus. Later that evening, sitting in front of the Blessed Sacrament in the Portiuncula chapel, I felt the Lord tugging at me to build a University like this in San Diego.

I immediately gave the Lord my answer 'Impossible, a University is too big and too expensive.' During the Summer of 2003, having finished teaching a class looking at the start-up of entrepreneurial high-tech companies to graduate and under-graduate students at the University of California, San Diego (UCSD), I reflected on the passion of the UCSD students to go out and change the world by building successful technology based businesses. Reflecting back on my Steubenville visit 3 years earlier, I imagined the possibilities of combining (1) the spirituality of Franciscan University with (2) the entrepreneurial focus of UCSD and (3) applying it to the culturally influential and morally destructive field of media - particularly new media.

The Catholic influence on the media is near rock bottom but is enjoying a small but passionate resurgence in Hollywood. New media, which is evolving and maturing daily, is poised to radically change the landscape of the media industry. An orthodox Catholic University can be a critical centerpiece to the resurgence. San Diego is a hub for innovation in new media enabling technology and is geographically very close to the creative center of the industry in Los Angeles.

John Paul the Great Catholic University is a vocation. It is a calling from God to provide students the opportunity to encounter Jesus Christ and to develop a personal relationship with Him. Further, the University educates students to use the tools of Communications Media and Business, along with Theology, to impact our culture for Christ.

God has truly blessed John Paul the Great Catholic University (JPCatholic). Its Board of Trustees, faculty, staff, students, and alumni are a testament to the generosity of the Lord. As an employee and valued member of the JPCatholic community, you have the opportunity and responsibility to make a significant difference in the lives of our students and your fellow employees on a daily basis – as teachers, role-models, mentors and builders of community. You are the hands of the Lord and you are critical to the institution's success in both the formation and education of our students. You must view your employment at John Paul the Great Catholic University as a vocation and as a privilege to contribute to our **community of faith and scholarship**.

John Paul the Great Catholic University is a great place to serve. It is a group of people filled with love and driven by a shared commitment that values the good of the community over personal glory. They strive for excellence in everything they do. We are forming and educating women and men in a **community of faith and scholarship** on-par with the best in the world and we are making a difference. As a community, we transform our young people into value-centered, ethical individuals, who come to know and love Jesus Christ, and will go out and make a difference in the world.

On behalf of John Paul the Great Catholic University, thank you for all you have done and continue to do for our students and to advance our mission. With your support and commitment, **excellence is John Paul the Great Catholic University**.

Sincerely,

A handwritten signature in cursive script that reads "Derry Connolly". The signature is written in black ink and is positioned above the printed name.

Derry Connolly, Founder and President

## Vision, Mission, and Values

The vision of John Paul the Great Catholic University is to graduate innovative and determined students who know and love Jesus and will boldly proclaim His Gospel in culture-impacting fields.

The mission of the University is to impact culture for Christ by forming students as creators and innovators, leaders and entrepreneurs at the intersections of media, business and theology, guided by the teachings of Jesus Christ as preserved by His Catholic Church.

JPCatholic is built on three core values that define its fundamental beliefs:

### **1. To put into action in our lives the teachings of Jesus Christ, being faithful to his word.**

The Catholic commitment is organically embedded in a total, active and joyous life of faith. It aspires to dynamically develop the student's personal knowledge of and relationship with God through an ongoing and active prayer life, both personal and communal, and a thorough knowledge of scripture, thus leading to an active living of God's commandments.

### **2. To develop all students and staff spiritually, personally and intellectually.**

The student's vocation is intellectual development with the ultimate purpose of becoming a mature, productive, creative and responsible citizen. Recognizing that its greatest resources are its people, JPCatholic pledges to treat each person with dignity and respect. The university welcomes and respects all students, faculty and staff and appreciates diversity among its students with respect to age, intellectual talents, financial resources, creed and ethnic background.

### **3. To put into practice within the university what we teach, by being innovative with our curriculum development, pioneering in our educational niche, and entrepreneurial in defining our future.**

JPCatholic provides an education that emphasizes the integration of theory with practice, enhances the professional competence and ethical judgment of the student and has a particular focus on innovation and entrepreneurship. In its internal business processes and procedures, the university practices the very principles it teaches. JPCatholic recognizes the need to maintain leadership in its niche and will continue to be boldly entrepreneurial in maintaining its position as a leading teaching university.

## A Mandatum Institution

John Paul the Great Catholic University's identity reflects all the essential elements of the renewal of Catholic identity called for by Pope Saint John Paul II's 1990 apostolic constitution on higher education, *Ex Corde Ecclesiae* (On Catholic Universities), its 2000 Application to the United States, and canon law.

All employees, Catholic and non-Catholic, and the policies that they implement will be guided by the elements of these Church teachings. Below are listed some of the requirements the University has upon various key employees and groups in order to ensure that the University remains bound to the key elements of Catholic teaching.

**President:** *Canon 833:* The president of a Catholic university is personally bound to make a profession of faith in the presence of the diocesan bishop or a delegate at the beginning of the term of office.

**Board:** *U.S. Application:* "To the extent possible, the majority of the board of trustees should be Catholics committed to the Church."

**Faculty:** *U.S. Application:* "The university should strive to recruit and appoint Catholics as professors so that, to the extent possible, those committed to the witness of the faith will constitute a majority of the faculty."

**The Mandatum:** *Canon 812:* It is necessary that Catholic theologians have a mandatum from the diocesan bishop.

*Mandatum text:* “I hereby declare my role and responsibility as a teacher of a theological discipline within the full communion of the Church. As a teacher of a theological discipline, therefore, I am committed to teach authentic Catholic doctrine and to refrain from putting forth as Catholic teaching anything contrary to the Church’s magisterium.”

*Canon 833:* Catholic theologians are personally bound to make a profession of faith in the presence of the university president if he is a priest, or the diocesan bishop or a delegate, at the beginning of their term of office.

**Students:** Catholic students have a right to receive from a university instruction in authentic Catholic doctrine and practice, especially from theologians.

**Ministry:** *U.S. Application:* “Catholic students have a right to be provided with opportunities to practice the faith through participation in Mass, the sacraments, religious devotions and other authentic forms of Catholic spirituality.” The university “shall make provision for effective campus ministry programs, including the celebration of the sacraments, especially the Eucharist and penance, other liturgical celebrations, and opportunities for prayer and spiritual reflection.”

**Honorees:** *The U.S. Bishops’ 2004 Catholics in Political Life:* “Catholic institutions should not honor those who act in defiance of our fundamental moral principles. They should not be given awards, honors or platforms that would suggest support for their actions.”

**Groups:** *U.S. Application:* “It is important for Catholic universities to implement in practical terms their commitment to the essential elements of Catholic identity, including activities of officially recognized student and faculty organizations and associations.”

## **Statement on JPCatholic Handbook**

This handbook is designed to help employees get acquainted with John Paul the Great Catholic University, hereinafter referred to as “JPCatholic” or “the University”. The purpose of this handbook is to describe current personnel policies, procedures and expectations of all employees at JPCatholic. Employees are expected to read this handbook carefully, and to know and understand its contents.

The Board of Trustees maintains the discretion to interpret and apply the policies set forth in this and other handbooks and the decisions of the Board shall be final and binding on the faculty, staff and administration. Further, the Board of Trustees and the University reserves the right to change these and other policies and procedures at any time, and without notice. Copies of this handbook are available from Human Resources and from the JPCatholic website. Employees are responsible to periodically review the JPCatholic website for updates and changes.

Nothing contained in this, or other handbooks, is intended, nor should it be construed, to confer any right on an employee, or to impose any contractual or other obligation on the University. This handbook shall not be modified by any statements contained: in other handbooks, employment applications, University recruiting materials, University memorandums, or other materials provided to any employee in connection with their employment. Specifically, this handbook or other documents, in part or total, should not be construed in any fashion or manner to imply, directly or indirectly, an employment contract or guarantee of continued employment on the part of the employee and/or the University; nor does this handbook guarantee any fixed terms and conditions of one’s employment with the University. In addition, this handbook is not intended to cover all possible situations that may arise in your employment relationship with the University.

This handbook is the property of the University, and it is intended for the personal use and reference by employees of



the University.

## **Handbook Revisions**

The University reserves the right to make changes to this handbook and to any employment policy, practice, work rule, or benefit, at any time without prior notice. Employees' at-will employment can only be changed as stated in the separate Employment At Will Policy contained in this handbook. Any other change to this handbook or any employment policy, practice, work rule, or benefit is effective only if it is in writing and is signed or authorized by Human Resources . Except as otherwise provided in this handbook, no one has the authority to make any promise or commitment contrary to what is in this handbook.

This handbook replaces all previous handbooks and supersedes all prior inconsistent policies, practices, and procedures.

## **Handbook Acknowledgement**

Employees should sign an acknowledgement form in Zenefits. This will provide the University with a record that each employee has received this handbook.

## **Employment At-Will**

All employment at JPCatholic is at-will. This means that both employees and the University have the right to terminate employment at any time, with or without advance notice, and with or without cause. Employees also may be demoted or disciplined, and the terms of their employment may be altered at any time, with or without cause, at the discretion of the University. No one other than an officer of the University has the authority to alter this arrangement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this at-will status. Any such agreement must be in writing, must be signed by an officer of the University, and must express a clear and unambiguous intent to alter the at-will nature of the employment relationship.

## **Diversity**

### **I. Workplace Environment**

John Paul the Great Catholic University is a Catholic, academic community. All University employment policies, procedures and practices are administered in a manner consistent with our Catholic identity.

### **II. Diversity**

JPCatholic is committed to creating an atmosphere that values human diversity. JPCatholic's commitment to the development of the individual within a nurturing community provides our students with experiences, knowledge, and skills for a life of learning, leadership, and service.

University policies seek to protect all persons' right to live safely within our community and are established with charity. Students, faculty and staff come from all faiths, and the University has a mutual respect for diverse beliefs. All students, faculty and staff must adhere to all our policies or be subject to disciplinary action up to and including expulsion or termination.

Equal employment opportunities shall be afforded to all individuals with respect to compensation and privileges of employment, benefits, and separation, as well as all other terms and conditions of employment.

## **Equal Employment Opportunity Statement**

It is JPCatholic's policy to provide equal employment opportunity for all applicants and employees. JPCatholic does not unlawfully discriminate on the basis of race (including hair texture and protected hair styles), color, religion, gender, sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions),

national origin, ancestry, citizenship, age, physical or mental disability, legally protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military or veteran status, marital status, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages, requesting a reasonable accommodation on the basis of disability, or any other basis protected by local, state, or federal laws. When necessary, JPCatholic also makes reasonable accommodations for disabled employees and for pregnant employees who request an accommodation, with the advice of their health care providers, for pregnancy, childbirth, or related medical conditions.

JPCatholic prohibits sexual harassment and the harassment of any individual on any of the other bases listed above. For information about the types of conduct that constitute impermissible harassment and, JPCatholic's internal procedures for addressing complaints of harassment, the legal remedies available through and complaint procedures of the appropriate state and federal agencies and directions on how to contact these agencies, please refer to JPCatholic's Policy Against Harassment and Discrimination in this Handbook.

This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, disciplinary action, and social and recreational programs. It is the responsibility of every manager and employee to conscientiously follow this policy. Any employee having any questions regarding this policy should discuss them with Human Resources.

## **Catholic Identity and Human Sexuality**

This policy is intended to cover human sexuality issues at John Paul the Great Catholic University (JPCatholic), a Catholic academic community. All University policies, procedures and practices are grounded and administered in a manner consistent with our mission and our Catholic identity. University policies seek to protect all persons right to live safely within our community and are established with charity. Students, faculty and staff come from all faiths, and the University has a mutual respect for diverse beliefs. All students, faculty and staff must adhere to all our policies or be subject to disciplinary action up to and including expulsion or termination.

The JPCatholic mission is to impact culture for Christ guided by the teachings of Jesus Christ as preserved by His Catholic Church. Our Catholic identity has its basis in Sacred Scripture, sacred Tradition, and the Magisterium (teaching authority) of the Catholic Church. JPCatholic seeks to create a spiritually stimulating campus community where students have the opportunity to encounter Jesus Christ and learn his time-enduring spiritual, moral and social teachings – the Word of God. Catholic liturgy is at the center of life on campus, with the Mass being at the very core.

In accordance with the teachings of Jesus Christ as preserved by his Catholic Church, the JPCatholic community acknowledges God's call to love all persons in the context of God's revealed truth and is committed to being a community that values human dignity. In agreement with the *Catechism of the Catholic Church*, we affirm that "human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognized as having the rights of a person – among which is the inviolable right of every innocent being to life" (*Catechism of the Catholic Church* 2270). Those who have had an abortion, aided in an abortion or used contraceptive devices (*Catechism of the Catholic Church* 2370), all of which are grave offenses, are encouraged to obtain forgiveness and be reconciled with God and the Catholic Church through the Sacrament of Reconciliation which is readily available on and off-campus.

In accordance with the teachings of Jesus Christ as preserved by his Catholic Church, the JPCatholic community believes that God created all humans - male and female - in his image and likeness and with equal dignity, and that due to sin and human brokenness, the experience of our sex and gender is not always as God designed. In hope, we affirm God's capacity to heal and transform our brokenness. The JPCatholic policy on gender identity affirms that one's gender identity is based upon one's biological sex as defined by natural law, a naturally knowable and universally binding law of right and wrong, and holds firmly that any tension between one's biological sex and

experience of gender identity should not be resolved through medical intervention or adoption of dress or practices of the opposite biological sex. Gender confusion, although not a new experience, is a human confusion in need of God's healing. Any policy in opposition to and betraying our mission and the teachings of the Catholic Church would harm the JPCatholic community. When individuals have questions about their gender identity, they are encouraged to approach any Priest on campus or in local parishes.

In accordance with the teachings of Jesus Christ as preserved by His Catholic Church, the JPCatholic community believes that marriage is between one man and one woman for life. Chastity is required of all individuals not joined in a sacramental marriage between one man and one woman. When individuals have questions about their sexual orientation, they are encouraged to approach any Priest on campus or in local parishes.

All institutional decisions are made consistent with institutional policies, including this policy, and include student admissions and retention, housing, employment hiring and retention and all other matters.

At times, it may be necessary to remove a student, faculty or staff member from specific involvement in JPCatholic community temporarily or permanently. All students, faculty and staff must adhere to this policy on Human Sexuality or be subject to disciplinary action up to and including expulsion or termination.

## **Title IX Exemption**

JPCatholic is a Catholic educational institution that takes seriously anti-discrimination provisions under federal and state law and is committed to providing a learning and living environment that promotes student safety, personal integrity, civility and mutual respect.

In August of 2015, JPCatholic requested a religious exemption from certain provisions of Title IX, 34 C.F.R. Section 106.12. Federal regulations provide that provisions of Title IX do not apply to a Catholic university when application of Title IX would be inconsistent with Catholic tenets. Catholic universities are allowed to request an exemption from Title IX by identifying the provisions of Title IX that conflict with a specific tenet of the Catholic faith. JPCatholic requested all applicable exemptions.

In January of 2016, John Paul the Great Catholic University was granted an exemption from certain aspects of Title IX. This exemption comes from the U.S. Department of Education, Office for Civil Rights. JPCatholic is now exempt from the provisions of Title IX to the extent that they prohibit discrimination based on gender identity, sexual orientation, marital status, pregnancy and parental status. This exemption applies to students in the areas of admissions, housing, counseling, marital status and employment.

## **I. California Equity in Higher Education Act Exemption**

As a faith-based campus, JPCatholic is also exempted by the state from California from California Education Code 66270, to the extent the application of California Education Code 66270 is not consistent with Catholic tenets. This exemption may apply to, but is not limited to, requirements as expressed in University policies including admissions, counseling, marital status, student code of conduct, housing policies, mission statement and employment. We retain all rights afforded to us under federal law and the laws of the State of California.

## **Applicants and Employees with Disabilities**

JPCatholic is committed to providing equal employment opportunities for all qualified individuals with disabilities in accordance with the federal Americans with Disabilities Act and applicable State disability laws. In accordance with these laws, JPCatholic strictly forbids all forms of unlawful discrimination, harassment, or retaliation against qualified applicants or employees with disabilities, and for pregnant employees who so request for pregnancy, childbirth, or related medical conditions, and requires reasonable accommodation if necessary for such individuals to perform the essential functions of their jobs safely and efficiently without undue hardship to JPCatholic and without serious risk to the health and safety of others.

Applicants and employees who require accommodation of any disability should inform JPCatholic of their needs. JPCatholic may have no way of knowing whether an individual requires an accommodation unless he or she brings it to the attention of the University. JPCatholic will engage in an interactive conversation to determine if there is a reasonable accommodation that can be provided that will not cause the University undue hardship and will treat all such information as confidential to protect privacy rights under laws such as HIPAA, but some disclosure will be necessary to fulfill the purposes of this policy.

Employees who are made aware that an applicant or employee has a disability should presume that the information is confidential and discuss it only with upper management and Human Resources, unless the employee has disclosed or consented to further disclosure.

Discrimination, harassment, or retaliation against an individual because he or she is considered disabled or has been given accommodation for a disability is absolutely forbidden and grounds for immediate termination. Employees who believe they have been harassed in violation of this policy may file a complaint under JPCatholic's policy on Equal Employment Opportunity.

## Service and Assistance Animal Policy

### I. Service Animals

In accordance with the Americans with Disabilities Act (ADA), JPCatholic allows the use of service animals in its facilities. A service animal as defined by the ADA is a dog or miniature horse individually trained to:

- Direct people who are blind,
- Alert people who are deaf,
- Protect and alert people who struggle with seizures, or
- Perform other special tasks directly related to the person's disability

Other assistance animals, such as those that provide emotional support, are excluded from the ADA definition, and are treated separately as "reasonable accommodation requests" (see **Assistance Animals** below).

- A request for a service animal should be made to Human Resources and should include:
- Affirmation that the service animal is required due to disability (if not readily apparent),
- A description of the specific tasks or work the animal has been trained to perform (if not readily apparent), and
- Documentation that the service animal is in compliance with all required California State, San Diego County, and Escondido City requirements associated with licensing, vaccinations, and other health regulations.<sup>1</sup>

The employee is responsible for the health of the animal (with verification from a licensed veterinarian if necessary), as well as maintaining cleanliness at all times, including the sanitary disposal of animal wastes. The service animal is to be kept on a leash or harness all the time, unless this would substantially limit the service the animal provides, or the student or employee cannot use a leash or harness due to the disability.

A service animal must be removed immediately if it becomes aggressive, overly disruptive, or poses a serious health risk to others on campus. This can include excessive barking, growling, running around unleashed, and/or biting. The University may prohibit the use of service animals in certain locations because of health and safety restrictions.

The employee is responsible to make sure that any mess or damages caused by the service animal be taken care of.

<sup>1</sup> Service animals living in the residential apartments may be required to show yearly proof of good health from a licensed veterinarian.

Employees will be held responsible for any damages to university property caused by the service animal.

## **II. Assistance Animals**

Assistance animals are defined as animals utilized by individuals with disabilities for emotional support, well-being, or comfort. Because they are not individually trained to perform work or tasks, support animals are not service animals. Unlike a service animal, assistance animals do not assist with daily living tasks. Therefore, assistance animals generally stay only in residence: they do not accompany the individual with a disability at all times (i.e. assistance animals do not attend class, enter the library, or visit other residential apartments).<sup>2</sup>

Except as modified below, requests for an assistance animal are addressed as reasonable accommodation requests under the standard University policies and processes relating to the request and documentation of disability accommodations. If the disability and need for an assistance animal is not readily apparent, the student will be asked to submit reliable documentation of a disability and their disability-related need for an assistance animal. Requests for an assistance animal must also show that the animal is in compliance with all required California State, San Diego County, and Escondido City requirements associated with licensing, vaccinations, and other health regulations, and provide a yearly proof of good health from a licensed veterinarian.

Approved animals may not be left overnight in University Housing to be cared for by another student. Animals must be taken with the student if they leave campus for a prolonged period of time. Assistance animals must be contained within the privately assigned residential area (room, suite, apartment) at all times, except when transported outside the private residential area in an animal carrier or controlled by leash or harness.

The student is responsible for the health of the animal, as well as maintaining cleanliness at all times, including the sanitary disposal of animal wastes. The student is responsible to make sure that any mess or damages caused by the assistance animal be taken care of. Students will be held responsible for any damages to university property caused by the animal.

An assistance animal must be removed immediately if it becomes aggressive, overly disruptive, or poses a health concern to others that cannot be mitigated. This can include excessive barking, growling, running around unleashed and/or biting. In the residential context, the University will make a good faith effort to facilitate mitigation of certain health concerns from other students (e.g., allergies to pet dander) by matching the disabled student with fellow residential students who do not have animal-related health concerns. If such mitigation cannot be achieved, the animal must be removed.

## **Introductory Period**

JPCatholic attempts to hire the most-qualified employees for each position. To ensure this, JPCatholic provides for an introductory period of employment for the employee to assess JPCatholic and the job content, and for JPCatholic to evaluate the new employee and his or her job performance. All new employees must complete to JPCatholic's satisfaction a 120-day introductory period beginning with the date of initial employment. During the introductory period, an employee may be discharged by JPCatholic for any reason and without advance notice. Similarly, the employee may resign employment for any reason without advance notice during this period. A performance review may be conducted by the employee's supervisor before the introductory period is completed.

Employees accrue paid sick time from the first day of employment. At JPCatholic's discretion, an employee's introductory period may be extended one or more times. On successful completion of the introductory period, an employee will become a regular employee. Successful completion of the introductory period does not, however,

<sup>2</sup> For this reason, the policy on assistance animals is directed primarily at residential students; on the rare occasion that an employee requests an assistance animal, the same policy will apply. Requests from employees must be addressed through Human Resources.

guarantee employment for any specific duration or change the at-will status of regular employment.

## Immigration Law Compliance

JPCatholic is committed to employing only United States citizens and other individuals who are authorized to work in the United States. JPCatholic does not unlawfully discriminate on the basis of citizenship or national origin. Please refer to the **Diversity** policy in this manual for related information.

Under federal law, each new employee, as a condition of employment, must produce original documentation establishing their identity and right to work in the United States, and complete INS Form I-9, swearing that they have a right to work in the United States. New hires may establish their identity and right to work in the United States by (1) providing documentation that establishes both their identity and employment authorization ("List A" documents) or (2) providing documentation that separately establishes their identity ("List B" documents) and their employment authorization ("List C" documents). All documents must be unexpired. Documentation must be produced within three business days of hire, or on the first day of any employment that is less than three business days. Required documentation must be presented to the Human Resources Department, which will be responsible for processing the documents.

Any one of the following documents may be used to establish both identity and employment authorization ("List A" documents):

- 1) United States passport;
- 2) Permanent Resident Card (Form I-551); Alien Registration Receipt Card (I-551);
- 3) Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa;
- 4) An Employment Authorization Document that contains a photograph (Form I-766);
- 5) In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with (Form I-94 or Form I-94A) bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form; or
- 6) Passport from the Federated States of Micronesia or Republic of the Marshall Islands with Form I-94A indicating non-immigrant admission under the Compact of Free Association between the U.S. FSM or RMI.

If an applicant cannot produce one of the documents listed above, two documents are required: one to prove identity and another to prove employment authorization.

The following documents are acceptable as proof of identity, but not employment authorization ("List B" documents):

- 1) A driver's license or I.D. card issued by a state or outlying possession of the United States, provided it contains a photograph or identifying information such as name, date of birth, gender, height, eye color, and address;
- 2) I.D. card issued by federal, state, or local government agencies or entities provided it contains a photograph or identifying information such as name, date of birth, gender, height, eye color, and address;
- 3) School I.D. card with photograph;
- 4) Voter's registration card;
- 5) U.S. military card or draft record;
- 6) Military dependent's ID card;
- 7) Merchant Mariner Card issued by the United States Coast Guard;
- 8) Native American tribal document;
- 9) Canadian driver's license; or
- 10) Individuals under the age of 18 who are unable to produce any of the identification documents listed in (1)-(9) may present a: a) school record or report card, b) daycare or nursery school record, or c) clinic doctor or

hospital record only.

The following documents are acceptable to establish employment authorization, but not identity ("List C" documents):

- 1) A social security card, other than one that specifies on the face that the issuance of the card does not authorize employment in the U.S.;
- 2) A Certification of Birth Abroad issued by the Department of State (Form FS-545);
- 3) A Certification of Report of Birth issued by the Department of State (Form DS-1350);
- 4) An original or certified copy of a birth certificate issued by a state, county, municipal authority, or outlying territory of the United States, and bearing an official seal;
- 5) A Native American tribal document;
- 6) A United States Citizen Identification Card (INS Form I-197);
- 7) An Identification card for use of resident citizen in the United States (INS Form I-179); or
- 8) An employment authorization document issued by the Department of Homeland Security.

These documents will be retained at least three years after the date of hire or one year after an employee's employment terminates, whichever is later. Former employees who are rehired must also complete the form if they have not completed an I-9 form with JPCatholic within the last three (3) years or if their previous I-9 is no longer retained or is otherwise invalid. Employees or supervisors with questions, complaints, or seeking more information on immigration law issues are encouraged to contact the Human Resource Representative.

## **Employment of Minors**

The University does not hire minors. The exception to this is made for senior film projects. All minors working on senior film projects must have a valid work permit as well as a teacher on set at all times.

