MT. SAN ANTONIO COLLEGE
Human Resources

TO: Mt. San Antonio College Employees

FROM: Risk Management & Safety Department

SUBJECT: **Employee Asbestos Notification**

In accordance with Health and Safety Code Section 25915.2, the College is required to annually notify employees of asbestos containing materials (ACM) in the work place.

Asbestos is a naturally occurring mineral fiber found in rocks. Asbestos fibers are divided into two groups, serpentine and amphibole. The most common forms are chrysotile asbestos (from serpentine rock), amosite and crocidolite (from amphibole rock). Because asbestos fibers are strong, conduct heat and cold poorly, and are resistant to chemical corrosion, it was commonly used as fireproofing and as an insulator in many building construction materials.

In order for asbestos to become a health risk, asbestos fibers must be released from the material and be present in the air for us to breathe. Asbestos is linked with lung disease and the symptoms of the disease do not appear until 15 to 30 years after exposure. However, most people exposed to small amounts of asbestos, as we all are in our daily lives, do not develop asbestos-related problems. Asbestosis, which is scarring of the lung, lung cancer and mesothelioma, a cancer of the lining of the chest or abdominal wall, are also linked with asbestos exposure. Occupational exposure of asbestos and lung disease has been linked to miners and manufacturing workers. Smoking with asbestos exposure increases the risk of lung disease.

The majority of buildings on campus that contain asbestos were constructed prior to 1979. The only asbestos contained in these buildings is in the insulation of heating and ventilation pipes, fireproof interior walls, and 9″ x 9″ floor tiles. The asbestos in its current undisturbed condition does not pose a health hazard. However, it is important for employees to follow proper work practices to minimize the potential for disturbing the asbestos. Employees should not drill holes, hang plants or other objects from walls and ceilings made of ACM. Do not disturb ACM when replacing light bulbs. If you find ACM that has been damaged, immediately report it to your supervisor. Your supervisor will contact the Facilities Department for remediation. If any employee is unsure whether

certain materials contain ACM, the employee should request assistance from their supervisor.

Asbestos containing materials pose no threat to your health unless asbestos fibers become airborne due to material aging, deterioration, or as the result of damage. Only persons authorized and properly trained should perform work which may disturb ACM. Asbestos conditions may vary, and where ACM were identified in building surveys, they were generally in good condition, enclosed, encapsulated or of a type not likely to release fibers unless disturbed.
Any employee may review the asbestos survey report conducted by the College and a qualified outside contractor. Results of bulk sampling and air monitoring have been conducted in all buildings on campus. All asbestos-related data will be available during normal working hours in the office of Administrative Services.

Please acknowledge that you have read the information contained in this memo by signing and returning to **Human Resources**.

Mt. San Antonio College
EMPLOYEE ASBESTOS NOTIFICATION

I, _____, hereby acknowledge receipt of the ***Employee Asbestos Notification***. I have read and understand the information contained in the Employee Asbestos Notification.

_____ _____
Print Name Date

_____
Signature

TO: All Mt. SAC Personnel

SUBJECT: Family Care and Medical Leave

Any employee who has been employed by Mt. San Antonio College for at least 12 months and who has worked at least 1,250 hours with the District during the previous 12 month period, shall be eligible to take family care or medical leave pursuant to applicable state and federal law and this administrative regulation. Full-time instructors are deemed to meet the 1,250 hour test. (29 U.S.C. 2611; Government Code 12945.2, 29 C. F. R. 825. 110)

Family care and medical leave may be used for the following reasons:

1. For the birth of the employee's child, and to care for the newborn child. (29 U.S.C. 2612 Government Code 19245.2)
2. For the placement of a child with the employee for foster care or in connection with the employee's adoption of a child. (29 U.S.C. 2612; Govt. Code 12945.5)
3. To care for the employee's child, parent, or spouse with a serious health condition. (29 U.S.C. 2612; Govt. Code 12945.2)
4. Due to the employee's own serious health condition that makes the employee unable to perform the functions of his/her position. (29 U.S.C. 2612; Govt. Code 12945.2)
5. Due to a qualifying exigency arising out of the fact the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operations. (29 U.S.C. 2612)
6. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. This can amount to 26 weeks of unpaid leave during the 12-month period. (29 U.S.C. 2612)

Definitions

For purposes of this Administrative Regulation, "child" means a biological, adopted, or foster son or daughter, a stepson or stepdaughter, a legal ward, or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child. (29 U.S.C. 2611; Govt. Code 12945.2)

"Parent" means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to an employee when the employee was a child (29 U.S.C. 2611; Govt. Code 12945.2)

"Next of kin of a covered service member" means nearest blood relative of an injured servicemember, other than the covered servicemember's spouse, parent, son or daughter, in following in following order of priority: blood relatives who have been granted legal custody of servicemember by court decree or statute, brothers and sisters, grandparents, aunts, and uncles, and first cousins, unless covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

"Serious health condition" means an illness, injury, impairment, physical and/or mental condition that involves either:

1. Inpatient care in a hospital, hospice, or residential health care facility and any subsequent treatment in connection with such inpatient care; or
2. Continuing treatment or continuing supervision by a health care provider as defined in 29 Code of Federal Regulations section 825.114.

"Qualifying exigency" allows for an eligible employee to take FMLA leave while the employee's spouse, son, daughter or parent (the "covered military member") is on covered active duty or call to active duty status. There are eight general categories of qualifying exigencies:

1. Short-notice deployment
2. Military events and related activities
3. Childcare and school activities
4. Financial and legal arrangements
5. Counseling
6. Rest and recuperation
7. Post-deployment activities
8. Additional activities

Duration

Family care and medical leave shall not exceed 12 workweeks during any 12-month period, except as identified in item 6 above, in which case the maximum period of leave could be up to 26 workweeks. The 12-month period for calculating leave entitlement shall commence on the date the employee's first family care or medical leave begins. The 12 workweeks of family care and medical leave to which an employee is entitled under state law shall run concurrently with the 12 workweeks of family care and medical leave to which an employee is entitled under federal law, except that any leave taken under state law for family care or medical leave shall run consecutively to an employee's leave entitlement on account of pregnancy, childbirth, and related medical conditions.

If both parents of a child work for the District, their family care and medical leave related to the birth or placement of the child shall be limited to a total of 12 weeks during the 12-month period following the birth or placement of child. (Government Code 12945.2)

An employee may take leave intermittently or on a reduced leave schedule if the leave is being taken due to an employee's own serious health condition or for the purpose of caring for a spouse, child, parent with a serious health condition provided that taking leave in this manner is medically necessary. (29 U.S.C. 2612, Gov. Code 12945.2)

An employee may also take leave intermittently for the birth, adoption, or placement of a child for foster care; however such leaves shall be taken for a minimum duration of two consecutive weeks; expect that an employee shall be entitled to leaves of less than two consecutive weeks on two occasions within 12 months following the birth of the child. (2 Cal. Code Regs. 7297.3)

The District may temporarily assign an employee requesting intermittent leave to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced leave schedule. (29 C.F.R. 825.117)

Leave taken for a birth, or placement for adoption or foster care, must be initiated within one year of the birth or placement.

Terms of Leave

An employee, who takes leaves because of his or her own serious health condition, shall be required to substitute all accrued paid leave, including but not limited to sick leave and vacation, for unpaid leave.

An employee who takes leave for the reason of the birth, adoption, foster care placement of a child, or for the purpose of caring for a parent, child, or spouse with a serious health condition shall be required to substitute all accrued paid leave, including up to six days of sick leave, for unpaid leave.

The employee's entitlement to unpaid leave hereunder shall run concurrently with the employee's use of paid leave. (29 U.S.C. 2612, Gov. Code 12945.2)

Maintenance of Benefits

During the period of family care or medical leave, the employee shall continue to be entitled to participate in the District health plan and the District shall continue to pay health care premiums under such plan on the same terms as if the employee had continued to work during the period of the leave. However, for any unpaid leave granted in excess of the 12 weeks of family care or medical leave in any 12-month period, the employee will be required to pay the health care premium for the remainder of the leave. Any premium payments required to be paid by the employee during such a leave must be paid at the same time as they would have been due if paid by payroll deduction, expect as other arrangements are approved by the Payroll Director.

The District may recover the premium that the District paid as required by state and federal law for maintaining coverage for the employee under the group health plan if both of the following conditions occur:

1. The employee fails to return from leave after the period of leave to which the employee is entitled has expired.
2. The employee's failure to return from leave is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under state or federal law or other circumstances beyond the control of the employee.

