EMPLOYMENT GUIDELINES PROVISIONS
APPLICABLE TO CALIFORNIA EMPLOYEES ONLY

This document pertaining to California employees is to be used as a supplement to Babson College’s Employment Guidelines. California employees should first refer to the Employment Guidelines as the primary guide for employment practices, conduct expectations, continuous learning opportunities, total rewards, and resources for work/life balance.

California specific provisions are included below.

GUIDING PRINCIPLES

California Harassment and Discrimination Policy

As expressed in the College’s Harassment and Discrimination Policy, Babson College complies with the California Fair Employment and Housing Act, which prohibits harassment and/or discrimination based on sex, sexual orientation, sexual identity, race, religion, color, national origin, ancestry, physical and/or mental disability, medical condition, marital status, age, sexual orientation, genetic identity, religious dress and grooming, military or veteran status, domestic violence victim status, together with any other category protected by federal or state law. Please refer to the Employment Guidelines for steps you should take if you are the victim of harassment or discrimination, or believe that it is taking place.

TIME AWAY FROM WORK

PAID TIME OFF

Vacation Time

Vacation hours should be accrued before taking vacation time. When requesting vacation time within Workday that results in negative accrual, you will receive a message that states, “If you are using unaccrued time off, by clicking submit, you authorize the College to deduct from your final paycheck any pay for this time if you were to leave the College prior to the time in which you would have accrued it.” However, in California, we may not deduct borrowed vacation time from your final paycheck. Instead, the time off in excess of current accruals will be unpaid at the time it is taken.
**Vacation Carry-Over**

An employee may not accrue more than 1.75 times their annual accrual of vacation hours. If an employee accrues this maximum amount of vacation, the employee will not accrue any further vacation hours until he or she takes vacation and falls below the maximum accrual level. Vacation should be scheduled and approved in advance by an employee’s supervisor. Babson College pays all accrued but unused vacation benefits to California employees upon termination of employment.

**Holidays and Floating Holiday**

If your normal schedule and regular work hours fall on a holiday, you will receive holiday pay for your regularly scheduled work hours. If a holiday falls during your regularly scheduled day off, you will not be entitled to holiday pay.

Upon termination of employment or at the end of each calendar year (whichever occurs first), if you are eligible for a floating holiday and have not yet taken it, you will receive payment for your floating holiday.

**Breaks and Meal Periods**

If you are a non-exempt employee, you are entitled to a ten minute rest break for every four hours worked or major fraction thereof, to be taken in the middle of each four-hour period where possible. These break periods are part of your regularly scheduled paid work time and do not need to be recorded. You may not combine rest breaks with meal periods to make a longer meal period.

Non-exempt employees who work more than 5 hours in one day are entitled to an unpaid meal period of at least 30 minutes prior to the end of the fifth hour of work. Per the Policy on Time Reporting, non-exempt employees must record your meal periods in Workday. Non-exempt employees should not perform any work during your meal period. If your entire work period for the day is 5 hours or less, no meal period is available. If you do not work more than 6 hours in a day, you may waive your meal period by mutual, written consent of you and your supervisor, such as via email. Additionally, if you are a non-exempt employee scheduled to work more than 10 hours on any given day, you will be provided with an additional 30-minute, unpaid meal period prior to the end of the tenth hour of work. If you do not work longer than 12 hours, you may elect to waive the second meal period if you do so in writing and if you did not waive your first meal period.

Non-exempt employees may not work through your meal period in order to arrive late or leave early. If you are not provided with a meal period as required by this policy, you must contact the Office of Human Resources, x4128, immediately.
California Paid Sick Leave for Non-Benefits Eligible Employees: California Healthy Workplace/Healthy Families Act of 2014 (CHW/HFA) and San Francisco Sick Leave Ordinance (SFSLO)

The sick leave policy below reflects both the California Healthy Workplace/Healthy Families Act of 2014 (CHW/HFA) and the San Francisco Sick Leave Ordinance (SFSLO). Benefits granted are whichever is more generous. *This sick leave policy applies to non-benefits eligible employees only, as Babson College’s sick leave policy for benefits-eligible employees exceeds these city and state regulations.*

Through the California Healthy Workplace/Healthy Families Act of 2014 and the San Francisco Sick Leave Ordinance, we are pleased to offer non-benefits eligible employees the opportunity to accrue paid sick leave. Paid sick leave:

- Begins to accrue on your hire date, or July 1, 2015, whichever is later;
- Accrues at the rate of one hour per every 30 hours worked;*
- Caps at 72 hours;
- May be used as soon as it is accrued;
- May be taken in one-hour increments;
- Unused accrued sick leave will carry over to the next year, up to the 72-hour cap;
- There is no limit to the amount of accrued sick leave an employee may take up to the accrual cap.
- If you are rehired within one year from the date of separation, we will reinstate previously accrued and unused paid sick leave.