## **Nepotism, Employment of Relatives and Personal Relationships**

It is the policy of JPCatholic to recruit, hire and make all employment decisions on the basis of merit and ability to succeed in job performance. Nepotism is defined as an employee using his or her influence or power to aid or hinder another in the employment setting because of a personal relationship and is strictly prohibited.

A personal relationship is one based on blood, marriage, adoption, living situation or other close relationship such as dating. Personal relationships should be evaluated to ensure there is no adverse impact on the workplace using the following criteria.

1. Work product of the department
2. Fair and impartial supervision of all employees
3. Demonstrable adverse impact on the performance of employees in the department
4. Must show a legitimate, work-related basis for the prohibition against personal relationships

The fact that two persons have a personal relationship outside of work does not automatically mean that such a relationship is harmful to a proper working relationship on the job. This policy is intended to allow departments to evaluate each situation and determine if there is an adverse impact on the workforce.

JPCatholic reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct-reporting relationship or authority involved.

Employees with a concern about this policy should report these concerns to the Human Resources department.

## Employment Applications

The University relies upon the accuracy of information provided by an applicant in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentation, falsification, or material omission by an applicant in any of this information or data may result in revocation of any offer or immediate termination of employment, regardless of when it is discovered.

## Background Checks

To ensure that individuals who join JPCatholic are well qualified and to ensure that JPCatholic maintains a safe and productive work environment, it is our policy to conduct background checks on all staff and faculty, and some part time student worker groups (including Resident Advisors and student callers) who accept an offer of employment. Background checks may include verification of any information on the applicant's resume or application form.

Offers of employment are conditioned on receipt of a background check report that is acceptable to JPCatholic. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and state and federal privacy and antidiscrimination laws. Reports are kept confidential and are only viewed by individuals involved in the hiring process.

If information obtained in a background check would lead JPCatholic to deny employment, a copy of the report will be provided to the applicant, and the applicant will have the opportunity to dispute the report's accuracy. Background checks may include a criminal record check, although a criminal conviction does not automatically bar an applicant from employment.

Additional checks such as a driving record or credit report may be made on applicants for particular job categories if appropriate and job related.

## Policy Against Harassment and Discrimination

### I. Purpose of Policy

JPCatholic is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, JPCatholic expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment. It is the policy of JPCatholic to provide a workplace free of unlawful harassment and discrimination. This includes sexual harassment (which includes harassment based on pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions) and harassment based on gender, as well as harassment based on such factors as race (including hair texture and protective hair styles), color, religion, national origin, ancestry, citizenship, age, physical or mental disability, legally-protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages, requesting a reasonable accommodation on the basis of disability or bona fide religious belief or practice, or any other basis protected by federal, state, or local laws. JPCatholic does not discriminate on the basis of sex in the educational programs or activities it operates. JPCatholic does not discriminate on the basis of sex in admission to or employment in its educational programs or activities. The University strongly disapproves of and will not tolerate harassment of or discrimination against applicants, employees, unpaid interns, or volunteers by managers, supervisors, co-workers or third parties with whom employees come into contact. Similarly, the University will not tolerate harassment by its employees of non-employees with whom the University employees have a business, service, or professional relationship.

JPCatholic encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of



JPCatholic to promptly and thoroughly investigate such reports. JPCatholic prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports.

## **A. Individuals and Conduct Covered**

These policies apply to all applicants, employees, and, unpaid interns, or volunteers whether related to conduct engaged in by fellow employees or someone not directly connected to JPCatholic (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

## **II. Harassment Definitions**

### **A. Harassment**

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written, visual or physical conduct that that creates an intimidating, offensive, or hostile working environment or that interferes with an employee's work performance. Such conduct constitutes harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassing conduct can take many forms and may include, but is not limited to, the following (when based upon an employee's protected status as noted above) epithets, slurs, statements, gestures, or negative stereotyping; threatening, assault, leering, stalking, staring, impeding or blocking another's movement or otherwise physically interfering with normal work, violating someone's "personal space," or other intimidating or hostile acts; denigrating jokes foul or obscene language; pictures, drawings, or cartoons, unwanted or offensive letters or poems and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on University time or using University equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites or other means.

### **B. Sexual Harassment**

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire to be violative of this policy.

### **C. Title IX and Sex Discrimination**

Title IX is a law, passed under the Education Amendments of 1972, which protects people from discrimination based on sex in education programs and activities that receive federal financial assistance.

It covers sex discrimination by employees, students or third parties.

Sex discrimination includes the following:

- Unfavorable or unequal treatment because of a person's sex (or related concern, such as pregnancy)
- Sexual harassment
- Sexual violence, including assault or other forms of nonconsensual sexual conduct including where a person

is incapable of giving consent due to the complainant's use of drugs or alcohol or other disability (physical or intellectual)

- Relationship, dating, or domestic violence
- Stalking (if relationship-based)

JPCatholic prohibits all forms of sex discrimination and stalking. JPCatholic is required to designate at least one employee who is responsible for coordinating the school's compliance with Title IX—the Title IX Coordinator. This person is: Anna Velasco, Vice President of Human Resources, [avelasco@jpcatholic.edu](mailto:avelasco@jpcatholic.edu). Her office is located in 220 West Grand Ave., Escondido, CA 92025. Her phone number is (858) 653-6740, ext. 1508.

OR

You may contact the U.S. Department of Education Office for Civil Rights directly at:  
403 Maryland Ave., SW Washington, D.C. 20202-1100; (202) 245-6800 1-800-421-3481 FAX: (202) 245-6840 TDD: (877) 521-2172 Email: [ocr@ed.gov](mailto:ocr@ed.gov) Web: <http://www.ed.gov/ocr>

#### **D. Other Inappropriate Conduct**

Conduct that does not constitute prohibited discrimination or harassment under the law or under any of the University's policies still may be inappropriate for the University environment or workplace. Even if the University determines an individual's behavior does not rise to the level of prohibited discrimination or harassment under this policy, the University may impose appropriate disciplinary action, up to and including separation of service.

As a general rule, disciplinary action will be imposed under this paragraph if the University believes the behavior or conduct was inappropriate, unprofessional, objectionable, inconsistent with reasonable rules of conduct, inconsistent with the spirit of the University's harassment-free and discrimination-free philosophy or policy, or is not in the best interest of the University or its students.

### **III. Reporting a Complaint**

It is an essential responsibility of every employee to bring discrimination or harassment problems to the attention of University administration in a prompt manner. Any person(s) who feels he/she has been a victim of, has witnessed, or otherwise become aware of discrimination or harassment prohibited by this policy is encouraged to report the matter immediately. A written complaint is preferred. Employee concerns should be reported to a supervisor, administrator, or Human Resource personnel. An employee is not required to complain to a supervisor, administrator or Human Resources representative if that person is the individual who is harassing the employee but may instead report the harassment to any other member of management.

Complainants of sexual assault, domestic violence, dating violence, or stalking may contact the Title IX Coordinator to report a complaint. Complainants of any type of discrimination have the option to notify local law enforcement authorities or may decline to notify such authorities. Campus authorities, including the Title IX Coordinator, can assist complainants in notifying law enforcement authorities if the complainant so chooses. Even if the complainant does not want to notify law enforcement of the incident immediately or to press charges, it is important to preserve evidence such as clothing that may assist in proving the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

Victims of discrimination may contact the U.S. Department of Education Office for Civil Rights directly at:  
403 Maryland Ave., SW Washington, D.C. 20202-1100; (202) 245-6800 1-800-421-3481 FAX: (202) 245-6840 TDD: (877) 521-2172 Email: [ocr@ed.gov](mailto:ocr@ed.gov) Web: <http://www.ed.gov/ocr>

#### **A. What is your obligation as faculty/staff if you know about sex discrimination at JPCatholic?**

Your obligation to report instances of sex discrimination is governed by several federal laws, including Title IX, Title

VII, and the Clery Act. At JPCatholic, staff and faculty are required to report all incidents of sex discrimination, including the behaviors listed above, to the Title IX Coordinator within 24 hours of becoming aware of the incident. Counselors, health care providers and clergy are exempt from mandatory reporting. A reporter may initially be able to omit personally identifiable information (the name of the victim, the name of the accused individual, and other identifying details about witnesses, location, etc.). The Title IX Coordinator will then guide the reporter with regard to how much detail is needed. It is recommended that when someone starts to make a disclosure, staff and faculty should clarify what that he or she is required to do with the information that is shared.

## **B. Complainant Services, Accommodations, and Case Management**

For claims of discrimination, procedures for case management include keeping the complainant informed of the status of any disciplinary proceedings and any appeal and help with academic difficulties that may arise due to the discrimination. Case management will be provided by the Title IX Coordinator (or designee) in cases of sex discrimination and the Human Resources Representative (or designee) in all other cases. Accommodations or protective measures are provided if the complainant requests them and if they are reasonably available, regardless of whether the complainant chooses to report the crime to campus security or local law enforcement. Interim or protective measures may include moving office location, changing to a different supervisor, or issuing a no-contact letter. Accommodations can include a no contact rule between parties, access to counseling, escort between classes and tutoring.

All students and employees have the right to file a criminal complaint with local law enforcement in addition to notifying JPCatholic.

The Title IX Coordinator will cooperate with others to provide effective protection of health and safety for the complainant, assure strict confidentiality, initiate interim sanctions if appropriate, and maintain records.

In the case of alleged dating violence, domestic violence, sexual assault, or stalking, JPCatholic will provide written notification to complainants regarding:

- The preservation of evidence to assist to prove the alleged criminal offense or obtaining a protective order
- How and to whom an alleged offense is to be reported
- Options for the involvement of law enforcement and campus authorities
- The victim's rights or institution's responsibilities for orders of protection
- Explanation of procedures for institutional disciplinary actions
- Services available to victims (counseling, health, mental health, victim advocacy, legal assistance, visa and immigration services, etc.)
- Options for, and available assistance in, changing academic, living, transportation, and working situations, regardless of whether the victim reports the crime to campus police or law enforcement
- Explanation of rights and options

JPCatholic will provide confidential counseling to staff members who are victims of sexual assault. In addition, the Title IX Coordinator can provide information and assistance regarding other off-campus resources for sexual assault victims, such as judicial no-contact, restraining, and protective orders.

JPCatholic will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. The Title IX coordinator will complete publicly available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim.

## **C. Resources for Complainants of Sexual Harassment or Sexual violence**

Initially, make sure you get to a place where you feel safe. Call somebody you trust. There is a National Sexual Assault hotline at (800) 656-HOPE; your call is anonymous and confidential. Seek medical attention as soon as possible if you

have any injuries.

### **1. Confidential Resources**

To meet with a priest on campus, contact Austin Schneider, Director of Campus Ministry at [aschneider@jpcatholic.edu](mailto:aschneider@jpcatholic.edu) or Nicol Sperling, Assistant Director of Campus Ministry at [nsperling@jpcatholic.edu](mailto:nsperling@jpcatholic.edu). Details can be found at <https://jpcatholic.edu/studentlife/spiritual-life/spiritual-direction.php>

To meet with a professional counselor on campus, contact Stephen Cunningham, Retention Specialist at [scunningham@jpcatholic.edu](mailto:scunningham@jpcatholic.edu)

To meet with a local resource center, contact Women's Resource Center on their crisis number (760) 757-3500.

### **2. Nonconfidential resources**

File a criminal complaint with the Escondido Police located at 1163 Centre City Parkway, Escondido, CA 92026. Crisis number is 911; non-emergency number is (760) 839-4722

File a complaint with the Title IX Coordinator, Anna Velasco at [avelasco@jpcatholic.edu](mailto:avelasco@jpcatholic.edu), (858) 653-6740. Her office is located at 220 West Grand, Escondido, CA 92025.

## **IV. Investigating Harassing Conduct and Disciplinary or Grievance Process**

Every reported complaint of harassment will be investigated thoroughly and promptly by impartial and qualified personnel. Typically, the investigation will include the following steps: an interview of the employee who lodged the harassment complaint to obtain complete details regarding the alleged harassment; interviews of anyone who is alleged to have committed the acts of harassment to respond to the claims; and interview of any employees who may have witnessed, or who may have knowledge of, the alleged harassment. The Human Resources Representative, or other University official responsible for the investigation, will notify the employee who lodged the harassment complaint of progress during the investigation, including documentation where applicable, and timely notification of the results of the investigation. The investigation will be handled in as confidential a manner as possible consistent with a fair, timely, and thorough investigation in a manner that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.

Complaints of sexual misconduct by a staff member against another staff member or by a staff member against a student or faculty member are governed by Title IX and are, therefore, investigated by the Title IX Coordinator. A full investigation including any disciplinary plan of action should be concluded in 60 days. The adjudication of sexual misconduct cases shall follow the process outlined in Disciplinary Action or Faculty Grievance procedure, unless otherwise outlined below. The primary concern is student and employee safety. Complaints can be made in writing or verbally to the Title IX Coordinator, Anna Velasco. Her phone number is (858) 653-6740. She is located at 220 West Grand Ave., Escondido, CA 92025. Her email is [avelasco@jpcatholic.edu](mailto:avelasco@jpcatholic.edu).

The Title IX Coordinator will investigate a complaint of sexual misconduct within 14 days of receiving the complaint. The degree to which a complainant of sexual misconduct participates in the investigation and subsequent hearing will be up to the complainant to decide; however, when a complainant does not wish to be a part of the investigation, wishes to remain anonymous, or refuses to provide information to the Title IX Coordinator, the Title IX Coordinator may be prevented from doing a full investigation. The Title IX Coordinator will compile all evidence, including the testimony of various witnesses, into a report. The report will not contain findings of fact as to whether a violation of the sexual misconduct policy actually occurred; however, the Title IX Coordinator will decide whether there is sufficient evidence of sexual misconduct such that the complaint needs to go forward for a hearing by the either University Disciplinary Board or Grievance Hearing Committee, as appropriate. The standard used is a preponderance of the evidence – is it more likely than not that sexual harassment or violence occurred. If the Title IX Coordinator does not find there is sufficient evidence to proceed with the hearing, the complainant may still request a hearing before the University Disciplinary Board or Grievance Hearing Committee. The complainant's refusal to be present or

participate in the hearing will not prevent the hearing from proceeding as long as there is other evidence of the sexual misconduct.

During a hearing both sides may have character witnesses. The parties will not be allowed to personally question or cross-examine each other. Questions can be submitted by the complainant or respondent in advance to be addressed during the hearing.

The Title IX Coordinator may be called as a witness and may present evidence found during the course of the investigation, including the testimony of individuals interviewed during the investigation. Because the University Disciplinary Board is the finder of fact, the Title IX Coordinator will not be asked whether the respondent acted in violation of this policy, but the Title IX Coordinator may comment on inconsistencies found during the investigation and on the credibility of witnesses interviewed.

In cases involving sexual misconduct that are resolved through the Disciplinary Board process, within 24 hours of a decision from the Disciplinary Board, the Chairman of the Board will concurrently provide written notification of the decision and the process of appeal to the accused student, the complainant, and the Title IX Coordinator. If the case is heard on appeal, the President will provide his decision to both the accused staff member and complainant concurrently and in writing.

Once a determination that sexual harassment or sexual violence has created a hostile environment, JPCatholic will take immediate action to eliminate the hostile environment, prevent its recurrence and address its effects.

## **V. Corrective Action**

It is strictly against JPCatholic policy to retaliate against anyone who reports or assists in making a good faith complaint of prohibited harassment or discrimination and/or who cooperates in any harassment or discrimination investigation. Prohibited retaliation may include, but is not limited to, withholding pay increases, poor evaluations, onerous work assignments, demotion, discipline or dismissal. Irrespective of whether there is merit to the initial complaint of harassment or discrimination, retaliation is viewed as a major offense and the University will take appropriate corrective action. Corrective action may include, for example: training, referral to counseling, or disciplinary action ranging from a verbal or written warning to termination of employment, depending on the circumstances. With regard to acts of harassment by customers or vendors, corrective action will be taken after consultation with the appropriate management personnel. Employees will not experience retaliation as a result of lodging a complaint or participating in any workplace investigation.

## **VI. Anti-Harassment Training**

Every University employee is required to undergo Sexual Harassment Prevention training within his/her first three (3) months of employment and at least once every two (2) years thereafter. In addition, all employees hired as or promoted to a supervisory or management position must undergo at least two (2) hours of interactive sexual harassment prevention training within the first six (6) months of assuming a new supervisory or management position. Additionally, all supervisors and managers must complete at least two (2) hours of interactive sexual harassment prevention training at least once every two (2) years thereafter. An employee who fails to comply with this section may be subject to disciplinary action, up to and including termination of employment.

## **Non-Fraternization**

In order to promote the efficient operation of the University's business and to avoid misunderstandings; complaints of favoritism; other problems of supervision, security and morale; and possible claims of sexual harassment, managers and supervisors are forbidden from dating or pursuing romantic or sexual relationships with employees whom they supervise, directly or indirectly. Employees who violate this guideline will be subject to discipline, up to and including termination of employment.

## Conflicts of Interest

Employees must avoid any relationship or activity that might impair, or even appear to impair, their ability to make objective and fair decisions when performing their jobs. At times, an employee may be faced with situations in which business actions taken on behalf of JPCatholic may conflict with the employee's own personal interests. University property, information or business opportunities may not be used for personal gain.

Conflicts of interest could arise in the following circumstances:

- 1) Being employed by, or acting as a consultant to, a competitor or potential competitor, supplier or contractor, regardless of the nature of the employment, while employed with JPCatholic.
- 2) Hiring or supervising family members or closely related persons.
- 3) Serving as a board member for an outside commercial University or organization.
- 4) Owning or having a substantial interest in a competitor, supplier or contractor.
- 5) Accepting gifts, discounts, favors or services from a potential student, customer/potential customer, competitor or supplier, unless equally available to all University employees.

Employees with a conflict-of-interest question should seek advice from management. Before engaging in any activity, transaction or relationship that might give rise to a conflict of interest, employees must seek review from their manager or the Human Resource Representative.

## I. Outside Employment

JPCatholic respects the right of each employee to seek outside employment. However, employees must continue to meet the performance standards of their job with JPCatholic. All employees will be judged by the performance standards for their positions and will be subject to JPCatholic scheduling demands, regardless of any existing outside work requirements. In times of scheduling conflicts your position with JPCatholic carries primary consideration.

If an employee's outside work interferes with job performance or the ability to meet the essential functions and requirements of one's job at the University, the employee may be asked to terminate the outside employment if he or she wishes to remain employed with JPCatholic.

Outside employment that constitutes a conflict of interest is absolutely prohibited. Employees may not receive any income or material gain from individuals, entities, or business enterprises outside JPCatholic for materials produced or services rendered while performing one's job duties for the University.

## Open Door Policy

The University has a specific procedure detailed in the separate Policy Against Harassment and Discrimination that should be used to report concerns or complaints related to possible sexual harassment, or other forms of harassment, discrimination, or retaliation based on a protected category. Separately, the University has an Open Door Policy that encourages employees to participate in decisions affecting them and their daily professional responsibilities. Employees who have job-related concerns or complaints are encouraged to discuss them with their supervisor or any other management representative with whom they feel comfortable. The University believes that employee concerns are best addressed through this type of informal and open communication.

Employees are encouraged to raise work-related concerns with their immediate supervisor, or with a supervisor or other management representative of their choice, as soon as possible after the events that cause the concern. Employees are further encouraged to pursue discussion of their work-related concerns until the matter is fully resolved. Although the University cannot guarantee that in each instance the employee will be satisfied with the result, the University will attempt in each instance to explain the result to the employee if the employee is not satisfied. The University will also attempt to keep all such expressions of concern, the results of any investigation, and the terms of the resolution confidential. In the course of investigating and resolving the matter, however, some dissemination of information to others may be necessary or appropriate. No employee will be disciplined or

otherwise penalized for raising a good-faith concern.

Employees who conclude that work-related concerns should be brought to the attention of the University by written complaint and formal investigation may avail themselves of the “Complaint Procedures” set forth in this Handbook/Manual.

## **Complaint Procedures**

### **I. Complaint Procedures for Employment Matters**

JPCatholic is committed to treating all employees with respect and fairness and every employee is responsible for respecting the rights of their co-workers. Because of that commitment and responsibility, each employee has the right and is encouraged to express concerns regarding any employment matter.

If any employee feels that he or she has experienced or witnessed unfair or unlawful treatment, job-related harassment, discrimination, retaliation, or any other suspected violation of University policies the incident(s) should be immediately reported to your direct supervisor or department chair. If you feel it would be inappropriate to discuss the incident with your direct supervisor or department chair, the incident(s) can be directly reported to any of the following: Supervisor, Officers of the University: Chief Financial Officer, President, Human Resources Representative or the Chair of the Board of Trustees. This may be done in person, or via telephone, e-mail or regular mail.

The individual to whom you make the report will ensure that the matter is promptly investigated, and appropriate actions and corrective measures are taken in accordance with applicable University disciplinary options. Your complaint will be kept confidential to the maximum extent possible. You have a duty to promptly report improper conduct to allow the University to conduct a timely investigation and take appropriate corrective action.

All employees have a duty and are expected to cooperate in any resulting investigations. The University is committed to ensuring that individuals making good faith allegations and those participating in such investigations will not be subjected to retaliation.

### **II. Complaint Procedures for Financial and Audit Matters**

Any employee of the University may submit a good faith complaint or concern regarding financial, accounting, or auditing matters to the Chief Financial Officer and/or President of the University without fear of retaliation. The University is committed to achieving compliance with all applicable financial and accounting standards, accounting controls and audit practices. The Finance and Audit Committee of the University’s Board of Trustees will oversee treatment of any employee complaint or concern in this area.

In order to facilitate the reporting of employee complaints and concerns, the following procedures are established for the receipt, retention and treatment of complaints and concerns regarding accounting, internal accounting controls, or audit matters and the confidential treatment of such complaints and concerns submitted by employees.

Employees with complaints and concerns regarding Financial and Audit Matters may submit a confidential report to the Chief Financial Officer and/or President of the University in person or via telephone, e-mail, or regular mail. Employees with complaints and concerns regarding Financial and Audit Matters implicating the Chief Financial Officer or the President of the University may submit a confidential report directly to the chair of the Finance and Audit Committee of the University’s Board of Trustees or the Human Resources Representative via telephone, e-mail or regular mail.

The University will not discharge, demote, suspend, threaten, harass or take any other adverse employment action against any employees in retaliation for the employee’s good faith reporting of complaints and concerns regarding Financial and Audit Matters.

## **IV. Scope of Financial and Audit Matters Covered by These Procedures**

These procedures relate to employee complaints and concerns relating to any questionable Financial and Audit Matters, including, without limitation, the following:

- Fraud or deliberate error in the preparation, evaluation, review or audit of any financial statements of the University;
- Fraud or deliberate error in the accounting and maintaining of financial records of the University;
- Deficiencies in or noncompliance with the University's internal accounting controls;
- Misrepresentation or false statements to or by a senior administrator regarding a matter contained in the financial records, financial reports or audit reports of the University;
- Deviation from full and fair reporting of the University's financial condition;
- Improper financial transactions, including kickbacks or financial conflicts of interests;
- Violations of generally accepted financial aid practices as sanctioned by the Department of Education;
- Employee theft or misuse of University property or assets.

## **V. Resolution of Financial and Audit Matters Complaints**

Upon receipt of a complaint or concern, the Chief Financial Officer and/or President will determine whether the complaint or concern actually pertains to Financial and Audit Matters and when possible, acknowledge receipt of the complaint or concern to the sender.

Complaints or concerns relating to Financial and Audit matters, will be reviewed by the Chief Financial Officer, President, Human Resources Representative and the Finance and Audit Committees of the University's Board of Trustees (or such other persons as the Finance and Audit Committees determine to be appropriate). Confidentiality will be maintained to the fullest extent possible, consistent with the need to conduct an adequate review.

Prompt and appropriate corrective action will be taken when and as warranted in the judgment of the Chief Financial Officer and/or the President, with input from the Finance and Audit Committee members.

The Chief Financial Officer or his/her designee will maintain a log of all complaints and concerns, tracking their receipt, investigation, and resolution and shall prepare periodic summary reports thereof for the Finance and Audit Committees.

## **VI. Internal Investigations**

JPCatholic is committed to providing a working environment for all employees that is safe and in compliance with University policies and procedures. JPCatholic is committed to an atmosphere of mutual trust and respect for privacy; however, from time to time the University may be required to conduct internal investigations pertaining to security, auditing, accounting or financial matters, work-related matters, or retrieval of University property.

Therefore, the University reserves the right, at its discretion, to conduct searches of University premises and equipment including, but not limited to: employee work areas, personal belongings, desks, lockers, containers, parcels, packages, unattended articles on University property, and personal vehicles located on University premises at any time when there is a reasonable suspicion of a violation of University policy or applicable law and/or regulation. Audio recordings and video surveillance may be used in conjunction with the enforcement of this policy.

An effort will be made to conduct the search in as unobtrusive manner as possible and in a nondiscriminatory manner. Employees have a duty to cooperate and assist with the investigation if requested to do so. Any employee who fails to fully cooperate with such a search will be subject to disciplinary action, up to and including separation of service.



