

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

► PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- $\frac{2}{3}$ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at $\frac{2}{3}$ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

► ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.*

► QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;	5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
2. has been advised by a health care provider to self-quarantine related to COVID-19;	6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;	
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);	

► ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:

1-866-487-9243

TTY: 1-877-889-5627

dol.gov/agencies/whd



TIME OFF & LEAVES OF ABSENCE

Time Off Overview

Policy # **5.1**
Revised **02/01/2020**

Overview

The Available Types of Time-Off and Eligibility Chart below provides a brief overview of each type of Time Off the University provides to employees, based on employment classification. It is organized by:

- Time off with pay
- Leaves of Absence (which are typically unpaid, but employees can receive pay by using available paid time off benefits, such as Vacation and Paid Sick Leave)
- Time off without pay

For additional information, please refer to other policies found in this section of the HR Policies Manual. This Policy may not apply to University employees who have an employment contract and may be provided time-off which differs from these descriptions. The University reserves the right to modify or change its Time Off policies at its sole discretion.

Available Types of Time Off and Eligibility			
Time Off with Pay		Description	Eligible Employee Classification
Vacation		Time taken away from work for personal use and enjoyment.	<ul style="list-style-type: none"> • Full-time Staff
Paid Sick Leave All Locations	Paid Sick Leave (PSL) All Locations		<ul style="list-style-type: none"> • Full-time Staff
	California Paid Sick Leave (PSL-CA) <i>For municipality-specific PSL, consult with HR</i>		<p>California Employees Only</p> <ul style="list-style-type: none"> • Part-time Staff • Adjunct Faculty • Temporary Staff • Federal Work Study Students
Holidays		Up to a maximum of 10 days per calendar year, which includes one designated holiday.	<ul style="list-style-type: none"> • Full-time Staff
Jury/Witness Duty		Up to a maximum of five, 8-hour days of pay each calendar year while absent for jury duty or to serve as a witness.	<ul style="list-style-type: none"> • Full-time Staff
Bereavement		Up to a maximum of three, 8-hour days may be taken to cover absences related to the death of an immediate family member.	<ul style="list-style-type: none"> • Full-time Staff
Community Service		Up to a maximum of 16 hours may be taken to cover absences related to Community Service each fiscal year (July 1st - June 30th).	<ul style="list-style-type: none"> • Full-time Staff

TIME OFF & LEAVES OF ABSENCE		
Time Off Overview	Policy #	5.1 Revised 02/01/2020

Available Types of Time Off and Eligibility	
<p>Unless prohibited by law, all leaves of absence for which an employee is eligible at the time leave is taken will run concurrently. Employees have the option to use or coordinate accrued, unused PSL and other paid leave benefits for which an employee is eligible, up to the statutory or policy limit. Additional information about eligibility for specific types of leaves and requirements can be found by reviewing the LOA policies and chart in this section of the HR Policies Manual. Please contact your HR Business Partner for additional information.</p>	
Leaves of Absence (Portions May be Paid or Unpaid)	Eligibility
<ul style="list-style-type: none"> • Family and Medical Leave (FMLA) • California Family Rights Act (CFRA)* • Pregnancy Disability Leave (PDL)* • Organ and Bone Marrow Donor Leave* • School Activities and Appearance Leave* • Public Health Emergency Closure Leave* 	<ul style="list-style-type: none"> • Crime Victims' Leave and Victims' Rights Leave • Domestic Violence, Sexual Assault and Stalking Leave • Emergency Responder/Volunteer Civil Service Leave* • Military Service Leave • Military Spouse Leave* • Voting Leave <p>Leave of Absence (LOA) eligibility is based on a variety of qualifying factors and requirements.</p> <p>Please refer to the specific LOA policies in this section of the HR Policies Manual, or contact your HR Business Partner for additional information.</p>

*Leave required by California law for California employees only. Employees who reside outside California should contact their HR Business Partner for additional information.

Eligibility

Employees may need to satisfy eligibility requirements to take time off, as mandated by University policies or applicable laws. Please refer to the specific Time Off and Leaves of Absence policies found in this section of the HR Policies Manual to determine eligibility and other requirements.

Requesting Time Off

- Time off should be requested as far in advance as possible. Unless otherwise required by law, time off requests must be approved by the University before an employee takes time off. Promptly notify your direct supervisor if you need to take time off from work for any reason.
- Use the University's timekeeping system to record time off within the same pay period(s) in which it occurs.