*CA adjunct faculty will be considered to have worked 3 hours for every 1 hour of class time.

Paid sick leave may be taken for the following purposes:

1. If you are ill or injured, or for the diagnosis, care or treatment of an existing health condition of, or preventive care for, you or your family member (see below for definition);

2. If you are the victim of domestic violence, sexual assault or stalking (such as, but not limited to, legal counsel, medical or psychological care, shelter services, etc.).

Family member is defined as:

- A child, regardless of age or dependency, who is a biological, adopted or foster child, stepchild, domestic partner’s child, legal ward, or a child to whom the employee stands in loco parentis (has assumed parental status and responsibilities without formal adoption);
- A biological, adoptive or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or domestic partner, or a person who stood in loco parentis when the employee was a minor child;
- A spouse, domestic partner, or a designated person if you have no spouse or domestic partner;
- A biological, adoptive, step, or foster care sibling;
- A biological, adoptive, step, or foster care grandparent or grandchild.
We require that you provide reasonable advance notice if the need for CA Paid Sick Leave is required or provide notice as soon as feasible if the event is not foreseeable.

If your absence is longer than 24 consecutive scheduled work hours or 3 consecutively scheduled work days and begins to impact your department’s ability to operate, Babson may ask for documentation of your illness or injury in order for you to continue to receive pay.

Employees eligible for CA Paid Sick Leave may view your usage and balance in Workday.

Click here to view full guidelines on the California Healthy Workplace/Healthy Families Act of 2014.

Click here to view full guidelines on the San Francisco Sick Leave Ordinance.

**UNPAID TIME OFF/LEAVES OF ABSENCE**

**California State Disability Insurance and Paid Family Leave Benefits**

For certain absences, the State of California will pay State Disability Insurance (“SDI”) or Paid Family Leave (“PFL”) benefits. Babson College does not pay SDI and PFL. SDI and PFL benefits are paid to eligible employees by the state and are administered by the Employment Development Department. SDI applies to leaves taken due to the employee’s own illness. PFL applies to qualifying leaves taken due to illnesses of the employee’s family member (child, parent, spouse, domestic partner, grandparent, grandchild, sibling or parent-in-law), as well as bonding with a new child.

Employees must apply for these benefits directly with the state, and there is a state-imposed 7 calendar-day waiting period before such benefits begin. During the waiting period, you must use employer-provided paid time off consistent with applicable laws.

Unless an employee qualifies for leave under a separate leave law, such as pregnancy disability leave, he or she will have no right to continued employment, and no right to reinstatement after taking leave, except in the case of pregnancy as required by law.

Click here to read fully about CA PFL benefits.

**California Pregnancy Disability Leave**

California Pregnancy Disability Leave is available to California-based employees who are temporarily disabled by pregnancy, childbirth or a related medical condition, including but not limited to, prenatal care and severe morning sickness, in accordance with California or other applicable laws.

a) **Eligibility for Leave**

Any employee working in California who is temporarily disabled by pregnancy, childbirth or a related medical condition is eligible for pregnancy disability leave upon presentation of a certificate of disability completed by the employee’s health care provider.
b) Leave Duration

California Pregnancy Disability Leave (California PDL) begins on the first day the employee’s health care provider certifies she is unable to work because of her pregnancy, childbirth or related medical condition, and ends when her health care provider certifies she is able to return to work, up to a maximum duration of four months or the equivalent number of days the employee would normally work within a four month period. Intermittent leave or a reduced work schedule may be taken.

c) Job Benefits and Protection

Employees on a pregnancy disability leave may be eligible for Short-term salary continuation. You must apply for this benefit. Contact the Benefits Office, x5224, for more information.

Health insurance benefits for employees on California PDL will continue at the same level and under the same conditions as if the employee had continued to work. If California PDL is paid through short-term salary continuation or if the employee is receiving other accrued paid time off payments (e.g., vacation), Babson College will continue to make payroll deductions to collect the employee’s share of the premium. *If an employee is not eligible for short-term salary continuation and is not receiving sufficient accrued paid time off payments from other sources, the employee will be responsible for making payments for the employee portion of his/her health insurance premium on the same basis as if the employee continued to work. This is done via direct bill with Crosby Benefit Services.* Please contact the Benefits Office at x5224 for more information.

In considering PDL requests, the College reserves the right to temporarily transfer an employee to an available alternative position with equivalent pay and benefits. The College will also consider a temporary transfer if medically advisable and will otherwise provide reasonable accommodations. The College is not required to create a position; to discharge another employee or transfer another employee with more seniority; or to promote or transfer an employee if she is not qualified for the position.

California PDL may be unpaid if an employee exhausts all available paid time off benefits.

Babson College may recover any premium it has paid for maintaining health insurance benefits during any unpaid part of PDL leave if the employee fails to return from the leave, provided that the failure to return is for a reason other than the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond the control of the employee.

d) Return to Work

To the extent and under the terms required by applicable state and federal laws, employees returning from Pregnancy Disability Leave with medical certification of ability to work are guaranteed employment in the same or an equivalent position. An employee’s failure to return
to work at the conclusion of a Pregnancy Disability Leave may result in termination unless the employee is eligible for and has been granted additional leave.

Click here to read fully about California Pregnancy Disability Leave.

Emergency Duty Leave

The College provides an unpaid leave of absence for employees required to perform emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel. “Emergency rescue personnel” is defined as any person who is an officer, employee, or member of a fire department or fire protection or firefighting agency of the Federal Government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of California, or a sheriff’s department, police department, or a private fire department, whether that person is a volunteer or partly paid or fully paid, while he/she is actually engaged in providing emergency services.

CA Civil Air Patrol Employment Protection Act

The College will allow up to 10 days of leave per calendar year for voluntary members of the California Wing of the Civil Air Patrol in order for such volunteers to respond to an emergency operational mission. In order to qualify for the Civil Air Patrol leave, employee volunteer members must be employed by the College for at least 90 days immediately preceding the commencement of leave. Employees will be required to give the College as much notice as possible of the intended leave dates. Upon expiration of the leave, the College will restore the employee to his or her position or to a position with equivalent seniority, benefits, pay and other terms and conditions of employment, unless the employee is not restored because of conditions unrelated to the exercise of these leave rights. Please contact the Office of Human Resources for more details regarding this leave.

Crime Victims Leave

If an employee or an immediate family member, a domestic partner, or a child of a domestic partner has been the victim of a crime, the employee may take time off from work to attend court proceedings related to the crime. This leave is unpaid, but employees may elect to use accrued paid time off. Once all paid time off has been exhausted, any remaining time away from work under this leave will be considered unpaid leave.

The employee must provide to their supervisor a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice. The employee should provide advance written notice if at all possible. If no advance notice is possible, the employee must provide the employee’s supervisor with documentation evidencing the judicial proceeding within a reasonable time after the absence.

Documentation may come from any of the following:

- The court or government agency setting the hearing;
• The district attorney or prosecuting attorney’s office; or
• The victim/witness office that is advocating on behalf of the victim

The College will not discharge an employee, or in any manner discriminate against an employee in compensation or other terms, conditions or privileges of employment, including, but not limited to the loss of seniority or precedence, because of an absence protected by this law.

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

If an employee is a victim of domestic violence, sexual assault or stalking, or a parent of a victim, the employee may take time off from work to attend court hearings, seek medical attention, legal assistance, services from a domestic violence shelter, program or rape crisis center, to obtain psychological counseling and/or for participating in safety planning, including temporary or permanent relocation. The employee must provide advance notice to the supervisor, or, if an unscheduled absence occurs, the employee must provide certification to the College within a reasonable time after the absence. Employees must first use all available and applicable employer-provided paid time off. Once all paid time off has been exhausted, any remaining time away from work under this leave will be considered unpaid leave.

The College will provide reasonable accommodation at work (e.g., implementing safety measures such as changing work telephone or work station or installing locks) when requested for an employee who is a victim of domestic violence, sexual assault or stalking and who discloses his or her status to the College. However, the College is not required to undertake an accommodation that would create an undue hardship on business operations.

The College will not discharge or discriminate or retaliate against an employee who is a victim of domestic violence, sexual assault or stalking.

**Organ/Bone Marrow Donor Leave**

Employees who have been employed for at least 90 days immediately preceding commencement of the leave may be eligible for: (1) up to 30 business days of paid leave for any one-year period for donating an organ to another person, and (2) up to five days of paid leave in any one-year period for donating bone marrow. The one-year period is measured from the date the employee’s leave begins and consists of 12 consecutive months. The leave may be taken in one or more periods.

Prior to receiving this leave, an employee must provide the College with written verification, from a licensed physician or other qualified professional, that: (1) the employee is an organ or bone marrow donor; and (2) there is a medical necessity for the donation of the organ or bone marrow.

During this leave, the College will maintain the employee’s health benefits as required by law. This leave does not constitute a break of employment for purposes of the employee’s right to salary adjustments, paid time off, sick leave, vacation, or length of service.
An employee is required to use a total of two (2) weeks of accrued vacation towards his or her organ donor leave and/or a total of five (5) days of accrued vacation for his or her bone marrow donor leave. If vacation is not available, employees must use accrued sick leave.

Upon expiration of his or her organ/bone marrow donor leave, the College will make every effort to restore an employee to the position he or she held when the leave began or to an equivalent position. The College will only decline to restore an employee to his or her former position (or an equivalent position) if conditions, unrelated to the employee’s organ/bone marrow donor leave, make it impossible to do so.

**California Leave for Military Spouses**

Employees working an average of 20 or more hours per week may take up to 10 unpaid days off when their military spouses are home on leave from deployment to a combat zone or combat theater during a period of military conflict. Military spouses wishing to take time off must give the employee’s manager and HR notice of his or her intent to take time off within two business days of receiving notice that his or her spouse will be on leave from deployment, and must provide written documentation certifying that the spouse will be on leave from deployment during the time during which the employee is requesting leave. Employees may use accrued sick pay, paid time off or vacation during this leave but are not required to do so.

**Suspended Child Leave**

If an employee is the parent or guardian of a child who has been suspended from school and the employee receives a notice from the child’s school requesting that the employee attend a portion of a school day in the child’s classroom, the employee may take unpaid time off to appear at the school. In either event, an employee must provide reasonable advance notice of his or her planned absence to his or her supervisor.

**Jury Duty Leave**

The College encourages employees to fulfill their civic duties. If you are summoned to jury duty, you will receive normal compensation for the first three days of juror service. Beyond that, you will receive your normal compensation, less amounts paid to you for service as a juror.

All employees should record your jury duty service via Time Off in Workday. In order to be paid, please submit copies of court documents (notices to appear and payments) to Payroll. These may be sent via campus mail or email.

Babson College will not discharge, retaliate against or discriminate against an employee who takes jury duty leave.
**Witness Duty Leave**

If you are the victim of a crime and need to take time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding, please send documentation reflecting the time required, including any subpoena that has been issued, to the attention of Human Resources. If you are summoned to witness duty, you will receive normal compensation for one day of witness service. Beyond that, you will receive your normal compensation, less amounts paid to you for service as a witness.

All employees should record your witness duty service via Time Off in Workday (use jury duty). In order to be paid, please submit copies of court documents (notices to appear and payments) to Payroll. These may be sent via email.

**Literacy Education**

California law requires employers to reasonably accommodate and assist any employee who reveals a problem with illiteracy. Consistent with this obligation, if an employee reveals such a problem and requests the College’s assistance in enrolling in an adult literacy education program, the College will attempt to assist the employee if the accommodation requested would not result in an undue hardship. The College does not provide paid time off for participation in an adult literacy education program; however, an employee may use all available and applicable employer-provided paid time off.

**Time Off to Vote**

Non-exempt employees who do not have enough time outside of working hours to vote in a state-wide election may take time off work to vote. Up to 2 hours may be taken with pay. The requested time off should be at the beginning or the end of the work schedule in order to minimize the length of time needed. We ask that you request time off to vote at least 2 working days prior to the election.

**WORKPLACE**

**Workers’ Compensation**

In the event you are injured on the job, you are required to report the injury immediately to your manager and to the Office of Human Resources. If you are physically able, please contact the Benefits Specialist in the Office of Human Resources to complete an injury report form. If you are physically unable, your manager should make this contact and provide as much information as possible.

If emergency help and/or ambulance transportation is needed, call 911.

The College is obligated to report work-related injuries to its workers’ compensation carrier within certain timeframes, even if medical care is not needed. If you are injured, the College may send you to a College-
specified physician for medical treatment unless you notify the College in writing that you wish to see your own physician.

**Pregnancy and Lactation Accommodation**

Babson College will make every effort to reasonably accommodate the limitations of pregnant employees who continue to work during pregnancy. Pregnant employees are strongly encouraged to consult their physicians to determine what, if any, workplace accommodations may be necessary during pregnancy and to promptly notify Human Resources of the need for any such accommodation. Babson College is committed to providing pregnant employees with a safe and welcoming workplace environment, free from discrimination based on pregnancy status.

Nursing employees will be permitted to express breast milk for their nursing child, for up to three years after the birth of the child. We ask that employees advise their supervisor as soon as possible of their intent to use this benefit. Nursing employees will be provided a room for this purpose.

Babson College will not tolerate discrimination or retaliation against nursing employees electing to take break time to express breast milk in the workplace.

**PAYROLL**

**Overtime**

The College pays overtime to California non-exempt employees at time and one-half for any hours worked in excess of 40 hours per week or 8 hours per day and for the first 8 hours worked on the seventh consecutive workday of a workweek, and at double time for any hours worked in excess of 12 hours per day or beyond 8 hours on the seventh consecutive workday of a workweek. All overtime must be approved in advance by the employee’s supervisor. “Hours worked” means time actually spent on the job. It does not include an unpaid meal period, makeup time, or hours away from work due to vacation, sickness, holiday, jury duty, or other absences from work. California exempt employees are not paid overtime, even if their hours exceed the normal work schedule.