# Performance and Salary Review

## I. Wage and Salary Administration

Employees are eligible to receive wage and salary adjustments based on several criteria including but not limited to recognition of individual performance and contributions, current job responsibilities compared to other employees with similar job responsibilities and the budgeted resources available for wage and salary increases at that particular time. Every wage and salary adjustment must be supported by a performance review and be within the budget guidelines for that fiscal year, as issued by the Finance Department.

An employee who is promoted will normally receive a salary increase. The amount of the salary increase will be based on several factors, including, but not limited to the relationship of the current salary to the salary ranges of other employees with similar job responsibilities. Decisions about wage and salary increases may also be affected by internal equity considerations both within a department and across the University.

Employees may occasionally be asked to work on special projects outside their normal work assignments. In these cases, the employee may or may not be paid a stipend for this work. A stipend is not added to the employee's base salary. The amount of the stipend will depend on the nature and duration of the assignment and must have the prior approval of the Chief Financial Officer.

## II. Performance Expectations

JPCatholic expects all employees to be successful in meeting their specific job performance standards for work performance and behavioral fit. Work performance encompasses many factors, including, but not limited to attendance, punctuality, personal conduct, initiative shown, job proficiency and general compliance with the University's policies and procedures. Behavioral fit encompasses conduct consistent with the University's Mission, Vision and Values. Questions about performance standards or expectations that are vague or unclear should be brought to the attention of one's direct supervisor at the earliest possible time to allow employees the best opportunity to have a clear understanding of their role, job duties, and achievement of acceptable performance.

## III. Performance Reviews

JPCatholic shall participate in each employee's success by providing feedback regarding the employee's individual potential and performance. Employees are strongly encouraged to discuss job performance and goals with their direct supervisors on an ongoing and regular basis. These informal performance coaching discussions are intended to provide both parties the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches to meeting job expectations.

Performance reviews are generally held at six months of employment and then annually, usually during the month of June. The performance review provides employees a forum to discuss accomplishments, performance standards, opportunities for improvement, and development goals. Employees are encouraged to talk openly to supervisors about problematic areas or unclear expectations. Supervisors may provide performance reviews more frequently than annually as a means of monitoring and improving performance.

In instances when performance standards or behaviors fall short of expectations, supervisors are encouraged to implement a strategic coaching strategy and identify a performance plan and timeline to help the employee reach their potential. If an employee's performance is identified as needing improvement or unacceptable during an employee's performance review, it may result in the employee being placed on a written performance improvement or corrective counseling plan. Please refer to **Corrective Counseling and Disciplinary Action** in this manual for further information.

Performance reviews do not automatically result in wage or salary adjustments. However, JPCatholic may award wage or salary adjustments in an effort to recognize employee's contributions and performance. The decision to award such adjustments is dependent upon numerous factors, including the information gathered through a

performance review process, performance, productivity, seniority and other lawful factors contemplated by the University.

Original written performance reviews are to be maintained in the employee's permanent file and maintained confidentially. Access to this information will be limited to those who have a legitimate business need to know. These files are under the management of the Human Resource department.

#### **IV. Professional Development**

Each department has a process for supporting the continued development of their employees. As part of the evaluation process, each staff member meets annually with his or her direct supervisor to not only discuss their past performance but identify areas for growth and development. JPCatholic encourages employees to seek out training and development for personal growth, additional job duties, and/or promotional opportunities.

Training or development done outside of JPCatholic must first be approved by the employee's supervisor, if done during employee's normal working hours, and may not be eligible for financial reimbursement.

Faculty members should refer to Faculty Handbook for the Faculty Development Policy.

#### **V. Internal Transfers/Promotions**

Employees may request consideration to transfer to other jobs as vacancies become available and will be considered along with other applicants. At the same time, the University may initiate transfers of employees between departments and facilities to meet specified work requirements and reassignment of work requirements.

JPCatholic offers employees promotions to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the University's best interest.

To be considered, employees must have a satisfactory performance record and have no disciplinary actions. Management retains the discretion to make exceptions to the policy.

### **Employee Classification Categories**

The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. The right to terminate the employment-at-will relationship at any time is retained by both the employee and JPCatholic.

#### **I. Introductory Employees**

The term introductory employees is sometimes used in this Handbook/Manual to refer to those employees who are within their introductory period, i.e., the first six months of employment with the University. At the University's discretion, the introductory period may be extended for an additional period.

#### **II. Regular Full-Time Employees**

A full-time employee is an employee who is treated as such under the University's standards and practices. Regardless of the University's classification, an employee who successfully completes the introductory period (including any extension) and is regularly scheduled to work an average of 30 or more hours per week for a period of indefinite duration, is referred to as a regular full-time employee. The employee's work schedule during academic breaks is not considered in determining whether the employee's normal work schedule is an average of 30 or more hours per week.

### **III. Regular Part-Time Employees**

An employee who successfully completes the introductory period (including any extension) and is regularly scheduled to work fewer than an average of 30 hours per week for a period of indefinite duration, is referred to as a regular part-time employee.

### **IV. Exempt/Nonexempt Employees**

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws. Exempt employees, by definition, are exempt from earning overtime compensation. Exempt employees are generally professional, administrative or executive staff who are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor. Nonexempt employees are employees who are eligible to be paid for overtime work in accordance with the provisions of applicable wage and hour laws. Overtime pay requirements are set forth in the section of this Handbook/Manual entitled "Hours of Work, Overtime, and Pay Day".

### **V. Change in Employment Status**

The University may change the employment classification of any employee at any time based on the nature of the employment assignment and the business needs of the University.

### **Student Workers**

JPCatholic student workers are funded by a limited amount of institutional monies. Faculty and administrative departments are allocated a portion of the student wage pool budget as legitimate needs arise and funds are available. Each department determines its own need for student workers for each work period throughout the year within the constraints of departmental budgets.

Student workers may not work more than twenty (20) hours on average in any one week. They must be enrolled in at least six (6) hours during a given academic term to maintain eligibility. Students are not allowed to work during their scheduled class times but may work during school breaks.

Students are not eligible for a student worker assignment if they have ever had their employment terminated by JPCatholic for misconduct. Students who are no longer enrolled at JPCatholic must be terminated from any student worker assignment, although they may apply for other employment opportunities within the University. Student workers are not eligible for benefits, paid leave time other than sick pay, or holiday pay.

Student workers are exempt from paying FICA taxes (Please see details below). All hourly student workers are non-exempt appointments and accurate hours of work must be maintained. Fair Labor Standards Act (FLSA) prevents a Work Study or Student Worker from holding an hourly non-exempt position while at the same time being retained in any exempt or stipend position with the University.

### **I. FICA Taxes Exemption General Standards**

Under the Revenue Procedure 2005-11 safe harbor rules, a wage payment made by the University to an individual who (a) is at least a half-time undergraduate student or at least a half-time graduate or professional student, (b) is not a full-time employee of the University, (c) is not a professional employee, and (d) does not receive certain specified employment benefits will qualify for the student FICA exemption. Each of these elements of the safe harbor rules is described in detail below.

### **II. Student Enrollment Status**

In determining whether an individual is a student of the University, Human Resources will rely on data in the Student Information System (as compiled for the report submitted to the National Student Loan Clearinghouse for student loans) and other relevant facts.

A half-time undergraduate, graduate, or professional student is an enrolled undergraduate, graduate, or professional student who is carrying a half-time academic load as determined by the University. The per-quarter course loads that qualify the student for the FICA tax exemption under these safe harbor rules are as follows:

- Undergraduates eligible for the student FICA exemption: six (6) or more credit hours
- Graduates and professionals eligible for the student FICA exemption: three (3) or more credit hours.

In addition, if a student is enrolled in any of the following programs, the person will qualify for the student FICA exemption:

- Master's Thesis Preparation OR Dissertation Research

Also, the University considers teaching assistants, research assistants, and graduate student assistants to be enrolled as full-time students.

### **III. Employee Benefits**

A student employee or other employee not working full time (less than 30 hours a week) does not qualify under the Revenue Procedure 2005-11 safe harbor rules if the employee is eligible to receive one or more of the following employment benefits:

- Paid time off (vacation), paid holiday, and paid sick leave benefits,
- Participation in a section 401(a), or 403(b), or 457(a) retirement plans,
- Reduced tuition (other than qualified tuition reductions for teaching assistants and research assistants under Code section 117(d)(5)), or
- Benefits under section 79 (life insurance), section 127 (qualified educational assistance, section 129 (dependent care assistance program), or section 137 (adoption assistance).

### **IV. Other Safe Harbor Rules**

Revenue Procedure 2005-11 sets forth the following additional rules relating to the application of the safe harbor guidelines.

### **V. Graduating Students**

A student who is enrolled less than half time will still meet the safe harbor guidelines if the student is graduating. That is, an individual who is in the last quarter or term of a course of study and is enrolled for the number of credit hours needed to complete the degree requirements will still be regarded as at least a half-time student, even if the student is enrolled in less than half the number of credit hours required of full-time students. Students must request and receive written approval from the Provost's office to carry a course under load.

### **VI. Change in Student Status during the Payroll Period**

An individual's status as a student may change during the academic year based on his/her academic pursuits. For example, if an individual ceased being a student on January 10, the person would remain eligible for the student FICA exemption until the end of that payroll period. The FICA tax exemption applies to all payroll periods that are wholly or partially within the academic quarter or term for which the individual has the status of a student. Also, if the individual qualifies as a student for any part of a listed payroll period but does not qualify as a student for the entire payroll period, the individual will be eligible for the student FICA exemption for the entire payroll period. Payments to individuals with student status during the quarter or term listed will qualify for the student FICA tax exemption for the corresponding pay periods.

### **VII. School Breaks**

An individual working for the University during school breaks of more than five (5) weeks, but who does not have the status of a student during this period as defined in this policy, is not eligible for the student FICA exemption on wages

paid during the period. The student FICA tax exemption does apply to school breaks of five (5) weeks or less provided the individual is a continuing student. That is, in order to be eligible for the FICA tax exemption during school breaks of five (5) weeks or less, the individual must qualify for the FICA tax exemption on the last day of the quarter or term preceding the break and be eligible to enroll for classes in the first quarter or term following the break.

## **VIII. Other Employee Groups**

According to Revenue Procedure 2005-11, the safe harbor guidelines are not available for those employees who are postdoctoral students; postdoctoral fellows, medical residents, or medical interns because the services performed by these employees cannot be assumed to be incidental to and for the purpose of pursuing a course of study.

## **Hours of Work, Overtime and Pay Day**

### **I. Hours of Work**

University work hours are from 8:30 a.m. to 6:30 p.m., Monday through Friday. The University reserves the right to modify employees' starting and quitting times and the number of hours worked.

### **II. Day of Rest**

All nonexempt employees are entitled to one day of rest per workweek. Employees are not permitted to work more than six days within one workweek.

Employees who feel they were not provided a day of rest as required by this policy should inform their supervisor or manager, and (if not corrected) Human Resources immediately.

### **III. Meal and Rest Periods**

#### **A. Rest Periods**

The University authorizes and permits non-exempt employees working at least three and one-half hours in a day to take a 10-minute, off-duty, uninterrupted paid rest period for every four hours worked or major fraction thereof. The 10 minutes do not include the reasonable time it takes to walk to and from a break area. Employees who work more than six hours in a day may take a second off-duty, uninterrupted rest period. Employees who work more than 10 hours in a day may take a third off-duty, uninterrupted rest period. The employee shall be paid for all earned rest periods that fall within the guideline. Insofar as is practicable, this rest period should be taken in the middle of the work period and the rest period cannot be taken at the start of an employee's shift or the end of the employee's shift and not combine them with meal periods or skip them to leave work early. For example, if an employee is scheduled to work 4-hours, they should take their 10-minute break as close to the end of their second hour worked as possible.

Employees who feel they were not provided a rest period that complies with this policy should inform their supervisor or manager, and (if not corrected) Human Resources immediately.

#### **B. Meal Periods**

JPCatholic provides employees who work more than five hours in a day with an unpaid 30-minute, uninterrupted meal period starting no later than the end of the fifth hour of work. JPCatholic provides employees who work more than 10 hours in a day with a second unpaid 30-minute, uninterrupted meal period starting no later than the end of the 10th hour of work. Employees who work no more than six hours in a day may waive the first meal period. Employees who work no more than 12 hours in a day may waive the second meal period if they took their first meal period.

Employees who feel they were not provided a meal period that complies with this policy should inform their supervisor or manager, and (if not corrected) Human Resources immediately.

### **C. Meal and Rest Periods Are Encouraged**

Employees are entitled, encouraged, and expected to take all meal periods provided under this policy and not waived and all rest periods provided under this policy. During meal periods and rest periods, JPCatholic will relieve employees of all duty and will not exercise control over employees' activities. Employees are free to spend their meal period and rest period time as they choose and are not required to remain on-premises or on-call during off-duty meal periods and rest periods. Employees who have work-issued pagers or phones should turn those devices off while taking meal periods and rest periods.

No supervisor or manager may impede or discourage employees from taking meal periods provided under this policy.

## **IV. Overtime Pay**

JPCatholic follows the prescribed guidelines of the State of California Department of Labor in regard to the calculation of overtime pay for nonexempt employees. If an employee believes that they will incur overtime due to unforeseen circumstances, it is their responsibility to notify their immediate supervisor provided they are readily available. Employees working for more than one department must schedule their shifts to avoid overtime.

### **A. Overtime Definition and Rates of Pay**

California Law requires that all non-exempt employees be paid for overtime based on the following guidelines:

All non-exempt employees shall be paid at a rate 1.5 times their normal hourly rate for any time that is worked exceeding:

- 1) 8-hours in a day
- 2) 40-hours in a week
- 3) Any time worked on the 7th consecutive workday up to 8-hours

Additionally, all non-exempt employees shall be paid at a rate double their normal hourly rate for any time that is worked exceeding:

- 1) 12-hours in a day
- 2) Any time worked on the 7th consecutive workday exceeding 8-hours

Please remember that overtime is calculated based on hours that are actually worked rather than hours scheduled. Compensated holidays, for example, are not hours worked and therefore are not counted in making overtime calculations unless the employee actually worked on the holiday.

If you have any questions, please see your supervisor or the Human Resource Representative for clarification.

### **B. Workweek and Workday**

Unless otherwise provided, for purposes of calculating overtime, each workweek begins on Sunday and each workday begins at 12:01 a.m.

### **C. Pre-Authorization**

Nonexempt employees may not work overtime without the express prior approval of their supervisor, absent an emergency. During busy periods, the employer may require employees to work extended hours. Nonexempt employees who fail to obtain approval prior to working hours that extend beyond their normal 8-hour workday or 40-hour workweek will be subject to disciplinary action. Overtime offenses may result in termination.

### **D. Makeup Time**

Nonexempt employees may make up work time that is or would be lost as a result of personal obligations if the time is made up during the same workweek in which the work time is lost. A nonexempt employee will be permitted to make up work time only if the employee submits a signed written request to make up the lost time and the employee's

direct supervisor approves the request in advance.

## **V. Other Types of Pay**

### **A. Reporting Pay**

Nonexempt employees who report to work at the University's request, but are furnished less than half of their usual or scheduled day's work, will be paid for half the usual or scheduled day's work, but not less than two hours' pay or more than four hours' pay at their regular rate, without regard to the number of hours they actually worked, unless the reasons for the lack of work are beyond the University's control. Reporting time pay will not be paid to an employee on paid standby status who is called to perform assigned work at a time other than the employee's scheduled reporting time. Reporting time hours are not counted as "hours worked" for overtime purposes beyond the time in which work actually is performed. For example, if an employee who is scheduled to work an eight-hour shift is sent home after three hours, the employee will receive four hours' pay for that day, but the fourth hour of reporting time pay will not be treated as time worked for overtime purposes.

### **B. Callback Pay**

A nonexempt employee who is called back for a second work period in a workday and is given less than two hours' work will be paid a minimum of two hours' pay at the employee's regular rate of pay for the second work period, without regard to the number of hours actually worked, unless the reasons for any failure to furnish two hours of work are beyond the University's control. Callback time is not counted as "hours worked" for overtime purposes beyond the time in which work actually is performed.

### **C. Holiday Pay**

Eligible employees are paid their regular straight-time wages for University-paid holidays as set forth under the guideline entitled "Holidays." To receive holiday pay, the employee generally must work the regularly scheduled workdays preceding and following the University holiday or receive prior approval from his or her supervisor to take the time off. Nonexempt employees who work during a University-paid holiday are paid at their regular base rate for all hours worked up to 8 hours (overtime provisions apply for hours worked in excess of 8 hours).

### **D. Pay Advances**

It is the policy of JPCatholic to prohibit pay advances to employees at any time and/or for any reason.

## **VI. Place and Time for Payment of Wages**

### **A. Regular Paydays**

Full time Exempt employees are paid semi-monthly on the 1<sup>st</sup> and 15<sup>th</sup> of each month. Full time and part time Non-exempt employees are also paid semi-monthly on the 1<sup>st</sup> and 15<sup>th</sup> of each month. In the event that a regularly scheduled payday falls on a bank holiday or weekend, employees will receive pay on the last day of work before the regularly scheduled payday.

#### **1. Paychecks**

Employees with direct deposit will find their pay stub in Zenefits, no paper pay stub is provided. The Finance department handles distribution of manual paychecks and pay stubs. During an employee's vacation or any absence from work, the paycheck or pay stub distribution will be handled in the usual manner unless the employee notifies the Human Resource Representative that he/she would like special distribution during the period of absence; this includes employees away for any extended leave periods.

#### **2. Direct Deposit**

The University encourages all employees to take advantage of direct deposit. This is a safe, efficient and cost-effective method to have your pay immediately available to you on payday whether or not you are on campus for any pay date. Employees must enter direct deposit bank information into Zenefits by at least 14 days prior to a pay date in order to be effective with the next pay date. Employees using direct deposit will receive an itemized statement of wages in

Zenefits.

### **3. Pay Corrections**

JPCatholic 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.

In the event there is an error in the amount of pay or deductions, the employee should promptly bring the discrepancy to the attention of the Human Resources Representative. Errors will be verified with the supervisor. If errors are discovered after completion of the payroll processing timeline, corrections will be made as soon as possible but no later than on the next regularly scheduled pay date.

### **4. Hourly Timekeeping Policy and Procedure**

The University adheres to California Department of Labor guidelines and requires that all non-exempt employees enter hours worked in Zenefits in a timely manner.

#### **i. Time Clock Procedures**

JPCatholic policy requires that all non-exempt employees work a set schedule stipulated by the employee's immediate supervisor. Employees are to only work their scheduled hours and are not authorized to set their own schedule. (i.e. if an employee's scheduled shift begins 8:00 AM and ends at 4:00 PM, that employee will not be allowed to start at 7:55 AM and leave at 3:55 PM). All non-exempt employees are required to use Zenefits for logging hours. Supervisors approve the hours listed in Zenefits.

### **B. Payment on Resignation, Termination, or Completion of Assignment or Term**

If an employee resigns, his or her paycheck will be available on the final day of work, provided the employee has given at least 72 hours' prior notice. If an employee resigns without giving 72 hours' notice, his or her paycheck will be made available at the office at which the employee was performing services within 72 hours after the employee gives notice of the resignation, unless the employee requests in writing that his or her final paycheck be mailed, in which case the University will mail the final paycheck within three days after the employee gives notice. Employees who are terminated involuntarily will be paid on the day of the discharge. If an employee is hired for a specific assignment or otherwise has a defined term of employment, his or her paycheck will be available upon the completion of the assignment or employment term. In all cases, employees' final paychecks will include payment for all wages owed and any accrued but unused vacation time.

### **C. Garnishments**

The University complies with applicable state and federal laws regarding the garnishment and assignment of wages. Employees should make every effort not to involve the University in their personal affairs. However, if served with a legal instrument for the collection of an employee's debt, the University will withhold the appropriate amount prescribed by law until the debt is paid in full or further legal instruments are served. The University reserves the right to assess a reasonable fee to an employee for garnishment administration, unless prohibited by law. The University, at its discretion, may choose not to administer or participate in non-court ordered voluntary assignment of wage agreements. Repeated garnishments for multiple debts can be grounds for discharge or other discipline as provided by applicable laws.

### **D. Payroll Deductions**

Deductions for federal Income Tax, Social Security Tax, and Medicare are required by federal law. State Income Tax and State Disability Insurance deductions vary according to the state in which your work is performed. Other deductions for insurance or other benefits may be specifically authorized by the employee in writing or by electronic signature. Each paycheck stub itemizes amounts that have been withheld. It is the employee's responsibility to confirm the accuracy of payroll deductions and personal information and to notify their manager immediately of any changes. It is important that employees keep this information for tax purposes. Questions about deductions should be directed to the employee's manager.



## **Employee Personnel Files**

### **I. Change of Address and Other Personal Information**

The information in an employee's personnel file is permanent and confidential and must be kept up to date. It is very important that employees advise the Human Resources Representative of any changes of name, marital status, address, W-4 elections, emergency contact information, home and cell telephone number and/or dependents so that you continue to receive important mailings and information and do not risk loss of benefit coverage(s). It is the responsibility of the employee to notify the University, submit any changes to this information, and complete appropriate forms available in the Human Resource office. Employees are also responsible for maintaining a current group life insurance beneficiary designation.

### **II. Personnel Files**

Employees have the right to inspect their personnel records and itemized wage statements upon submitting a request in writing with the exception of (1) records relating to the investigation of a possible criminal offense; (2) letters of reference; (3) ratings, reports, or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination.

All requests for copies and/or inspections will be made available within 30 calendar days of the written request; however, wage-related records will be made available within 21 days of a request. An employee may inspect only his or her own personnel file in the presence of the Human Resources Representative.

Personnel files are the property of JPCatholic and may not be removed from JPCatholic's premises without written authorization from the Human Resources Representative.

### **III. Payroll Records**

Employees and former employees also have the right to inspect and copy certain payroll records regarding their compensation, and deductions from their compensation, upon reasonable request to JPCatholic. Employees wishing to review or copy payroll records should notify the Human Resources Representative.

## **Lactation Accommodation**

Lactation accommodations, as required by law, shall provide a reasonable break time to accommodate an employee desiring to express breast milk for the employee's infant. Such break time, shall, if possible, run concurrently with any break time already provided by JPCatholic for an employee. JPCatholic will make reasonable efforts to provide the employee with the use of a remote location, other than a toilet stall, in close proximity to the employee's work area for the purpose of expressing breast milk in private, locked room. The room or location may include a place where the employee normally works. The room or location must:

- Be shielded from view and free from intrusion while the employee is expressing milk.
- Be safe, clean, and free of hazardous material.
- Contain a surface to place a breast pump and personal items.
- Contain a place to sit.
- Have access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump.

The University will also provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee's workspace. If a refrigerator cannot be provided, an employer may provide another cooling device suitable for storing milk, such as an employer-provided cooler.

A lactation location may be designated as temporary, due to operational, financial, or space limitations. When a multipurpose room is used for lactation, lactation purposes must take precedence over the other uses for the room.

Should you require lactation accommodations following a return from pregnancy leave, please advise the Human Resource Representative so that accommodations may be made.

## Employee Literacy

If you desire assistance in enrolling in an adult literacy education program, contact the Human Resources Department for assistance with locating and enrolling in such a program. Requests will be kept confidential. You will not be retaliated against for seeking literacy assistance.

## Business Ethics and Conduct

The successful operation and reputation of JPCatholic is built upon principles of fair dealing and ethical conduct among our entire community. Employees should use professional judgment at all times when representing the University. Our reputation for integrity and excellence requires careful observance through a culture of compliance of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity. JPCatholic will comply with all applicable laws and regulations and expects its trustees, officers, administrative staff, and faculty members to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. The continued success of JPCatholic is predicated upon an atmosphere of trust and we are dedicated to preserving that trust. Employees have a duty to JPCatholic, its current and former students, alumni, friends and donors to act in a way that will merit the continued trust and confidence of those we are called to serve.

In general, the use of good judgment, based on high ethical principles, will guide employees with respect to lines of acceptable conduct. No employee shall, without full disclosure and approval by an Officer of the University, knowingly take any action that involves a potential conflict of interest or involves a mere appearance of impropriety. If a situation arises where it is difficult to determine the proper course of action, you should discuss it openly with your supervisor.

Compliance with this policy is the responsibility of every JPCatholic employee, including a duty to immediately report any suspected violations, please refer to **Complaint Procedures for Employment Matters and Complaint Procedures for Financial and Audit Matters** for further information.

## Termination, Discipline, and Rules of Conduct

### I. Separation of Service

It is the policy of JPCatholic that all employees are employed at will with the University and either party may terminate the employment relationship with or without cause or notice at any time for any reason. No supervisory or management personnel are authorized to modify or to make representations of this policy, oral or written, which are not consistent with University policies.

All benefits including medical, dental, vision and other optional coverages terminate the last day of the month of employment, unless an employee requests immediate termination of benefits. Information for Consolidated Omnibus Budget Reconciliation (COBRA) continued health coverage will be provided.

### A. Voluntary Termination

Separation of service can occur for several different reasons. The University will consider an employee to have voluntarily terminated his or her employment if an employee does any of the following:

- 1) **Resignation:** An employee who resigns voluntarily is encouraged to give the University a notification of their intent to separate service two weeks before leaving his/her position. Failure to give adequate notice, may be noted in the employee's personnel file and may be considered in any later rehire decisions.