Pay

- Time Off with Pay (such as PSL, vacation, or holiday pay), is not used to calculate overtime. Unless otherwise required by law, time off is paid using the employee's base pay rate in effect at the time it is taken.
- Unless prohibited by law or specifically stated by policy, any unused PSL provided under University policies does not accrue, vest, or pay out upon separation of employment.

TIME OFF & LEAVES OF ABSENCE		
Vacation	Policy #	5.2 Revised 02/01/2020

Overview

Full-Time Staff begin to accrue vacation upon hire and are eligible to take vacation after completing 30 days of continuous employment. Thereafter, the amount of vacation that may be taken per calendar year is limited to the amount of accrued, unused vacation time the employee has as of the date vacation is taken. The amount of vacation accrued per pay period is based on years of service, in accordance with the Vacation Accrual Rates chart:

Vacation Accrual Rates				
Full-Time Staff accrue vacation time in accordance with the Per Semi-Monthly or Bi-weekly Pay Period Accrual Rate shown in this chart, up to the Annual Maximum and Cap.				
Months of Service*	Semi-Monthly Accrual Rate	Bi-Weekly Accrual Rate	Annual Maximum Accrual	Cap (180% of Annual Accrual)
0 – 36	3.34 hours	3.08 hours	10 days (80 hours)	18 days (144 hours)
37 – 120	5.00 hours	4.62 hours	15 days (120 hours)	27 days (216 hours)
121 – 180	6.67 hours	6.16 hours	20 days (160 hours)	36 days (288 hours)
181+	8.34 hours	7.70 hours	25 days (200 hours)	45 days (360 hours)

*Months of Service refers to continuous months of employment calculated from hire date. The next higher level of accrual rate begins upon an employee's anniversary date. If an employee is rehired within one year of their employment separation date, the vacation accrual rate in effect at the time of separation will be reinstated.

Using Vacation

- Vacation requests must be submitted and approved via the University's timekeeping system with as much advance notice as possible before the date an employee's requested vacation time will begin. The University reserves the right to deny vacation requests or change previously approved vacation requests based on business need.
- Unless prohibited by law, non-exempt employees must take vacation in increments of at least 15 minutes, and exempt employees must take eight hours vacation time.
- An employee who requests a full day off will be paid up to a maximum of eight hours per day/40 hours per week at their regular rate of base pay.

TIME OFF & LEAVES OF ABSENCE		
Vacation (cont'd)	Policy # Revised	5.2 02/01/2020

Using Vacation (cont'd)

- A holiday that falls during a vacation period will be treated as a holiday.
- Employees are responsible for managing and monitoring vacation balances to ensure they have enough accrued, unused vacation time to cover the amount of time off they wish to take.
- Employees may not use vacation time to cover any suspension from work for disciplinary reasons.

Vacation Carry Over, Cap, and Payouts

Accrued, unused vacation continues to accrue until an employee reaches the applicable Cap (see table above for amounts). Once an employee's Cap has been reached, all further accruals will cease, and will resume only after accrued vacation time drops below the Cap.

Vacation Advances

The University does not permit employees to take vacation before it is accrued.

Reclassification

- If an ineligible employee is reclassified to a vacation-eligible position, vacation accruals will begin the date of reclassification.
- If a vacation-eligible employee is reclassified to an ineligible position, vacation will cease to accrue, and any accrued, unused vacation balance through the date of reclassification will be paid to the employee at the rate of pay in effect before the reclassification date.

Separation of Employment

All accrued, unused vacation is paid out upon separation of employment. An employee's final paycheck will include payment for all accrued, but unused vacation time at their regular base pay rate in effect at the time of separation.

TIME OFF & LEAVES OF ABSENCE

Paid Sick Leave (PSL)	Policy # Revised 5.3 02/01/2020
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Overview

Eligible Full-Time Staff accrue paid sick leave (PSL) on the date of hire, and PSL may be taken on the 90th day of continuous employment. PSL is provided to protect employees' regular income if work time is missed in accordance with "PSL Permissible Use Requirements" described in this policy. Employees are responsible for managing and monitoring their PSL balances to ensure they have enough accrued, unused PSL time to cover absences from work described under "PSL Permissible Use Requirements." The University does not permit employees to use PSL before it is accrued.

Unless otherwise required by law, PSL is calculated using the employee's regular base pay rate in effect at the time sick leave is taken. Unless prohibited by law, non-exempt employees must use PSL in increments of one hour and to the nearest quarter hour thereafter. PSL will continue to accrue until an employee reaches the applicable Cap.