Any employee taking leave under this Administrative Regulation shall continue to be entitled to participate in retirement plans, supplemental unemployment benefit plans, and any other employee benefit plans, to the same extent and under the same conditions that apply to an unpaid leave taken for any purpose other than those described in this Administrative Regulation. In the absence of these conditions, an employee shall continue to be entitled to participate in such plans, and the District shall require the employee to pay premiums, at the group rate, during the period of time off, or any other paid or unpaid time off, as a condition of continued coverage during the leave period. However, the non-payment of premiums by an employee shall not constitute a break in service for the purpose of longevity or seniority under any collective bargaining agreement, or any employee benefit plan (Govt. Code 12945.2)

For purposes of retirement plans, the District shall not be required to make plan payments for an employee during the period of the leave, and the leave period shall not be required to be counted or purposes of time accrued under the plan. However, an employee covered by a retirement plan may continue to make contributions in accordance with the terms of the plan during the period of the leave subject to approval by STRS or PERS.

The employee shall retain his/her employee status with the District during the leave period. For purposes of layoff, recall, promotion, job assignment, and seniority-related benefits such as vacation, the employee returning from family care or medical leave shall return with no less seniority than he/she had when the leave began. (Govt. Code 12945.2)

Requests, Advance Notice, and Certifications

If an employee learns of the need for family care or medical leave more than 30 days before the leave is to begin, he/she shall give the District at least 30 days advance notice. If the employee learns of the need for family care or medical leave fewer than 30 days in advance, he/she shall provide such notice as soon as practicable. (29 U.S.C. 2612; Govt. Code 129425.2)

If leave is needed for planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision so as to avoid disruption of District operations. This scheduling shall be subject to the health care provider's approval. On or before the first day of an employee's family care or medical leave, the employee shall notify the District of his or her anticipated date of return to work. The District may require periodic updates on the employee's intent to return to work. If, because of changed circumstances, an employee requires more or less leave than originally anticipated, such an employee shall give the District at least two business days' notice of his or her intent to return to work. (29 U.S.C. 2612; Govt. Code 12945.2)

An employee's request for leave to care for a child, spouse, or parent who has a serious health condition shall be supported by a certification from the health care provider of the person requiring care. This certification shall include:

1. The date, if known, on which the serious health condition began.
2. The probable duration of the condition.
3. An estimate of the amount of the time the health care provider believes the employee needs to care for the eligible family member.
4. A statement that the serious health condition warrants the care of a family member to provide during a period of the treatment or supervision of the child, parent, or spouse.

As a condition of an employee's return from leave taken because of the employee's own serious health condition, the employee shall obtain certification from his or her health care provider that the employee is able to perform the essential job functions of his or her position with or without reasonable accommodation.

If additional leave is needed when the time estimated by the health care provider expires, the District may require the employee to provide recertification as specified above.

An employee's request for leave because of his/her own serious health condition shall be supported by a certification from the employee's health care provider. The certification shall include:

1. The date, if known, on which the serious health condition began.
2. The probable duration of the condition.
3. A statement that, due to the serious health condition, the employee is unable to perform the functions of his/her position. (29 U.S.C. 2613)
4. Indication if the employee is released to return to work.

If the employee is requesting leave for intermittent treatment or leave on a reduced leave schedule for planned medical treatment, the certification must also state the medical necessity for the leave, the dates on which treatment is expected to be given, the duration and frequency of the treatment and the expected duration of the leave. (29 U.S.C. 2613)

Any required medical certification shall be provided within 15 days of the District's designation of the leave as FMLA/CFRA qualifying.

In any case in which the District has reason to doubt the validity of any certification provided to support an employee's request to take leave because if the employee's own serious health condition, the District may require that the employee obtain the opinion of a second health care provider designated or approved by the District, at the expense of the District, concerning any information contained in the certification.

In any case in which the second opinion described above differs from the opinion in the original certification, the District may, at the expense of the District, require that the employee obtain the opinion of a third health care provider, designated or approved jointly by the District and the employee, concerning any information contained in the certification, which shall be final and binding on the District and the employee.

Reinstatement Non-Discrimination

Upon granting an employee's request for family care or medial leave, the District shall guarantee to reinstate the employee in the same or comparable position when the leave ends "to the extent required by law". (29 U.S.C. 2614; Govt. Code 129452.2)

Notwithstanding the preceding paragraph, the District may refuse to reinstate an employee if all of the following apply:

1. The employee is among the highest paid 10 percent of District employee's; and
2. The refusal is necessary to prevent substantial and grievous economic injury to the operations of the District; and
3. The District notifies the employee of the intent to refuse reinstatement at the time the District determines the refusal is necessary under subparagraph 2.

The District shall not refuse to hire and shall not discharge, fine, suspend, expel, or discriminate against any employee because he/she exercises his/her rights under this regulation or gives information or testimony regarding his/her or another person's family care or medical leave in an inquiry related to such leave.

Notifications

In accordance with the law, the District shall notify employees of their right to request family care and medical leave. Furthermore, in those cases where the District becomes aware that an employee has taken leave for a reason that would otherwise qualify under the FMLA, such leave shall be designated as such and the employee will be noticed accordingly.

Mt. San Antonio College

FAMILY CARE AND MEDICAL LEAVE

As an employee of Mt. San Antonio College, I certify that I have read and have received a copy of the ***Family Care and Medical Leave Procedure.***

_____ _____
Print Name Date

_____
Signature

MT. SAN ANTONIO COLLEGE
Human Resources

TO: Mt. San Antonio College Employees

FROM: Human Resources

SUBJECT: **COLLEGE NON-DISCRIMINATION STATEMENT**

Mt. San Antonio College's Non-Discrimination Statement is distributed as a reminder of our commitment to equal access to employment and educational opportunities for all persons.

NON-DISCRIMINATION STATEMENT

Mt. San Antonio College is an equal opportunity employer and is committed to an active Faculty and Staff Diversity program. It is the stated policy of Mt. San Antonio College that harassment is prohibited and that all persons shall receive equal employment and educational opportunities without regard to sex, race, color, ancestry, religious creed, national origin, age (over 40), medical condition (cancer), mental disability, physical disability (including HIV & AIDS), marital status, sexual orientation, or Veteran Status. This nondiscrimination policy covers Family and Medical Care Leave, Pregnancy Disability Leave, admission and access to, and treatment and employment in, any of the College's programs, services, or activities including vocational education.

Human Resources is responsible for Title IX, Title VI, Title VII, Americans with Disabilities Act, Section 504, and A.B. 803 compliance. The College aims to be proactive in responding to the needs of historically underrepresented groups, women, and persons with disabilities. Any person has the right to file a civil rights complaint and no person may be treated differently, or otherwise suffer retaliation, because of the exercise of this right. Policies and grievance procedures for unlawful discrimination and complaint procedures for sexual harassment for students and employees may be obtained by contacting:

Human Resources, Building 4, ext. 4225

MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT
BOARD POLICY

Chapter 3 - General Institution

AP 3410 Nondiscrimination

Education Programs
References:
Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.; Accreditation Standards

The College shall provide access to its services, classes, and programs without regard to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex (gender), age, sexual orientation, or the perception that a person has one or more of these characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes.

The College shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including, but not limited to, counselors, instructors, and managers shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the College shall offer opportunities for participation in athletics equally to male and female students.

Employment
References:
Education Code Sections 87100 et seq.; Government Code Sections 11135 et seq. and 12940 et seq.; and Title 5 Sections 53000 et seq.

The College shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex (gender), age, sexual orientation, or the perception that a person has one or more of these characteristics.

All employment decisions, including, but not limited to, hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the College's needs.

All College employees are encouraged to be involved in the active promotion of diversity in employment, including recruitment.

The College shall, as necessary, provide professional and staff development activities and training to promote understanding of diversity.

Mt. San Antonio College

COLLEGE NON-DISCRIMINATION STATEMENT

I, hereby acknowledge receipt of the ***College Non-Discrimination Statement*** (dated 8/25/16) and the ***AP 3410 Nondiscrimination*** policy. Upon receiving this policy I further acknowledge that I have been provided an explanation and that I have a reasonable understanding of the policy. I also understand the rules and regulations of this policy.

_____ _____

Print Name Date

_____

Signature

HUMAN RESOURCES

DISTRICT POLICY ON DRUG FREE ENVIRONMENT

The Board of Trustees of Mt. San Antonio College District adopted a policy regarding a "Drug-Free Environment." This Board Policy is printed on the reverse side of this memorandum. The policy prohibits illegal manufacture, distribution, dispensation, possession, use or sale of controlled substances by District employees in the workplace. Any violation of the policy may be cause for disciplinary action which may include termination or may require an employee to participate satisfactorily in a substance-abuse assistance or rehabilitation program.

Mt. San Antonio Community College District strives to maintain a drug-free environment. The College recognizes substance dependency as potentially treatable and encourages employees with substance dependency problems to contact Student Health Services or Human Resources for assistance in obtaining information about appropriate available counseling and rehabilitation services for themselves and their families.

If you have any questions about the policy or need more information, contact Student Health Services at ext. 4400 or Human Resources at ext. 4225.

MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT
BOARD POLICY

Chapter 3 – General Institution

BP 3550 Drug Free Environment and Drug Prevention Program

References:
Drug Free Schools and Communities Act, 20 U.S.C. Section 1145g and 34 C.F.R. Section 86.1 et seq.; Drug Free Workplace Act of 1988, 41 U.S.C. Section 702

The College shall be free from all illegal drugs and from the unlawful possession, use or distribution of illegal drugs and alcohol by students and employees.