- 2) **Retirement:** JPCatholic has no required retirement age. Employees separating service for retirement should schedule an appointment to meet individually with the Human Resources Representative well ahead of the last day of work. Retiring employees will need to understand their rights under the University's benefit plans for continuing coverage. The IRS requires withdrawals to commence under tax-deferred retirement, welfare and saving plans by a certain attained age. Please contact your tax advisor for more specifics. Part-time positions may also be available to eligible retiring employees.
- 3) Fails to return from an approved leave of absence on the date specified by the University.
- 4) **Job abandonment:** Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice, effective at the end of their normal shift on the third day. The supervisor shall notify the Human Resource Representative at the expiration of the third workday and initiate the paperwork to terminate the employee.

## **B. Involuntary Termination**

An employee may be terminated involuntarily for reasons that may include poor performance, misconduct, or other violations of the University's rules of conduct as set forth below. Notwithstanding this list of rules, the University reserves the right to discharge or demote any employee with or without cause and with or without prior notice.

## **C. Reductions in Workforce**

This policy applies to non-faculty personnel only. Certain business or economic conditions may develop necessitating a short or long-term reduction in work hours and/or a reduction of staff. Such business or economic conditions include, but are not limited to financial emergency, lack of work, cost reduction, or reorganization. Affected staff members may apply for transfer opportunities in accordance with standard job posting and transfer policies.

In lieu of layoffs or reduced hours, the University may take other economic measures including but not limited to changing or reassignment of shifts, work schedules, job duties, and/or responsibilities, and/or modifying existing compensation and benefits programs.

The University will make every effort to provide employees with announcements and informational meetings at the time the workforce reductions or reduced hours are pending. Should the University consider such terminations necessary, the University will attempt to provide all affected employees with advance notice when practical. Layoff benefits associated with such terminations, if any, will be as specified in the notice.

## **D. Rehire**

Former employees who have left employment with JPCatholic in good standing may reapply for job openings for which they meet minimum job requirements. Should a former employee be rehired, benefits, benefit eligibility, and credited years of service will be handled in accordance with the various plan provisions and must be discussed with the Human Resources Representative for a clear understanding. All other employment practices and provisions described herein apply.

## **II. Discipline and Rules of Conduct**

Employees are expected to observe certain standards of job performance and good conduct. When performance or conduct does not meet University standards, the employee will be subject to discipline up to and including termination.

The rules set forth below are intended to provide employees with notice of what is expected of them. Necessarily, however, such rules cannot identify every type of unacceptable conduct and performance. Therefore, employees should be aware that conduct not specifically listed below but which the University determines adversely affects or is

otherwise detrimental to the interests of the University, other employees, or customers, may also result in disciplinary action.

### **A. Job Performance**

Employees may be disciplined for poor job performance, including but not limited to the following:

- 1) Unsatisfactory work quality or quantity;
- 2) Excessive absenteeism, tardiness, or abuse of rest break and meal period policies;
- 3) Failure to follow instructions or University procedures; or
- 4) Serious violation of safety or health rules.

### **B. Misconduct**

Employees may be disciplined for misconduct, including but not limited to the following:

- 1) Failure or refusal to perform a work-related task;
- 2) Willful dishonesty, deceitfulness or other serious breach of trust;
- 3) Theft of any kind;
- 4) Discourtesy, rudeness, or unprofessional behavior toward a customer, or member of the public;
- 5) Negligence or improper conduct resulting in damage to or loss of University property or the property of another on University premises, equipment or facilities;
- 6) Gross negligence of any kind, particularly any act that causes substantial and grievous injury to University operations or substantial legal action to be filed against the University;
- 7) A serious violation of conflict of interest;
- 8) Disclosing or using confidential proprietary information, such as the University's trade secrets, without authorization;
- 9) Falsification of or alteration University records including an application for employment or timekeeping records;
- 10) Fighting, physical altercation, threats to others (in any medium), or any other serious breach of acceptable behavior;
- 11) Interfering with the work performance of others;
- 12) Violating the University's rules against discrimination and harassment;
- 13) Being under the influence of, manufacturing, dispensing, distributing, using, or possessing alcohol or illegal or controlled substances on University property or while conducting University business;
- 14) Serious violation of the substance abuse or alcohol policies;
- 15) Gambling on University premises or while conducting University business;
- 16) Sleeping on the job or leaving your work location/work site without authorization for a purpose other than a legally protected activity;
- 17) Possessing a firearm, explosives, or other dangerous weapon on University property or while conducting University business;
- 18) Being convicted of a crime that indicates unfitness for the job or raises a threat to the safety or well-being of the University, its employees, customers, or property;
- 19) Public conduct that directly violates or harms the university's Catholic mission;
- 20) Working for another employer or entity while on a leave of absence from the University, without prior written notice and agreement by the University;
- 21) Failing to report to the University, within five days, any conviction under any criminal drug statute for a violation occurring in the workplace.
- 22) Willful violation of any established policy or rule.

### **C. Attendance**

In addition to the general rules stated above, employees may be disciplined for failing to observe the following specific requirements relating to attendance:

- 1) Reporting to work on time, observing rest break and meal period policies, recording all time worked, and obtaining approval to leave work early; and
- 2) Absence without notice for three (3) days;
- 3) Notifying the supervisor in advance of anticipated tardiness or absence.

## **D. Corrective Counseling and Disciplinary Action**

Employees are expected to comply with all established JPCatholic rules, standards, policies and procedures. Work-related problems and performance issues may still occasionally develop. Whenever possible, the University attempts to counsel employees and work toward identification and correction of performance issues.

If the situation cannot be successfully resolved, appropriate disciplinary action, up to and including demotion, suspension, or separation of service, may be necessary. Ordinarily, the Corrective Counseling process described below will be followed and documented to an administrative employee's personnel file. However, the University reserves the right to skip or repeat any step(s) depending on the circumstances of the situation. Some situations are deemed so egregious or such a serious violation of policies and/or expected conduct that immediate suspension or separation of service will be deemed necessary.

### **1. Corrective Counseling Process**

- 1) Ongoing: Informal Coaching with or without a written record to personnel file;
- 2) Corrective Counseling with Written Warning: with written record to personnel file and a Plan for Improvement prepared, signed and dated by the supervisor and employee;
- 3) Disciplinary Action: Up to and including demotion, suspension, reassignment, or separation of service.

Corrective counseling may occur for misconduct, performance problems, and/or performance deficiencies. The receipt of a rating of "needs improvement" or "unacceptable" in a periodic performance evaluation will be deemed equivalent to the employee being placed on a step of corrective counseling. The appropriate level of formal corrective counseling will be noted in the performance evaluation. Communications issued to the employee to address performance deficiencies identified between evaluations will also indicate the appropriate level of corrective counseling. If the employee does not improve performance, the employee may advance through the steps of corrective counseling including the possibility of separation of service prior to the issuance of the next performance evaluation. Any combination of performance or misconduct related counseling sessions may also result in separation of service.

### **2. Mediation Available for Personnel Issues**

Employees may seek assistance from the Human Resources Representative if the employee feels he/she has been subjected to unjust and/or severe disagreements with supervisors or other members of the JPCatholic community or if he/she has experienced or witnessed unfair treatment, harassment, discrimination, or any other suspected violation of University policies. Human Resource personnel are available to assist employees in identifying whether mediation is appropriate. Neither policies nor decisions relating to pay or misconduct may be mediated.

Requests for mediation assistance must be filed in writing with the Human Resources Representative within five (5) working days of the specific incident causing concern to the employee. No employee will be retaliated against as a result of seeking guidance or when filing a good faith request for mediation.

## **III. Exit Interviews**

Employees separating service for any reason should schedule an appointment to meet individually with the Human Resources Representative prior to the last day of work. The exit interview is an opportunity to discuss continuation of employee benefits, repayment of any outstanding debts to JPCatholic, and return of all University-owned property. Employee comments or suggestions about potential improvements at the University are welcomed and encouraged.

### **1. Return of University Property**

The separating employee must return all University property at the time of separation, employees are expected to return all University-furnished property, such as a laptop computer, tools, equipment, I.D. cards, keys, credit cards, documents, and handbooks.

## **IV. Employment at Will**

Nothing in this Handbook is intended to alter the at-will status of employment with JPCatholic. Either you or the University may terminate the employment relationship at any time with or without cause and with or without prior notice. The University reserves the right to terminate any employment relationship, to demote, or to otherwise discipline an employee without resort to the above disciplinary procedures.

## **Attendance and Punctuality**

All employees of the University are expected to be punctual and regular in attendance. Any tardiness or absence causes problems for fellow employees and managers. When employees are absent, their workload must be performed by others, just as an employee may have assumed the workload of others who are absent.

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 University business. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided.

A tardy or absence is considered “excused” only when the employee calls ahead of time and the tardy or absence is for a reason that University considers satisfactory.

Employees who are not going to report for work as scheduled must call their supervisor as far in advance as possible but not later than the start of their shift to report their absence. Employees who rely on others to report their absences, or who report absences to anyone other than their immediate supervisor, do so at their own risk.

A tardy or absence for a non-satisfactory reason, and failing to call in according to this policy, will be considered “unexcused.”

Vacation and holidays must be scheduled with one’s supervisor in advance of any reservations made or tickets purchased. Sick leave may be used in the case of emergency or sudden illness without prior scheduling. Patterns of absenteeism or tardiness may result in discipline even if the employee has not yet exhausted available paid time off. Absences due to illnesses or injuries that qualify under the Family and Medical Leave Act (FMLA) will not be counted against an employee’s attendance record. Medical documentation within the guidelines of the FMLA may be required in these instances.

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. **A no call/no show lasting three days may be considered job abandonment and may be deemed an employee’s voluntary resignation of employment.**

## **I. Mass Attendance**

All employees are encouraged to participate in weekday Mass, Monday – Friday at 11:00 AM however attendance is not mandatory and non-exempt employees are required to clock-out before Mass and clock-in following Mass if attending during their scheduled shift.

Example: Employee Jane Doe works her scheduled shift of 8:00 AM – 4:00 PM. Per California Labor Guidelines; Jane must take two 10-minute rest periods. She takes the first rest period at 10:00 AM and she takes the second one at 2:00

PM. She does not clock-out for either rest period as these are considered paid breaks. Jane clocks-out to attend Mass at 11:00 AM and following Mass, leaves the premises to have lunch with friends. She returns from lunch and clocks back in at 12:00 PM.

## **Drug-Free Workplace**

### **I. Purpose of Guideline**

JPCatholic has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, JPCatholic is committed to the elimination of drug and/or alcohol use and abuse in the workplace. Employees who are under the influence of a drug or alcohol on the job compromise the University's interests and endanger their own health and safety and the health and safety of others. Substance abuse in the workplace can also cause a number of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for co-workers, behavior that disrupts other employees, and inferior quality in products or service.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its business, property, equipment, and operations, the University has established this Guideline concerning the use of alcohol and drugs. This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of JPCatholic. As a condition of continued employment with the University, each employee must abide by this Guideline.

The Human Resource Representative is responsible for policy administration.

### **II. Definitions**

For purposes of this Guideline:

- "Illegal drugs or other controlled substances" means *any* drug or substance that (a) is not legally obtainable; or (b) is legally obtainable but has not been legally obtained; or (c) has been legally obtained but is being sold or distributed unlawfully.
- "Legal drug" means any drug, including any prescription drug or over-the-counter drug, that has been legally obtained and that is not unlawfully sold or distributed.
- "Abuse of any legal drug" means the use of any legal drug (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.
- "Reasonable suspicion" includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.
- "Possession" means that an employee has the substance on his or her person or otherwise under his or her control.

### **III. Prohibited Conduct**

#### **A. Scope**

The prohibitions of this section apply whenever the interests of the University may be adversely affected, including any time an employee is:

- 1) On University premises;
- 2) Conducting or performing University business, regardless of location;
- 3) Operating or responsible for the operation, custody, or care of University equipment, any University vehicle or

- other property; or
- 4) Responsible for the safety of others in connection with, or while performing, University-related business.

## **B. Alcohol**

The following acts are prohibited and will subject an employee to discharge:

- 1) The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol; or
- 2) Being under the influence of alcohol from unauthorized consumption.

## **C. Illegal Drugs**

The following acts are prohibited and will subject an employee to discharge:

- 1) The use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance; or
- 2) Being under the influence of any illegal drug or other controlled substance.

Despite California's recent legalization of recreational and medical marijuana, the University's zero tolerance policy prohibits any employee from having marijuana in their system while working and also prohibits any employee from possessing marijuana while on University property.

## **D. Legal Drugs**

The following acts are prohibited and will subject an employee to discharge:

- 1) The abuse of any legal drug;
- 2) The purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law; or
- 3) Working while impaired by the use of a legal drug whenever such impairment might:
  - a. Endanger the safety of the employee or some other person;
  - b. Pose a risk of significant damage to University property or equipment; or
  - c. Substantially interfere with the employee's job performance or the efficient operation of the University's business or equipment.

## **IV. Disciplinary Action**

### **A. Discharge for Violation of Guideline**

A first violation of this Guideline will result in immediate discharge whenever the prohibited conduct:

- 1) Caused injury to the employee or any other person, or, in the sole opinion of management, endangered the safety of the employee or any other person;
- 2) Resulted in significant damage to University property or equipment, or, in the sole opinion of management, posed a risk of significant damage;
- 3) Involved the sale or manufacture of illegal drugs or other controlled substances;
- 4) Involved the possession, distribution, or dispensation of illegal drugs or other controlled substances or alcohol in a quantity greater than for personal use;
- 5) Involved an employee who had not completed the introductory period or was a casual, seasonal, or temporary employee; or
- 6) Involved the failure of an employee to report a criminal conviction, as required by below policy.

### **B. Discretion Not to Discharge**

In circumstances other than those described above, the University, in the discretion of management, may choose not



to discharge an employee for a first violation of this Guideline if the employee satisfactorily participates in and completes an approved drug or alcohol abuse 'assistance' or rehabilitation program when recommended by the University or the employee contacts the Employee Assistance Department within two working days after being referred there by management and follows the recommendations made by the Employee Assistance Department, including satisfactory participation in and completion of an approved drug or alcohol abuse, assistance, or rehabilitation program.

### **C. Effect of Criminal Conviction**

An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any University-related activity or event will be deemed to have violated this Guideline.

### **D. Written Warning**

An employee who is not discharged for a first violation of this Guideline will receive a final written warning and immediate suspension without pay for a period of 10 calendar days.

### **E. Effect of Second Violation**

A second violation of this Guideline at any time will result in immediate discharge.

### **F. Effect of Discharge on Eligibility for Rehire**

Employees who are discharged for a violation of this Guideline will not be eligible for rehire by the University.

## **V. Drug-Free Awareness Program**

### **A. Management Awareness**

Managers and supervisors should be attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or to otherwise engage in conduct that violates this Guideline. When management has reasonable suspicion to believe that an employee or employees are working in violation of this Guideline, prompt action will be taken. If the employee occupies a designated safety-sensitive position, such action may include drug testing in accordance with the procedures outlined in this policy.

### **B. Criminal Convictions**

Employees must notify the University of any conviction under a criminal drug statute for a violation occurring in the workplace or during any University-related activity or event. Employees must notify the University within five days after any such conviction. When required by federal law, the University will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

## **VI. Use of Legal Drugs**

The University recognizes that employees may, from time to time, be prescribed legal drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in impairment. Employees may not work while impaired by the use of legal drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to University property, or substantially interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, he or she may not report to work. To accommodate the absence, the employee may use accrued sick leave, personal leave, or vacation time. The employee may also contact the Human Resources Manager to determine whether or not he or she qualifies for an unpaid leave of absence, such as family care or medical leave. Nothing in this Guideline is intended to sanction the use of accrued sick leave, personal leave, or vacation time to accommodate absences due to the abuse of legal drugs. Further, nothing in this Guideline is intended to diminish the University's commitment to employ and reasonably accommodate qualified disabled individuals. The University will reasonably accommodate qualified disabled employees who must take legal drugs because of their disability.

## **VII. Unregulated or Authorized Conduct**

### **A. Customary Use of Over-the-Counter Drugs**

Nothing in this Guideline is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this Guideline.

### **B. Off-the-Job Conduct**

Unless an employee is in a designated safety-sensitive position, this Guideline is not intended to regulate off-the-job conduct, so long as the employee's off-the-job use of alcohol or drugs does not result in the employee being under the influence of or impaired by the use of alcohol or drugs in violation of this Guideline. If an employee is in a designated safety-sensitive position, he or she will be subject to drug testing as described in Section X of this Guideline.

### **C. Authorized Use of Alcohol**

The University may provide alcohol for consumption at certain events, such as social functions. The consumption of alcohol at these events does not violate this Guideline.

## **VIII. Confidentiality**

Disclosures made by employees to the Human Resources Manager concerning their use of legal drugs will be treated confidentially and will not be revealed to managers or supervisors unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to the Human Resources Manager concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.

## **IX. Counseling/Employee Assistance**

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. JPCatholic will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so.

## **X. Drug Testing**

### **A. Reasonable Suspicion Testing**

Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. The Human Resource Representative must be consulted before sending an employee for reasonable suspicion testing.

If a supervisor or manager has a reasonable suspicion that the employee is working in an impaired condition or otherwise engaging in conduct that violates this Guideline, the employee will be asked about any observed behavior and offered an opportunity to give a reasonable explanation. If the employee is unable to explain the behavior, he or she will be asked to take a drug test in accordance with the procedures outlined below.

If the employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same

manner as a positive test result.

### **C. Procedures for Drug Testing**

The University will refer the applicant or employee to an independent, National Institute on Drug Abuse (NIDA)-certified medical clinic or laboratory, which will administer the test. The University will pay the cost of the test and reasonable transportation costs to the testing facility. The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. All drug testing will be performed by urinalysis. Initial screening will be done by EMIT II. Positive results will be confirmed by gas chromatography/mass spectrometry.

The clinic or laboratory will inform the University as to whether the applicant passed or failed the drug test and may include a detailed testing report including alcohol and drug levels. If an employee fails the test, he or she will be considered to be in violation of this Guideline and will be subject to discipline accordingly.

### **D. Acknowledgment and Consent**

Any employee subject to testing under this policy will be asked to sign a form acknowledging the procedures governing testing, and consenting to (1) the collection of a urine sample for the purpose of determining the presence of alcohol or drugs, and (2) the release to the University of medical information regarding the test results. Refusal to sign the agreement and consent form, or to submit to the drug test, will result in the revocation of an applicant's job offer, or will subject an employee to discipline up to and including termination.

### **E. Confidentiality**

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the Human Resources Representative shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

## **Business Related Events and Functions and Alcohol Use**

On selected social occasions involving University employees, board members and guests, limited use of alcoholic beverages will be permitted with the approval of the President, CFO or Dean of Students. The use of alcohol during working hours except for the selected occasions is strictly forbidden. Employees are asked not to carry alcoholic beverages across campus from one building to another or into common areas or hallways.

The **Student Handbook** prohibits the use of alcohol on campus, except at events or in locations designated by the University. No open alcoholic beverage containers are permitted on campus grounds, except in designated areas.

Expenditures for the use of alcoholic beverages in any form are normally considered to be personal expenditures and are not to be charged against any University budget without approval and justification of the CFO.

## **Inspections and Searches on University Premises**

### **I. Purpose of the Guideline**

University believes that maintaining a workplace that is free of drugs, alcohol, and other harmful materials is vital to the health and safety of its employees and to the success of the University's business. The University also intends to protect against the unauthorized use and removal of University property. In addition, the University intends to assure its access at all times to University premises and University property, equipment, information, records, documents, and files. At times, it may be necessary for the University to provide records, information or assistance to a government entity in accordance with the terms of a warrant, court order, or other order issued by law. Accordingly, the University has established this Guideline concerning inspections and searches on University premises. This Guideline applies to all employees of the University.

## II. Definitions

For purposes of this Guideline:

- 1) "Prohibited materials" means firearms or other weapons; explosives and/or hazardous materials or articles; illegal drugs or other controlled substances as defined in the University's Drug-Free Workplace Guideline; drug-related paraphernalia; the unauthorized use or consumption of alcoholic beverages on University property; or University property and/or proprietary and confidential information belonging to a third party that an employee is not authorized to have in his or her possession.
- 2) "University property" includes all documents, records, software, electronic codes, data, and files, in both hard copy and electronic form, relating to the University's business; and all equipment, hardware, and other property of any kind, whether owned, leased, rented, or used by the University.
- 3) "University premises" includes all premises and locations owned or leased by the University or under the control of the University, including parking lots, lockers, and storage areas.
- 4) "Reasonable suspicion" includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.
- 5) "Possession" means that an employee has the prohibited material or University property on his or her person or otherwise under his or her control.

## III. Inspections and Searches

### A. Access to University Property

In order to ensure access at all times to University property, and because employees properly in possession of University property or information related to University business may not always be available to produce the property or information when needed in the ordinary course of the University's business, JPCatholic reserves the right to conduct a routine inspection or search at any time for University property on University premises. In addition, the University reserves the right to access at all times information and communications stored in University computer files, on University mobile devices and in employee voicemail boxes and electronic-mail systems.

- 1) Routine searches or inspections for University property may include an employee's office, desk, file cabinet, closet, computer files, voice mail, electronic mail, University-issued mobile device or similar places where employees may store University property or University-related information, whether or not the places are locked or protected by access codes and/or passwords.
- 2) Because even a routine search for University property might result in the discovery of an employee's personal possessions, all employees are encouraged to refrain from bringing into the workplace any item of personal property that they do not wish to reveal to the University.

### B. Inspections and Searches for Prohibited Materials

- 1) Inspections or searches for prohibited materials in or on University premises also will be conducted whenever the University has reasonable suspicion to believe that a particular employee or group of employees may be in possession of materials in violation of this Guideline.
- 2) Inspections or searches for prohibited materials may be conducted by an independent security service or by University personnel.
- 3) Inspections or searches for prohibited materials may be conducted on a regular or random basis at locations where employees enter or exit University premises, without regard to whether there is reasonable suspicion that any employee may be in possession of prohibited materials in violation of this Guideline.
- 4) Inspections or searches for prohibited materials may be conducted from time to time even when there is no immediate reason to suspect the presence of the materials. In such cases, the University may announce the inspection in advance, *except* for inspections or searches conducted at locations where employees enter or exit University premises.
- 5) Inspections or searches for prohibited materials may include an employee's office, desk, file cabinet, closet,

computer, University-issued mobile device or similar places where employees may place personal possessions or information, whether or not the places are locked, or password protected. Inspections or searches for prohibited materials also may include an employee's locker, or an employee's pockets, purse, briefcase, lunch box, or other item of personal property that is being worn or carried by the employee while on University premises.

- 6) In cases involving an inspection or search of an employee's pockets, purse, briefcase, or other item of personal property that is being worn or carried by the employee, the employee will be requested to conduct a self-search (i.e., by turning out or emptying pockets, purses, etc.) in the presence of an observer who will be a person of the same gender.
- 7) Employees who refuse to cooperate during an inspection or search will not be forcibly detained or searched. They will be informed, however, that the University will base any disciplinary decision on the information that is available, including their refusal to consent to the search as well as the information that gave rise to a reasonable suspicion that the employees were in possession of prohibited materials, if applicable, and that their failure or refusal to cooperate could deprive the University of information that may clear them of suspicion. In addition, the University reserves the right to take appropriate action to prevent the unauthorized removal from University premises of University property.

#### **IV. Approvals for Inspections**

- 1) In instances in which the inspection or search is conducted because there is reasonable suspicion that a particular employee or group of employees may be in possession of prohibited materials in violation of this Guideline or may be using University property in an unauthorized manner, and in instances in which an item of the employee's personal property will be searched, the inspection or search will be approved in advance by the highest ranking member of management in the Division who is available at the time the inspection or search is to be conducted and by the Human Resources Representative or his or her designated alternate(s) in the event of unavailability.
- 2) All inspections or searches that are conducted as part of the University's program of periodic (and unannounced) inspections will be approved in advance by the Human Resources Representative, who will inform the Division Manager of the impending inspection prior to its occurrence.

#### **V. Disciplinary Action**

Employees who are found to be in possession of prohibited materials in violation of this Guideline and/or in violation of University Property; Proprietary and Confidential Information Guideline, the Technology Use and Privacy Guideline, and the Drug-Free Workplace Guideline, or employees who are found to have used University property in an unauthorized manner, will be subject to discipline, up to and including discharge, regardless of the University's reason for conducting the search or inspection.

#### **VI. Confidentiality**

Managers and supervisors will make their best effort to restrict communications concerning a violation or possible violation of this Guideline to persons who have an important work-related reason to know.

#### **Workplace Bullying**

JPCatholic defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” Such behavior violates the University Code of Ethics, which clearly states that all employees will be treated with dignity and respect.

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives, that the University will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when meting out discipline. As in sexual harassment, it is the effect of the behavior upon the individual that is important. JPCatholic considers the following types of behavior examples of bullying:

- Verbal bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
- Gesture bullying: Nonverbal threatening gestures or glances that convey threatening messages.
- Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

## **Violence in the Workplace**

### **I. Statement of Policy**

The University recognizes that workplace violence is a concern among employers and employees across the country. The University is committed to providing a safe, violence-free workplace. All employees, students, customers, vendors and business associates must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous to others. In this regard, the University strictly prohibits employees, consultants, customers, visitors, or anyone else on University premises or engaging in a University-related activity from behaving in a violent or threatening manner. Moreover, the University seeks to prevent workplace violence before it begins and reserves the right to address certain behaviors, even in the absence of violent behavior.

