This document pertains to California employees and 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. To the extent anything in these Supplemental Guidelines conflicts with the College’s Employment Guidelines, these Supplemental Guidelines will govern as to employees working in the State of California. As with the Employment Guidelines, the content of this supplement are guidelines and do not create an employment contract. Employment with Babson College is at-will, and employment may be terminated at any time with or without cause or notice by either the employee or the College.

California specific provisions are included below.

GUIDING PRINCIPLES

California Harassment, Discrimination and Retaliation Prevention Policy

As expressed in the College’s Harassment and Discrimination Policy, Babson College complies with the California Fair Employment and Housing Act. In accordance with the requirements of the California Fair Employment and Housing Act and applicable federal law, the College does not tolerate and prohibits harassment, discrimination, or retaliation of or against our job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of sex, sexual orientation, gender, gender identity, gender expression, race, religious creed, color, national origin, ancestry, disability, medical condition as defined by state law (cancer or genetic characteristics), marital status, age, military or veteran status, pregnancy, childbirth and related medical conditions, domestic violence victim status, or any other characteristic protected by applicable federal, state law or local law. The College is committed to a workplace free of discrimination, harassment and retaliation.

Discrimination Defined. Discrimination under this policy means treating differently or denying or granting a benefit to an individual because of the individual’s protected characteristic.

Harassment Defined. Harassment is defined in this policy as unwelcome verbal, visual or physical conduct creating an intimidating, offensive, or hostile work environment that interferes with work performance. Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), graphic (including offensive posters, symbols, cartoons, drawings, computer displays, or e-mails) or physical conduct (including physically threatening another, blocking someone’s way, etc.) that denigrates or shows hostility or aversion towards an individual because of any protected characteristic. Such conduct violates this
policy, even if it is not unlawful. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a professional and respectful manner.

**Sexual Harassment Defined.** Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal or physical conduct of a sexual nature. Other examples of conduct that violates this policy include, but are not limited to:

- obscene or vulgar gestures, posters, or comments
- sexual jokes or comments about a person’s body, sexual prowess, or sexual deficiencies
- propositions, or suggestive or insulting comments of a sexual nature, including leering and whistling
- derogatory cartoons, posters, and drawings
- sexually-explicit e-mails or voicemails
- unwelcome sexually-related comments
- conversation about one’s own or someone else’s sex life
- conduct or comments consistently targeted at only one gender, even if the content is not sexual
- teasing or other conduct directed toward a person because of the person’s gender

**Retaliation Defined.** Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. “Adverse conduct” includes but is not limited to: shunning and avoiding an individual who reports harassment, discrimination or retaliation; express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination or retaliation; and denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process described below.

**Reporting Procedures.** The following steps have been put into place to ensure the work environment at Babson College is respectful, professional, and free of discrimination, harassment and retaliation. If you believe that someone has violated this policy or our Equal Employment Opportunity Policy, you should promptly bring the matter to the immediate attention of your manager. If this is the person toward whom your complaint is directed, you should contact any higher level manager in your reporting chain. You can also bring the matter to the immediate attention of Human Resources.

Every supervisor who learns of any employee’s concern about conduct in violation of this policy, whether in a formal complaint or informally, must immediately report the issues raised to Donna Bonaparte, Vice President of Human Resources.

**Investigation Procedures.** Upon receiving a complaint, the College will promptly conduct a fair and thorough investigation into the facts and circumstances of any claim of a violation of this policy or our Equal Employment Opportunity policy. To the extent possible, the College will endeavor to keep the reporting employee’s concerns confidential. However, complete confidentiality may not be possible in all circumstances.
During the investigation, the College generally will interview the complainant and the accused, conduct further interviews as necessary and review any relevant documents or other information. Upon completion of the investigation, the College shall determine whether this policy has been violated based upon its reasonable evaluation of the information gathered during the investigation. The College will inform the Complainant and the accused of the results of the investigation.

The College will take corrective measures against any person whom it finds to have engaged in conduct in violation of this policy, if the College determines such measures are necessary. These measures may include, but are not limited to, counseling, suspension, or immediate termination. Anyone, regardless of position or title, whom the College determines has engaged in conduct that violates this policy will be subject to discipline, up to and including termination.

In addition to being a violation of this policy, harassment, discrimination or retaliation can also be against the law. Employees who engage in conduct that rises to the level of a violation of law can be held personally liable for such conduct.

**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.” California employees will not have any such deduction made from their paychecks. Instead, the time off taken by a California employee that is in excess of the employee’s current accruals will be unpaid at the time it is taken.

**Vacation Carry-Over**

You may not accrue more than 1.75 times your annual accrual of vacation hours. If you accrue this maximum amount of vacation, you will not accrue any further vacation hours until you take vacation and fall below the maximum accrual level. Vacation should be scheduled and approved in advance by your manager. 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. 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 should not perform any work during your rest breaks or meal periods. Non-exempt employees are not required to carry cell phones or remain in contact when taking rest breaks or meal periods. Non-exempt employees may not work through a meal period or rest break in order to arrive late or leave early. If you are not provided with a meal period or rest break as required by this policy, you must contact the Office of Human Resources, x4128, immediately.

**California Paid Sick Leave for Non-Benefits Eligible Employees**

This sick leave policy applies only to non-benefits eligible employees in California. Benefits eligible employees in California will receive sick leave as provided in the sick leave policy contained in the Handbook.

Employees receiving sick leave under this policy will be eligible to accrue sick leave at the rate of one hour per every 30 hours worked. California adjunct faculty will be considered to have worked 3 hours for every 1 hour of class time. If an adjunct faculty member’s actual hours worked exceeds this ratio, the faculty member should contact the Human Resources Department to request an adjustment to this ratio.

Employees will begin to accrue sick leave on their date of hire, or July 1, 2015, whichever is later. Employees may accrue up to 80 hours of sick leave. Once an employee reaches this accrual cap, the employee will cease to accrue further sick leave until some sick leave hours are used.

Employees may use sick leave hours immediately upon their accrual. 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.); and/or
3. Any other reason authorized by applicable local ordinance.

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 and as allowed under applicable local ordinance;
- 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 of the need to use sick leave for foreseeable absences. Employees should give notice of the need to use sick leave as soon as feasible if the event is not foreseeable. Employees may use sick leave in a minimum increment of 1 hour.

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 in accordance with any applicable law.

Employees will not be paid for unused sick leave hours upon separation of employment. Employees who are re-employed by Babson within 1 year of separation will have their previously accrued and unused sick leave balances reinstated upon re-hire.

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

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 ("EDD"). 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 to bond with a new child.

Employees must apply for these benefits directly with EDD. There may be a waiting period before the State begins to provide any benefits under the SDI and/or PFL plans. During the waiting period or before receiving PFL benefits, you must use employer-provided paid time off consistent with applicable laws, and
up to a maximum of 2-weeks of paid time off. The EDD can provide additional information about benefit eligibility, benefit amounts and any applicable waiting period.

Unless an employee qualifies for leave under a separate leave law, such as pregnancy disability leave or leave under the Family Medical Leave Act, 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](#) for more information about CA SDI and PFL benefits.

**San Francisco Paid Parental Leave Ordinance**

In accordance with the San Francisco Paid Parental Leave Ordinance, the College provides partial wage replacement benefits (“Supplemental Compensation”) to eligible San Francisco employees who are on an approved leave of absence to bond with a new child. Eligible employees may receive up to six weeks of Supplemental Compensation in a 12-month period under this policy.

**Eligible Employees.** To be eligible to receive benefits under this policy, an employee must meet all of the following criteria:

1. Be absent from work due to an approved leave of absence for the purpose of bonding with a new child during the first year after birth of the child or placement of the child with the employee through foster care or adoption;
2. Have worked at least 180 days for the College before beginning any parental leave;
3. Perform at least eight (8) hours of work per week for the College within the geographic boundaries of the City and County of San Francisco;
4. Perform at least 40% of their total weekly hours within the geographic boundaries of the City and County of San Francisco;
5. Be receiving wage replacement benefits from the State of California’s Paid Family Leave (“PFL”) program for the purpose of bonding with a new child;
6. Agree to allow the College to deduct up to two weeks of accrued vacation from the employee’s leave bank to offset the cost of any Supplemental Compensation benefits; and
7. Comply with the procedures for requesting Supplemental Compensation benefits described below.

Employees who do not meet all of the above criteria are not eligible to receive Supplemental Compensation under this policy, but may still be eligible for benefits in accordance with the State of California PFL program.

**Supplemental Compensation Benefit.** The weekly Supplemental Compensation benefit is calculated based on an employee’s wages and will be calculated in accordance with the San Francisco Paid Parental Leave Ordinance. Unless otherwise provided by law, an employee’s weekly Supplemental Compensation
benefit will be equal to the difference between the weekly benefit received by the employee from the State of California PFL program and the weekly wage associated with that PFL benefit amount. Supplemental Compensation is only available during the period the employee is eligible for and is receiving weekly PFL benefits for the purpose of bonding with a new child. Employees can receive up to six weeks of Supplemental Compensation benefits.

**Procedure for Receiving Supplemental Compensation.** In order to receive Supplemental Compensation, an employee must comply with the following procedures:

1. Send an email to hr@babson.edu stating that the employee understands and agrees that up to two weeks of vacation will be deducted from the employee’s leave bank to offset the College’s costs in providing Supplemental Compensation.

2. Provide the College with a copy of the employee’s Notice of Computation of California Paid Family Leave Benefits (“Notice”) from California’s Employment Development Department (EDD);

3. Complete and sign the San Francisco Paid Parental Leave Employee Form (“PPL Form”). The Notice and PPL Form must be submitted promptly following the employee’s receipt of the Notice from EDD;

4. Notify the College in writing when he/she receives the first payment from EDD; and

5. Submit a copy of the Notice of Payment from EDD to confirm the employee’s receipt of PFL benefits.

Employees who do not comply with this procedure may be denied Supplemental Compensation benefits. If an employee completes the above procedures for receiving Supplemental Compensation prior to or during the period in which the employee is also receiving PFL benefits, the employee will begin to receive Supplemental Compensation benefits on the payday associated with the next full pay period following an employee’s satisfaction of the above procedures. If an employee completes the above procedures after the period in which the employee received PFL benefits has been completed, the employee will receive the total Supplemental Compensation no later than 30 days after satisfaction of the above procedures.

Employees may be required to reimburse the College for any Supplemental Compensation benefits provided under this policy if they: (1) do not return to work from a leave of absence during which they received Supplemental Compensation benefits, or (2) voluntarily resign from employment within 90 days of the end of any leave during which they received Supplemental Compensation benefits.

Employees with questions regarding this benefit can contact the Benefits Office at x5224.

**California Pregnancy Disability Leave and Accommodations**

If an employee is disabled by pregnancy, childbirth or related medical conditions, she is eligible to take a pregnancy disability leave (PDL). If affected by pregnancy or a related medical condition, an employee also is eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if such a transfer is medically advisable and can be reasonably accommodated. Employees disabled
by qualifying conditions may also be entitled to other reasonable accommodation where doing so is medically necessary. In addition, if it is medically advisable for the employee to take intermittent leave or work a reduced leave schedule, the College may require the employee to transfer temporarily to an alternative position with equivalent pay and benefits that can better accommodate recurring periods of leave.

**Reasons for Leave.** PDL is for any period(s) of actual disability caused by the employee’s pregnancy, childbirth, or related medical condition - per pregnancy. Time off needed for prenatal or postnatal care; doctor-ordered bed rest; gestational diabetes; pregnancy-induced hypertension; preeclampsia; childbirth; postpartum depression; loss or end of pregnancy; or recovery from childbirth or loss or end of pregnancy are all covered by this PDL policy.

**Duration of Leave.** An employee is entitled to up to four months of PDL while the employee is disabled by pregnancy, childbirth or related medical condition. For purposes of this policy, “four months” means time off for the number of days the employee would normally work within the four calendar months (one-third of a year, or 17.3 weeks or 122 days), following the commencement date of taking a pregnancy disability leave. For a full time employee who works five eight-hour days per week, or 40 hours per week, “four months” means 88 working and/or paid eight-hour days (693 hours of leave entitlement), based on an average of 22 working days per month for 17.3 weeks in four months times 40 hours per week. Employees working a part-time schedule will have their PDL calculated on a pro-rata basis.

**Employee Notice Requirements.** To receive reasonable accommodation, obtain a transfer, or take a PDL, an employee must provide sufficient notice so the College can make appropriate plans – 30 days advance notice if the need for the reasonable accommodation, transfer or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable.

**Medical Certification.** An employee is required to obtain a certification from her health care provider of her need for PDL, or the medical advisability of an accommodation or a transfer. A medical certification indicating the medical advisability of reasonable accommodation or a transfer is sufficient if it contains: (1) A description of the requested reasonable accommodation or transfer; (2) A statement describing the medical advisability of the reasonable accommodation or transfer because of pregnancy; and (3) The date on which the need for reasonable accommodation or transfer became or will become medically advisable and the estimated duration of the reasonable accommodation or transfer. A medical certification indicating disability necessitating a leave is sufficient if it contains: (1) A statement that the employee needs to take pregnancy disability leave because she is disabled by pregnancy, childbirth or a related medical condition; (2) The date on which the employee became disabled because of pregnancy; and (3) the estimated duration of the leave. Upon request, Human Resources will provide a sample medical certification form.

**Leave is Unpaid.** PDL leave is unpaid. However, the employee may use her accrued sick and/or vacation leave as part of her PDL before taking the remainder of her leave on an unpaid basis. The use of any paid leave will not extend the duration of the employee’s PDL. The College encourages employees to contact the EDD regarding eligibility for state disability insurance (SDI) for the unpaid portion of their leave.
**Continuation of Health Insurance Benefits.** Employees who participate in the College’s group health insurance plan shall continue to participate in the plan while on PDL under the same terms and conditions as if they were working. Employees should make arrangements with the Benefits Office for payment of their share of the insurance premiums. Benefit continuation under PDL is distinct from benefit continuation for employees who also take birth bonding leave under the California Family Rights Act (“CFRA”).

**Leave Concurrent with Family and Medical Leave.** If an employee is eligible for leave under the federal Family and Medical Leave Act (“FMLA”), her PDL will also be designated as time off under the FMLA. Employees should refer to the Family and Medical Leave policy in the Employee Handbook for additional information.

**Request for Additional Time Off.** Any request for leave after the employee’s disability has ended will be treated as a request for leave under the FMLA and/or CFRA, if the employee is eligible for such leave. Employees should refer to the Family and Medical Leave policy in the Employee Handbook for additional information.

**Return to Work.** As a condition of an employee’s return from PDL, the College requires the employee to obtain a release to return to work from her health care provider stating she is able to resume her original job duties. If an employee does not return to work on the originally scheduled return date or request in advance an extension of the agreed upon leave with appropriate medical documentation, the employee may be deemed to have voluntarily terminated her employment with the College. Failure to notify the College of her ability to return to work when it occurs, or her continued absence from work because her leave must extend beyond the maximum time allowed, may be deemed a voluntary termination of the employee’s employment with the College, unless the employee is entitled to FMLA leave or a disability accommodation. Upon the employee’s return from PDL, she will be reinstated to her same position in most instances.

Taking PDL may impact certain benefits. If an employee wants more information regarding her eligibility for a leave and the impact of the leave on her benefits, she should contact Human Resources.

**California Family Rights Act (Addendum to FMLA Policy)**

Like the Family and Medical Leave Act (“FMLA”) Policy described in the Handbook, the California Family Rights Act (“CFRA”) may require employers to provide family and medical leaves of absence for eligible employees. Either or both of these laws may apply to a leave. Where both laws apply, any leave taken will be counted under both laws at the same time. This policy will be interpreted to comply with the law(s) that apply to a particular leave. This policy provides employees information concerning any CFRA entitlements and obligations that differ from the FMLA entitlements and obligations that are set forth elsewhere in the Handbook. If employees have any questions concerning CFRA leave, they should contact Human Resources.

**Eligibility.** Under the CFRA, if an employee has more than 12 months of service with the College and has worked at least 1,250 hours in the 12-month period before the date the employee wants to begin their leave, the employee may have a right to an unpaid family care or medical leave (CFRA leave). This leave
may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of the employee’s child or for their own serious health condition or that of the employee’s child, parent, spouse or registered domestic partner.

If the employee is CFRA-eligible, the employee has certain rights to take both Pregnancy Disability Leave (“PDL”) and a CFRA leave for reason of the birth of the employee’s child. Both leaves contain a guarantee of reinstatement to the same or to a comparable position at the end of the leave, subject to any defense allowed under the law. Where pregnancy disability leave is also FMLA-qualifying, the leave will count against both FMLA and PDL leave entitlements. PDL leave is separate from and does not count against an employee’s CFRA leave entitlement.

**Notice.** If possible, the employee must provide at least 30 days advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for the employee or of a family member). For events which are unforeseeable the employee must notify the College, at least verbally, as soon as the employee learns of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until the employee complies with this notice policy.

**Certification.** The College may require certification from the employee’s health care provider before allowing the employee to take a leave for pregnancy or their own serious health condition or certification from the health care provider of the employee’s child, parent, spouse or registered domestic partner who has a serious health condition before allowing the employee a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

The College will require second or third certifications from health care providers if the College has reason to doubt the initial certification of an employee’s need for leave due to his or her own serious health condition. Recertification of the need for leave due to an employee’s or family member’s serious health condition will be requested only when the original certification has expired.

**Substitution of Paid Leave.** CFRA leave and PDL are unpaid. The College may require the use of accrued paid leave while on CFRA leave. In addition, depending on the reason for leave, employees may choose to use accrued paid leave while on CFRA leave. Substituting paid for unpaid leave does not extend the employee’s leave entitlement.

Taking a CFRA leave may impact certain of the employee’s benefits. If an employee wants more information regarding their eligibility for a leave and/or the impact of the leave on their benefits, he or she should contact Human Resources.

**Military Leave.** Military exigency leave does not count against an employee’s CFRA leave entitlement. Leave to care for a military service member with a serious illness or injury counts against an employee’s CFRA leave entitlement when the service member is the employee’s spouse, parent or child, as provided for under CFRA.

**Bonding Leave.** Employees may take intermittent leave for bonding with a child following birth, adoption or taking in a child through foster care. Birth bonding leave must be taken within one year after the child’s birth or placement. Intermittent leave for bonding purposes generally must be taken in minimum two-
week increments, but the College permits two occasions where the leave may be for less than two weeks. Bonding leave is in addition to any time off taken for 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 employee’s immediate family member, including domestic partner or child of a domestic partner, has been the victim of certain crimes, the employee may take time off from work to attend court proceedings related to that crime. This leave is unpaid, but employees may elect to use accrued vacation. Once all vacation 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 hours, including sick leave and vacation. Once all paid time off hours have 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 may request a leave of absence to donate bone marrow or an organ. An employee may request a leave of up to 30 business days in any one-year period to undergo a medical procedure to donate an organ to another person. An employee may request a leave of up to five days in any one-year period to undergo a medical procedure to donate 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 intervals.

Prior to receiving this leave, an employee must provide the College with written verification from their physician regarding the purpose and length of each leave requested. Leave under this policy will not be designated as FMLA or CFRA leave time.

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. Employees may request to use sick leave in lieu of any required vacation time. If an employee does not have any available accrued vacation time, the time off for such procedure shall be paid, however, the paid
time off shall not exceed five days for a bone marrow donor or thirty days for an organ donor. The use of any accrued vacation or sick leave will not extend the term of any leave provided under this policy.

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, guardian or grandparent with custody 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 subpoenaed to appear in court or a legal proceeding, you will be given leave from work in order to appear. If the employee is required to appear on behalf of the College, the employee’s appearance is considered work time and will be without loss of pay. Otherwise, employees will be paid as follows:
(1) Non-exempt employees will receive their normal compensation for the first day they are absent from work to appear in response to a subpoena or other court order. Beyond that, nonexempt employees may use accrued, available vacation time for leave taken under this policy.

(2) Exempt employees will be paid their full weekly salary unless they are on leave for an entire workweek during which no work is performed, less any witness fees received by the employee. If so, they may use accrued, available vacation time for leave taken under this policy.

(3) An employee who is a named party in an action against the College or who is serving as a paid expert witness is not eligible to receive any compensation for time spent related to those proceedings unless required by law. In such cases, an employee may request a leave of absence, during which the employee will be required to use any accrued vacation. Time spent in such proceedings is not considered work time.

All employees should record any absences due to witness duty service via Time Off in Workday (use jury duty). In order to be paid, please submit copies of any subpoenas (or legal notices to appear and payments) to Payroll. These may be sent via campus mail or 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 off 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.

**Lactation Accommodation**

Employees who desire to express breast milk for their infant child have the right to request lactation accommodation.

The College will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee’s infant child. Any lactation break time shall, if possible, run concurrently with employee’s meal and break time. If the time for an employee’s break time does not run concurrently or when additional time is necessary, the break time may be unpaid.

The College will make reasonable efforts to provide employees with the use of a room or other location, other than a toilet stall, for the employee to express milk in private. This room or other location will be in close proximity to the employee’s work area and will be a space that is shielded from view and free from intrusion from co-workers and the public. Depending on the employee’s work location, this room or location may include the place where the employee normally works if it otherwise meets the requirements of the lactation space. Alternatively, the room or location may be a multipurpose room whose primary designation is for lactation accommodation as required. Restrooms that do not have separate lounge areas will not be utilized for this space.

To request a lactation accommodation, an employee should submit a written request via email to their manager, with a courtesy copy to the Director of Benefits. The request must contain the following information:

- Start date for requested accommodation
- Approximate number of lactation breaks per day being requested
- Approximate lactation break schedule (dates and times)

The College will respond to the request within five business days. As part of this response, Babson College engage in the interactive process with you to determine the appropriate lactation breaks periods and lactation location. If Babson College is unable to accommodate the lactation request based on an exemption, it will provide a written response that identifies the basis upon which the request was denied.

Babson College will not tolerate and prohibits discrimination or retaliation against an employee for exercising any right to request a lactation accommodation under any applicable federal, state or local law.
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. The College also pays overtime to California non-exempt employees 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 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.
ACKNOWLEDGEMENT & RECEIPT OF

BABSON COLLEGE’S CALIFORNIA DISCRIMINATION, HARASSMENT AND RETALIATION PREVENTION POLICY

I acknowledge that I have received and have an obligation to read Babson College’s California Discrimination, Harassment and Retaliation Prevention Policy (pages 2-4 in this supplement). I agree to abide by and be bound by the rules, provisions and standards set forth in the College’s policy. I further acknowledge that the College reserves the right to revise, delete and add to the provisions of the Babson College’s California Discrimination, Harassment and Retaliation Prevention Policy at any time. I also acknowledge I have received the California Department of Fair Employment & Housing’s pamphlet, Discrimination is Against the Law (DFEH-185 pamphlet).

Acknowledgement via email will be considered the same as receiving this signature page.

_______________________________________________
Employee Signature

_______________________________________________
Print Name

_______________________________________________
Date