The unlawful manufacture, distribution, dispensing, possession or use of alcohol or any controlled substance is prohibited on College property; in any facility operated by the College; during College-sponsored field trips, activities, or workshops; and in any College owned vehicle.

All employees are required to comply with this policy as a condition of their employment and continued employment.

Any student or employee who violates this policy will be subject to disciplinary action, which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion or dismissal. Any employee convicted under a criminal drug and/or alcohol statute for conduct in the workplace must report this conviction within five days to the College President/CEO.

The College President/CEO shall assure that the College distributes annually to each student the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

Approved April 28, 2004

Mt. San Antonio College
COLLEGE DRUG FREE POLICY

I, hereby acknowledge receipt of the ***College Drug Free Policy*** and the ***BP 3550 Drug Free Environment and Drug Prevention Program*** policy. Upon receiving this policy I further acknowledge that I have been provided an explanation and that I have a reasonable understanding of the policy. I also understand the rules and regulations of this policy.

_____ _____
Print Name Date

_____
Signature

MT. SAC
Mt. San Antonio College

HUMAN RESOURCES

REASONABLE ACCOMMODATION INFORMATION

It is the policy of the Mt. San Antonio Community College District to make reasonable accommodation to the known physical or mental limitations of an otherwise qualified employee or applicant who has a qualifying disability unless the hiring authority can demonstrate that the accommodation would impose an undue hardship on the operation of its program. A department shall not deny any employment opportunity to a qualified employee or applicant who is an individual with a disability if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the applicant or employee.

QUALIFYING DISABILITY

A qualifying disability is a physical or mental disability or medical condition that limits one or more major life activities. The following are not considered disabilities under California State law: sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

REQUESTING ACCOMMODATION FOR DISTRICT EXAMINATIONS

When applying for a District examination, you must indicate the type of reasonable accommodation needed on your State application form. State agencies are required to respond to your request within 10 working days after the final filing date and before the date of administering the examination. If you have not received a response to your request by the time you receive a notice to appear for an examination, contact the appropriate testing office indicated on the examination bulletin.

REQUESTING ACCOMMODATION ON THE JOB

As an employee, you may request a reasonable accommodation verbally, or in writing. Examples of accommodation may include, but not be limited to:

Job restructuring and/or reassignment
Modified work schedule
Reader or interpreter
Tools, equipment, devices, furnishings

You may be required to fill out additional forms and/or provide documentation if requested by your employer. Your employer must respond within 20 calendar days of receiving the required documents pertaining to your request. If you do not receive a response, you should contact your human resources office regarding the status of your request.

Mt. San Antonio College

REASONABLE ACCOMMODATION

As an employee of Mt. San Antonio College, I certify that I have read and have received a copy of ***Reasonable Accommodation Information***.

_____ _____
Print Name Date

_____
Signature

SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

1. *Unwanted sexual advances*
2. *Offering employment benefits in exchange for sexual favors*
3. *Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters*
4. *Derogatory comments, epithets, slurs, or jokes*
5. *Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations*
6. *Physical touching or assault, as well as impeding or blocking movements*

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with DFEH within one year of the last act of harassment or retaliation. DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. DFEH may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING.

FOR MORE INFORMATION

Department of Fair Employment and Housing
Toll Free: (800) 884-1684
TTY: (800) 700-2320
Online: www.dfeh.ca.gov

Also find us on:

If you have a disability that prevents you from submitting a written pre-complaint form on-line, by mail, or email, the DFEH can assist you by scribing your pre-complaint by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at contact.center@dfeh.ca.gov.

The DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

Contact the DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or contact.center@dfeh.ca.gov to discuss your preferred format to access our materials or webpages.

DFEH-185-ENG / April 2017

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

SEXUAL HARASSMENT

THE FACTS

Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

THERE ARE TWO TYPES OF SEXUAL HARASSMENT

1. *"Quid pro quo"* (Latin for "this for that") sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.

2. *"Hostile work environment"* sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interfere with your work performance or create an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. That means that it alters the conditions of your employment and creates an abusive work environment. A single act of harassment may be sufficiently severe to be unlawful.

CIVIL REMEDIES:

1. *Damages for emotional distress from each employer or person in violation of the law*
2. *Hiring or reinstatement*
3. *Back pay or promotion*
4. *Changes in the policies or practices of the employer*

EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

① Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.

② Post a copy of the Department's employment poster entitled "California Law Prohibits Workplace Discrimination and Harassment."

③ Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:

- Be in writing.
- List all protected groups under the FEHA.
- Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
- Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reasonable progress; appropriate options for remedial actions and resolutions; and timely closures.
- Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of DFEH and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
- Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources manager, so that the company can try to resolve the claim internally. Employers with 50 or more employees are required to include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).
- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
- Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.

④ Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:

- Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
- Sending the policy via email with an acknowledgment return form.
- Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
- Discussing policies upon hire and/or during a new hire orientation session.
- Using any other method that ensures employees received and understand the policy.

⑤ If the employer's workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.

⑥ In addition, employers who do business in California and employ 50 or more part-time or full-time employees must provide at least two hours of sexual harassment training every two years to each supervisory employee and to all new supervisory employees within six months of their assumption of a supervisory position.

MT. SAN ANTONIO COMMUNITY COLLEGE DISTRICT
BOARD POLICY
Chapter 3 – General Institution

BP 3430 Prohibition of Harassment

References:

Education Code Sections 212.5; 44100, 66252; 66281.5; Government Code Section 12950.1; Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e.

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by State and federal law, as well as this policy, and will not be tolerated. The College is committed to providing an academic and work environment that respects the dignity of individuals and groups. The College shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, mental condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, ~~or~~ sexual orientation, military status, or veteran status of any person, or because he or she is perceived to have one or more of the foregoing characteristics.

Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures delineated in the Administrative Procedures. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

The College seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the College also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the College determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

This policy applies to all aspects of the academic environment including, but not limited to, classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

To this end, the College President/CEO shall ensure that the institution undertakes education activities and training to counter discrimination and to prevent, minimize, and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The College President/CEO shall establish procedures that define harassment on campus. The College President/CEO shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the College, its employees, students, and agents.

This policy and related written procedures including the procedure for making complaints shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

Approved: April 28, 2004
Revised: April 20, 2005
Revised: February 27, 2013
Revised: December 10, 2014

Mt. San Antonio College

SEXUAL HARASSMENT POLICY

I, hereby acknowledge receipt of the ***Sexual Harassment DFEH*** pamphlet and the ***BP 3430 Prohibiting Sexual Harassment*** policy. Upon receiving this policy, I further acknowledge that I have been provided an explanation and that I have a reasonable understanding of the policy. I also understand the rules and regulations of this policy.

_____ _____

Print Name Date

_____

Signature

Chapter 3 - General Institution

AP 3720 Use of Technology and Information Resources and Employee Acceptable Use Agreement

References:

Education Code Section 70902; 17 U.S.C. § 101 et seq. (Copyright Act); Penal Code Section 502; Academic Senate for California Community Colleges 1999 paper *Academic Freedom, Privacy, Copyright and Fair Use in a Technological World*

The College technology systems and tools are the sole property of Mt. San Antonio College. They may not be used by any person without the proper authorization of the College. The technology systems and tools are for College instructional and work related purposes.

This procedure applies to all Mt. San Antonio College students, faculty, and staff and to others granted use of College information resources. This procedure refers to all College information resources whether individually controlled or shared, stand-alone, or networked. It applies to all computer and computer communication facilities owned, leased, operated, or contracted by the College. This includes personal computers, workstations, associated peripherals and software, and information resources, regardless of whether used for administration, research, teaching or other purposes.

Conditions of Use:

Individual units within the College may define additional conditions of use for information resources under their control. These statements must be consistent with this overall procedure but may provide additional detail, guidelines and/or restrictions. Employees must also consider the open nature of information transferred electronically and should not assume an absolute guarantee of privacy or restricted access to such information. Mt. San Antonio College reserves the right to monitor all use of the College network and computer to assure compliance with appropriate policies. Mt. San Antonio College will exercise this right only for legitimate College purposes, including, but not limited to, ensuring compliance with this procedure and the integrity and security of the system.

The College supports and endorses the fundamental principles and the right of freedom of expression and endeavors to insure appropriate confidentiality of communication. Nevertheless, all users should be aware that they have no guarantee of privacy or security when using College technology systems and tools. The College strives to provide the highest degree of privacy and security possible when transferring data but disclaims responsibility if security measures are circumvented and the information is compromised.

Legal Process:

This procedure exists within the framework of the College Board Policy and State and federal laws. A user of College information resources who is found in violation of the College's computer use policies is subject to proper disciplinary action, including the reporting of such activity to the appropriate authorities as required by law, up to and including but not limited to

loss of information resources privileges; disciplinary suspension or termination from employment or expulsion; and/or civil or criminal legal action (see Appendix A: Selected Examples of Unacceptable Use).