The University believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs and has established procedures within Human Resources for responding to any situation that presents the possibility of violence.

### **II. Workplace Violence Defined**

Workplace violence includes, but is not limited to, the following:

- 1) Conduct that threatens, intimidates or coerces another employee, student, customer, vendor or business associate will not be tolerated;
- 2) Physically aggressive, or violent behavior, such as attempts to instill fear in others;
- 3) Other behavior that suggests a propensity towards violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage of University property, or a demonstrated pattern of refusal to follow University policies and procedures;
- 4) Defacing University property or causing physical damage to the facilities; or
- 5) With the exception of security personnel, bringing weapons or firearms of any kind on University premises, in University parking lots, or while conducting University business.

JPCatholic resources may not be used to threaten, stalk or harass anyone at the workplace or outside the workplace. JPCatholic treats threats coming from an abusive personal relationship as it does other forms of violence.

### **III. Reporting**

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, the Human Resource Representative, or any member of the President's Cabinet. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resource Representative of any protective or restraining order that they have obtained that lists the workplace as a protected area. JPCatholic is committed to supporting victims of violence by providing referrals to community resources and providing time off for reasons related to violence.

JPCatholic encourages employees to bring their disputes to the attention of their supervisors or the Human Resource Representative before the situation escalates. No adverse employment action will be taken against an employee because he or she notifies the University of a potentially violent non-work situation.

#### **IV. Investigation**

JPCatholic will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. JPCatholic will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, JPCatholic may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation. To the extent possible, the University will maintain the confidentiality of the reporting employee and of the investigation. The University may, however, need to disclose results in appropriate circumstances, for example, in order to protect individual safety. The University will not tolerate retaliation against any employee who reports workplace violence.

#### **V. Corrective Action and Discipline**

If the University determines that workplace violence in violation of this policy has occurred, the University will take appropriate corrective action and will impose discipline on offending employees. The appropriate discipline will depend on the particular facts but may include written or oral warnings, probation, reassignment of responsibilities, suspension, or termination. If the violent behavior is that of a non-employee, the University will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

Under certain circumstances, the University may forego disciplinary action on the condition that the employee takes a medical leave of absence. In addition, the University may request that the employee participate in counseling, either voluntarily or as a condition of continued employment.

### **Workplace Safety**

The University is committed to providing and maintaining a healthy and safe work environment for all employees. Accordingly, the University has instituted an Injury and Illness Prevention Program designed to protect the health and safety of all personnel. Every employee will receive a copy of the University's General Safety Rules and will receive health and safety training as part of the Injury and Illness Prevention Program. A complete copy of the Injury and Illness Prevention Program is kept by the Human Resources Manager and is available for your review. JPCatholic firmly believes the foundation for a successful safety program requires constant cooperation and input from the entire University community.

The entire University community is best served if each of us employs preventative attention to any hazards in our daily work, consistently uses safe work practices, and immediately reports any unsafe or hazardous conditions. All employees should review and become familiar with the University's emergency preparedness plan. Please also refer to **Emergency Closings and Natural Disasters** and **Emergency Contact Network** in this manual for further information.

Damaged or tampered safety equipment such as fire extinguishers and hoses, smoke alarms, exit signs and lights, and blocked doors or exits presents a serious danger to the lives and health of the campus community. Please report these instances immediately to the Business/Operations Department.

We encourage every employee to be vigilant to help keep JPCatholic a safe learning/living/working environment.

## I. Workplace Injuries

The University makes a concerted effort in the planning, management and performance of all operations to prevent accidents and to provide a safe and healthy work environment.

The state workers' compensation law covers JPCatholic employees. It is mandatory that all injuries and accidents occurring on the job, regardless of how minor, must be reported immediately to your supervisor who will arrange for proper medical care and complete the injury report forms required by State of California regulations. First aid supplies are located in the 220, 200 and 155 West Grand Avenue buildings. The location of the nearest doctor and/or medical facility is posted in the 220 West Grand Avenue mail room.

Should you sustain an injury, experience an accident, or become ill while performing your job, or while on campus for any reason, and your supervisor is not available to immediately assist you, please feel free to contact the Human Resources Representative.

The University reserves the right to select a treating physician for all injuries and accidents occurring on the job; however, employees are free to seek the medical opinion of their personal physician. Employees not wishing to receive medical treatment from a University selected physician may become responsible for the medical expense associated with the injury. Employees are encouraged to contact the Human Resources Representative with questions and for further information.

If an employee is unable to return to work due to a work-related injury/illness, a physician will be required to provide a certificate of fitness stating that the employee is unable to work. The employee should provide his/her supervisor with the certificate as soon as possible. In addition, the employee should immediately notify the University Finance Department to discuss payments under the University's workers' compensation coverage, continuation of benefits, and time-off benefits.

If it is determined that the employee was under the influence of drugs and/or alcohol at the time a work-related injury occurred and if the cause of the accident was directly related to the use of drugs and/or alcohol, the employee may not be eligible to receive workers' compensation benefits. Further, if an employee willfully fails to use a required safety device, the employee's workers' compensation benefits may be reduced or determined to be non-compensable. Please contact the Human Resources Representative with any specific questions.

## II. Emergency Contact Network

In the event that an emergency situation has disrupted University operations to the extent that an area of campus or the entire University may be closed, then the following network contact list should be used to inform the members of the University community.

| <b>The President, Human Resources Representative or the CFO will call or otherwise contact the Network Contacts listed below. Each Network Contact is expected to have an up-to-date call tree and contact list.</b> |  |
|--|--|
|  | <b>Primary Responsibilities</b>  |
| Administration/Admissions Office   | Compose and send emails, contact the area media, and provide updates throughout the day. |
| Head of each Academic Department   | Contact the faculty members in their department.   |
| Resident Director  | Contact all students in campus residence facilities.                                     |



## **Emergency Closings and Natural Disasters**

Employees should expect and plan that all classes and meetings will be held as regularly scheduled throughout the year. At times, emergencies such as severe weather or wildfires can disrupt University operations. Circumstances may require closing the University. In the event that such an emergency occurs outside regular working hours, you will be notified by University administration concerning expectations to report to work or whether an absence may be appropriate. However, employees are expected to observe local conditions to determine if they can safely reach campus or their work destination and provide appropriate notification to their supervisor if they cannot report to work on time.

In the event of full campus closure, the President, or designated University official will notify the campus community of the cancellation of classes and the closing of offices, as described below in Emergency Contact Network, by phone, email or other electronic communication. However in the absence of notification, attendance should be confirmed with your immediate supervisor, as in cases where an emergency closing is not authorized, employees will not be paid for the time-off if they fail to report for work or fail to confirm the absence with their supervisor or University administration.

When University operations are officially closed due to emergency conditions, the time-off from scheduled work may or may not be paid as determined by the officers of the university after careful consideration of the circumstances surrounding the closure. If an eligible administrative employee is unable to work, comes in late, or leaves early on a day the University is open during an emergency, he/she can make up the time in that workweek or use vacation time, or time without pay.

Employees in essential positions may be required to work when campus operations are officially closed.

## **University Property; Confidential and Personal Information**

### **I. Acceptable Use of University Property and Equipment**

JPCatholic provides equipment and property to facilitate employees fulfilling their responsibilities, but the equipment and property remains the sole property of the University. Employees should use University property and equipment for University business only.

Each employee is expected to take proper care of any furniture, equipment, keys, badges, parking passes, computer (including desktop, monitor, laptop, mouse, cables and keyboard) tools, vehicles, and any other University property assigned to him/her. It is important that any damaged, broken, lost or stolen University property be immediately reported to one's supervisor so that repairs or any other necessary action may be taken.

University property and equipment should not be used in a manner that is disruptive or offensive to others, in ways that could be harmful to workplace morale, or in any way that could harass, disparage, degrade, injure or frighten others.

The use of property and equipment in violation of any University policy is prohibited. This includes, but is not limited to, the following policies: Diversity, Policy Against Harassment and Discrimination, Complaint Procedure, and/or Workplace Bullying.

The University reserves its right to monitor all technology systems to ensure compliance with policies.

University property and equipment may not be temporarily removed from University premises without authorization. Permanent removal requires the prior approval from the Chief Financial Officer.

Laptops and related mobile technology may be issued to certain employees as a working condition benefit. Such

equipment must be carefully secured at all times to assure security of stored information. Employees are held accountable to protect such equipment from loss, damage or theft.

When an employee terminates employment from the University, the employee must return, on or before an employee's last day of work, all JPCatholic related information, furniture, equipment, and property that the employee has in his/her possession, including without limitation: tools, computers, computer peripherals, documents, files, records, manuals, keys, access cards, and any information stored on a personal computer or in any other electronic media that the employee has in his/her possession.

## **II. Confidential and Personal Information**

The security of University property is of vital importance to the University. University property includes not only tangible property, like desks and computers, but also intangible property such as confidential information. It is critical for the University to preserve and protect its confidential information, as well as the confidential information of customers, suppliers, and third parties. All employees are responsible for ensuring that proper security is maintained at all times.

This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications. Nothing in this policy or in related policies is intended to interfere with an employee's right to discuss working conditions within the organization or with members of the public nor is there any restriction on an employee's right to labor organize.

Employees should treat all JPCatholic records and information relating to the University or its students as confidential. Employees may be required to sign a Non-Disclosure Agreement as a condition of employment. Regardless of whether an employee signed a Non-Disclosure Agreement, every employee is responsible for protecting confidential and proprietary information. No JPCatholic documents, whether in written or electronic form, may be removed from University premises, except in the ordinary course of performing duties on behalf of the University, without express permission from a Cabinet member.

"Confidential Information" means all information, not generally known, belonging to, or otherwise relating to the business of the University or its clients, customers, suppliers, vendors, affiliates or partners, regardless of the media or manner in which it is stored or conveyed, that the University has taken reasonable steps to protect from unauthorized use or disclosure. Confidential Information includes but is not limited to trade secrets as well as other proprietary knowledge, information, and know-how; non-public intellectual property rights, including business plans and strategic plans; manufacturing techniques; formulae; processes; designs; drawings; discoveries; improvements; ideas; conceptions; test data; compensation data; compilations of data; and developments, whether or not patentable and whether or not copyrightable.

"Personal Identification Information" includes individually identifiable information about employees, customers, consultants, or other individuals, such as Social Security numbers, background information, financial information, credit card or banking information, student files, donor lists, customer lists, employee personnel or medical information, or other non-public information entrusted to the University regarding an individual's personal identity. There are laws in the United States and other countries that protect certain types of Personal Identification Information, and employees should not disclose such protected Personal Identification Information about other individuals to any third party or from one country to another without prior managerial approval.

Additionally, the contents of JPCatholic's records or information otherwise obtained in regard to business may not be disclosed to anyone, except where required for a legitimate University business purpose. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed in person with an employee's direct supervisor and/or a Cabinet member before any information is disclosed. Please refer to **Employee Personnel Files** in this manual for related information.

Our potential students, students and other parties with whom we do business entrust the University with important information relating to themselves and/or their businesses. It is our policy that all information considered confidential will not be disclosed to external parties or to employees without a need to know. This information is one of the University's most important assets. It enhances the University's opportunities for future growth, and indirectly adds to the job security of all employees. If an employee questions whether certain information is considered confidential, he/she should first check with his/her immediate supervisor.

Failure to take reasonable measures to protect the University's Confidential Information may jeopardize its status as a trade secret. While employed by the University, employees must not use or disclose any Confidential Information or Personal Identification Information that they produce or obtain during employment with the University, except to the extent such use or disclosure is required in connection with performing their jobs. Employees may not use or disclose Confidential Information or Personal Identification Information for any reason after the employment relationship with the University ends. When an employee terminates employment from the University, the employee must return, on or before an employee's last day of work, all JPCatholic related information, equipment, and property that the employee has in his/her possession, including without limitation, computers, computer peripherals, documents, paper or electronic files, records, manuals, keys, and any information stored on a personal computer or in any other electronic media. Please refer to **Separation of Service** in this manual for further information.

Misuse or unauthorized disclosure of Confidential Information or Personal Identification Information may result in immediate termination, as well as potential personal and criminal liability. Nothing in this Guideline restricts an employee from discussing his or her wages or other terms and conditions of employment with coworkers or others, to the extent protected by law.

## **A. Family Educational Rights and Privacy Act (FERPA)**

JPCatholic is subject to the terms and obligations of the Family Educational Rights and Privacy Act of 1974 (FERPA). FERPA is a federal law that pertains to the release of and access to educational records. The law applies to all schools that receive funds under an applicable program of the US Department of Education. Students have three primary rights under FERPA. They have the right to inspect and review their education records; the right to have some control over the disclosure of information from their education records; and the right to seek to amend their education records, under certain circumstances. Go to [www.ed.gov/policy/gen/guid/fpco](http://www.ed.gov/policy/gen/guid/fpco) to learn more.

Employees must maintain the confidentiality of all education records. For the safety and privacy of our students, employees should never:

- Use the social security number or student ID number in a public posting of grades or any other information.
- Leave graded tests, papers, or other student materials for students to pick up in a stack that requires sorting through the papers of all students.
- Discuss the progress of any student with anyone other than the student, the student's advisor, or the Dean of Students without the written consent of the student. All inquiries from other parties should be referred to the Registrar's Office.
- Provide anyone with student schedules or assist anyone other than University personnel in finding a student on campus. All inquiries from other parties should be referred to the Registrar's Office.
- Provide anyone outside of the University with lists or files of student information without express authorization from an Officer of the University.

For more information please refer to the University Catalog. Further questions concerning FERPA may be referred to the Registrar's Office.

## **II. Obligations on Termination**

On termination of employment, whether voluntary or involuntary, all University documents, computer records, and other tangible University property in the employee's possession or control must be returned to the University

immediately. The University considers refusal to return University property to be theft and reserves the right to contact local law enforcement if University property is not returned at the time of termination.

### **III. Security**

To avoid loss of University property, the Security Department maintains and promulgates security procedures, which include maintaining control of entrances, exits, restricted areas, document control, and record keeping. Specific procedures regarding the protection of University property, traffic throughout the facilities, and designation of restricted areas are issued by the Security Department and posted on University bulletin boards. In addition, employees are expected to comply with University policies regarding the authorized and secure use of the University's computer technology, as described in the University's Security Regulations and in the Technology Use and security guideline of this Manual. Employees are expected to abide by all of the University's security procedures.

Avoiding loss or theft of Confidential Information or Personal Identification Information is an important part of each employee's job. Accordingly, employees must observe good security practices. Employees are expected to keep Confidential Information secure from outside visitors and all other persons who do not have legitimate reason to see or use such information. Employees are not to remove University property without authorization. Failure to adhere to University policies regarding Confidential Information and Personal Identification Information will be considered grounds for dismissal.

Given the sensitivity of Confidential Information and Personal Identification Information, employees may only dispose of such information by secure methods approved by the University. If an employee has any doubt or question about how to handle Confidential Information or Personal Identification Information, the employee should consult with the University's Security Department.

### **Retention and Destruction of Records**

The law requires the University to maintain certain types of records, usually for a specified period of time. Failure to retain those records for those minimum periods could subject an employee and the University to penalties and fines, cause the loss of rights, obstruct justice, spoil potential evidence in a lawsuit, place the University in contempt of court, or seriously disadvantage the University in litigation. All documents, regardless of physical form, received or created by JPCatholic in connection with the transaction of University business are subject to this policy.

All Department Heads are responsible for maintaining and communicating the appropriate guidelines for record retention within their respective departments. The policy is designed to ensure compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records and to facilitate JPCatholic's operations by promoting efficiency and freeing up valuable storage space.

### **Electronic Communication and Internet Use**

#### **I. Confidentiality – Technology Resources**

All information stored in University-owned computers, computer systems, data files, databases, spreadsheets, word processing documents, etc. must be treated as confidential and proprietary information of the University.

Further, JPCatholic is committed to protection of personal data and information pertaining to its employees and students. The Gramm Leach Bliley Act (GLBA) requires that the University take steps to secure personal data and personally identifiable information obtained in connection with financial transactions. Such information must be secured in order to minimize the risk of identity theft, protect the privacy interests of the University community and promote confidence in its business practices.

Personally identifiable information for employees, alumni, students, and other individuals includes but is not be limited to, names, addresses and phone numbers; bank, credit card and debit card account numbers; income and

credit history; details regarding disability, retirement, life insurance and similar benefit plans including beneficiaries, dependents and account numbers; accounts payable and accounts receivable; passwords and security codes; and social security numbers.

Adequate safeguards must be maintained to protect covered data and information. These safeguards are intended to:

- Ensure the security and confidentiality of covered data and information;
- Protect against anticipated threats or hazards to the security or integrity of such information;
- Protect against unauthorized access or use of covered data and information that could result in substantial harm or inconvenience to any current or former University employee or student;
- Ensure plans are maintained and regularly tested to ensure that any damage done by possible external cyber-crime attacks can be minimized and that restoration takes place as quickly as possible;
- Ensure the University takes reasonable steps when entering into contractual arrangements to select and retain financial service providers who maintain appropriate safeguards for covered data and information;

The University and authorized parties in possession of covered data and information shall only allow access or disclose such information to persons who have a bona fide business reason to know, upon receipt of adequate proof of valid written consent, or to comply with legal process.

Accordingly, employees should not:

- Disclose this information, except on a need-to-know basis to persons outside of JPCatholic;
- Use this information for their own benefit, or for the profit or benefit of persons outside of JPCatholic;
- Copy any of this information, except where necessary in order to perform essential job duties while employed at the University;
- Retain any of this information upon leaving JPCatholic's employment;
- Maintain any personal information on University computers; as such, this information is considered the property of the University;
- Access disks, hard drives, files, data, or file folders not related to the performance of one's essential job duties or work-related assignments.

The Information Technology department is responsible for protecting the security and integrity of the University's computer network and its data. The IT department has developed and maintains a system and registry of assigned users, names and passwords to ensure that only persons with a business reason to know have access to covered data and information. IT will take reasonable and appropriate steps to make sure that covered data and information is secure and to safeguard the integrity of records in storage and transmission. This includes, but is not limited to, maintaining the operating system and applications, including application of appropriate patches and updates, appropriate firewalls encryption technology for storage and transmission of covered data, implementation of an intrusion detection system to guard against external threats, and an appropriate incident response policy to promptly address intrusions when they incur.

Supervisors are charged with ensuring access to covered data and information is limited to only those employees or authorized providers who have a legitimate business reason to access and use such information. Covered data and information should be kept in file cabinets and rooms that are locked each night. Only authorized employees should know combinations and locations of keys. Computer screens containing covered data and information should be turned off when monitoring physical security is not possible. Similarly, paper documents containing covered data and information should not be left in the open. Documents containing covered data and information should be shredded at the time of disposal.

## **II. Acceptable Use of Technology Resources and Equipment**

Access to and use of technology resources and equipment is provided to employees for the purpose of furthering the mission of JPCatholic. Use of technology resources must be primarily restricted to employee's academic, research, service, operational, or management activities within the University. As such, use of telephones, facsimile machines,

computers, and other electronic equipment or media for solicitation or distribution of information not related to University business is strictly prohibited.

Brief and occasional personal use of technology resources and equipment may occur; however, personal use should be kept to a minimum and should not in any way impede the conduct of daily University business. The use of the desktop computing resources and equipment for personal efforts must occur outside of business hours, and any files created should either be deleted or saved on an employee's personal storage medium. Personal consumption of University printing resources are not to be charged to any University budget. In order to use JPCatholic's computer network-based facilities or storage for personal use, approval must be given by the Vice President for Technology and the use should be kept to a reasonable level. Personal and outside projects will not receive priority over late evening academic or operational requirements, system maintenance, or file backups and restores.

The following are some examples, although not intended to be an exhaustive listing, of actions and activities that are prohibited and may result in disciplinary action:

- Using the University's technology resources for personal gain;
- Using, or disclosing a student's or another employee's password without authorization;
- Failing to observe licensing agreements by copying or downloading software and/or electronic files without permission from the owner;
- Violating copyright law or by sending or posting confidential material, trade secrets, or proprietary information outside of the University;
- Engaging in unauthorized transactions that may incur a cost to the University or initiate unwanted or unreasonable Internet-based services and transmissions. Great care must be taken when downloading information and files from the Internet to safeguard against both malicious code and also inappropriate material;
- Initiating, sending or posting messages or material that could damage the University's image or reputation;
- Sending or posting messages that defame or slander another individual or messages that disparage another organization's products or services;
- Using University technology resources while attempting to break into the computer system of another organization or person;
- Sending or posting chain letters, solicitations, or advertisements not related to University business purposes or activities;
- Using University technology resources for political causes or activities;
- Using University technology resources for any sort of illegal gambling;
- Jeopardizing the security of the University's electronic communications systems, databases, or networks, including disengaging local or network-based anti-virus software;
- Sending electronic messages or e-mail that pass off personal views as representing those of the University in an official capacity;
- Writing blog messages or entries to online journals that represent the views and/or opinions of the University in any manner not expressly required as a part of your position with the University;
- Using University technology resources to write blog messages or entries to online journals in a manner that results in personal attacks, discrimination, harassment or similar inappropriate acts directed toward co-workers, customers, vendors or any other party connected with the University;
- Sending anonymous e-mail messages using University technology resources;
- Engaging in any other unlawful activity while using University technology resources.

### **III. Email and Voice-mail Usage**

JPCatholic owns the telephone, email and voice-mail systems, hardware and software; all messages that are created, transmitted, stored, or received using the system remain the property and records of the University. The University reserves the right to review, access, and disclose all messages created, received, stored, or sent using the University's system(s) when there is a reasonable suspicion of a violation of University policy or applicable law and/or regulation.

Please note that e-mail and voice-mail records are subject to disclosure to law enforcement, or government officials or to third parties through subpoena or other legal processes.

Incoming e-mail must be treated with the utmost care due to its inherent security risks. E-mail with file attachments should not be opened unless such attachments have been scanned for possible viruses or other malicious code. E-mails received from unknown senders should be deleted without being opened. Individuals outside the University may attempt to secure employee data or financial payments through emails appearing to originate from a JPCatholic email address. Verification in person or by phone is recommended before responding to such emails.

E-mail and voice-mail messages should only be accessed and retrieved by the intended recipient unless prior permission is obtained. Additionally, employees must ensure that information forwarded by e-mail, especially those e-mails with attachments, is correctly addressed and only sent to intended recipients. Due to the chance that messages may get forwarded improperly or opened by an unintended party, no employee should send highly confidential materials or messages over these systems. The use of passwords does not guarantee confidentiality.

Transmission or reception of any material in violation of any law, governmental regulation, or University policy is prohibited. This includes, but is not limited to, copyrighted material or material protected as a trade secret. Employees may not use the e-mail or voice-mail system in ways that are disruptive or offensive to others, or harmful to workplace morale. There should be no display or transmission of sexually explicit images, messages, or cartoons. The University also prohibits any transmission or use of e-mail or voice-mail communications containing ethnic slurs, racial epithets, or other content that can be construed as harassing or disparaging or in any way a violation of any University policy including, but not limited to, Diversity, Anti-harassment Policy and Complaint Procedure, and/or Workplace Bullying policy.

Employees should retrieve their messages and regularly purge their e-mail and voice-mail messages to enable the system to operate properly.

### **III. Online Etiquette Policy**

It is expected that employees will use good manners, grammar and form in online communication. This includes communication in email, discussion boards, blogs and social networking sites. Communication online is non-verbal and frequently you may not physically meet the recipients. Employees are expected to keep in mind the following guidelines.

- As Catholics we recognize the dignity of every human person. Be respectful, professional, and careful about what you say and how you say it.
- Be aware of the image of yourself you are projecting online. Use clear writing and good form.
- Remember that others cannot see your facial expressions or hear the tone of your voice. Your words and manner of expression must clearly indicate your intended meaning. This is particularly important when using humor (e.g., sarcasm may not be apparent by your words alone).
- Respect the time of others. Keep communication short and to the point. Also, be sure to stay on topic.
- Note your specific topic in the subject line and be detailed but succinct about your question or concern. Be sure to review your email before sending it, what might be clear to you may not be to the recipient. Also combine multiple questions or concerns into one email when possible.
- On message boards, use the subject line appropriately, employing meaningful and succinct labels so that all have an immediate grasp of your contribution.
- Avoid using ALL CAPS, especially when you are disagreeing. This is perceived as shouting.
- Be aware of issues that might arise due to cultural and languages differences.
- Be careful not to violate the privacy of others. Do not send commercial advertisements or SPAM to other students, professors or staff.

# Technology and Social Media Policy

At the University, we understand that social media can be a fun and rewarding way to share one's life and opinions with family, friends and co-workers around the world. The University respects the right of employees to use them as a medium of self-expression. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist employees in making responsible decisions about their use of social media, the University has established these guidelines for appropriate use of social media. This policy applies to all employees who work for the University. All employees need to follow these requirements when posting on social media.

## I. Guidelines

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to an employee's own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the University, as well as any other form of electronic communication.

The same principles and guidelines found in the University's policies apply to employees' activities online. Ultimately, employees are solely responsible for what they post online. Before creating online content, employees should consider some of the risks and rewards that are involved. Employee conduct that adversely affects job performance, the performance of fellow employees or otherwise adversely affects customers, suppliers, people who work on behalf of the University or the University's legitimate business interests may result in disciplinary action up to and including termination.