PSL Accrual Rates				
Employee Classification	Semi-Monthly Accrual Rate	Bi-Weekly Accrual Rate	Annual Maximum Accrual	Cap
Full-Time Staff	4 hours	3.69 hours	96 hours	Up to 160 Hours/ 20 eight-hour days
Part-Time Staff	Rate of PSL accrual determined by applicable laws and local ordinances			
Faculty				
Adjunct Faculty				
Federal Work Study				

TIME OFF & LEAVES OF ABSENCE		
Paid Sick Leave (PSL) (cont'd)	Policy #	5.3 Revised 02/01/2020

Permissible Use Requirements

Permissible Use Requirements describe a variety of reasons for which an employee may take time off and use accrued unused PSL to cover an absence. Employees are permitted to use Paid Sick Leave (PSL) for their own care, or that of a qualifying family member, for the:

- Diagnosis, care, or treatment of an existing health condition (mental, physical illness, injury, or condition) for an employee or covered family member.
- Scheduled medical or dental appointments; eye examinations or other treatments; preventive care, such as annual physical or other preventive care, for an employee or an employee's qualified family member.
- For specified purposes for victims of domestic violence, sexual assault, or stalking
- Where required by applicable law, if an authorized public official closes or declares a state of emergency that affects the employee's place of business or childcare provider or school
- Any other purpose allowed under applicable paid sick time laws.

Qualifying Family Members

Under PSL, qualifying family members include an employee's:

- Spouse or registered domestic partner (same or opposite sex)
- Child: A biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis (in place of the parent). The definition of child applies regardless of the child's age or dependency status.
- Parent: A biological, adoptive, or foster parent, stepparent, legal guardian/ward of an employee, the parent of an employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
- Sibling (including a half, adopted or step sibling)
- Grandparent
- Grandchild
- Individuals related to the employee biologically or whose close association is the equivalent of a family relationship may qualify, in accordance with applicable laws. Please contact HR for additional guidance on verifying Qualifying Family Member status.

Reclassification

Any change to an employee's PSL accrual rate resulting from reclassification will coincide with the effective date of the change.

TIME OFF & LEAVES OF ABSENCE

Paid Sick Leave (PSL) (cont'd)	Policy #	5.3
	Revised	02/01/2020

Separation of Employment/Rehire

Accrued, unused PSL is not paid out upon separation of employment. If an employee is rehired within one year from the date of separation, the prior PSL balance available on the date of separation will be reinstated and available for immediate use.

Employees will not be subjected to retaliation or discrimination for using or requesting PSL, filing a complaint, or engaging in other related activity under applicable paid sick leave laws.

WORKERS COMPENSATION NOTICE

Employees who contract COVID-19 at work may be eligible for workers' compensation benefits, which are available to provide workers with medical treatment needed to recover from a work-related injury or illness, partially replace the wages they lose while they are recovering and help them return to work. Under Senate Bill No. 1159 (an [FAQ can be found here](#)), which codifies the previously released Executive Order N-62-20, certain workers who contracted a COVID-19-related illness between March 19 and July 5, 2020 are presumed to have contracted the illness at work, making them presumptively entitled to workers' compensation benefits. This statute remains in effect through January 1, 2023.

More information on workers' compensation and the effect of Senate Bill No. 1159 is available from the [Division of Workers' Compensation](#).

COVID-19 Prevention Program (CPP) for National University

This CPP is designed to control exposures to the SARS-CoV-2 virus that may occur in our workplace.

Date: December 1, 2020

Authority and Responsibility

The National University Safety Response Team has overall authority and responsibility for implementing the provisions of this CPP in our workplace. In addition, all managers and supervisors are responsible for implementing and maintaining the CPP in their assigned work areas and for ensuring employees receive answers to questions about the program in a language they understand.

All employees are responsible for using safe work practices, following all directives, policies and procedures, and assisting in maintaining a safe work environment.

Identification and Evaluation of COVID-19 Hazards

We will implement the following in our workplace:

- Conduct workplace-specific evaluations using the **Appendix A: Identification of COVID-19 Hazards** form.
- Evaluate employees' potential workplace exposures to all persons at, or who may enter, our workplace.
- Review applicable orders and general and industry-specific guidance from the State of California, Cal/OSHA, Center for Disease Control (CDC) and the local health department related to COVID-19 hazards and prevention.
- Evaluate existing COVID-19 prevention controls in our workplace and the need for different or additional controls.
- Conduct periodic inspections using the **Appendix B: COVID-19 Inspections form** as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with our COVID-19 policies and procedures.
- Conduct employee screening upon arrival, including temperature check, questionnaire and log time entering and exiting the building.