Users of College technology systems and tools should also be aware of items such as the following:

- Possibility of Disclosure - Users must be aware of the possibility of unintended disclosure of communications.

- Retrieval - It is possible for information entered on or transmitted via computer and communications systems to be retrieved, even if a user has deleted such information.

- Public Records - The California Public Records Act (Government Code Sections 6250 et seq.) includes computer transmissions in the definition of "public record" and nonexempt communications made on the College network and computer must be disclosed if requested by a member of the public.

- Litigation - Computer transmissions may be discoverable in litigation.

Copyrights and Licenses:

Computer users must respect copyrights and licenses to software and other on-line information.

- Copying - Software protected by copyright may not be copied except as expressly permitted by the owner of the copyright or otherwise permitted by copyright law. Protected software may not be copied into, from, or by any College facility or system, except pursuant to a valid license or as otherwise permitted by copyright law.

- Number of Simultaneous Users - The number and distribution of copies must be handled in such a way that the number of simultaneous users in a department does not exceed the number of original copies purchased by that department, unless otherwise stipulated in the purchase contract.

    - Copyrights - In addition to software, all other copyrighted information (text, images, icons, programs, etc.) retrieved from computer or network resources, including the Internet, must be used in conformance with applicable copyright and other laws. Work deemed protected under Section 107 of the Copyright Act of 1976 ("Fair Use") shall be documented as having satisfied the four factor test.

Integrity of Information Resources:

Computer users must respect the integrity of computer-based information resources.

- Modification or Removal of Equipment - Computer users must not attempt to modify or remove computer equipment, software, or peripherals that are owned by others without proper authorization.

- Unauthorized Use - Computer users must not interfere with others access and use of the College computers. This includes, but is not limited to: the sending of ~~chain letters or~~ excessive messages, either locally or off-campus; printing excess copies of documents, files, data, or programs; running grossly inefficient programs when efficient alternatives are known by the user to be available; unauthorized modification of system facilities, operating systems, or disk partitions; attempting to crash or tie up a College computer or network; installing or connecting unauthorized equipment; and damaging or vandalizing College computing facilities, equipment, software, or computer files.

- Unauthorized Programs - Computer users must not intentionally develop or use programs which disrupt other computer users or which access private or restricted portions of the system, or which damage the software or hardware components of the system. Computer users must ensure that they do not use programs or utilities that interfere with other computer users or that modify normally protected or restricted portions of the system or user accounts. The use of any unauthorized or destructive program will result in disciplinary action as provided in this procedure, and may further lead to civil or criminal legal proceedings.

Unauthorized Access:

Computer users must not seek to gain unauthorized access to information resources and must not assist any other persons to gain unauthorized access.

- Abuse of Computing Privileges - Users of College information resources must not access computers, computer software, computer data or information, or networks without proper authorization, or intentionally enable others to do so, regardless of whether the computer, software, data, information, or network in question is owned by the College.

- Reporting Problems - Any defects discovered in system accounting or system security must be reported promptly to the appropriate system manager so that steps can be taken to investigate and solve the problem.

- Password Protection - A computer user who has been authorized to use a password-protected account may be subject to both civil and criminal liability if the user discloses the password or otherwise makes the account available to others without permission of the Chief Technology Officer or designee.

Usage:

Computer users must respect the rights of other computer users. Attempts to circumvent these mechanisms in order to gain unauthorized access to the system or to another person's information are a violation of College procedure and may violate applicable law. The College is a non-profit, tax-exempt organization and, as such, is subject to specific federal, State and local laws regarding sources of income, political activities, use of property, and similar matters.

- Unlawful Messages - Users may not use electronic communication facilities to send defamatory, fraudulent, harassing, obscene, threatening, or other messages that violate applicable federal, State or other law or College policy, or which constitute the unauthorized release of confidential information.

- Commercial Usage - Electronic communication facilities must not be used to transmit commercial or personal advertisements, solicitations or promotions. Some public discussion groups have been designated for selling items and may be used appropriately, according to the stated purpose of the group(s). College information resources should not be used for commercial purposes. Users also are reminded that the ".cc" and ".edu" domains on the Internet have rules restricting or prohibiting commercial use, and users may not conduct activities not appropriately within those domains.

- Information Belonging to Others - Users must not intentionally seek or provide information on, obtain copies of, or modify data files, programs, or passwords belonging to other users, without the permission of those other users.

- User Identification & Rights of Individuals - Users shall not send communications or messages anonymously or without accurately identifying the originating account or station. Users must not release any individual's (student, faculty, and staff) personal information to anyone without proper authorization from the individual affected.

- Political Use - College information resources must not be used for partisan political activities where prohibited by federal, State or other applicable laws.

    - Personal Use - College information resources should not be used for personal activities not related to appropriate College functions, except in a purely incidental manner so long as: (a) it does not consume more than a trivial amount of system resources; (b) it does not interfere with the productivity of other campus employees, and (c) it does not preempt any College activity.

    - Captioning/Closed Captioning – All video media posted to the College affiliated Internet or Intranet must be captioned or sub-titled for the deaf or hard of hearing. Any exceptions must be approved by a section 504 compliance officer.

    - Remote Access – Remote access to sensitive College systems is provided by Virtual Private Network (VPN) based on critical business need. VPN access may be requested by completing the VPN request form and obtaining the appropriate approval signatures. Request for VPN access must be approved by the Chief Technology Officer. Mt. SAC reserves the right to audit all VPN client systems and all communications between VPN client systems and Mt. SAC's network for compliance with all applicable security requirements.

Electronic Communication (email):

All Mt. San Antonio College related email communications must be conducted using an email address assigned by the College. This restriction is necessary because email originating at the College may contain proprietary information regarding students, staff, or internal College business. The College is responsible for the security of this information and cannot assume

that other email providers will provide adequate levels of data backup, security, and virus protection. Users may not configure any email program or service to use an automated process for forwarding Mt. San Antonio College email to any other email address.

Social Media Definition:

Social networking includes networking sites that communicate via the Internet and networking sites that use SMS text or mobile technologies. All genres of social networking sites or media will be referred to below as social media. Currently popular examples of social media include Facebook, Twitter and similar utilities, sites, and/or resources.

Social Media Responsibility:

College employees are responsible for the content they post to social media. The College will neither indemnify employees for anything they write on social media nor restrict employee speech on social media not associated with the college. Social media officially affiliated with the College or used by employees to enhance instruction is subject to the following procedures:

- College Coursework - Faculty utilizing social media to enhance instruction must accept responsibility as the site administrator for said media.

- College Departments - Social media for a College department requires prior approval from the department administrator. An email or written proposal or approval will suffice. Social media for College departments will have a minimum of two site administrators assigned. If a site administrator leaves the College, the department administrator will assign another in their place and the account password will be changed.

- College Clubs and Organizations - Social media for college clubs and organizations cannot be affiliated with the College without prior approval from the College club sponsor/advisor or other college employee. Social media for college clubs and organizations should have two site administrators of which at least one is a College employee. Those site administrators can optionally authorize and assign student site administrator(s), and revoke those privileges if the student site administrator(s) is not acting in accordance with these procedures.

The site administrator(s) shall post their name(s) and a contact method prominently on the site and shall check their pages regularly for prohibited content. Examples of content prohibited from social media officially affiliated with Mt. SAC and, if possible, should be removed by the site administrator upon discovery, are:

- Derogatory language that can reasonably be interpreted as harassing or threatening any third party

- Language or images encouraging or depicting sexual harassment, vandalism, stalking, drinking, drug use, criminal activity, or other behavior prohibited by the Student Standards of Conduct

- Content that violates State or federal law, including online gambling and the use (without documented, written permission) of copyrighted material

- Information that is obviously libelous

- Pornography or patently obscene material as defined by law

Nondiscrimination:

All users have the right to be free from any conduct connected with the use of the Mt. San Antonio College network and computer resources which discriminates against any person on the basis of BP 3410. No user shall use the College network and computer resources to transmit any message, create any communication of any kind, or store information which violates any College procedure regarding discrimination or harassment, or which is defamatory or obscene, or which constitutes the unauthorized release of confidential information.

Appendix A: Selected Examples of Unacceptable Use:

- Revealing passwords to others, or allowing someone else to use one's account.
- Utilizing network or system id numbers/names that are not assigned for one's specific use on the designated system.
- Attempting to authorize, delete, or alter files or systems not created by oneself without authorization from the Chief Technology Officer or his/her designee.
- Not complying with requests from designated personnel to discontinue activities that threaten the integrity of computing resources.
- Attempting to defeat data protection schemes or to uncover security vulnerabilities.
- Registering a Mt. San Antonio College IP address with any other domain name.
- Unauthorized network scanning or attempts to intercept network traffic *including the use of unauthorized wireless Access Points or similar devices.*
- Malicious disruptions such as intentionally introducing a computer virus to the campus network.
- Harassing or threatening other users of the campus network.
- Connecting unauthorized equipment directly to the campus network. (Devices such as PDAs, printers, and USB drives that connect to a computer and not directly to the network are acceptable.)

Signature Page: Dissemination and User Acknowledgment:

All users shall be provided copies of AP 3720 and shall be responsible for adhering to its content. Signed agreement is required by all employees to receive system access accounts and utilize the College technology systems and tools.

The provisions and terms of AP 3720 constitute an agreement between the College and employee as to their agreed upon rights and duties as such relate to the utilization of the College technology systems and tools. These terms are subject to change only upon mutual written agreement between the College and the respective constituent groups. The College shall make the current version of this document available at http://infosecurity.mtsac.edu. All Parties are put on notice that a violation of the above terms and provisions may result in civil, criminal, or other administrative action, including the reporting of such activity to the appropriate authorities as required by law, up to and including but not limited to loss of information resources privileges; disciplinary suspension or termination from employment or expulsion; and/or civil or criminal legal action.

As an employee of Mt. San Antonio College, I certify that I have read and have received a copy of this agreement (AP 3720).

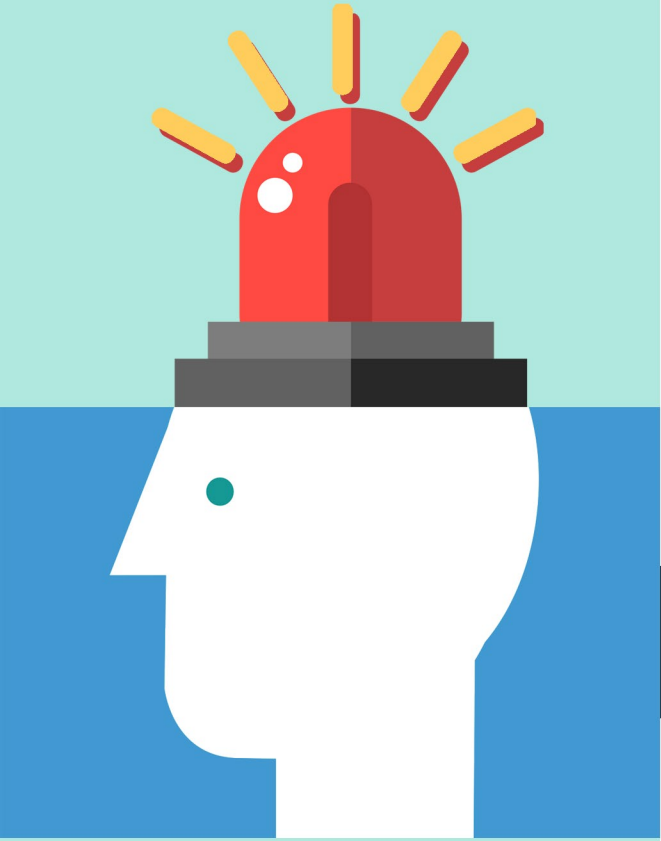
Name: _____
Print Name

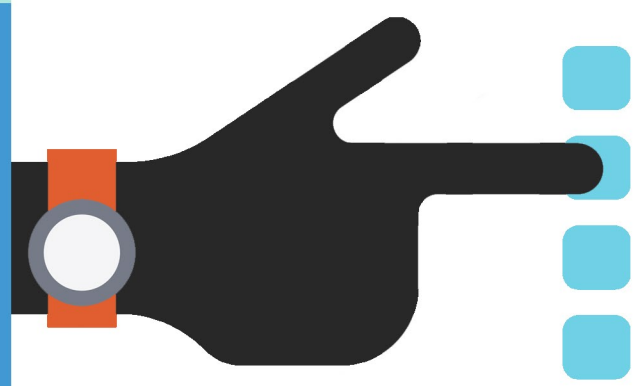
Name: _____ Date: _____
Signature

What Will You Do?

MT. SAC
Mt. San Antonio College

Emergency Response Quick Reference Guide





Police & Campus Safety: (909) 274-4555

EXIT EVACUATION

- Stay calm. Do not rush or panic.
- Use the stairs. Do not use the elevator.
- Assist others if possible. Once you are out of the building go to the nearest Evacuation Assembly area *(See back panels)*.
- Wait for instructions and additional information from Police & Campus Safety OR emergency responders.

EARTHQUAKE

- Take immediate shelter under tables, desks, or other furniture. (Remember to **drop, cover** and **hold on**.)
- If it unsafe to remain inside, evacuate *(See EVACUATION)* the building when safe to do so, assisting others if possible. Immediately inform emergency responders if injured or disabled need assistance.
- Assist others if possible, once you are out of the building, go to the nearest Evacuation Assembly Area *(See back panels)*
- Wait for instructions and additional information from Police & Campus Safety or emergency responders.

CRIMINAL ACTIVITY

- Call Campus Safety at ext. 4555 and report the type and location of activity (crime, assault, theft, etc.) from a safe location.
- Do not attempt to apprehend the person(s) involved.

FIRE

- **Evacuate building** *(See EVACUATION)* and assist others if possible. Inform emergency responders if injured or disabled need assistance.
- Do not ignore fire alarms. Evacuate using the safest route.
- If you see a fire, activate the nearest fire alarm box if it is safe to do so.
- Call the Police & Campus Safety at ext. 4555 and report the location of the fire.

UTILITY FAILURE

- **Remain indoors** if there is natural light and if it is safe to do so. Power may resume within minutes.
- Check the Mt. SAC website or look for a Mt. SAC emergency notification to provide additional information.
- Follow directions provided by campus and emergency response teams.
- Contact Police & Campus Safety if special assistance is needed.

SUSPICIOUS PACKAGE OR BOMB THREAT

- **Call Police & Campus Safety at ext. 4555 immediately** to report a suspicious package.
- Check the Mt. SAC website or look for a Mt. SAC emergency notification to provide additional information.
- Follow directions provided by campus and emergency response teams.

ACTIVE SHOOTER

- Remember: **Run, Hide, Be Prepared to Fight.**
- If you suspect gunfire, don't wait for others to confirm it – Leave the area as quickly as possible. **Call Police & Campus Safety at ext. 4555** and report the type and location of the shooter from a safe location.
- Hide if you cannot escape.
- Barricade doors (use chairs, cabinets, furniture), turn off lights, and silence your cellphone.

For additional information visit www.mtsac.edu/emergency

CALL POLICE & CAMPUS SAFETY (909) 274-4555 TO:

- report suspicious activity.
- report a hazardous condition person(s) involved.
- report a spill or leak that may be a safety issue.
- request an escort to your car.

Where Will I Go?

If you must evacuate, report to the **nearest** evacuation assembly site to your office or location.

✱ – Evacution Areas ✚ – First Aid / Triage (– Emergency Blue Phones

MT. SAC
Mt. San Antonio College

POLICE & CAMPUS SAFETY (909) 274-4555

For a detailed evacuation areas map, go to: www.mtsac.edu/maps

What Should You Do?

This brochure is a quick reference guide for Mt. SAC emergency procedures. The complete Emergency Procedures document is available on the Mt. SAC portal.

This brochure will tell you what to do and where to go during an emergency. Please keep it on hand as a quick reference. We also encourage you to consult the complete plan for more detailed information and sign up for **Mt. SAC Alerts** (on the portal) for emergency notifications.

Your Safety Should Be Your First Priority

Want To Know More About Emergency Services?

For more information, contact Emergency Services at
(909) 274-5567
or visit www.mtsac.edu/emergency

To report a situation or emergency, call
Police & Campus Safety at
(909) 274-4555

MT. SAC
Mt. San Antonio College

1100 N. Grand Ave.
Walnut, CA 91789

12/2017

Mt. SAC Employee Disaster Service Workers

As a California city, county, or state agency or public district employee, you may be called upon as a disaster service workers in the event of an emergency. The information contained in this pamphlet will help you understand your role and obligation.

Public Employee Disaster Service Worker Status

It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, man-made, or war-caused emergencies which result in conditions of disaster or extreme peril to life, property, and resources is of paramount state importance...in protection of its citizens and resources, all public employees are hereby declared to be disaster service workers...

All disaster service workers shall, before they enter upon the duties of their employment, take and subscribe to the oath or affirmation...

What does disaster service mean?

Disaster service means all activities authorized by and carried out pursuant to the California Emergency Services Act*.

Who is included in the disaster service worker status?

All public employees are included in the disaster service worker status which are all persons employed by any county, city, state agency or public district.

What are the scope of duties of employee disaster service workers?

Any public employees performing duties as a disaster service worker shall be considered to be acting within the scope of disaster service duties while assisting any unit of the organization or performing any act contributing to the protection of life or property or mitigating the effects of an emergency.

How public employees are assigned disaster service activities?

Public employees are assigned disaster service activities by their superiors or by law to assist the agency in carrying out its responsibilities during times of disaster. Assignments may closely resemble your current job duties, such as answering phones, delivering/dispensing supplies, managing volunteers, delivering messages, and tracking information. Other duties will be based on your training or ability to perform the task. Those DSWs with emergency response training may assist or be part of a campus response teams.