### A. Know and follow the rules

Employees should carefully read these guidelines and the University's employment policies that address social media, including the University Property: Confidential and Personal Information Policy, the External Communications Policy, the Equal Employment Opportunity Policy, and the Policy Against Harassment and Discrimination, and ensure their postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject employees to disciplinary action up to and including termination. Employees should not have an expectation of privacy with respect to information or communications that they post using the University's computers or networks. The University has the right to monitor all activity on its equipment and system.

### B. Exercise best judgment and discretion

Employees should always be fair to fellow employees and people who work on behalf of the University. Also, employees should keep in mind that they are more likely to resolve work-related complaints by speaking directly with co-workers or by utilizing any of the University's procedures for raising concerns or complaints (i.e., the University's Open Door Policy or Procedure for Reporting Employee Complaints, or for concerns involving suspected harassment, discrimination or retaliation, by using the complaint reporting procedure described in the Policy Against Harassment and Discrimination). Nevertheless, if employees decide to post complaints or criticism, they should avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or University policy. Employees are personally responsible for what they post, and the University will not assume any liability for those statements.

### C. Be honest, accurate and transparent

Employees should strive to remain honest and accurate when posting information or news, and if they make a mistake, they should be open about it and correct it quickly. This includes being open about any previous posts they have altered. The Internet archives almost everything; therefore, even removed or deleted postings can be searched. Employees should never post any information or rumors that they know to be maliciously false about the University,



fellow employees or people working on behalf of the University. When using social media, employees should comply with the site's terms of service, acceptable use policy and any other posted guidelines.

#### **D. Post only appropriate and respectful content**

- Employees must maintain the privacy of the University's non-public, proprietary information. Such information may include information regarding unreleased financial data, potential acquisitions, internal analyses, pricing, etc., and other information pertaining to the University's processes.
- Employees should not create a link from their blog, website or other social networking site to the University's website without identifying themselves as a University employee. In addition, they must use their best judgment and exercise discretion when linking to people on social media sites. Co-workers and members of the public may see employee connections and make judgments about them or their work.
- Employees must not violate copyright, trade secret, fair use, privacy, libel and defamation, federal securities and financial disclosure laws.
- Employees should express only their personal opinions. They should never represent themselves as a spokesperson for the University. Employees are not authorized to speak on behalf of the University unless given specific prior written approval from the University. If the University is a subject of the content employees are creating, employees should be clear and open about the fact that they are an employee and make it clear that their views do not represent those of the University, fellow employees or people working on behalf of the University. If employees do publish a blog or post online related to the work they do or subjects associated with the University, they should make it clear that they are not speaking on behalf of the University. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the University." Employees may not promote any of the University's products or services without fully disclosing their relationship with the University.
- Employees should respect others in the online community. They should not use ethnic or racial slurs, or obscenity, and avoid personal attacks or threats.
- Employees who travel internationally, should be careful to avoid making online comments that are openly critical or hostile of the countries to which they plan future travel (including the countries' governments, ruling parties, officials, and religious values), as some governments have criminal penalties for such online statements, including imprisonment.

#### **E. Using social media at work**

Employees should refrain from using social media while on work time, unless it is work-related as authorized by their supervisor or consistent with the University's policies. Also, employees may not use the University's email addresses to register on social networks, blogs or other online tools utilized for personal use.

#### **F. Retaliation is prohibited**

The University prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination. Nothing in this policy is intended to discourage or prohibit University employees from discussing wages or terms and conditions of employment with other employees or third parties. This Policy will be administered in compliance with applicable laws and regulations.

#### **G. Media contacts**

Employees who are contacted by the media should not speak on the University's behalf without contacting the President or other member of the Cabinet. All media inquiries should be directed to the President's office.

#### **H. For more information**

Employees with any questions or who need further guidance should contact your Human Resources representative.

## Cell Phone Usage

JPCatholic provides cell phone equipment and services to administrators and staff as University business needs dictate. The University-provided cell phone services is intended solely for the business needs of the University but is not intended to replace regular University telephone service.

Cell phones must be used responsibly and safely in the course of employee's work activities. The University encourages all employees to exercise discretion in answering or talking on a cell phone in the course of your job duties. Please use your cell phone responsibly.

California law states that a person cannot talk on a cell phone while driving, without a hands-free device. JPCatholic requires that their employees follow the law. Personal and University-provided cell phones should not be used in a manner that is disruptive to other employees, clients, guests and visitors. Employees should attempt to keep their personal and University-provided cell phones on vibrate or silent mode while in the office.

JPCatholic cannot and does not imply, extend, or guarantee any right to privacy for voice calls and electronic communications placed over University-provided cell phones, including but not limited to call detail records, logs, voice mail messages, data storage, text messages, e-mails, and address books. Employees are reminded and cautioned that call detail records generated from assigned cell phones are considered business records of the University. The Internal Revenue Service considers personal use of a business-provided cell phone as a taxable fringe benefit. Employees who anticipate making or receiving personal calls are strongly encouraged to obtain their own personal cell phone service.

Cell phones and accessories may not be transferred to another employee without prior notification to the Vice President for Technology. Cell phone numbers are provided and owned by the University and are subject to change. It may be necessary to reassign cell phones in emergencies. When notified, employees will be responsible for promptly delivering the assigned cell phone to the Vice President for Technology.

## Electronic Surveillance

The University reserves the right to install security cameras in work areas for specific business reasons, such as security, theft protection or protection of proprietary information. The University may find it necessary to monitor work areas with security cameras when there is a specific job or business-related reason to do so. The University will do so only after first ensuring that such action is in compliance with state and federal laws. Employees should not expect privacy in work-related areas. Employee privacy in nonwork areas will be respected to the extent possible. The University's reasonable suspicion of an onsite drug use, physical abuse, theft or similar circumstances would be possible exceptions. Employees should contact their supervisor or the Human Resources Department if they have questions about this policy.

## External Communications

Occasionally employees may be contacted by outside sources requesting information about University matters, including information regarding current or former employees, University projects, or other workplace issues. In order to avoid providing inaccurate or incomplete information to outside sources, and the possible negative exposure that may result from providing information about the University to outside sources, any employee asked to speak for or on behalf of the University by any outside source should immediately contact the appropriate University official, as detailed below.

Employees violating this policy may be subject to discipline, up to and including termination of employment.

This policy is in no way intended to prohibit an employee from documenting and speaking with outside third parties regarding perceived or alleged unacceptable or illegal working conditions. The policy is also in no way intended to

deter any employee from speaking with any individual regarding labor organizing.

## **I. Media Contacts**

The University will respond to media inquiries in a timely and professional manner only through the designated spokesperson. If an employee is contacted by a representative from any media organization (e.g., television, radio, or newspaper reporters) to speak for or on behalf of the University, the employee should notify the media representative that he or she is not authorized to make a public comment on behalf of the University and all inquiries from the media must be referred to Derry Connolly, President at [dconnolly@jpcatholic.edu](mailto:dconnolly@jpcatholic.edu). No employee may communicate with media agents on behalf of the University without prior authorization from Derry Connolly.

## **II. Outside Attorneys and Investigators**

If an employee is contacted by an outside attorney or investigator regarding University business, including information regarding current or former employees, University projects, or other workplace issues, the employee should inform the inquiring party that he or she is not authorized to speak on behalf of the University and immediately obtain the individual's name and telephone number. The individual's name and telephone number should then be provided to the Human Resources Department. Nothing in this policy restricts an employee from discussing his or her wages or other terms and conditions of employment with coworkers or others, to the extent protected by law.

## **III. Employment References and Verifications**

Employees contacted by outside sources requesting an employment reference or employment verification for a current or former employee should not provide any information to the requesting individual or organization. Instead, employees are expected to direct all inquiries for a personal letter of recommendation or employment verification to the Human Resources Department. No employee, other than the Human Resources representative, is authorized to provide employment references or employment verifications for any current or former employee. The University's authorized representative(s) may verify dates of employment, last position held, and salary at discharge but will not disclose any other information unless the current or former employee provides written authorization to the University to provide additional detail.

## **Attire and Grooming**

It is important for all employees to project a professional image while at work by being appropriately attired. JPCatholic employees are expected to be neat, clean and well-groomed while on the job. Clothing must be consistent with the standards for a business environment and must be appropriate to the type of work being performed.

All employees must be covered from shoulders to knees at all times (no see-through or sleeveless clothing is permitted at any time). Natural and artificial scents may become a distraction from a well-functioning workplace and are also subject to this policy.

JPCatholic is confident that employees will use their best judgment regarding attire and appearance. The Human Resources Representative reserves the right to determine appropriateness. Any employee who is improperly dressed will be counseled or in severe cases may be sent home to change clothes. Continued disregard of this policy may be cause for disciplinary action, which may result in termination.

Nothing in this dress code is intended or should be construed to violate, restrict or discriminate against any employee's race (including hair texture and protective hair styles), sex, gender, gender identity, gender expression, nursing mothers, or religious dress practices. If any employee believes that their protected rights based upon sex, gender, gender identity, gender expression, nursing mothers, or religious dress practices are being restricted or violated in some manner by the dress code, please contact your manager or human resources so that these concerns can be addressed. Any employee who needs a medical or religious accommodation to the University's dress and grooming standards should contact the Human Resources Department.

## Smoke-Free Workplace

It is the policy of JPCatholic to prohibit smoking on all University premises in order to provide and maintain a safe and healthy work environment for all employees. No smoking or other use of tobacco products (including, but not limited to, cigarettes including electronic smoking devices or e-cigarettes, pipes, hookahs, cigars, snuff, or chewing tobacco).

The smoke-free workplace policy applies to:

- All areas of University buildings.
- All University-sponsored off-site conferences and meetings.
- All vehicles owned or leased by the University.
- All visitors (students, customers and vendors) to the University premises.
- All contractors and consultants and/or their employees working on the University premises.
- All employees, temporary employees and student workers.

Smoking is permitted in parking lots only. In any place, except in restricted smoking area(s), right of no-smokers to breathe clean air prevails over the right of the smokers to smoke.

Employees who violate the smoking policy will be subject to disciplinary action up to and including immediate discharge.

## Solicitation, Distribution and Bulletin Boards

Employees may engage in solicitation on University premises only during their nonworking time. Nonworking time means time during meals or breaks and before or after work.

Employees may distribute or circulate non-University written materials only during nonworking time and only in nonwork areas. If an employee is not certain whether an area is a work or nonwork area, he or she should consult his or her immediate supervisor for clarification.

Solicitation or distribution in any way connected with the sale of any goods or services for profit is strictly prohibited anywhere on University property at any time. Similarly, solicitation or distribution of literature for any purpose by non-employees is strictly prohibited on University property at any time.

JPCatholic has a bulletin board located in 220 West Grand in the mail room downstairs. Postings on this board is limited to items posted by JPCatholic, including statutory and legal notices, safety and disciplinary rules, University policies, memos of general interest relating to JPCatholic, local operating rules, and other University items. All postings require the prior approval of the Human Resources representative. No postings will be permitted for any other purpose.

## General Vehicle Policies

Employees are not authorized to transport other employees, vendors, faculty, visitors or students for official University business unless the CFO, VP of Administration or Human Resources Representative approves the driver. Employees who drive University vehicles or non-University vehicles on University business are responsible for parking tickets and moving violation infractions.

### I. Use of Personal Vehicles

Whenever an employee is driving on behalf of the organization, either in his or her own vehicle or any vehicle the organization owns, the following rules apply:

- 1) The vehicle must be clean inside and out. The windshield also must be kept clean. The floor of the vehicle must be clean and free of obstructions.

- 2) The driver and all passengers must wear seat belts.
- 3) All traffic laws must be obeyed. Under no circumstances should an employee attempt to keep a specific time of arrival promised by breaking traffic laws, or by driving in an unsafe manner.
- 4) Do not pick up hitchhikers or allow an unauthorized person to be a passenger in or to drive either the organization's vehicle or your own vehicle while being used on organization business.
- 5) Maintain automobile liability coverage equal to or greater than the limits recommended by your insurance agent.
- 6) Provide us with a copy of the declarations.
- 7) Employees intending to operate non-University-owned vehicles for official business may do so at their own risk and must carry sufficient personal auto insurance.

## **II. Employees Use of University Vehicles**

University-owned and Rental Vehicles must only be operated by employees or current students of JP Catholic University who have a valid United States driver's license, be at least twenty-one (21) years of age, and appear on the University approved driver's list. All drivers must also have a clean driving record with the Department of Motor Vehicles.

All employees who drive as a part of their job and any of its passenger(s), must wear a seat belt. Under no circumstances will you drive while under the influence of drugs and/or alcohol.

The University participates in a system that regularly checks the DMV records of all employees who drive as part of their job. Notify the University immediately if your license to drive is revoked.

The University retains the right to transfer to an alternative position, suspend or terminate an employee whose license is revoked, or who is uninsurable under the University's policy.

## **III. Mobile Device Policy**

The University prohibits the use of all handheld mobile devices including cell phones, smart phones, tablets, personal organizers, or other devices for work purposes while operating a motor vehicle, or for personal purposes while operating a motor vehicle during working hours or on University business. Moreover, all use of University-issued mobile devices, or personally owned mobile devices used for work-related purposes, must be made in accordance with University.

Employees may use hands-free mobile devices while driving when safe and lawful to do so. Special care should be taken in situations where there is heavy traffic, inclement weather, or the employee is driving in an unfamiliar area. Employees must adhere to all federal, state, and local rules and regulations regarding the use of mobile devices while driving.

Under no circumstances are employees allowed to use mobile devices to write, send or read any emails, text or other written messages for work purposes while operating a motor vehicle, or for personal purposes while operating a motor vehicle during working hours or on University business.

## **Employee Travel and Reimbursement**

Employees will be reimbursed for reasonable expenses incurred in connection with approved travel on behalf of the University.

Travelers seeking reimbursement should incur the lowest reasonable travel expenses and exercise care to avoid the appearance of impropriety. If a circumstance arises that is not specifically covered in the travel policies, the most conservative course of action should be adopted.

Travel for staff must be authorized in advance. Travelers should verify that planned travel is eligible for reimbursement before making travel arrangements. Upon completion of the trip, and within 30 days, the traveler must submit a Travel Reimbursement Form and supporting documentation to obtain reimbursement of expenses. For more details, refer to the Finance Department for detailed travel policies, procedures and authorization and reimbursement forms.

Exempt employees will be paid their regular salary for weeks in which they travel. Nonexempt employees will be paid for travel time in accordance with federal and state wage payment laws.

## Holidays

JPCatholic provides ten (10) holidays per fiscal year (July 1 to June 30) to full time employees. The University annually publishes the actual dates for holidays once approved by the President's Cabinet. The University is closed on and normally observes the following paid holidays:

- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving (Thursday and Friday)
- Christmas (normally 2-days)
- New Year's Day (normally 2-days)

Eligible employees will receive a day off on each of the holidays listed above.

### I. Eligibility

Full time employees become eligible for holiday benefits immediately. To be eligible for holiday pay, employees must be in a paid status the last scheduled day immediately preceding and the first scheduled day immediately following the holiday. Part-time and temporary employees are not eligible for paid holiday benefits. Moreover, all employees are ineligible for holiday benefits while they are on leave of absence.

Non-exempt employees must work their scheduled workday before and after the holiday in order to be eligible for holiday pay, unless the employee is absent with prior permission from their supervisor.

### II. Weekends and Vacations

Holidays falling on Saturdays will normally be observed on the preceding Friday. Holidays falling on Sundays will normally be observed on the following Monday. Holidays that occur during an eligible employee's vacation will not be counted as vacation days taken.

### III. Pay In Lieu of Time Off

The University may, in its sole discretion, require some or all employees to work on University-observed holidays, in which case the University will provide pay in lieu of time off.

### IV. Rate of Pay

Nonexempt employees required to work on a University-observed holiday will be paid their normal base rate for all hours worked, up to 8 hours (Overtime provisions apply for hours worked in excess of 8 hours).

## Paid Time Off

The University grants Paid Time Off ("PTO") to eligible employees to provide them with the flexibility to meet both their work and personal needs. The University believes that this time is valuable for employees not only to make their work experience with the University personally satisfying, but also to enhance their productivity. Eligible employees

can use PTO for any reason (e.g., vacation, illness, medical appointments, personal business).

## I. Eligibility

The Paid Time Off benefit is determined by employee classification category. There are three categories for the purposes of Paid Time Off. The employee classifications categories are Full Time/Exempt Employees, Full Time/Non-Exempt Employees and Part Time Employees. Employees on leave for any reason are not entitled to Paid Time Off prior to returning to work at the conclusion of their leave. This includes FMLA, Military Service or any other disability leave. Details are listed below.

## II. Use

Subject to certain limitations discussed below, employees may use PTO as soon as it is accrued. Employees may take PTO for any reason, including the following: vacation, personal illness, medical and dental appointments, emergencies, family care and medical leave, disability leave, and personal commitments. Nonetheless, employees should make every effort to schedule time off for personal appointments (medical appointments, teacher conferences, auto repairs, etc.) before and after working hours. This policy allows eligible full time employees to receive their wages while off work for vacation, personal or family business, and personal or dependent illness or emergency. The PTO benefit is designed to allow for the rest and relaxation of employees, as well as to minimize the financial hardship that would otherwise confront employees who are required to be absent from work due to the above situations.

Non-exempt employees must record all absences (whether paid or unpaid) in Zenefits. Exempt employees must record all PTO in Zenefits. PTO is recorded in Zenefits in increments of one hour and charged against an employee's accrued PTO.

## III. Accrual

### A. Full Time/Exempt Employees

For Full Time/Exempt Employees, JPCatholic maintains an extensive PAID TIME OFF (PTO) benefit beginning 90 days after the employee's hire date. Any time taken off before 90 days will be considered unpaid, and the applicable wages withheld from the paycheck. PTO is not accrued, i.e. employees who fall under this policy can take time off when they choose **as long as they have the approval of their Manager and have reached the 90 days of employment. Time off is limited to a number of consecutive workdays**, which is dependent on length of service and is given in the table below. Time off must be requested in Zenefits. There is no payout for unused PTO for Exempt Employees.

| Length of Continuous Service                       | Consecutive workdays off limit |
|--|--------------------------------|
| Day 91 to 1st year complete service                | 5                              |
| Beginning 1st year up to 2nd year complete service | 8                              |
| Beginning 2nd year up to 5th year complete service | 10                             |
| Beginning 5th year up to 8th year complete service | 12                             |
| Beginning 8th year up to 10 years complete service | 14                             |
| Beginning 10th year and over                       | 15                             |

### 1. Special Life Occasions

The number of consecutive days off, described in the Table above, may be increased for special life events, as follows, based on Manager's approval:

- 5 days on the birth/adoption of their child
- 2 days for their wedding

### B. Full Time Non-Exempt

All Full Time Non-Exempt employees will begin accruing Paid Time Off (PTO) after the 6-month probationary period.

Any time taken off before 6-months will be considered unpaid, and the applicable wages withheld from the paycheck. Employees must also **have the approval of their Manager** when scheduling PTO.

| <b>Length of Continuous Service</b>                       | <b>Maximum days of accrual</b> |
|---|--------------------------------|
| Six months up to 1st year complete service                | 5                              |
| Beginning 1st year up to 3rd year complete service        | 7                              |
| Beginning 3rd year up to 4th year complete service        | 9                              |
| Beginning 4th year up to 5th year complete service        | 10                             |
| Beginning 5th year up to 10th year complete service       | 15                             |
| Beginning 10 <sup>th</sup> year complete service and over | 20                             |

### **C. Maximum Accrual for Full-Time Non-Exempt**

PTO accruals may not exceed one and one half an employee’s current annual entitlement (i.e. 7.5 days for a full-time exempt employee with 6-months to 1-year of continuous service with the University). Once this maximum is reached, all further accruals will cease. PTO accruals will recommence after the employee has taken vacation and his or her accrued hours have dropped below the two-year maximum.

### **D. Part-time Employees**

Part-time (regularly scheduled at less than 40 hours per week), exempt and non-exempt, are not eligible to participate in the Paid Time Off benefit. Part time employees (exempt or non-exempt) do not accrue PTO.

### **E. PTO Accrual During Leaves of Absence**

Employees do not accrue PTO during an unpaid leave of absence or while on disability salary continuation. PTO accruals recommence when the employee returns to work.

## **IV. Compensation For PTO**

Eligible employees will receive pay at their normal base rate for any PTO taken. However, employees who are absent during their introductory periods will not be compensated. No employee will receive pay in lieu of PTO except on the termination of his or her employment, as described below, unless the employee has deferred his or her PTO at the University's request.

## **V. Unpaid Time Off and Make-up Time**

Unpaid Time Off is an authorized absence from work without pay for five (5) consecutive workdays or less, which may be granted for medical or personal reasons after an employee has exhausted his or her applicable Vacation Leave, Sick Leave, or PTO.

### **A. Eligibility**

All regular, full-time employees and regular, part-time employees are eligible upon hire for Unpaid Time Off.

In cases of Unpaid Time Off that is requested for personal reasons, an employee’s accrued Vacation Leave or PTO must be fully used before the Unpaid Time Off commences.

In cases of Unpaid Time Off that is requested for medical reasons, an employee’s accrued Vacation Leave, accrued Sick Leave, or PTO must be fully used before the Unpaid Time Off commences.

### **B. Length of Absence**

Unpaid Time Off is granted only in whole-day increments. It may be granted for a single workday or a number of consecutive workdays up to a maximum of five (5). Unpaid Time Off cannot be granted for more than five (5) consecutive workdays. Unpaid absences of more than five (5) days must be requested under a leave of absence policy.



## **C. Compensation and Benefits**

Employees maintain their regular benefits while absent from work on approved Unpaid Time Off. Employees are not paid for this absence. For additional information, please refer to the Benefits Section of this Handbook.

## **D. Requests and Approvals**

Employees must submit a written request for Unpaid Time Off to their immediate supervisor at least 24 hours in advance of the desired time off. The written requirement may be waived in emergency situations.

Supervisors are responsible for obtaining departmental decisions and communicating them in writing to the employees. Approvals must clearly define the duration of the absence and the date the employee is expected to return to work. Department Heads are authorized to approve requests for Unpaid Time Off.

Approval decisions must take into consideration the staffing and budgetary needs of the department. Requests may be denied on the basis of these or other reasonable considerations.

## **E. Provisions**

An employee may request more than one period of Unpaid Time Off during a fiscal year. However, during any one fiscal year, an employee will not normally be granted more than a total of five (5) days of Unpaid Time Off.

Employees who are absent from work without approval of their supervisor may be subject to disciplinary action up to and including termination.

An employee who fails to return to work by the expected return date may be considered to have voluntarily terminated from the Company.

As an alternative to charging time off against accrued PTO for personal appointments, non-exempt employees may take the time off as leave without pay or submit a written request to make up the time off during the same workweek. Non-exempt employees may choose to make up the time on the day the absence occurs, or the time may be made up within the same workweek, as long as the total hours worked in any day (combining regularly-scheduled time and make-up time) do not exceed 8 hours, and the make-up time does not cause the employee's hours to exceed 40 for the week.

Premium pay will not be paid for make-up time, and all make-up time must be productive and reported on the employee's weekly time keeping record. All make-up time must be arranged in advance through the employee's immediate supervisor.

# **VI. PTO Scheduling**

## **A. Scheduled PTO**

All PTO must be approved two weeks in advance by the employee's immediate supervisor. PTO is requested in Zenefits. PTO time taken without approval will be considered unpaid time off. In the event that two or more employees request PTO covering the same period and may not be absent simultaneously preference will be given to the employee with the greater length of service. The University encourages employees to consider the academic schedule and campus events when requesting PTO.

## **B. Unscheduled PTO**

PTO that is taken for an unscheduled absence, such as an unexpected illness or emergency, and is not approved in advance by the employee's immediate supervisor is considered "Unscheduled PTO." Employees taking Unscheduled PTO must notify their immediate supervisor as soon as practicable and, in no event, later than 1 hour after their scheduled starting time. Moreover, employees taking Unscheduled PTO must advise their immediate supervisor of their anticipated return date and the need for work coverage. The University may require employees taking

Unscheduled PTO for a personal illness or for family care or medical leave purposes to provide certification from a physician.

Regular attendance is essential to the University as absences can cause a disservice to our customers and to other employees. More than 5 unscheduled days off in a 6-month period (including unscheduled leave without pay) is considered excessive. Excessive Unscheduled PTO may result in counseling and, if the problem continues, may be grounds for disciplinary action, up to and including termination of employment.

## **VII. PTO Advances**

An employee is not permitted to borrow on future accrual of PTO, except with the approval of the Human Resources Manager. In no case may new employees borrow or take PTO before they become eligible to accrue it, as described above. Employees who use any PTO before it has been accrued and then leave the employ of the University must repay any overdrawn amount to the University at the time of termination.

## **VIII. Accrued PTO Pay Out Upon Separation from University**

Upon termination of employment, whether voluntary or involuntary, employees are paid all accrued but unused PTO at their base rate of pay at the time of termination. Although employees ordinarily accrue PTO annually, separating employees will be deemed to accrue PTO daily through their last day of employment.