Employee participation

Employees and their authorized employees' representatives are encouraged to participate in the identification and evaluation of COVID-19 hazards by:

- Participating in COVID-19 prevention training
- Participating in contact tracing through digital applications on their mobile devices
- Exposure to safety best practices through signage throughout the worksite.

Employee screening

We screen our employees by:

- Requiring that they self-screen at home for COVID-19 related symptoms as updated by the Center for Disease Control and Prevention and the California Department of Public Health.
- Screening employees upon arrival for temperature check (non-contact) and questionnaire

- Requiring social distancing and face coverings at all times while onsite including adjacent parking area.

Correction of COVID-19 Hazards

Unsafe or unhealthy work conditions, practices or procedures will be documented on the **Appendix B: COVID-19 Inspections** form, and corrected in a timely manner based on the severity of the hazards, as follows:

- Employees are responsible for reporting any unsafe or unhealthy working condition to their supervisor and the Facilities/Security Department who will inform Human Resources and the Safety Response Team as appropriate.
- The Facilities Department will take prompt action to inspect, correct and document the details of the incident for recordkeeping and reporting as appropriate.
- Facilities can be reached at [phone number]

Control of COVID-19 Hazards

Physical Distancing

Where possible, we ensure at least six feet of physical distancing at all times in our workplace by:

- **Maximizing temporary remote-work opportunities for eligible employees**
- **Requiring employees notify Facilities/Security of their planned visit to promote staggered arrival and work**
- **Providing employees coming onsite for any reason with physical distancing and other safety precautions prior to arrival**
- **Posting signage at screening checkpoints and throughout reinforcing physical distancing requirements**

Individuals will be kept as far apart as possible when there are situations where six feet of physical distancing cannot be achieved.

Face Coverings

We require employees to provide their face covering prior to arrival. For guests and employees who do not bring a face covering, we provide clean, undamaged face coverings and ensure they are properly worn by employees over the nose and mouth when indoors, and when outdoors and less than six feet away from another person, including non-employees, and where required by orders from the California Department of Public Health (CDPH) or local health department. Employees who fail to wear their face covering appropriately will be reminded to do so and may be subject to discipline under organizational policies.

The following are exceptions to the use of face coverings in our workplace:

- When an employee is alone in a room.
- While eating and drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent possible.
- Employees who cannot wear face coverings due to a medical or mental health condition or disability, or who are hearing-impaired or communicating with a hearing-impaired person. Alternatives will be considered on a case-by-case basis.
- Specific tasks that cannot feasibly be performed with a face covering, where employees will be kept at least six feet apart.

Any employee not wearing a face covering, face shield with a drape or other effective alternative, or

respiratory protection, for any reason, shall be at least six feet apart from all other persons unless the unmasked employee is tested at least twice weekly for COVID-19.

Engineering controls

We implement the following measures for situations where we cannot maintain at least six feet between individuals:

- The work site has installed solid partitions in high-traffic locations and where six-feet distancing cannot be accomplished

We maximize, to the extent feasible, the quantity of outside air for our buildings with mechanical or natural ventilation systems by:

- Building air filtration has been increased from MERV 8 to MERV 13 filtration decreasing the potential for airborne transmission through the building

Cleaning and disinfecting

We implement the following cleaning and disinfection measures for frequently touched surfaces:

- **Providing cleaning and disinfection supplies for employees working onsite**
- **Promoting regular cleaning of personal workspace**
- **Maintaining a regular increased cleaning protocol for cleaning and disinfecting high-traffic and communal areas**

Should we have a COVID-19 case in our workplace, we will implement the following procedures:

- The Safety Response Team's Case Processing Unit intakes the details of a reported positive case onsite
- Case Processing Unit notifies the Facilities Department of the need to deep clean and disinfect the building where the positive case was reported
- The Facilities Department schedules an external cleaning company to perform a deep cleaning and disinfecting of the subject building within 24 hours of the report from the Case Processing Unit

Shared tools, equipment and personal protective equipment (PPE)

PPE must not be shared, e.g., gloves, goggles and face shields.

Items that employees come in regular physical contact with, such as phones, headsets, desks, keyboards, writing materials, instruments and tools must also not be shared, to the extent feasible. Where there must be sharing, employees will be provided with cleaning and disinfecting supplies and required to clean/disinfect after each use. Employees will also be provided with hand sanitizer made up of at least 60% ethanol.

Hand sanitizing

In order to implement effective hand sanitizing procedures, we:

- Post signage regarding health and safety best practices including the regular use of hand sanitizer and appropriate hand washing
- Provide employees with effective hand sanitizer stations throughout the worksite and exclude hand sanitizers that contain methanol (i.e. methyl alcohol)
- Encouraging and allowing time for employee handwashing
- Encouraging employees to wash their hands for at least 20 seconds each time

Personal protective equipment (PPE) used to control employees' exposure to COVID-19

We evaluate the need for PPE (such as gloves, goggles, and face shields) as required by CCR Title 8, section 3380, and provide such PPE as needed.

Investigating and Responding to COVID-19 Cases

This will be accomplished by using the **Appendix C: Investigating COVID-19 Cases** form.

Employees who had potential COVID-19 exposure in our workplace will be:

- Contacted by Human Resources and provided benefit information and return to work criteria as applicable
- Be informed that they may be tested for COVID-19 during working hours at no cost

System for Communicating

Our goal is to ensure that we have effective two-way communication with our employees, in a form they can readily understand, and that it includes the following information:

- Who employees should report COVID-19 symptoms and possible hazards to, and how, through training and notices acknowledging individual responsibility for health and safety best practices
- That employees can report symptoms and hazards without fear of reprisal
- Our procedures or policies for accommodating employees with medical or other conditions that put them at increased risk of severe COVID-19 illness
- In the event we are required to provide testing because of a workplace exposure or outbreak, we will communicate the plan for providing testing and inform affected employees of the reason for the testing and the possible consequences of a positive test.
- Information about COVID-19 hazards employees (including other employers and individuals in contact with our workplace) may be exposed to, what is being done to control those hazards, and our COVID-19 policies and procedures.

Training and Instruction

We will provide effective training and instruction that includes:

- Our COVID-19 policies and procedures to protect employees from COVID-19 hazards.
- Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws.
- The fact that:
 - COVID-19 is an infectious disease that can be spread through the air.
 - COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth.
 - An infectious person may have no symptoms.
- Methods of physical distancing of at least six feet and the importance of combining physical distancing with the wearing of face coverings.

- The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing must be combined with other controls, including face coverings and hand hygiene, to be effective.
- The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.
- Proper use of face coverings and the fact that face coverings are not respiratory protective equipment - face coverings are intended to primarily protect other individuals from the wearer of the face covering.
- COVID-19 symptoms, and the importance of obtaining a viral COVID-19 test and not coming to work if the employee has COVID-19 symptoms.

Exclusion of COVID-19 Cases

Where we have a COVID-19 case in our workplace, we will limit transmission by:

- Ensuring that COVID-19 cases are excluded from the workplace until our return-to-work requirements are met.
- Excluding employees with COVID-19 exposure from the workplace for 14 days after the last known COVID-19 exposure to a COVID-19 case.
- Continuing and maintaining an employee's earnings, seniority, and all other employee rights and benefits whenever we've demonstrated that the COVID-19 exposure is work related. This will be accomplished by Human Resources contacting impacted employee regarding available benefits, including, sick-leave and reinforcing return-to-work requirements

Reporting, Recordkeeping, and Access

It is our policy to:

- Report information about COVID-19 cases at our workplace to the local health department whenever required by law, and provide any related information requested by the local health department.
- Report immediately to Cal/OSHA any COVID-19-related serious illnesses or death, as defined under CCR Title 8 section 330(h), of an employee occurring in our place of employment or in connection with any employment.
- Maintain records of the steps taken to implement our written COVID-19 Prevention Program in accordance with CCR Title 8 section 3203(b).
- Make our written COVID-19 Prevention Program available at the workplace to employees, authorized employee representatives, and to representatives of Cal/OSHA immediately upon request.
- Use the **Appendix C: Investigating COVID-19 Cases** form to keep a record of and track all COVID-19 cases. The information will be made available to employees, authorized employee representatives, or as otherwise required by law, with personal identifying information removed.

Return-to-Work Criteria

- COVID-19 cases with COVID-19 symptoms will not return to work until all the following have occurred:

- At least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications.
 - COVID-19 symptoms have improved.
 - At least 10 days have passed since COVID-19 symptoms first appeared.
 - COVID-19 cases who tested positive but never developed COVID-19 symptoms will not return to work until a minimum of 10 days have passed since the date of specimen collection of their first positive COVID-19 test.
 - A negative COVID-19 test will not be required for an employee to return to work.
 - If an order to isolate or quarantine an employee is issued by a local or state health official, the employee will not return to work until the period of isolation or quarantine is completed or the order is lifted. If no period was specified, then the period will be 10 days from the time the order to isolate was effective, or 14 days from the time the order to quarantine was effective.
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Contact Information

If you observe an unsafe or unhealthy working condition, please contact:

Security: (858) 642-8892 or email safety@nu.edu

Facilities: (858) 309-3555 or email incidents@nu.edu

If you are experiencing COVID-19 symptoms and cannot report to work or class or if you have tested positive for COVID-19, please contact the following numbers below for confidential advising:

For Faculty, Administration and Staff: *Human Resources Benefits* (858) 642-8199 or email benefits@nu.edu

For Students: *Student Accessibility Services* (858) 521-3967 or email sas@nu.edu

Reviewed by:

J. Joseph Hoey

**J. Joseph Hoey, Ed.D.
Vice Provost for Academic Services
National University
Chair, Safety Response Team**

January 11, 2021

Date

CODE OF CONDUCT & EXPECTATIONS		
Prohibition of Harassment, Discrimination, and Retaliation	Policy # Revised	2.3 02/01/2020

It is the policy of the University not to engage in discrimination or harassment, as defined below, of any person employed by or seeking employment with the University on the basis of race, color, national origin, ancestry, citizenship status, religion, sex, gender (including gender identity and gender expression), pregnancy (including childbirth or related medical conditions, and breastfeeding), sexual orientation, military status, veteran status, marital status, registered domestic partner status, age, disability, protected medical condition, genetic information, political activity, or any other category protected by applicable state or federal law.

Definitions of Prohibited Conduct

These definitions may be updated by the University at any time. The University will leverage the most up-to-date definitions as detailed in the University's current Equal Opportunity, Harassment and Nondiscrimination Policy in the University's Catalog. For additional policy details, resources and information, please review the Office of Equity and Inclusion website.

- **Discrimination** is the act of differentiating among employees or applicants for employment on the basis of any protected characteristic described in this policy.
- **Harassment** is unwelcome verbal, visual, or physical conduct based on a protected characteristic described in this policy that creates an intimidating, offensive or hostile working environment, or that interferes with work performance. A hostile environment may be created by harassing verbal, written, graphic, or physical conduct that is severe or persistent/pervasive, and objectively offensive such that it interferes with, limits or denies the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits or opportunities. When harassment rises to the level of creating a hostile environment, the University also may impose sanctions on the harasser through application of the Equity Resolution Process (ERP). The University's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.
- **Sexual Harassment** is one form of unlawful harassment. The Department of Education's Office for Civil Rights (OCR) and the Equal Employment Opportunity Commission (EEOC) regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice. The University has adopted the following definition of sexual harassment, in order to address the special environment of an academic community, which consists not only of employer and employees, but of students as well.

Sexual harassment is:

- unwelcome,
- sexual, sex-based and/or gender-based,
- verbal, written, online and/or physical conduct.

- **Quid Pro Quo Sexual Harassment** is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another, when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational development or performance.
- **Retaliation** is any adverse action taken against a person participating in a protected activity because of their participation in that protected activity.

CODE OF CONDUCT & EXPECTATIONS		
Prohibition of Harassment, Discrimination, and Retaliation (cont'd)	Policy # Revised	2.3 02/01/2020

Examples of Prohibited Conduct

The following examples are provided to illustrate conduct prohibited by this policy. The following list is not exhaustive:

- Verbal conduct such as epithets, derogatory jokes, comments, or slurs based on an individual's protected characteristic;
- Unwanted sexual advances, invitations or comments, comments about a person's sexuality or sexual experience;
- Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- Physical conduct such as assault, unwanted touching, pinching, patting, grabbing, brushing against, poking, blocking normal movement; and/or interfering with the workplace because of sex, race, or any other protected characteristic;
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and/or offers of employment benefits in return for sexual favors;
- Retaliation for having reported, or threatened to report, harassment.

Compliance

University complies with the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act; the California Fair Employment and Housing Act (FEHA); the California Pregnancy Disability Leave Law (PDL); the California Family Rights Act (CFRA) and all applicable state or local laws. Consistent with those requirements, University will reasonably accommodate qualified individuals with a disability if such accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship. Employees should contact Human Resources if they believe they may need an accommodation.

Reasonable Accommodation

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

Any employee who requires an accommodation to perform the essential functions of their job should contact the Human Resources Department. The employee must specify any limitations they have that impact job performance and identify what accommodation is needed. The University will review the situation with the employee and may seek information from the employee's healthcare provider. The University will engage in the interactive process with the employee to identify any possible accommodations that will enable the employee to perform the essential functions of the job. If a reasonable accommodation can be identified that will not impose an undue hardship, the University will make the accommodation. If there is more than one possible accommodation, the University will decide which one will be provided.

Additionally, employees who need reasonable accommodation due to religious beliefs, observances, or practices must contact Human Resources to discuss the need for accommodation.

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Complaint and Reporting Process

These policies and procedures are separate from the Title IX Policy and Procedures detailed later in this Manual. The University has an Equity Resolution Process that covers the procedures for reporting issues related to Title IX and other applicable discrimination, harassment, and retaliation complaints.

The University is committed to enforcing this Equal Employment Opportunity and Prohibition of Harassment, Discrimination, and Retaliation Policy. All University employees are responsible for ensuring the work environment is free from prohibited harassment and discrimination. If an employee believes he or she has been discriminated against or subjected to sexual or other harassment in violation of this policy by an employee or a non-employee, they are encouraged to go through the informal complaint process, described below. However, if an employee is not comfortable proceeding with informal resolution, or if after doing so the situation is not satisfactorily resolved, employees must engage immediately the Formal Complaint Process, either orally or in writing.

The effectiveness of the University's efforts depends in part on employees communicating about inappropriate workplace conduct. If you feel that you or someone else may have been subjected to conduct that violates this policy, you should report it immediately. If employees do not report discriminatory conduct, the University may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

Investigating and Resolving Concerns

University will ensure that a fair, timely, and thorough investigation is conducted by qualified personnel in an impartial manner that provides all parties with appropriate due process and reaches reasonable conclusions based on the evidence collected. University will maintain appropriate documentation and tracking to ensure reasonable progress is made. At the close of the investigation, University will consider appropriate options for remedial actions and resolutions. If misconduct is found, University shall take prompt, corrective action, as appropriate. University will maintain confidentiality to the extent possible. You will be informed of the results of the investigation.

Supervisor Responsibilities

Supervisors and managers have an obligation to report discriminatory and/or harassing conduct of which they become aware. Supervisors and managers who observe such conduct or who receive any complaints of misconduct must report the conduct or complaint to the appropriate department, representative or Human Resources Business Partner so that an investigation can be made and corrective action taken, if appropriate.

All reports of harassment, discrimination or retaliation will be treated seriously; however, during the investigation of any complaint, a limited disclosure of information to the alleged employee will be required. Certain HR matters cannot be addressed appropriately when the reporter chooses to remain anonymous; as such, the University may not be able to adequately investigate all allegations in an anonymous report.

Retaliation

The University will not tolerate any retaliation against any individual who has expressed a good faith complaint, or who has participated in an investigation. Title IX also prohibits unlawful retaliation. Individuals who believe they have been subjected to unlawful retaliation should immediately inform the Title IX Coordinator.

Please contact any of the following resources:

- The employee's direct supervisor or any member of management
- Human Resource Business Partner or representative

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- Title IX Coordinator or Deputies via the following link: <https://cm.maxient.com/reportingform>²
- Compliance Officer
- EthicsPoint hotline (855) 582-3769
- nu.ethicspoint.com

Title IX – Equity Resolution Process

Title IX of the Education Amendments Act of 1972 is a federal law that prohibits discrimination on the basis of sex in educational programs or activities at institutions that receive federal financial assistance. Complaints of sexual harassment in the workplace is prohibited by Title VII of the Civil Rights Act of 1964 (Title VII). Sexual harassment in this context, including forms of sexual violence, are considered forms of sex discrimination by Title IX.

Any employee, including adjunct faculty, who believes that sex-based discrimination or sexual misconduct/harassment has occurred must report the alleged acts immediately. Any employee, including adjunct faculty, who believes that sex-based discrimination or sexual misconduct/harassment has occurred must report the alleged acts immediately to the Title IX Coordinator. Additionally, all employees receiving reports of a potential violation of this University policy are expected to promptly contact the Title IX Coordinator, as soon as practicable, of becoming aware of a report or incident. All initial contacts will be treated with privacy; specific information on any allegations received by any party will be reported to the Title IX Coordinator or Deputy, but subject to the University's obligation to redress violations, every effort will be made to maintain the privacy of those initiating an allegation. In all cases, the University will consider the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution even when a reporting party chooses not to initiate or participate in the resolution process.

Informal Resolution of Complaints

Where appropriate, individuals who believe that actions prohibited by Title IX have taken place are encouraged to attempt to informally resolve their complaints with the offending party or parties. Where informal resolution would be inappropriate (e.g., sexual assault), or, if after doing so the situation has not been satisfactorily resolved, then individuals should immediately make a complaint, preferably in writing, to the Title IX Coordinator. Individuals are not required to pursue informal efforts or to complain to their supervisor and may end informal efforts at any time.