What is the oath or affirmation referred to in the government code?

Before entering upon the duties of employment, all public employees take and subscribe to the oath or affirmation set forth in the California Constitution that declares them to be disaster service workers in time of need.

When do public employees take the oath or affirmation?

Most public employees sign the oath or affirmation during the hiring process and it is kept with the employer.

Do public employees acting as disaster service workers get paid?

Public employees acting as disaster service workers get paid only if they have taken and subscribed to the oath or affirmation.

Can disaster service workers be sued for actions taken while performing duties?

Public employee disaster service workers for non- profit organizations and government cannot be held liable for their actions during a disaster while acting within the scope of their responsibilities.

What if public employees are injured while acting as disaster service workers?

Claims sustained by public employees while performing disaster services shall be filed as worker compensation claims under the same authorities and guidelines as with all employees within their agency.

How will I know if I am needed as a Disaster Service Worker?

All campus staff and students are encouraged to sign up in the Mt. SAC portal to receive Emergency Alert Notifications. Depending on the incident circumstances, Mt. SAC Disaster Service Workers will receive instructions via the Emergency Alert Notification System. DSWs may also be notified they are needed by their supervisors.

What if I cannot stay to assist or must leave campus during an emergency?

All campus staff are encouraged to be prepared for emergencies or disasters at home, on the road and at work. Personal preparedness and response plans and supplies are a must. If you must leave campus be sure to notify your supervisor. If you cannot contact your supervisor, call the Mt. SAC Disaster Service Worker hotline at (909) 274 - 5688 and follow the reporting instructions. Be patient, the phone lines may be busy.

For more information, please visit the following websites:

California Emergency Services Act
http://bit.ly/CalEmServAct

California Government Code 3100-3109
http://bit.ly/CalGovC3100

The California Constitution oath or Affirmation
http://bit.ly/CalConsOath

Governor's Office of Emergency Services
http://bit.lyGOESPlanPrepDoc2016
(see page 10, "Dsw Public Employees")

Mt SAC Emergency Preparedness
http://www.mtsac.edu/emergency

Ready.Gov
www.ready.gov

American Red Cross Emergency Preparedness
http://www.redcross.org/get-help/how-to-prepare-for-emergencies

PRIME
A Keenan Solution

Important Information about Medical Care if you have a Work-Related Injury or Illness

Complete Written Employee Notification regarding Medical Provider Network
(Title 8, California Code of Regulations, Section 9767.12)

California law requires your employer to provide and pay for medical treatment if you are injured at work. Your employer has chosen to provide this medical care by using a Workers' Compensation physician network called a Medical Provider Network (MPN). This MPN is administered by Harbor Health Systems.
This notification tells you what you need to know about the MPN program and describes your rights in choosing medical care for work-related injuries and illnesses.

What happens if I get injured at work?

In case of an emergency, you should call 911 or go to the closest emergency room.

If you are injured at work, notify your employer as soon as possible. Your employer will provide you with a claim form. When you notify your employer that you have had a work-related injury, your employer or insurer will make an initial appointment with a doctor in the MPN.

What is an MPN?

A Medical Provider Network (MPN) is a group of health care providers (physicians and other medical providers) used by YOUR EMPLOYER to treat workers injured on the job. MPNs must allow employees to have a choice of provider(s). Each MPN must include a mix of doctors specializing in work-related injuries and doctors with expertise in general areas of medicine. **What MPN is used by my employer?**

Your employer is using the PRIME Advantage MPN Powered by Harbor Health Systems MPN with the identification number 2358**.** You must refer to the MPN name and the MPN identification number whenever you have questions or requests about the MPN.

Who can I contact if I have questions about my MPN?

The MPN Contact listed in this notification will be able to answer your questions about the use of the MPN and will address any complaints regarding the MPN.

The contact for your MPN is:

Name: Harbor Health Systems MPN Contact
Title: MPN Contact
Address: PO Box 54770, Irvine, CA 92619-4770 Telephone
Number: (888) 626-1737
Email address: MPNcontact@harborsys.com

General information regarding the MPN can also be found at the following website: www.harborsys.com/Keenan

What if I need help finding and making an appointment with a doctor?

The MPN's Medical Access Assistant will help you find available MPN physicians of your choice and can assist you with scheduling and confirming physician appointments. The Medical Access Assistant is available to assist you Monday through Saturday from 7am-8pm (Pacific) and schedule medical appointments during doctors' normal business hours. Assistance is available in English and in Spanish.

The contact information for the Medical Access Assistant is:

Toll Free Telephone Number: (855) 521-7080
Fax Number: (703) 673-0181
Email Address: MPNMAA@harborsys.com

How do I find out which doctors are in my MPN?

You can get a regional list of all MPN providers in your area by calling the MPN Contact or by going to our website at: www.harborsys.com/Keenan. At minimum, the regional list must include a list of all MPN providers within 15 miles of your workplace and/or residence or a list of all MPN providers within the county where you live and/or work. You may choose which list you wish to receive. You also have the right to obtain a list of all the MPN providers upon request. You can access the roster of all treating physicians in the MPN by going to the website at www.harborsys.com/Keenan.

How do I choose a provider?

Your employer or the insurer for your employer will arrange the initial medical evaluation with an MPN physician. After the first medical visit, you may continue to be treated by that doctor, or you may choose another doctor from the MPN. You may continue to choose doctors within the MPN for all of your medical care for this injury.

If appropriate, you may choose a specialist or ask your treating doctor for a referral to a specialist**.** Some specialists will only accept appointments with a referral from the treating doctor. Such specialist might be listed as "by referral only" in your MPN directory.

If you need help in finding a doctor or scheduling a medical appointment, you may call the Medical Access Assistant.

Can I change providers?

Yes. You can change providers within the MPN for any reason, but the providers you choose should be appropriate to treat your injury. Contact the MPN Contact or your claims adjuster if you want to change your treating physician.

What standards does the MPN have to meet?

The MPN has providers for the entire State of California.

The MPN must give you access to a regional list of providers that includes at least three physicians in each specialty commonly used to treat work injuries/illnesses in your industry. The MPN must provide access to primary treating physicians within 30 minutes or 15 miles and specialists within 60 minutes or 30 miles of where you work or live.

If you live in a rural area or an area where there is a health care shortage, there may be a different standard.

After you have notified your employer of your injury, the MPN must provide initial treatment within 3 business days. If treatment with a specialist has been authorized, the appointment with the specialist must be provided to you within 20 business days of your request.

If you have trouble getting an appointment with a provider in the MPN, contact the Medical Access Assistant.

If there are no MPN providers in the appropriate specialty available to treat your injury within the distance and timeframe requirements, then you will be allowed to seek the necessary treatment outside of the MPN.

What if there are no MPN providers where I am located?

If you are a current employee living in a rural area or temporarily working or living outside the MPN service area, or you are a former employee permanently living outside the MPN service area, the MPN or your treating doctor will give you a list of at least three physicians who can treat you. The MPN may also allow you to choose your own doctor outside of the MPN network. Contact your MPN Contact for assistance in finding a physician or for additional information.

What if I need a specialist that is not available in the MPN?

If you need to see a type of specialist that is not available in the MPN, you have the right to see a specialist outside of the MPN.

What if I disagree with my doctor about medical treatment?

If you disagree with your doctor or wish to change your doctor for any reason, you may choose another doctor within the MPN.

If you disagree with either the diagnosis or treatment prescribed by your doctor, you may ask for a second opinion from another doctor within the MPN. If you want a second opinion, you must contact the MPN contact or your claims adjuster and tell them you want a second opinion. The MPN should give you at least a regional or full MPN provider list from which you can choose a second opinion doctor. To get a second opinion, you must choose a

doctor from the MPN list and make an appointment within 60 days. You must tell the MPN Contact of your appointment date, and the MPN will send the doctor a copy of your medical records. You can request a copy of your medical records that will be sent to the doctor.

If you do not make an appointment within 60 days of receiving the regional provider list, you will not be allowed to have a second or third opinion with regard to this disputed diagnosis or treatment of this treating physician.

If the second opinion doctor feels that your injury is outside of the type of injury he or she normally treats, the doctor's office will notify your employer or insurer and you. You will get another list of MPN doctors or specialists so you can make another selection.

If you disagree with the second opinion, you may ask for a third opinion. If you request a third opinion, you will go through the same process you went through for the second opinion.

Remember that if you do not make an appointment within 60 days of obtaining another MPN provider list, then you will not be allowed to have a third opinion with regard to this disputed diagnosis or treatment of this treating physician.

If you disagree with the third-opinion doctor, you may ask for an MPN Independent Medical Review (IMR). Your employer or MPN Contact will give you information on requesting an Independent Medical Review and a form at the time you select a third-opinion physician.

If either the second or third-opinion doctor or Independent Medical Reviewer agrees with your need for a treatment or test, you may be allowed to receive that medical service from a provider within the MPN, or if the MPN does not contain a physician who can provide the recommended treatment, you may choose a physician outside the MPN within a reasonable geographic area.

What if I am already being treated for a work-related injury before the MPN begins?

Your employer or insurer has a "*Transfer of Care"* policy which will determine if you can continue being temporarily treated for an existing work-related injury by a physician outside of the MPN before your care is transferred into the MPN.

If your current doctor is not or does not become a member of the MPN, then you may be required to see a MPN physician. However, if you have properly predesignated a primary treating physician, you cannot be transferred into the MPN. (If you have questions about predesignation, ask your supervisor.)

If your employer decides to transfer you into the MPN, you and your primary treating physician must receive a letter notifying you of the transfer.

If you meet certain conditions, you may qualify to continue treating with a non-MPN physician for up to a year before you are transferred into the MPN. The qualifying conditions to postpone the transfer of your care into the MPN are set forth in the box below.

Can I Continue Being Treated By My Doctor?

You may qualify for continuing treatment with your non-MPN provider (through transfer of care or continuity of care) for up to a year if your injury or illness meets any of the following conditions:

- **(Acute)** The treatment for your injury or illness will be completed in less than 90 days;
- **(Serious or Chronic)** Your injury or illness is one that is serious and continues for at least 90 days without full cure or worsens and requires ongoing treatment. You may be allowed to be treated by your current treating doctor for up to one year, until a safe transfer of care can be made.
- **(Terminal)** You have an incurable illness or irreversible condition that is likely to cause death within one year or less.
- **(Pending Surgery)** You already have a surgery or other procedure that has been authorized by your employer or insurer that will occur within 180 days of the MPN effective date, or the termination of contract date between the MPN and your doctor.

You can disagree with your employer's decision to transfer your care into the MPN. If you don't want to be transferred into the MPN, ask your primary treating physician for a medical report on whether you have one of the four conditions stated above to qualify for a postponement of your transfer into the MPN.

Your primary treating physician has 20 days from the date of your request to give you a copy of his/her report on your condition. If your primary treating physician does not give you the report within 20 days of your request, the employer can transfer your care into the MPN and you will be required to use an MPN physician.

You will need to give a copy of the report to your employer if you wish to postpone the transfer of your care. If you or your employer disagrees with your doctor's report on your condition, you or your employer can dispute it. See the complete Transfer of Care policy for more details on the dispute resolution process.

For a copy of the Transfer of Care policy, in English or Spanish, ask your MPN Contact.

What if I am being treated by a MPN doctor who decides to leave the MPN?

Your employer or insurer has a written "*Continuity of Care"* policy that will determine whether you can temporarily continue treatment for an existing work injury with your doctor if your doctor is no longer participating in the MPN.

If your employer decides that you do not qualify to continue your care with the non-MPN provider, you and your primary treating physician must receive a letter notifying you of this decision.

If you meet certain conditions, you may qualify to continue treating with this doctor for up to a year before you must choose a MPN physician. These conditions are set forth in the, ***"Can I Continue Being Treated By My Doctor?"*** box above.

You can disagree with your employer's decision to deny you Continuity of Care with the terminated MPN provider. If you want to continue treating with the terminated doctor, ask your primary treating physician for a medical report on whether you have one of the four conditions stated in the box above to see if you qualify to continue treating with your current doctor temporarily.

Your primary treating physician has 20 days from the date of your request to give you a copy of his/her medical report on your condition. If your primary treating physician does not give you the report within 20 days of your request, your employer's decision to deny you Continuity of Care with your doctor who is no longer participating in the MPN will apply, and you will be required to choose a MPN physician.

You will need to give a copy of the report to your employer if you wish to postpone the selection of an MPN doctor treatment. If you or your employer disagrees with your doctor's report on your condition, you or your employer can dispute it. See the complete Continuity of Care policy for more details on the dispute resolution process.

For a copy of the Continuity of Care policy, in English or Spanish, ask your MPN Contact.

What if I have questions or need help?

- **MPN Contact:** You may always contact the MPN Contact if you have questions about the use of the MPN and to address any complaints regarding the MPN.

- **Medical Access Assistants:** You can contact the Medical Access Assistant if you need help finding MPN physicians and scheduling and confirming appointments.

- **Division of Workers' Compensation (DWC):** If you have concerns, complaints or questions regarding the MPN, the notification process, or your medical treatment after a work-related injury or illness, you can call the DWC's Information and Assistance office at 1-800-736-7401. You can also go to the DWC's website at www.dir.ca.gov/dwc and click on "medical provider networks" for more information about MPNs.

- **Independent Medical Review:** If you have questions about the MPN Independent Medical Review process contact the Division of Workers' Compensation's Medical Unit at:

  DWC Medical Unit
  P.O. Box 71010
  Oakland, CA 94612
  (510) 286-3700 or (800) 794-6900

Keep this information in case you have a work-related injury or illness.

EMPLOYEE RIGHTS
UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

BENEFITS & PROTECTIONS

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

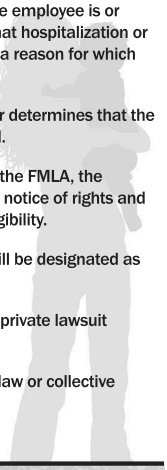
Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, 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.



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division

WHD

WH1420 REV 04/16

CFRA LEAVE REQUIREMENTS:

ELIGIBILITY

- To be eligible for CFRA leave, an employee must have more than 12 months of service with the employer and have worked at least 1,250 hours for that employer in the 12-month period before the leave begins.
- An eligible employee may take an unpaid leave to bond with an adopted or foster child or to bond with a newborn.
- An eligible employee may take unpaid leave to care for a parent, registered domestic partner, or child with a serious health condition. CFRA leave may also be taken for the employee's own serious health condition.
- Full-time employees may take leave of up to 12 work weeks in a 12-month period. Part-time employees may take leave on a proportional basis. The leave does not need to be taken in one continuous period of time.
- An employer may require a 30-day advance notice of the need for a CFRA-qualifying leave. When this is not possible due to the unexpected nature of the qualifying event, notice should be given as soon as practicable. Notice can be written or verbal and should include the timing and the anticipated duration of the leave, but an employer may not require disclosure of an underlying diagnosis. An employer must respond to a leave request within 5 business days.
- The employer may require written communication from the health-care provider of the child, parent, registered domestic partner, or employee with a serious health condition stating the reasons. for the leave and the probable duration of the condition. However, the health care provider may not disclose the underlying diagnosis without the consent of the patient.
- In addition to the family care and medical leave requirements of the CFRA, employers of five or more persons have additional obligations pertaining to pregnancy disability leave (PDL). Please refer to the DFEH publication "Pregnancy Leave" for more information.
- Employees are entitled to take CFRA leave in addition to any leave entitlement they might have under PDL. Leave taken for the birth or adoption of a child must be completed within one year of the event.

SALARY AND BENEFITS DURING CFRA LEAVE

Employers are not required to pay employees during a CFRA leave. An employer may require an employee to use accrued vacation time or other accumulated paid leave other than sick time. If the CFRA leave is for the employee's own serious health condition, the use of sick time can be required.

If the employer provides health benefits under a group plan, the employer must continue to make these benefits available during the leave. Similarly, the employee is entitled to continue accruing seniority and participate in other benefit plans.

1. After CFRA leave, employees are guaranteed a return to the same or comparable position and can request the guarantee in writing.

RETURN RIGHTS AFTER CFRA LEAVE:

2. If the same position is no longer available, such as in a layoff or closure, the employer must offer a position that is comparable in terms of pay, benefits, shift, schedule, geographic location, and working conditions, including privileges, perquisites, and status, unless the employer can prove that no comparable position exists. An employee is not entitled to reinstatement if the employee would have been otherwise laid off or terminated.

FAMILY TEMPORARY DISABILITY INSURANCE (FTDI) OR "PAID FAMILY LEAVE"

Employees on CFRA leave of absence may also be eligible for six weeks of paid leave under FTDI, a program administered by the California Employment Development Department (ED). For further information, contact the EDD at (800) 480-3287 or visit ED's website at www.edd.ca.gov.

COMPLAINTS MUST BE FILED WITHIN ONE YEAR OF THE LAST ACT OF DISCRIMINATION

FILING A COMPLAINT

If you believe you are a victim of discrimination you may, within one year of the discrimination, file a complaint of discrimination with the Department of Fair Employment and Housing by following these steps:

1. *Contact DFEH by using the information on the back of this brochure*
2. *Be prepared to present specific facts about the alleged discrimination or denial of leave*
3. *Keep records and provide copies of documents that support the charges in the complaint, such as paycheck stubs, calendars, correspondence and other potential proof of discrimination*

DFEH will conduct an impartial investigation. We represent the State of California. DFEH will, if possible, try to assist both parties to resolve the complaint.

If a voluntary settlement cannot be reached, and there is sufficient evidence to establish a violation of the law, DFEH may issue a civil complaint and litigate the case in state or federal court.

If the court decides in favor of the complaining party, remedies may include reinstatement, back pay, reasonable attorney's fees and costs, damages for emotional distress, and punitive damages.

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING.

FOR MORE INFORMATION

Department of Fair Employment and Housing
Toll Free: (800) 884-1684
TTY: (800) 700-2320
Online: www.dfeh.ca.gov

Also find us on:

If you have a disability that prevents you from submitting a written pre-complaint form on-line, by mail, or email, the DFEH can assist you by scribing your pre-complaint by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at contact.center@dfeh.ca.gov.

The DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

Contact the DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or contact.center@dfeh.ca.gov to discuss your preferred format to access our materials or webpages.

DFEH-E02B-ENG / April 2017

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

PREGNANCY LEAVE

The Fair Employment and Housing Act (FEHA), enforced by the California Department of Fair Employment and Housing (DFEH), contains provisions relating to pregnancy leave. These provisions cover all employers with five or more full or part time employees.

In addition, there are certain leave and transfer protections and guarantees provided under the FEHA and the California Family Rights Act (CFRA).

All employers must provide information about pregnancy leave rights to their employees and post information about pregnancy leave rights in a conspicuous place where employees tend to gather. Employers who provide employee handbooks must include information about pregnancy leave in the handbook.

IT IS UNLAWFUL FOR AN EMPLOYER TO DISCRIMINATE IN TERMS OF COMPENSATION, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT BECAUSE OF PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS

RIGHTS AND OBLIGATIONS

LEAVE REQUIREMENTS

- An employee disabled by pregnancy, childbirth, or a related medical condition is entitled to up to four months of disability leave per pregnancy. If the employer provides more than four months of leave for other types of temporary disabilities, the same leave must be made available to employees who are disabled due to pregnancy, childbirth, or a related medical condition.
- Leave can be taken before or after birth during any period of time the employee is physically unable to work because of pregnancy or a pregnancy-related condition. All leave taken in connection with a specific pregnancy counts toward computing the four-month period.
- Pregnancy leave is available when an employee is actually disabled. This includes time off needed for prenatal or postnatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, loss or end of pregnancy, or any other related medical condition.
- If an employee is disabled as the result of a condition related to pregnancy, childbirth, or associated medical conditions and requests reasonable accommodation upon the advice of the employee's health-care provider, an employer must provide reasonable accommodation.
- As an accommodation, and with advice of a physician, an employee can request transfer to a less strenuous or hazardous position or duties because of the employee's pregnancy.
- Employees are entitled to take pregnancy disability leave in addition to any leave entitlement they might have under CFRA. For example, an employee could take up to four months pregnancy disability leave for any period of disability, and also take up to 12 weeks CFRA leave to bond with the baby; to bond with an adopted child; or to care for a parent, spouse, or child with a serious health condition. CFRA leave may also be taken for the employee's own serious health condition. For more information, see DFEH's brochure entitled "California Family Rights Act."
- If possible, an employee must provide their employer with at least 30 days advance notice of the date for which the pregnancy disability leave or accommodation is sought and the estimated duration of the leave or accommodation.
- If 30 days advance notice is not possible due to a change in circumstances or a medical emergency, notice must be given as soon as practicable. The leave may be modified as an employee's changing medical condition dictates. If the reinstatement date differs from the original agreement, or if no agreement was made, an employer must reinstate the employee within two business days of being given notice that the employee intends to return. When two business days are not feasible, reinstatement must be made as soon as possible to expedite the employee's return.

SALARY AND BENEFITS DURING LEAVE

- Employers who provide health insurance coverage for employees who take leave for other temporary disabilities must provide coverage for employees who take leave for pregnancy, childbirth or related medical conditions.
- An employer may require an employee to use accrued sick leave during any unpaid portion of their pregnancy disability leave. The employee may also use vacation leave credits to receive compensation for which the employee is eligible. But an employer may not require an employee to use vacation leave or other accrued time off during pregnancy disability leave.

RETURN RIGHTS

- It is illegal for an employer to fire an employee because that employee is pregnant or taking pregnancy disability leave. Employers are required by law to reinstate employees to the same position those employees had before taking leave, and an employee may request this guarantee in writing. In some situations, an employee may be reinstated to a position that is comparable (same tasks, skills, benefits, and pay) to the job they had before taking PDL.
- However, pregnancy disability leave does not protect employees from employment actions not related to their pregnancy, such as layoffs.

Human Resources

Memo

To: **Adjunct Faculty**
Classified Employees (less than 20 hours per week)
Temporary Employees

From: **Human Resources**

Re: **Notice of Social Security Alternative Plan – National Benefit Services (NBS)**

If an employee is not eligible to contribute to CalPERS or CalSTRS, they will be automatically enrolled in a Social Security Alternative Plan (SSAP). Mt. San Antonio College contracts with National Benefit Services (NBS) to provide a 457(b) plan to employees.

The Social Security Alternative Plan (SSAP) was established July 1, 1991 to comply with changes in federal law requiring public employers to provide social security coverage to all employees, unless they are members of a public retirement system or covered under a Section 218 Agreement. Public employers had the option to create FICA "Social Security" Alternative Plans which the College did for employees who were not members of California State Teachers' Retirement System (CalSTRS) or California Public Employees Retirement System (CalPERS). These employees could include adjunct faculty, classified staff employed less than 20 hours per week, and temporary hourly employees who work less than 1,000 hours per fiscal year. Under this plan, employees contribute 4.5% of their earnings to the 457(b) retirement account and the College contributes an additional 3%. Employees are immediately vested in the plan which means they can withdraw or transfer 100% of the account balance upon separation of employment with the College.

In general, a 457(b) plan offers the following benefits:

- Pre-tax contributions reducing current federal taxable income
- Potential investment return growth; tax-deferred until paid or distributed
- Convenient payroll reduction
- Account balance is portable to another eligible retirement plan if you change jobs
- Employees planning to retire before age 55: Although in-service distributions are generally restricted until age 70½ under a 457(b) plan, a distribution from a 457(b) plan upon separation from service is generally not subject to an additional 10 percent federal penalty tax that applies to early distributions from a 403(b) or IRA.

For additional information regarding your 457(b) plan, contact NBS at 1-800-274-0503 or via their website at www.nbsbenefits.com/403b .

April 2019

Employee FAQ

FICA Alternative Retirement Plan

What is a 457(b) FICA Alternative Retirement Plan?

A 457(b) FICA Alternative Retirement Plan is a qualified retirement plan which takes the place of Social Security for government entities such as school districts, cities, etc.

When did this type of plan get started?

In 1990, the Omnibus Budget Reconciliation Act was passed. Government entities who exercised their Social Security Section 218 exclusion (located in Section 3121 of the IRS Code) were provided the option of giving their part-time, temporary, and seasonal employees a meaningful, defined contribution retirement plan as an alternative to Social Security. Medicare contributions would continue as before. Once a government entity opts into this type of plan, they must continue the administration of the plan.

Am I eligible to contribute to this plan?

If your type of employment is considered part-time, temporary, or seasonal, and the state and government entity opted for this plan, then you are eligible to contribute to the FICA Alternative Retirement Plan and you will automatically be enrolled. Retired participants that are currently receiving their State Pension for Retired Teachers are not eligible to contribute to the 457(b) FICA Alternative Plan. They are eligible for distribution from the plan.

How much can I contribute to this plan?

Eligible employees contribute a flat rate of 4.5% of each paycheck (below the 6.2% Social Security tax). Funds are contributed, pre-tax, so taxes are deferred until the money is distributed.

How can I invest my money in the plan?

Generally, the funds are placed in an investment that doesn't decrease in value. The funds are placed in an investment model of the employer's choosing.

How often will I receive account statements?

Statements are sent annually after the employer plan-year ends. The participant can call NBS to request additional statements or inquire about their account balance. Participants should update their address with the district and NBS to ensure that they receive their yearly statements.

How do I qualify to withdraw money out of the plan?

Participants are eligible to withdraw the funds from the plan upon separation of service, if the employer verifies eligibility and the employer does not have a mandatory waiting period for the employee's account reconciliation. If the employee changes jobs, he or she may be eligible to leave their funds in the plan until a withdrawal is requested. All funds contributed to the 457(b) FICA Alternative plan are always 100% vested.

Withdrawal Options:

- Cash Out
- Rollover to another eligible retirement plan
- Transfer - Purchase service credit (air time) from their State Pension for Retired Teachers
- Transfer to another employer's 457(b) FICA Alternative plan

What are the options for distribution and what are the tax consequences?

The account is paid out as one lump sum (unless a Required Minimum Distribution is requested). If the participant chooses to have the funds sent directly to him or her, a check will be sent. Mandatory 20% federal taxes (and state taxes, if applicable) will be paid at the time of distribution. There are no additional tax penalties for early distribution.

Can I ever opt out of the 457(b) FICA Alternative Plan?

All eligible employees are required to participate, per IRS regulations.

Contact us for more information.

1(800) 274-0503

Email: 403bsupport@nbsbenefits.com

or visit www.nbsbenefits.com/403b