## **IX. PTO for Family Care and Medical Leave Purpose**

Employees who request family care or medical leave generally must apply all accrued PTO pay to their family or medical leave to the unpaid portion of their family care or medical leave, as permitted by law; please see Human Resources for more information. Furthermore, employees entitled to receive Family Temporary Disability Insurance (FTDI) benefits, as described more fully in the Leaves of Absence Policy, are required to first use two weeks of earned, unused PTO before receiving FTDI benefits, if such PTO is available.

## **Paid Sick Time**

In order to help prevent loss of earnings that may be caused by accident or illness, the University has established paid sick leave.

### **I. Eligibility**

An employee qualifies to accrue paid sick leave under this policy upon the start of the employee's employment. In addition, employees may take paid sick leave accrued under this policy if they have worked for the University for at least 90 calendar days.

### **II. Leave Benefit**

Employees accrue one hour of paid sick leave for every 30 hours of work performed. Unless a local ordinance requires otherwise, employees may not accrue more than 48 hours or six regularly scheduled workdays of paid sick leave, whichever is greater, at any given time. Employees who reach the applicable cap will cease to accrue further paid sick leave hours until paid sick leave is used, at which point the employee will continue to accrue additional paid sick leave up to the cap. Paid sick leave not used in a year otherwise carries over from year to year.

### **III. Leave Usage**

Employees may take the greater of 24 hours or three regularly scheduled workdays' worth of paid sick leave per leave year for any of the qualifying reasons discussed below, as well as any reasons allowed for under an applicable local paid sick leave ordinance. For the purposes of this policy, the leave year is the employee's anniversary year.

Paid sick leave may be used for the diagnosis, care (including preventive care), or treatment of an existing health condition of an employee and certain family members of the employee.

A family member includes a child, parent, spouse, grandparent, grandchild, or sibling. For purposes of this policy, a "child" means a biological or adopted child, a foster child, a stepchild, a legal ward, or a child to whom the employee stands in *loco parentis*. Similarly, a "parent" under this policy means a biological or adoptive parent, a foster parent, a stepparent, an employee's legal guardian, a legal guardian of an employee's spouse or domestic partner, or a person who stood in *loco parentis* when the employee was a minor child.

Employees who are victims of domestic violence, sexual assault, or stalking also may use paid sick leave for treatment, assistance, and other purposes authorized by law.

Employees using paid sick leave must do so in minimum increments of two hours. Employees will be paid for sick leave not later than the payday for the next regular payroll period after the sick leave was taken. Finally, an employee will not be required to search for or find a replacement if the employee is taking paid sick leave under this policy

#### **IV. Compensation for Sick Leave**

Paid sick days ordinarily are paid at the employee's normal rate of pay earned during regular work hours. Accrued, unused paid sick leave is not paid out upon termination or resignation. However, employees separating from employment who are rehired within one year from the date of separation will have their previously accrued and unused paid sick days reinstated. The employee also will begin accruing paid sick leave upon re-hire (assuming the employee's bank is below the applicable cap). In addition, if the employee is re-hired within one year from the date of separation, any number of days that the employee previously worked for the University will be credited toward the 90 calendar days that an employee must have worked for the University before being eligible to use paid sick leave under this policy.

#### **V. Approval**

If the need for paid sick leave is foreseeable (*e.g.*, scheduled routine medical appointments), the employee must provide reasonable advance notice. If the leave is not foreseeable, the employee must provide notice of the leave as soon as practical. When requesting sick leave, employees should not disclose any private medical information or any other confidential personal information.

#### **VI. Non-Retaliation or Discrimination**

The University strictly prohibits any form of retaliation or discrimination against an employee for attempting to use or using paid sick leave under this policy, and for any other reason prohibited by applicable law. Employees who believe they have been discriminated or retaliated against should report their concerns to Human Resources.

### **Leave of Absence**

#### **I. Family Care/Bonding, Medical and Military Family Leave (FMLA/CFRA)**

##### **A. Eligibility**

To be eligible for family care, medical, and military family leave, an employee must (1) have worked for JPCatholic for at least twelve months prior to the date on which the leave is to commence; (2) have worked at least 1,250 hours in the twelve (12) months preceding the leave (FMLA); (3) have worked at least 1,250 hours and satisfy the twelve (12) months requirement while on leave (CFRA) and (4) work at location with 50 employees or more within a 75-mile radius of JPCatholic's next closest facility. Employees who work at a location where the University employs fewer than 50 persons within 75-miles of the University's next closest facility are not eligible for family care, medical, or military family leave.

An employee returning from fulfilling his or her National Guard or Reserve military obligation will be credited with the hours of service that would have been performed but for the period of military service in determining the 1,250 hours of service.

In the case of a pregnancy disability or other legally protected disability or medical condition or work-related injury, an employee may not need to satisfy all of the above requirements. In such circumstances, the employee should contact a Human Resources representative for clarification about his or her rights for other types of leave.

## **B. Permissible Uses**

"Family care and medical leave" may be requested for the birth or adoption of an employee's child; the placement of a foster child with the employee; or the serious health condition of an employee's child, parent, spouse or an employee's own serious health condition.

- A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.
- Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

"Military exigency leave" may be requested when there is a qualifying military exigency arising out of the fact that an employee's spouse, child, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces outside of the United States. Qualifying military exigencies include the following:

- Short-notice deployment where the employee may take leave to attend any issue that arises from the fact that a military member (whether in the Regular Armed Forces, National Guard, or Reserves) is notified of an impending call or order to active duty seven or less calendar days prior to the date of deployment. Leave taken for this purpose can be used for a period of seven calendar days beginning on the date the covered service member receives the notification.
- Military events and related activities where the employee may take leave to attend to any official ceremonies, programs or events related to the call to active duty and to attend to family support, assistance programs, or informational briefings related to the call to active duty.
- Childcare and school activities where the employee may take leave to arrange for alternative childcare or to provide childcare on an urgent, immediate need basis when the need arises from the call to active duty, to enroll or transfer a child to a new school, to attend meetings with school or daycare facility staff regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors.
- Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member's child. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands in loco parentis).
- Financial and legal arrangements where the employee may take leave to make or update financial or legal arrangements related to the covered service member's absence, such as preparing powers of attorney, wills, transferring bank accounts, enrolling in the Defense Enrollment eligibility Reporting system (DEERS), obtaining military identification cards, and the like, or appearing or acting on behalf of the absent service member in matters related to military benefits.
- Counseling where the employee may take leave to attend counseling, the need for which arises from the call to active duty of the covered service member.
- Rest and recuperation where the employee may take up to fifteen days of leave to spend time with a covered service member each time the service member is on short-term rest and recuperation leave during the period of deployment. The employee's leave must for this reason must be taken while the military member in on Rest and Recuperation leave.

- Post-deployment activities where the employee may take leave for a period of up to 90 days following the termination of the deployment to attend arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs provided by the military, or to address issues that arise out of the death of a covered service member.
- Parental leave where the employee may take qualifying leave to care for the parent of a military member, or someone who stood in loco parentis to that military member, when the parent is incapable of self-care. To qualify as parental leave, the need for the leave must arise out of the military member's call to active duty. Further, the leave must be for one of the following purposes: (1) to arrange for alternative care for the parent; (2) to provide care for the parent on an urgent, immediate need basis; (3) to admit or transfer the parent of the military member to a care facility; or (4) to attend a meeting with staff at a care facility for the parent.
- Note: The employee taking FMLA qualifying exigency leave does not need to be related to the military member's parent. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the parent must be the parent of the military member (including an individual who stood in loco parentis to the military member when the member was a child).
- Additional activities where the employee may take leave to address other events that arise out of the call to active duty as JPCatholic and the employee may agree as to both timing and duration.

"Military caregiver leave" may be requested to care for a covered service member if the employee is the covered service member's spouse, child, parent, or next of kin. For purposes of this leave, a covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or a covered veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness.

### **C. Substitution of Paid Leave**

Employees are required to substitute accrued vacation time and other paid personal leave (except sick leave) for all family care, medical leaves, and military leaves. Employees are required to substitute sick leave only for the employee's own medical leaves. Employees may elect to substitute sick leave to attend to an illness of a child, parent, spouse or domestic partner of the employee or for other types of family care leave.

### **D. Amount of Leave**

#### **1. Family Care, Medical, and Military Caregiver Leave**

Provided all the conditions of this policy are met, an employee may take a maximum of 12 weeks of family care, medical, and military exigency leave in a rolling 12-month period measured backwards from the date the employee's leave commences.

Employees who are unable to work due to pregnancy disability will be granted the greater of 12 weeks leave or the amount of leave to which the employee may be entitled under California state law for a pregnancy-related disability or in connection with childbirth. Family care leaves for the birth, adoption, or foster care placement of a child must be concluded within one year of the birth, adoption, or placement.

#### **2. Military Caregiver Leave**

Provided all the conditions of this policy are met, an employee may take a maximum of 26 weeks of military caregiver leave in a single 12-month period, inclusive of the time the employee takes for a family care, medical, or military exigency leave during that period. This 12-month period will be measured forward from the first day leave is taken.

Spouses who are both employed by JPCatholic may take a maximum combined total of 26 weeks in the 12-month period for the care of the service member and the birth, adoption, or foster care of their child or to care for an ill parent, provided that no more than 12 weeks of this combined 26-week period may be taken for reasons other than to care for the servicemember.

### **3. Intermittent Leave**

Medical leave for the employee's own serious health condition, family care leave for the serious health condition of the employee's spouse, parent, or child, and military caregiver leave may be taken intermittently or on a reduced schedule when medically necessary. Where the intermittent or reduced schedule leave is for planned medical treatment, the employee must make an attempt to schedule the treatment so as not to disrupt unduly JPCatholic's operations. Where the family care leave is to be taken in connection with the birth, adoption, or foster placement of a child, the minimum duration for each period of leave is two weeks, except that the employee may request leave of less than two weeks duration on any two occasions. Exigency leave also may be taken intermittently or on a reduced schedule.

### **E. Leave's Effect on Pay**

Except to the extent that other paid leave is substituted for family care, medical, and military family leave, leave under the FMLA and the CFRA is unpaid. However, employees may be entitled to California State Disability Insurance (SDI) when leave is taken for their own serious health condition.

Employees also may be entitled to Paid Family Leave (PFL) benefit payments for up to six (6) weeks in any twelve-month period during leaves to care for qualifying family members. PFL provides a partial wage replacement for absences from work to care for a seriously ill or injured family member or for bonding with a minor child within one year of the birth or placement of the child in connection with foster care or adoption. Employee contributions provide funding for this program. PFL is administered like SDI by the California Employment Development Department. To the extent possible, PFL benefits must be taken concurrently with family care leave and does not entitle an employee to take any additional time off. In addition, an employee must use up to two weeks of any accrued but unused vacation before the employee will be eligible to receive PFL.

### **F. Leave's Effect on Benefits**

During an employee's family care, medical, and military family leave, JPCatholic will continue to pay for the employee's participation in JPCatholic's group health plans to the same extent and under the same terms and conditions as would apply had the employee not taken leave.

Thus, the employee must continue to pay his or her share of the health plan premiums during the leave. If the employee substitutes paid leave for the unpaid leave, such payments will be deducted from the employee's pay through the regular payroll deductions. Otherwise, the employee must make arrangements with JPCatholic for the payment of such premiums.

If the employee fails to pay his or her share of the premiums during leave, or if the employee fails to return from the leave at the expiration of 12 weeks (or 26 weeks in the case of a military caregiver leave) for a reason other than the recurrence, continuation, or onset of a serious health condition for which leave under this policy is allowed or other circumstances beyond the employee's control, JPCatholic can recover any health plan premiums paid by JPCatholic on the employee's behalf during any periods of the leave.

With regard to other employee benefit plans consisting of disability insurance plans, pension and retirement plans, and supplemental unemployment benefit plans, the University will continue to pay for the employee's participation in such plans to the same extent and under the same conditions as apply to other leaves that are not family care, medical and military family leaves. Specifically, with regard to unpaid leaves under this policy: An unpaid leave taken for an employee's own serious health condition will be treated like other unpaid disability leaves; unpaid leaves taken for other qualifying family care or medical purposes will be treated like other unpaid personal leaves offered by the University. Under any circumstances, however, leave taken for family care or medical leave or military family leave will not be treated as a break in service and will not result in the loss of seniority--even if other paid or unpaid leaves count as a break in service or result in a loss of seniority, or for layoffs, recalls, promotions, job assignments, or seniority-related benefits. Nor will the use of family care, medical or military family leave result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

## **G. Procedure for Requesting Family Care, Medical and Military Family Leave**

### **1. Notice Requirements**

Employees must notify JPCatholic of their request for family care, medical, military exigency, or military caregiver leave as soon as they are aware of the need for such leave. For foreseeable family care, medical, and military caregiver leave, the employee must provide 30 calendar days' advance notice to JPCatholic of the need for leave. For events that are unforeseeable 30 days in advance, the employee must notify JPCatholic as soon as is practicable and generally must comply with JPCatholic's normal call-in or notice procedures. If the leave is requested in connection with a planned, non-emergency medical treatment, the employee must make an attempt to schedule such treatment so as to avoid unduly disrupting University operations, and may be requested to reschedule the treatment so as to minimize disruption of JPCatholic's business.

If an employee fails to provide the requisite 30-day advance notice for foreseeable events without any reasonable excuse for the delay, JPCatholic reserves the right to delay the taking of the leave until at least 30 days after the date the employee provides notice of the need for family care or medical leave.

All requests for family care, medical, military exigency, and military caregiver leave should include enough information to make JPCatholic aware that the employee needs qualifying leave, and the anticipated timing and duration of the leave, if known. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform JPCatholic if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Any requests for extensions of leave under this policy must be received as soon as is practicable and must include the revised anticipated date(s) and duration of the leave. To the extent permitted by law, JPCatholic reserves the right to deny requests for extensions or deny reinstatement to an employee who exceeds the leave amounts provided by this policy or fails to provide requested medical certification. In addition, if you have a disability, you may be eligible for leave under the Americans with Disabilities Act (ADA) or state law. For more detailed information on extended leaves, please contact the Human Resources Representative.

Once JPCatholic is aware of the employee's need for leave, it will inform the employee whether he or she is eligible under the FMLA. If the employee is eligible, the notice will specify any additional information required as well as the employees' rights and responsibilities. If the employee is not eligible, JPCatholic will provide a reason for the ineligibility.

### **2. Certification**

Any request for medical leave for an employee's own serious health condition, for family care leave to care for a child, spouse, or parent with a serious health condition or for a serious injury, or for military caregiver leave must be supported by medical certification from a health care provider. For military caregiver leave, the employee must provide confirmation of a family relationship to the seriously ill or injured service member. Employees generally must provide the required certification within 15 calendar days after JPCatholic's request for certification. For foreseeable leaves, employees must provide the required medical certification before the leave begins. When this is not possible, employees must provide the required certification within 15 calendar days after JPCatholic's request for certification, unless it is not practicable under the circumstances to do so, despite the employee's good faith efforts.

The medical certification for a child, spouse, or parent with a serious health condition or for the serious injury or illness of a qualifying service member must include (a) the date on which the serious health condition or serious injury or illness commenced; (b) the probable duration of the condition or injury or illness; (c) the health care provider's estimate of the amount of time needed for family care; (d) the health care provider's assurance that the health care condition or injury or illness warrants the participation of the employee to provide family care; and (e) in the case of intermittent or reduced schedule leave where medically necessary, the probable duration of such a schedule.

The medical certification for leave for the employee's own serious health condition must include (a) the date on which the serious health condition commenced; (b) the probable duration of the condition; (c) a statement that, due to the serious health condition, the employee is unable to perform the essential functions of his or her position; and (d) in the case of intermittent leave or reduced schedule leave where medically necessary, the probable duration of such a schedule. In addition, the certification may, at the employee's option, identify the nature of the serious health condition involved.

Failure to timely provide the required certification may result in the denial of foreseeable leave until such certification is provided. In the case of unforeseeable leaves, failure to timely provide the required certification may result in a denial of the employee's continued leave. Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year, JPCatholic may require the employee to provide a new medical certification in each subsequent leave year. Any request for an extension of the leave also must be supported by an updated medical certification.

JPCatholic has developed forms for use in obtaining medical certifications that satisfy the requirements of this policy. For military caregiver leave, JPCatholic will accept Invitational Travel Orders (ITOs) Invitational Travel Authorizations (ITAs) in lieu of its medical certification form. Where leave is related to a covered veteran's serious injury or illness, the employee may also submit documentation of enrollment in Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to JPCatholic to support the employee's leave request.

Where permitted by law, if JPCatholic has a good faith, objective reason to doubt the validity of the medical certification provided by the employee, JPCatholic may require the employee to obtain a second opinion from a doctor of JPCatholic's choosing at JPCatholic's expense. If the employee's health care provider providing the original certification and the doctor providing the second opinion do not agree, JPCatholic may require a third opinion, also at JPCatholic's expense, performed by a mutually agreeable doctor who will make a final determination. It is the employee's responsibility to furnish his or her health care provider with the necessary authorization for the disclosure of medical information to the doctor(s) who will provide the second and third opinions. If the employee fails to provide the necessary authorization, the request for leave may be denied, in accordance with applicable law.

## **H. Designation of Protected Leave**

Once JPCatholic has enough information to determine whether the leave is FMLA-qualifying, JPCatholic will inform the employee if leave will be designated as FMLA-protected and, if known at that time, the amount of leave that will be counted against the employee's leave entitlement. If JPCatholic determines that the leave is not protected, JPCatholic will notify the employee.

## **I. Recertification**

The employee taking leave because of his or her own serious medical condition or the serious medical condition of a family member may be required, except in cases of military caregiver leave, to provide JPCatholic with recertification at appropriate intervals. For purposes of recertification, the employer may request the same information as allowed by law for the original certification. As part of that request, JPCatholic may provide the health care provider with a record of the employee's absence pattern to confirm whether such a pattern is consistent with the need for leave. The employee must provide the requested recertification within 15 calendar days of such a request, unless it is not practicable to do so despite the employee's diligent, good faith efforts.



## **J. Return to Work Certification**

Where the leave is for the employee's own serious health condition, JPCatholic requires employees to provide medical certification that he or she is released to return to work and able to do so. JPCatholic may delay restoring the employee to employment or terminate the employee without such certificate.

## **K. Leave's Effect on Reinstatement**

Employees timely returning from a leave covered under this policy are entitled to reinstatement to the same or equivalent position consistent with applicable law. JPCatholic may deny reinstatement to employees who are among the highest paid ten percent of all employees employed by JPCatholic within 75 miles of the employees' worksite and whose reinstatement would cause substantial and grievous economic injury to JPCatholic's operations. An employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. JPCatholic will comply with all applicable laws pertaining to reinstatement of employees, including where required, the reasonable accommodation of employees who have been on an approved leave.

JPCatholic complies with applicable family care, medical leave, and military family leave laws. Under the FMLA it is unlawful for any employer to: interfere with, restrain, or deny the exercise of any right provided under the FMLA; or discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA. If an employer has done so, an employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights. If you have questions or would like further clarification about your rights under the FMLA or other types of leave, please contact the Human Resources Representative. Separately, employees may file complaints of claimed violations of CFRA with the California Department of Fair Employment and Housing (DFEH), which is authorized to investigate such complaints. For more information, visit the DFEH's website at <http://www.dfeh.ca.gov>.

## **II. Pregnancy-Related Disability Rights**

### **A. Leaves of Absence, Accommodations, and Transfers**

Any employee who is disabled on account of pregnancy, childbirth, or related conditions may take a pregnancy-related disability leave for the period of actual disability of up to four months (the working days you normally would work in one-third of a year of 17 1/3 weeks), in addition to any family care or medical leave to which the employee may be entitled under Section II of this policy (Family Care, Medical and Military Family Leaves). Pregnancy-related disability leaves may be taken intermittently, or on a reduced-hours schedule, as medically necessary.

Moreover, an employee is entitled to a reasonable accommodation for pregnancy, childbirth, or related medical conditions if she so requests and provides JPCatholic with medical certification from her health care provider. In addition to other forms of reasonable accommodation, a pregnant employee is entitled to transfer temporarily to a less strenuous or hazardous position or to less hazardous or strenuous duties if she so requests, the transfer request is supported by proper medical certification, and the transfer can be reasonably accommodated.

### **B. Substitution of Paid Leave for Pregnancy-Related Disability Leave**

An employee taking pregnancy-related disability leave must substitute any available sick pay for her leave and may, at her option, substitute any accrued PTO time for her leave. The substitution of paid leave for pregnancy-related disability leave does not extend the total duration of the leave to which an employee is entitled.

### **C. Leave's Effect on Benefits**

During Pregnancy-Related Disability Leave, JPCatholic will continue to pay for the employee's participation in JPCatholic's group health plans, to the same extent and under the same terms and conditions as would apply had the employee continued in employment continuously for the leave period.

Thus, the employee must continue to pay his or her share of the health plan premiums during the leave. If the employee substitutes paid leave for the unpaid leave, such payments will be deducted from the employee's pay through the regular payroll deductions. Otherwise, the employee must make arrangements with JPCatholic for the payment of such premiums.

The University may recover from the employee the premiums that the University paid to maintain coverage for the employee under the group health plan if the employee fails to return from leave after the period of leave has expired and the employee's failure to return is for a reason other than: (i) the employee is taking (i.e., has transitioned over to) leave under the California Family Rights Act, unless the employee chooses not to return after the CFRA leave, in which case the University can recover such premiums; (ii) the continuation, recurrence, or onset of a health condition that entitles the employee to Pregnancy-Related Disability Leave, unless the employee chooses not to return after the Pregnancy-Related Disability Leave, in which case the University can recover such premiums; (iii) non-pregnancy related medical conditions requiring further leave, unless the employee chooses not to return to work following the leave, in which case the University can recover such premiums, or (iv) other circumstances beyond the employee's control.

It is the University's policy that, similar to other unpaid leaves, during any unpaid portion of a Pregnancy-Disability leave, employees will accrue employment benefits, such as sick leave, vacation leave, and seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

Employee benefits may be continued during the unpaid portion of the Pregnancy-Disability leave according to the provisions of JPCatholic's various employee benefit plans.

#### **D. Return to Work Certification**

Consistent with the University's practice for other employees returning from a disability leave for reasons other than pregnancy, the University requires that an employee returning from Pregnancy-Related Disability Leave provide a release to return to work from her healthcare provider stating she is able to resume her original job or duties.

#### **E. Leave's Effect on Reinstatement**

Employees returning from Pregnancy-Related Disability Leave generally are entitled to be reinstated in the same position, subject to certain conditions, and consistent with applicable law.

#### **F. Other Terms and Conditions of Leave**

The provisions of JPCatholic's Family Care, Medical and Military Family Leave policy regarding the leave's effect on pay, notice requirements, medical certification requirements and reinstatement also apply to all pregnancy-related disability leaves, as well as requests for pregnancy-related reasonable accommodations and transfers. However, for pregnancy-related disabilities, there is no process for obtaining more than one medical opinion, an employee's pregnancy-related disability is considered to be a serious health condition. For the purpose of applying those provisions, an employee's pregnancy-related disability is considered to be a serious health condition.

### **III. Other Disability Leaves**

In addition to medical or pregnancy-related disability leaves described in Sections I and II, employees may take a temporary disability leave of absence if necessary, to reasonably accommodate a workplace injury or a disability under the ADA or the FEHA. Any disability leave under this section will run concurrently with any medical leave to which the employee is entitled under Section II of this policy.

Disability leaves under this section will be unpaid.

Employees taking disability leave must comply with the Family Care, Medical and Military Family Leave provisions regarding substitution of paid leaves (Section II), notice (Section II), and medical certification (Section II). For the

purpose of applying these provisions, a disability leave will be considered to be a medical leave.

If a disability leave under this section extends beyond 12 weeks in a 12-month period, the employee will not be entitled to any continued employer contributions towards any employee benefit plan unless otherwise required by law. An employee, however, may elect to continue participating in such benefit plans, at the employee's own expense, to the extent permitted by such plans.

The duration of a leave under this section shall be consistent with applicable law, but in no event shall the leave extend past the date on which an employee becomes capable of performing the essential functions of his or her position, with or without reasonable accommodation. For a full explanation of leave duration and reinstatement rights, employees should contact the Human Resources Representative.

## **IV. Other Leaves of Absence**

### **Military Service Leave**

JPCatholic honors and respects the rights and obligation of its employees to serve in the Armed Forces of the United States. The University will allow excused absence for its employees to serve in that capacity, in accordance with the Uniformed Services Employment and Re-employment Rights Act of 1994 ("USERRA"), and state laws where applicable. JPCatholic provides Military Service leaves of absence and re-employment rights based on these laws. JPCatholic will not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to an individual on the basis of his/her membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

For purposes of this policy Military Service shall cover all categories of military training and service, including duty performed on a voluntary or involuntary basis, in time of peace or war. It includes, but is not limited to: Active Duty, Active Duty for Training, Initial Act of Duty for Training, Inactive Duty Training, full time National Guard duty, and absence from work to determine fitness for any of the above types of duty. Armed Forces shall mean uniformed services in any of the branches of the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service; and any other category of persons designated by the President in time of war or national emergency. For purposes of USERRA coverage only, service as an intermittent disaster response appointee of the NDMS (National Disaster Medical System) when federally activated or attending authorized training in support of their Federal mission is deemed "service in the uniformed services" although such appointee is not a member of the "uniformed services" as defined by USERRA.