Formal Grievance Process

Individuals may initiate the formal grievance process at any time by making a complaint with the Title IX Coordinator. The complaint should include details of the conduct (e.g., date, time, location), names of the individuals involved (complainant, victim, perpetrator), the names of any witnesses and any relief sought from the University. With limited exceptions (e.g., certain mental health counseling employees), University employees are required to report sex discrimination to the Title IX Coordinator. Other individuals, including students and third parties, are encouraged to report sex discrimination. Individuals do not need to determine whether sexual discrimination occurred before reporting it to the Title IX Coordinator.

² Employees of the University also can report these issues to the Title IX Coordinator or Equity Officer/Deputy Title IX Coordinator and they will be investigated promptly by the University. The University will take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

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Formal Grievance Process (cont'd)

Complaints will be investigated thoroughly, promptly, impartially, and fairly by qualified persons to determine whether the issue exists or the conduct occurred and if so, the necessary actions that the University will take to remedy the issue or conduct for the complainant and the broader community. The University will investigate complaints regardless of where the conduct occurred to determine whether the conduct occurred in the University's educational or employment setting or has a continuing effect on the University's programs or activities.

The Title IX Coordinator will investigate complaints by applying a preponderance of the evidence standard (i.e., it is more likely than not that sexual harassment, discrimination and/or violence occurred), and will endeavor to resolve complaints within 60 days, though the actual time will vary depending on the circumstances of each complaint.

The investigation will provide all parties appropriate due process, appropriate documentation and tracking for reasonable progress and reach reasonable conclusions based on the evidence collected. Both the complainant and alleged perpetrator will have an opportunity to present witnesses and evidence. The University will institute appropriate interim measures (e.g., referral to, or provision of, counseling, advocacy and support services) and take remedial action to stop any prohibited discrimination based on sex (e.g., no-contact orders, termination; increased monitoring, supervision, or security; training and education), address the discriminatory effects on the complainant and others and prevent future discrimination. Complainants who are dissatisfied with an ongoing investigation or any interim or remedial measures instituted by a Title IX Deputy may submit a written appeal to the Title IX Coordinator with ultimate oversight responsibility.

The University will provide written notice to the complainant and respondent of the outcome of the complaint. Complainants and/or respondents who wish to appeal the investigation outcome may do so by submitting a written appeal to the University President within ten (10) days of outcome notice. A decision by the University President is final.

Confidentiality

The University strongly supports interests in confidentiality. The Title IX Coordinator will consider requests by complainants to maintain their confidentiality. A request for confidentiality may limit the Title IX Coordinator's ability to take steps to investigate and respond consistent with the request for confidentiality (e.g., pursuing discipline against a perpetrator).

Investigations and complaints are kept as confidential as possible, although complete confidentiality cannot be guaranteed. Some situations require that the Title IX Coordinator override a complainant's request for confidentiality in order to meet the University's obligations under Title IX and continue to provide a safe and nondiscriminatory environment for all students and employees. Nevertheless, the Title IX Coordinator will take all reasonable steps to respect a complainant's request for confidentiality while still pursuing other available means to address sexual discrimination, including taking appropriate action to protect the complainant. Similarly, the Title IX Coordinator may proceed with investigation of a complaint even if the complainant asks the Title IX Coordinator not to investigate or seek action against the alleged perpetrator.

An employee, regardless of position or title, who is determined to have subjected an individual to harassment, discrimination, or retaliation in violation of this policy will be subject to discipline, up to and including termination of employment.

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Conduct Not Precluded by this Policy

This policy is not intended to preclude or dissuade employees from engaging in legally protected activities/activities protected by state or federal law, including the National Labor Relations Act, such as discussing wages, benefits or terms and conditions of employment, forming, joining or supporting labor unions, bargaining collectively through representatives of their choosing, raising complaints about working conditions for their and their fellow employees' mutual aid or protection or legally required activities.

If you have any questions regarding this policy, please contact any of the following resources:

- The employee's direct supervisor or any member of management
- Human Resource Business Partner or representative
- Title IX Coordinator or Deputies via the following link: <https://cm.maxient.com/reportingform>³
- Compliance Officer
- EthicsPoint hotline (855) 582-3769
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³ Employees of the University also can report these issues to the Title IX Coordinator or Equity Officer/Deputy Title IX Coordinator and they will be promptly investigated by the University. The University will take appropriate steps to protect individuals who fear that they may be subjected to retaliation.