An employee or appropriate officer of the branch in the military in which the employee will be serving must give the employee's supervisor written notice in advance of military service unless military necessity prevents the giving of notice or notice is otherwise impossible or unreasonable. Please note that the employee is not required to ask for or get his/her employer's permission to leave to perform service in the uniformed services. The employee is only required to give the employer notice of pending service. The person, or an appropriate officer of the uniformed service in which such service is performed, has given advance written or verbal notice of such service to such person's employer.

Re-employment is based on the period of military service and other conditions as listed below:

**Military Service of less than thirty-one (31) days:** the employee must report back to work by the beginning of the first (1st) regularly scheduled workday that would fall eight (8) hours after the employee returns home from the place of military service. If, due to no fault of the employee, timely reporting back to work would be impossible or unreasonable, the employee must report back to work as soon as possible.

**Military service of more than thirty (30) days but less than 181 days:** the employee must reapply for employment at one of the University's employment offices not later than fourteen (14) days after military service is completed, or the next full calendar day when application becomes possible. The employee must also provide adequate documentation showing eligibility to return to work.

**Military service of more than 180 days:** the employee must re-apply for employment at the University not later than ninety (90) days after Military Service is completed. The employee must also provide adequate documentation showing eligibility to return to work. The employee's separation from military service was under honorable conditions. A DD214 or similar document is required. The employee may perform service in the uniformed services for a cumulative period of up to five (5) years and retain reemployment rights with the employer. The 5-year period includes only the time the employee spends actually performing service in the uniformed services. A period of absence from employment before or after performing service in the uniformed services does not count against the five-year limit. For example, after the employee completes a period of service in the uniformed services, he/she is provided a certain amount of time, depending upon the length of service, to report back to work or submit an application for reemployment. The period between completing the uniformed service and reporting back to work or seeking reemployment does not count against the 5-year limit.

The University is not required to reemploy a person if its circumstances have changed so as to make such reemployment impossible or unreasonable such as, but not limited to a reduction-in-force.

The reporting or application deadlines will be extended up to 2-years for employees who are hospitalized or convalescing because of a service-connected illness or injury. This period can be extended to accommodate circumstances beyond an employee's control.

The University and affected department will apply its policies governing unexcused absences in cases where an employee fails to report to work or to apply for reemployment rights within the required time limits.

The University will make reasonable efforts to accommodate an employee's disability so that the employee can be reemployed consistent with the requirements under the USERRA unless such accommodation will be of such difficulty or expense as to cause undue hardship.

Paid Military Leave for duties as outlined above will only be paid by the University for up to 10-work days in a 12-month period, and only for days which the employee would have otherwise been scheduled to work. Employees are not required to use accrued vacation as paid time-off during absences due to Military Service requirements but may do so at the employee's option. Employees who follow the procedures described above will accumulate seniority for the period of service in the Armed Forces and retain previously accumulated benefits, subject to rules and regulations that might be imposed in those plans. During any period of paid leave, the University will continue normal contributions towards the cost of benefits. When military service is unpaid, the employee will pay the cost of benefits. In addition, the employee will be eligible for any general increases in pay, or any approved benefits that occur during their absence. Vacation and sick leave benefits will cease to accrue during a military leave of absence. Approved holidays will not be paid during unpaid leaves of absence.

An employee may elect to continue his/her University's health care benefits during the period military service is performed subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. In accordance with USERRA, those employees performing service of less than 31-days will pay no more than their current employee premium. Employees performing military service of 31-days or more will pay no more than 102% of the full employee premium. The maximum coverage of an employee and the employee's dependents is the lesser of 24-months from the day the absence begins; or the day after the date on which the employee fails to apply for or return to a position of employment.

An employee who is performing military service may elect to make employee contributions or elective deferrals to the

University's retirement plans, to the extent allowed by law. The amount may not exceed the amount the employee would have been permitted or required to contribute had he/she remained continuously employed during the period of military service. The employee contribution to the University's retirement plans may be paid either during the period of military service or upon reemployment.

JPCatholic will take appropriate steps to ensure compliance with the reemployment rights extended to military personnel under the USERRA. Accordingly, employees, who perform more than 180 days of military service before reemployment, may only be discharged for cause for a period of 1-year from the date of reemployment. Employees, who perform military service more than 30-days but less than 181 days before reemployment, may only be discharged for cause for a period of 6-months after the date of reemployment.

### **Military Spouse Leave**

Qualified California employees will be given up to 10 days leave during that time in which the employee's spouse is on leave from deployment in a combat zone with the active duty or reserve military or national guard during a period of military conflict. Employees may use accrued vacation time to cover this absence. If the employee has no accrued vacation, the employee must request time off without pay.

Qualifying employees are employees who work an average of 20 hours per week and have a spouse who is serving as (1) a member of the U.S. Armed Forces and 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 and has been deployed during a period of military conflict.

Qualifying employees who wish to request this leave must provide the University with a written request for such leave within two business days of receiving official notice that the military spouse will be on leave from deployment. The employee must also provide written documentation to the University certifying that the military member will be on military leave from deployment.

### **Civil Air Patrol Leave**

An employee who has been employed 90 days or more is permitted to request up to 10 calendar days of unpaid leave per year to respond to an emergency operational mission of the California Wing of the Civil Air Patrol. Such leave is limited to three days for each emergency operational mission, unless the government entity that authorized the mission extends it and the University approves the additional time off. Upon expiration of the leave, an employee will generally be reinstated to his or her position with equivalent seniority, benefits, pay and other terms and conditions of employment.

Employees requesting time off must notify their direct supervisor as soon as possible after learning the intended dates upon which such leave will begin and end. Approval of any leave request is conditioned upon certification from the proper Civil Air Patrol Authority of the employee's eligibility to take such leave. Failure to provide the required certification will result in denial of leave.

### **Jury/Witness Duty**

It is the position of JPCatholic that as a matter of good citizenship, an employee should serve when called for jury or witness duty, unless in the opinion of the supervisor urgent University business justifies a request to the Court by the University that the employee be excused. Employees are expected to return to work to finish their normal workday when or if released by the court during a time that would fall within the employee's normal work shift unless distance or time remaining in the normal workday makes it impractical.

As soon as a summons has been received, the employee should notify his/her supervisor. A copy of the summons must be forwarded to the Payroll and Benefits Coordinator in the Human Resource Office. Please refer to also Summons of the Court in this manual for related information. All employees must report their time off for Jury or Witness Duty to the Human Resource Office. If being served on an employee, the summons must be delivered to the

Human Resource Representative or if directed to the University, the summons must be delivered to the President's or Chief Financial Officer's office. Access to this information will be limited to those who have a legitimate business need to know.

If a non-exempt employee is absent because of jury duty, the employee shall be paid his/her normal rate of pay for up to five (5) working days. If an employee's jury duty service extends beyond 5 days, then vacation time may be used for this unpaid time when available.

If an exempt employee is absent because of jury duty, the employee shall be paid his/her normal rate of pay for the maximum consecutive days the employee is entitled to. If an employee's jury duty service extends beyond 5 days, the additional days would be unpaid and deducted from the employee's paycheck.

If an employee is summoned to court for reasons other than jury duty (i.e. witness duty), the time missed from work will be unpaid unless the employee is testifying as a witness on JPCatholic's behalf. Vacation time may be used for this unpaid time when available.

In consideration of the above paid benefits, any remuneration received from serving in any of these capacities is to be assigned over to the University and forwarded to the Human Resource Office.

### **Leave for Educational/Daycare Purposes**

Employees will be granted time off without pay for up to 40 hours per calendar year, but no more than eight hours in any calendar month to:

- participate in the activities of schools or licensed child daycare facilities attended by their children,
- find, enroll, or reenroll their children in a school or with a licensed childcare provider, or
- address a child care provider or school emergency (i.e., the school or child care provider requested that the child be picked up, there is a behavioral or discipline problem with the child that needs to be addressed with the school or child-care provider, there is a closure or unexpected unavailability of the school or child-care provider, or that there is a natural disaster, such as an earthquake or fire, requiring that the child be kept home or picked up from the school or child-care provider).

Employees eligible for such leave are parents, stepparents, foster parents, grandparents, guardians or persons who stand in loco parentis (in the place of a parent) to a child.

Employees must substitute accrued PTO, personal leave, or compensatory time off for purposes of a planned absence under this Section.

Employees wishing to take time off under this Section must provide their supervisors with reasonable notice of the planned absence. If both parents of a child are employed by JPCatholic at the same worksite, the request for time off under this Section will be granted to the first parent to provide notice of the need for time off. The request from the second parent will be accommodated if possible.

JPCatholic reserves the right to request that the employee furnish written verification from the school or daycare facility as proof that the employee participated in school or daycare activities on the specific date and at a particular time. Failure to provide written verification is grounds for disciplinary action.

The University prohibits any discrimination or discharge due to an employee taking time off under this policy.

### **Leave for Volunteer Firefighter, Reserve Peace officer and Emergency Rescue Personnel**

Nonexempt employees will be granted time off without pay to perform emergency duties as a volunteer firefighter, reserve peace officer, or emergency rescue personnel (which includes an officer, employee, or member of a disaster

medical response entity sponsored or requested by the State). Such employees also are entitled for leave of up to 14 days per calendar year for fire, law enforcement training or emergency rescue training. Exempt employees who work any portion of a workweek in which they also perform such emergency duties or training will receive their full salary for that workweek. Otherwise, exempt employees will be granted time off without pay.

Employees may substitute vacation pay for any unpaid portion of leave to perform such emergency duties or training.

The University prohibits discrimination against an employee because he or she takes time off under this policy.

### **Voting Leave**

Employees who do not have sufficient time outside of their regular working hours to vote in a statewide election may request time off to vote. If possible, employees should make their request at least two days in advance of the election. Up to two hours of paid time off will be provided, at the beginning or end of the employee's regular shift, whichever will allow the most free time for voting and the least time off work.

### **Bereavement Leave**

In the event of a death of an eligible employee's immediate family member (as defined below) and upon notice to one's supervisor, full time employees may be allowed up to two (2) days paid bereavement leave. For purposes of this policy, an immediate family member of an employee includes: employee's current spouse, father, mother, stepfather, step-mother, sister, brother, step-sister, step-brother, children, step-children, current parent in-law, grandparents, current grandparents in-law and grandchildren.

If approved, an employee may use available vacation time to extend bereavement leave.

### **Leave Related to Domestic Violence, Sexual Assault or Stalking**

The University will provide time off to an employee who has been the victim of domestic violence, sexual assault or stalking to seek any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child. This includes time off for court proceedings, services from a domestic violence shelter, program or rape crisis center, counseling, medical attention, and participation in safety planning programs. The University requires reasonable advance notice of the leave when feasible. If time off is taken due to an emergency, the employee must, within 15 days of the absence, provide the University with certification of the need for the leave such as a police report, court order, documentation from a healthcare provider, victims advocate, or counselor.

Employees eligible for paid sick leave benefits under California law may take any such available paid time off, consistent with such law, for the purposes set forth in this policy. For more information, please see the "Sick Leave" policy. In the event paid sick leave benefits are not available, employees taking leave under this policy may elect to apply accrued and unused vacation to such time.

Also, the University will provide a reasonable accommodation for an employee who is a victim of domestic violence, sexual assault, or stalking, and who has disclosed that status to the University, if the employee requests an accommodation for his or her safety while at work. Such accommodations may include a transfer, reassignment, modified schedule, changed work telephone or work station, installed lock, assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, or stalking, or referral to a victim assistance organization. The University will engage, in good faith, in a timely and interactive process with the employee to determine an effective reasonable accommodation, and the University may request that the employee provide (i) a written statement, signed by the employee or someone acting on his or her behalf, certifying that the accommodation is for the purpose stated above, and (ii) a certification demonstrating the employee's status as a victim of domestic violence, sexual assault, or stalking. Every 6 months after the date of the previous certification, the University may request recertification of such status. The University will maintain

certifications as confidential if it identifies the employee as a victim of domestic violence, sexual assault, or stalking, and will disclose such information only as required by law, or as necessary to protect the employee's workplace safety. The University will notify the employee before such disclosure.

The University will provide the Victims of Domestic Violence Leave Notice to employees upon request or at the time of hire.

The University prohibits discrimination, discharge, or retaliation against an employee for taking time off or requesting an accommodation under this policy or based on the employee's status as a victim of domestic violence, sexual assault, and/or stalking.

### **Leave for Crime Victims**

JPCatholic will provide time off to an employee to attend judicial proceedings related to a crime, if that employee is a victim of crime, an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim. JPCatholic requires that where feasible, in advance of taking leave, the employee provide it with a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice. If advance notice is not possible, the employee is required to provide JPCatholic with a copy of the notice within a reasonable time.

No employee who is absent from work pursuant to this provision will be discharged or otherwise discriminated against in compensation or other terms, conditions or privileges of employment, because of such absence. Such leave is unpaid. Employees taking leave under this policy may elect to apply vacation time to such leave.

### **Leave for Organ and Bone Marrow Donation**

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

- 1) A leave of absence of up to five days in any one-year period for the purpose of donating the employee's bone marrow to another person.
- 2) A leave of absence of up to 30 days in any one-year period for the purpose of the employee donating his or her organ to another person.

A leave of absence for the purpose of organ or bone marrow donation will be provided with pay, however, if an employee has earned and unused sick or vacation time available, the employee is required to first use up to five days of paid sick or vacation time for a bone marrow donation and up to two weeks of sick or vacation time for organ donation.

In order to receive a leave of absence pursuant to this policy, the employee must provide written verification to Human Resources that he or she is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

Any leave taken for the donation of an organ or bone marrow will not constitute a break in service for purposes of the employee's right to salary adjustments, sick leave, vacation, annual leave, or seniority. During any leave taken under this policy, the University will maintain and pay for coverage under any group health plan, for the full duration of this leave.

Leave provided under this policy may be taken in one or more periods.

Leave taken under this policy will not run concurrently with any leave taken pursuant to the federal Family and Medical Leave Act or the California Family Rights Act.



Upon expiration of a leave of absence authorized by this policy, the University will restore the employee to the position held by the employee when the leave began or to a position with equivalent seniority status, employee benefits, pay, and other terms and conditions of employment. The University may decline to restore an employee because of reasons unrelated to the exercise of rights under this policy by the employee.

## **Unpaid Personal Leave**

If an eligible employee wishes to take unpaid time-off work to fulfill personal obligations that are not covered by one of the other leave categories, the University may support such leave of absence and provide time-off without pay to eligible employees. Employees working full time and who have been employed for a minimum of ten (10) years are eligible to request unpaid personal leave. Personal leave requests are reviewed on a case-by-case basis and will be granted at the discretion of the President's Cabinet, based upon:

- Reason for request;
- Length of credited service;
- Operating needs of the employee's department or division; and
- Length of time requested.

As soon as eligible employees become aware of the need for a personal leave of absence, they should request the leave from their supervisor. The Cabinet officer, with department oversight for the requesting employee, will present requests to the President's Cabinet. If approved by the President's Cabinet, employees must meet with the Human Resources Representative prior to the start of the leave period. Continuation of benefits is available based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. Vacation and sick leave benefits will cease to accrue during the approved personal leave period. Approved holidays will not be paid during unpaid leaves of absence.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, JPCatholic cannot guarantee reinstatement in all cases. If an employee fails to report to work promptly at the expiration of the approved leave period, JPCatholic will assume the employee has resigned and all benefits provided under the University's benefit programs will immediately cease.

## **Employee Benefits**

Eligible full-time employees at JPCatholic are provided a wide range of benefits. A number of benefits including Social Security, worker's compensation, state disability and unemployment insurance cover all employees as prescribed by law.

Benefits eligibility varies by job classification (See Employee Categories) and time on the job. The following benefits are currently available to eligible full-time employees:

- Medical and Dental Insurance
- Workers' Compensation Benefits
- Paid Time Off (PTO)
- Employee Tuition Remission

The terms on which benefits are made available to employees are set forth in the governing plan documents. In the event of a conflict between the following descriptions and the terms of the plan documents, the plan documents will control. This handbook is not a plan document and does not create any enforceable rights with respect to benefits or otherwise. The University reserves the right to eliminate or modify any of its benefits at any time without prior notice.

### **I. Insurance Benefits**

#### **A. Workers' Compensation Benefits**

The University is covered under statutory state workers' compensation laws and carries workers' compensation

insurance coverage to protect employees injured on the job. This insurance provides coverage for certain medical, surgical, and hospital treatment in addition to payment for a portion of any lost earnings that result from work-related injuries. Compensation payments generally begin on the first day of an employee's hospitalization or on the fourth day following the injury if an employee is not hospitalized. The cost of this coverage is paid completely by the University. Employees who sustain work-related injuries must immediately notify their department supervisor.

The University does not provide workers compensation benefits, or accept any liability, for any illness or injury that arises from an employee's voluntary participation in any off-duty recreational, social, or athletic activity or event that is not an expected or required as part of the employee's work-related duties. Employees who choose to participate in any such off-duty activities may be required to sign a written agreement to confirm that they are voluntarily assuming the risk of injury or illness and releasing the University from any such liability.

### **B. California Disability Insurance**

This plan provides for partial salary replacement coverage for lost wages for employees disabled due to a non-work-related illness or accident. It is funded by tax deductions from each employee's pay (SDI tax) and deposited to a state fund in your name by the University. In order to qualify for California Disability Insurance payments, an employee must be sick or disabled for more than 7 days, including non-workdays. This 7-day waiting period is waived if an employee is in the hospital on the first day of disability or if an employee is disabled for longer than 22 days.

The plan will pay a weekly benefit for up to one year or until the maximum benefit is exhausted. California, not the University, administers this plan and makes all benefit and eligibility determinations. For more information regarding California Disability Insurance, visit [www.edd.ca.gov](http://www.edd.ca.gov).

### **C. Disability Insurance**

All employees classified by the University as full-time employees currently are eligible to participate in the University's long-term disability insurance plan. The insurance makes all benefit and eligibility determinations.

### **D. Medical and Dental Insurance**

All eligible employees will be enrolled in the University's health insurance the first day of the month following the month of hire. The policy includes several choices of coverage. JPCatholic also offers a dental plan, vision plan and other coverage to all interested full-time employees.

### **E. Life Insurance**

All employees classified by the University as regular full-time employees currently are eligible for group life insurance on the first day of the month following 30 days of full-time employment. The premium cost will be provided to you separately. You also can contact the Personnel Department to obtain the current premium schedule. You may be taxed on a portion of the value of this coverage under IRS rules.

### **F. Accidental Death and Dismemberment**

All employees classified by the University as regular full-time employees currently become eligible for accidental death and dismemberment insurance on the first day of the month following 30 days of full-time employment. The premium cost will be provided to you separately. You also can contact the Human Resources Department to obtain the current premium schedule.

### **G. Premium Payments for Employees on Leave**

The University will pay the employer's portion of premiums for continuation of University-sponsored group health plan benefits during the first 30 days of any authorized leave. Thereafter, the employee may only continue coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and, if applicable, the California Continuation of Benefits Replacement Act (Cal-COBRA) and must pay the full cost of doing so. If an employee is on an approved FMLA leave, the University will permit the employee to continue coverage under University-sponsored

group health plans by paying only the amount charged to similarly-situated active employees. If an employee does not return to work at the expiration of an FMLA leave, regardless of whether he or she continued coverage during the FMLA leave, he or she normally will be eligible to elect COBRA continuation coverage with respect to University-sponsored group health plans, with the COBRA qualifying event normally being the expiration of the leave.

## **H. Conversion/Post-Employment Insurance Options**

Pursuant to COBRA and Cal-COBRA eligible employees and their dependents may be entitled to continue medical, dental, vision and health flexible spending account coverage after employment with the University ceases or certain other qualifying events occur. COBRA information is provided separately. In addition, you also can contact the Personnel Department to obtain COBRA information.

## **I. Insurance Coverage Information**

Eligibility requirements and further information concerning insurance coverage are fully explained in the applicable plan documents, summary plan descriptions, and any applicable summaries of material modification, available from the Personnel Department. In all cases, however, the applicable plan document controls over any summary or other communication for purposes of determining your rights and benefits.

## **II. Other Benefits**

### **A. Employee Tuition Remission**

#### **1. General Description**

The Tuition Remission Program allows for a tuition-only remission benefit for eligible employees, their spouses and dependent children who attend undergraduate classes at JPCatholic. All charges and fees other than tuition are the responsibility of the student.

#### **2. Eligibility**

Employees deemed eligible are:

- Faculty employed at 75% time or more.
- Staff employed at 75% time or more.
- Academic and Administrative Officers (President, Provost, CFO, VP's and Deans).

The eligible employee, their spouse and dependent children may use this benefit from their start date with the university. The child must be a legal dependent of the eligible employee as defined by the Internal Revenue Service Code. There is NO tuition remission for extended family, such as nieces, nephews, grandchildren, grandnieces, or grandnephews.

#### **3. Application Process**

The student must meet the conditions of admission to JPCatholic. The student must complete the financial aid application process for any state, federal or private grants for which they may be eligible. Failure to complete this process will result in the student being responsible for the billed tuition.

#### **4. Financial Process**

The tuition remission benefit will be applied to any residual tuition, after application of all monies received from any state, federal and/or private grants and scholarships sources. Eligible employees, their spouse and dependent children are ineligible for JPCatholic academic scholarships. All charges and fees other than tuition are the responsibility of the student.

#### **5. Termination of Eligibility**

- Resignation or Dismissal: This benefit ends upon termination by dismissal or on the effective date of a resignation from the university. An enrolled eligible employee, spouse and/or dependent child may continue their education at JPCatholic after their termination date but would be responsible for the tuition due for

quarters after the one in which the termination or resignation occurred.

- Death, Total Disability, Layoff or Retirement before Five Years Total with the University: In the event of the eligible employee death, total disability, layoff or retirement, prior to the end of their fifth year at JPCatholic, the benefit would end at the close of the quarter in which the death, total disability, layoff or retirement occurs.
- Death, Total Disability, Layoff or Retirement after Five Years Total with the University: In the event the death, total disability, layoff or retirement of the eligible employee occurs after the end of their fifth full year at JPCatholic, the spouse and/or dependent children may use this benefit for a period not to exceed three years from the end of the academic quarter in which the eligible employee's death, total disability, layoff or retirement occurred.

### **6. Tuition Remission for Graduate Degree Programs**

Limited tuition remission is available for eligible employees for graduate degrees as outlined below. A spouse or dependent of the eligible employee is not eligible for graduate tuition remission.

This tuition remission policy is limited to tuition charges only. All other fees are the responsibility of the eligible employee.

- The tuition remission is 100% of usual tuition charges.
- The benefit ends at the end of the quarter of the effective date of the termination by dismissal or of resignation.
- The value of tuition remission for graduate education is considered taxable income on any amount over \$5,250, unless the eligible employee's primary responsibility is teaching at JPCatholic. The taxable income will be included in the eligible employee payroll at the end of each academic term for which tuition remission is awarded and will be subject to federal and state taxes.

## **Employee Handbook Acknowledgment and Receipt**

**PLEASE READ THE EMPLOYEE HANDBOOK AND FILL OUT AND RETURN THIS PORTION TO THE HUMAN RESOURCES DEPARTMENT NO SOONER THAN SEVEN (7) AND NO LATER THAN (10) TEN DAYS AFTER RECEIPT.**

Employee Name (Print): \_\_\_\_\_

I acknowledge that I have received and read a copy of JPCatholic's Employee Handbook. I understand that I am responsible for complying with the policies set forth in the Handbook during my employment with JPCatholic.

I further understand, however, that the guidelines contained in the Handbook are guidelines only and are not intended to create any contractual rights or obligations, express or implied, and shall not be construed to create any type of right to a "fair procedure" prior to termination or other disciplinary action. I also understand that, except for JPCatholic's at-will employment policy, JPCatholic may amend, interpret, modify, or withdraw any of the provisions of the Handbook at any time in its sole discretion, with or without notice. Furthermore, I understand that, because JPCatholic cannot anticipate every issue that may arise during my employment, if I have any questions regarding any of JPCatholic's guidelines or procedures, I should consult JPCatholic's Human Resources Department.

I understand and agree that my relationship with JPCatholic is at-will, which means that my employment is for no definite period and may be terminated by me or by JPCatholic at any time and for any reason, with or without cause or advance notice. I also understand that JPCatholic may demote or discipline me or otherwise alter the terms of my employment at any time at its sole discretion, with or without cause or advance notice.

I understand and agree that the terms of this Acknowledgment may not be modified or superseded except by a written agreement signed by Dr. Derry Connolly, President of JPCatholic, that no other employee or representative of JPCatholic has the authority to enter into any such agreement, and that any agreement to employ me for any

specified period of time or that is otherwise inconsistent with the terms of this Acknowledgment will be unenforceable unless in writing and signed by Dr. Derry Connolly, President of JPCatholic. I further understand and agree that if the terms of this Acknowledgment are inconsistent with any guideline or practice of JPCatholic now or in the future, the terms of this Acknowledgment shall control.

Finally, I understand and agree that this Acknowledgment contains a full and complete statement of the agreements and understandings that it recites, that no one has made any promises or commitments to me contrary to the foregoing, and that this Acknowledgment supersedes all previous agreements, whether written or oral, express or implied, relating to the subjects covered in this Acknowledgment.

I have carefully read this Acknowledgement of Receipt.

Date: \_\_\_\_\_ Signed:\_\_\_\_\_

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE