



# **EMPLOYEE HANDBOOK**

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## **Policy Changes**

## I. INTRODUCTION

### A. Dominican University of California and Its Mission

Dominican College was founded in 1890 by the Dominican Sisters of San Rafael, and in 1917 became the first Catholic college in California to grant the bachelor's degree to women. Since 1969, Dominican's ownership and operation has belonged entirely to a lay Board of Trustees, and the institution has operated as an independent university. Originally established as a women's college, Dominican became fully coeducational in 1971. In 2000, the College became Dominican University of California and its mission reflects this university status:

Dominican University of California educates and prepares students to be ethical leaders and socially responsible global citizens who incorporate the Dominican values of study, reflection, community, and service into their lives. Guided by its Catholic heritage, the University is committed to diversity, sustainability, and the integration of the liberal arts, the sciences, and professional programs.

### B. Employee Handbook

This Employee Handbook is designed to acquaint you with the employee benefits and personnel policies and procedures of Dominican University of California ("Dominican" or the "University"). It outlines the programs we have developed to benefit our employees and describes some of the responsibilities you have as an employee. The Handbook applies to all employees, although some employee benefits apply only to specific categories of employees as indicated.

Dominican is built on its people, and we rely on you to consistently deliver the highest quality work possible. In turn, Dominican's objective is to provide a work environment that is conducive to both your personal and professional growth.

This Handbook is intended only to summarize and highlight Dominican benefits and policies. No Employee Handbook can anticipate every circumstance or question about policy. We will address situations as we become aware of them, and we expect and encourage you to bring to our attention any employment issues that need to be addressed. As circumstances change, the benefits, policies, and practices described in the Handbook may also change from time to time. This Handbook replaces and supersedes all prior staff handbooks and employment practices and procedures. This Handbook does not replace the Faculty Handbook. Applicable sections of this Handbook will be included in the Faculty Handbook. In addition to this Handbook, separate Administrative Policies on specific topics are published and maintained by the office of the Vice President for Finance and Administration. Dominican reserves the right to change, add to or discontinue any of the policies in this Handbook, other than the Employment at-will policy, as it deems appropriate.

Nothing in this Employee Handbook is intended to unlawfully restrict an employee's right to engage in any of the rights guaranteed by Section 7 of the National Labor Relations Act, including but not limited to the right to engage in concerted protected activity for the purposes of their mutual aid and/or protection. Nothing in this Employee Handbook will be interpreted, applied, or enforced to interfere with, restrain, or coerce employees in the exercise of these Section 7 rights.

It is your responsibility to read and understand this Handbook. Please feel free to speak to your supervisor or the Human Resources Office about any questions, comments, or concerns about any of the policies described in this Handbook or about your employment in general.

## **II. GENERAL EMPLOYMENT POLICIES**

### **A. At-Will Employment Relationship**

With the exception of faculty members whose terms of employment are specified in their respective contracts or appointment letters, or covered by a collective bargaining agreement, employment at Dominican is “at-will.” This means that employees may resign from employment at any time and Dominican may terminate the employment relationship at any time, with or without cause or prior notice, as it deems appropriate.

Dominican retains such discretion to take other actions, such as transfer, reassignment or disciplinary action. Employees may be demoted or disciplined, and the terms of their employment may be altered at any time, with or without cause, at the discretion of the University. In addition, because the employment relationship is “at-will,” Dominican may change its employment policies from time to time at its discretion. No manager, supervisor, or staff member of the University has any authority to enter into any agreement for employment for any specified period of time. The only policy not subject to change is the “at-will” employment relationship, which can be modified only via a written agreement signed by Dominican’s President.

### **B. Equal Employment Opportunity**

Dominican is committed to maintaining diversity in the workplace and equal employment opportunity. To provide equal employment and promotion opportunities to all individuals, employment decisions at Dominican are based on merit, qualifications, and abilities. We do not discriminate in employment opportunities, decisions, or practices on the basis of an individual's race (including hair texture and hairstyle), color, national origin, ancestry, sex (including pregnancy, childbirth and any related medical condition, breastfeeding, and conditions related to breastfeeding), gender (including gender identity and gender expression), age (age 40 and over), marital status, registered domestic partnership status, mental or physical disability, medical condition, religion (including religious dress and grooming practices), sexual orientation, military or veteran status, genetic information, or any other characteristic protected by law. This policy governs all aspects of employment at Dominican, including hiring, assignments, training, promotions, compensation, employee benefits, employee discipline and discharge, and all other terms and conditions of employment.

In addition, in accordance with California law, Dominican does not discriminate against employees on the basis of a lawful change of name, Social Security Number, or federal employment authorization document; receipt of Medi-Cal coverage; or having a California driver’s license with a “federal limits apply” notation. Any member of the University community who would like advice or assistance regarding any incident or action that is perceived as discriminatory, or harassing conduct that would be prohibited under this handbook should contact the Director of Human Resources/Title IX Coordinator. Anyone found to be engaging in any unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

### **C. Accommodating Disabilities**

The Americans with Disabilities Act (ADA) and corresponding state law require that employers make reasonable accommodations, if the accommodation does not pose an undue hardship, and after an interactive dialogue with the employee about the request. Dominican offers reasonable accommodations to qualified individuals with physical or mental disabilities to the extent the accommodation will enable them to perform the essential functions of the job and will not create an undue hardship for the University’s operations.

Additionally, the University will consider whether an accommodation can be made for employees whose medical conditions are temporary or deemed not to meet the definition of a medical disability under the ADA.

If you believe that you need reasonable accommodation because of a disability, please speak with the Human Resources Office. Human Resources coordinates the interactive process among the employee, the medical provider, and the department. Accommodations are assessed and the Human Resources Office notifies all parties of the final decision. Requests to change classroom assignments for academic courses are included in this process.

#### **D. Harassment-Free Workplace**

Dominican University does not tolerate harassment in the workplace. Please refer to the Discrimination, Harassment, and Retaliation Prevention Policy (DHRP). This policy is provided at the time of hire and available online or from the Human Resources Office.

##### **1. Prohibited Harassment**

The University is committed to maintaining a positive learning, working, and living environment. Each individual has the right to work, learn, and live in a professional atmosphere that promotes equal opportunity and prohibits discriminatory practices, including sexual and other forms of prohibited harassment. Such prohibited harassment is unacceptable and will not be tolerated. This policy applies to all Dominican community members – not only employees but also to contractors, consultants, vendors, interns, volunteers, and students. This policy both protects our community and governs conduct.

Dominican prohibits harassment of any its employees based on an individual's race (including hair texture and hairstyle), color, national origin, ancestry, sex (including pregnancy, childbirth and any related medical condition, breastfeeding, and conditions related to breastfeeding), gender (including gender identity and gender expression), age (40 and over), marital status, registered domestic partnership status, mental or physical disability, medical condition, religion (including religious dress and grooming practices), sexual orientation, military or veteran status, genetic information, lawful change of name, Social Security Number or federal employment authorization document, receipt of Medi-Cal coverage, having a California driver's license with a "federal limits apply" notation or any other characteristic protected by law in admission and access to, and treatment and employment in, its educational programs and activities.

Prohibited harassment includes, but is not limited to, epithets, slurs, derogatory comments or jokes, intimidation, negative stereotyping, threats, assault, or any physical interference with the employee's normal work or movement. Harassment may also include written or graphic material placed on walls, bulletin boards, or elsewhere on Dominican's premises or circulated in the workplace that denigrates or shows hostility or aversion towards an individual or group because of the characteristics identified above.

Whether or not the person means to give offense or believed their comments or conduct were welcome is not significant. Rather, Dominican's policy is violated when conduct based on the above listed protected classes sufficiently offends, humiliates, or distresses an employee or other individuals, whether recipients or mere observers, so as to disrupt their emotional tranquility in the workplace,



interfere with their personal sense of well-being, or affect their ability to perform their job as usual.

## **2. Sexual Harassment**

Sexual harassment is a form of prohibited harassment requiring special mention. Sexual harassment is defined as unwelcome sexual conduct of any nature that creates an offensive or hostile work environment, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal and physical conduct of a sexual nature. Types of sexual harassment may include quid pro quo sexual harassment or hostile environment harassment, which are defined in the Title IX Policy and the Discrimination, Harassment, Retaliation Prevention Policy. Sexual harassment, like other forms of prohibited harassment, will not be tolerated.

Sexual harassment is not limited to conduct motivated by sexual attraction or desire. It may occur between members of the opposite sex or members of the same sex, regardless of their sexual orientation. It also may be in the form of non-sexual, offensive conduct directed at an employee because of their gender (including gender identity and gender expression).

The legal standards and consequences of unlawful sexual harassment are still evolving. Dominican's policy is more all-encompassing than what the law prohibits. This is because Dominican's policy rests on the fundamental precept that each employee must treat all others with respect, dignity, and professionalism.

## **3. Reporting a Complaint**

Dominican encourages any individual who believes they have been harassed or who has witnessed harassment to report that conduct regardless of the identity of the offender. We also encourage individuals who believe they are being harassed to firmly and promptly notify the offender that their behavior is unwelcome. Because this may be difficult, such direct communication is not a requirement of filing a complaint.

An individual who believes that they have been harassed, or has witnessed or become aware of possible harassment, including any behavior prohibited by this policy, should immediately report the incident to the Title IX Coordinator or Deputy Title IX Coordinator in-person, by phone or by emailing [TitleIX@dominican.edu](mailto:TitleIX@dominican.edu). Complaints may also be made outside of business hours by emailing [TitleIX@dominican.edu](mailto:TitleIX@dominican.edu) or calling the Campus Conduct Hotline (see Whistleblower policy). Dominican encourages prompt reporting of complaints so that we can take appropriate action. Late reporting by itself, however, will not preclude Dominican from taking remedial action.

Any manager or supervisor who sees or hears about conduct that may constitute harassment under this policy must immediately contact the Title IX Coordinator or Deputy Title IX Coordinator.

Dominican will not retaliate, nor will it tolerate retaliation, against individuals who complain in good faith about harassment in the workplace or who participate as a Witness in the investigation of harassment.

## **4. Investigating the Complaint**

Complaints of violations of University policies or allegations of discrimination, harassment, sexual misconduct, and retaliation will be resolved in accordance with the separately published Title IX Policy for Students and Employees and Discrimination, Harassment, and Retaliation Prevention Policy for Employees (Title IX/DHR Policy). This policy is available online or from the Human Resources Office.

#### **5. *Consensual Relationships***

Dominican is committed to fostering a professional work environment where all employees are treated fairly and impartially by their managers. The University specifically prohibits consensual sexual or physically intimate relationships between faculty and students, between staff and students, and between employees of third-party consultants/contractors/vendors and students. Intimate personal relationships between supervisors and subordinates may result in workplace problems, such as a lack of objectivity in supervising and evaluating employees, the perception of favoritism by other employees (whether justified or not), and the potential for sexual harassment claims. The University further prohibits intimate personal relationships between employees where a power differential exists. Please consult with Human Resources with any questions or to discuss any unique circumstances, such as a partner taking classes utilizing an employee tuition waiver benefit.

#### **E. *Whistleblower Policy***

It is Dominican's intent to protect its integrity, ensure the highest standards of conduct among its employees, and adhere to all applicable laws and regulations. Dominican therefore encourages employees to report any reasonable belief that a legal violation has potentially occurred due to any policy, practice, or activity by Dominican or its employees, students, vendors or other members of the Dominican community. The employee may submit a report of any such potentially improper activity on a confidential basis. Alternatively, the employee may provide an anonymous report, but anonymous reports must include sufficient specific facts to enable Dominican to investigate the matter.

Dominican will not retaliate against an employee who, in good faith, reports any potentially improper activity. Nor will Dominican tolerate any other employee retaliating against or attempting to influence the employee. Any employee who does so will be subject to discipline up to and including termination of employment.

Dominican will conduct a prompt and appropriate investigation into all reports of potentially improper activity. All employees are required to cooperate with Dominican's internal investigations by providing any requested information and truthfully and fully answering questions. Failure to cooperate with or impeding an investigation, or knowingly providing false information, will result in disciplinary action. Reports of potentially improper activity and related investigations will be kept confidential to the extent possible, consistent with the need to conduct an appropriate investigation.

Anyone found to have engaged in improper activity will be subject to disciplinary action up to and including termination of employment. Civil liability or criminal prosecution of the wrongdoer may also result.

Anonymous reports may be made via the Campus Conduct Hotline by calling 866-943-5787. Visit [www.campusconduct.com/incident.aspx](http://www.campusconduct.com/incident.aspx) for more information. In order to maintain anonymity, this third-party service will not record your call or keep your phone number, and identifying information, such as gender, will not be included in the summary of complaint. A case reference number will be provided for you to check on the status of the complaint.

## **F. Open Door Policy**

Dominican strives for an open environment that encourages employees to participate in decisions affecting them and their daily responsibilities. We believe that open and direct communication will produce a productive workplace, enhance the quality of decisions, and ultimately improve the quality and value of the education and services we deliver.

Employees with job-related concerns or complaints are encouraged to discuss them with their supervisor or any other management representative with whom they feel comfortable. The discussion should occur as soon as possible after the events causing the employee's concern.

We cannot guarantee that Dominican will make the suggested changes or resolve the concern in the way preferred, but voicing concerns will allow us to address them and provide important feedback for us in our efforts to improve Dominican and our work environment. No employee will be disciplined or otherwise penalized for raising a good-faith concern.

This open door policy is an important tool for maintaining Dominican's environment of mutual respect and for resolving individual or group differences informally without fear of retaliation.

## **III. EMPLOYMENT STATUS**

### **A. Employment Categories**

Each employee is categorized as full-time or part-time, and as exempt or non-exempt. In addition, certain employees are designated as temporary employees. Employment classifications for faculty are specified in the Faculty Handbook or in the Collective Bargaining Agreement, as applicable. Where any policy herein conflicts with a term or policy of an applicable Collective Bargaining Agreement, the Collective Bargaining Agreement shall govern. Employees and volunteers must be at least 18 years of age, or 17 with a high school diploma, or equivalent.

#### **1. Full-Time/Part-Time**

FULL-TIME employees are regularly scheduled to work 30 hours or more per week. PART-TIME employees are regularly scheduled to work fewer than 30 hours per week.

#### **2. Exempt/Non-Exempt**

Each employee will be informed when hired whether they are in an exempt or non-exempt position. These categories refer to whether the employee is eligible for overtime pay.

Dominican classifies each position as exempt or non-exempt based on the California Labor Code, Department of Labor criteria, and other applicable laws and regulations.

The EXEMPT category applies to certain administrative, professional, computer professional, executive, and outside sales employees, including all those performing faculty roles. Exempt employees are expected to carry out a set of responsibilities regardless of the exact number of hours worked and do not receive additional pay for working more than their expected number of hours. Exempt employees' salaries already take into account that they sometimes work long hours.

The NON-EXEMPT category applies to all other employees. Non-exempt employees receive extra pay

for overtime work (as described in the overtime section of this Handbook).

Employees who have questions about whether they are correctly classified or who believe they have been misclassified should bring their concerns to the attention of their supervisor or to the Human Resources Office as soon as possible. Dominican will re-evaluate the position and make any corrections that are warranted.

### **3. *Temporary Employees***

Dominican occasionally hires temporary employees for short, indefinite periods, usually three months or less. Temporary employees may be full-time or part-time.

#### **B. Personal Data**

It is the responsibility of the employee to update the Human Resources Information System (HRIS) with any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, beneficiaries, tax-withholding information, individuals to be contacted in the event of an emergency, and other such personal data must be accurate and current at all times. Dominican will maintain the confidentiality of such information in accordance with the University's Privacy Policy.

#### **C. Personnel Files**

The Human Resources Office maintains the personnel file for each employee. Employees may contact the Human Resources Office to receive a copy of their personnel file with a minimum of 10 days notice, or as outlined in the Adjunct Faculty Collective Bargaining Agreement. The University will share information contained in an employee's personnel file with University officials who have a legitimate need to know and in accordance with its legal obligations. In addition, the University will share employee records when required in order to cooperate with authorized law enforcement or local, state, or federal agencies conducting official investigations. See also University Administrative Policy on Release of Information in Response to Campus Visits by Government Officials Policy.

#### **D. Employment Verification and References**

Dominican will release only an employee's job title and dates of employment to third parties, unless the employee signs a written authorization to disclose further information about their employment. All outside inquiries regarding employment verification or reference checks for current or former Dominican employees must be directed in writing to the Payroll Office. Only Human Resources and Payroll are authorized to provide employment verification on behalf of the University for any current or former employee. Other employees should not provide employment information on behalf of the University.

Providing a personal reference is at the discretion of the individual giving the reference, however, it must be

explicitly communicated that they are not speaking on behalf of the University.

#### **E. External Communications**

Outside sources sometimes contact employees to request information about University matters, including information regarding current or former employees, University projects, or other workplace concerns. All media responses on behalf of the University must be directed through the Communications, Media Relations, and Public Affairs Office.

Legal inquiries from outside attorneys or investigators regarding University business, including information regarding current or former employees, University projects, or other workplace concerns must be directed to the Vice President for Finance and Administration.

To avoid providing private, inaccurate, or incomplete information on behalf of the University to outside sources, any employee contacted by an outside source regarding the University's response to a data request should immediately contact the Vice President for Finance and Administration. No employee may provide personal information about another employee or a student to anyone – including government agencies – without University authorization. See also University Administrative Policy on Release of Information in Response to Campus Visits by Government Officials Policy.

#### **F. Leaving the University and Retirement**

Employees who have decided to resign from Dominican are requested to provide at least two weeks' notice as a courtesy. This will enable Dominican to arrange for a replacement and help to smoothly transition responsibilities.

A former Dominican employee is classified as a retiree if, when they voluntarily resign from the University, they meet each of the following requirements:

1. They have completed a minimum of 10 years of full-time continuous service
2. They are either age 60 or older OR their years of service plus their age add up to 70 or more

As part of the exit process Dominican provides employees the opportunity to comment on and evaluate their employment. Dominican hopes this constructive feedback will help identify any areas that need further attention to provide the best possible work environment. Prior to leaving the University, the Human Resources Office will explain the change of benefits after employment ends. By the final day of employment, employees will be expected to return all Dominican property and equipment, including but not limited to, keys, credit cards, laptops, and mobile devices.. An employee's final paycheck will be given on the last day of work.

#### **G. Involuntary Reduction in Workforce**

Under some circumstances, the University may need to restructure or reduce its workforce or reduce the number of hours an employee works. If it becomes necessary to restructure University operations or reduce the number of employees, the University will attempt to provide advance notice wherever possible to minimize the impact on those affected. If feasible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

## **IV. JOB PERFORMANCE**

## **A. Job Responsibilities and Performance Evaluations**

The first three months of employment are considered an introductory period. During this time, a supervisor closely monitors a new employee's performance. Successful completion of the introductory period does not entitle an employee to a pay increase, nor does it alter an employee's "at-will" employment relationship.

Employees should receive a job description for their position upon hire. Ongoing discussions between supervisors and employees about job duties, performance standards, goals, and priorities enhance employees' performance and satisfaction with their job. The University may, at any time, alter or change job responsibilities.

Supervisors and employees are expected to discuss job performance and goals on an informal, day- to-day basis. For new employees, a check-in review should be conducted after approximately three months of employment. A second check-in review should be conducted after approximately six months of employment. These check-ins are an excellent opportunity to clarify an employee's questions about their job. They give the employee and their supervisor(s) the opportunity to discuss job tasks, encourage and recognize strengths, identify, and correct weaknesses, and discuss constructive, purposeful approaches to meet goals.

Supervisors must provide staff employees, including faculty with administrative roles, with annual performance evaluations. In addition to assessing strengths and challenge areas, the annual evaluation is an opportunity to discuss and set goals along with establishing strategies to meet those goals. Staff employees are given the opportunity to submit a self-evaluation besides the supervisor's evaluation. Performance evaluations do not indicate any action or change of status, i.e., salary increase, promotion/demotion, or continued employment.

## **B. Performance Management**

Supervisors are expected to address performance concerns immediately as they arise. Dominican will attempt to ensure that corrective action (both formal and informal) is fair, firm, and consistent. The University prefers to use a progressive discipline approach to performance problems. Depending on the specific circumstances (the type and severity of the performance problem), a progressive discipline approach includes steps such as providing informal coaching and counseling, followed by a documented verbal warning, written warnings, suspension, demotion, performance improvement plan, and/or termination. The University reserves the right to proceed directly to a written warning, demotion, or termination for misconduct or performance deficiency, without resorting to prior disciplinary steps.

# **V. COMPENSATION AND WORK HOURS**

## **A. Payroll and Paydays**

Employees are paid twice a month, on the 15th and the last day of the month. If a payday falls on a weekend or holiday, paychecks will be distributed on the preceding workday. Paychecks are directly deposited in the employee's bank account, unless otherwise requested.

### **1. Compensation Practice**

Employee compensation is reviewed annually. Salary reviews take into account job descriptions, equity considerations and current market rate basis for compensation. Position market rates are based on an independent Bay Area compensation assessment and are adjusted annually.

Each fiscal year, pending financial ability, the University will consider an across-the-board salary increase to all employees. This institutional salary increase will be contingent on the fiscal priorities for the University. The salary increase may be enacted at any point during the fiscal year and will be included in the paycheck following the effective date of the increase.

When an across-the-board salary increase is distributed, it will be effective for all employees except:

- 1) New employees hired within the six months prior to the effective date of the increase (i.e. if the salary increase is effective 7/1, then it will not apply to any employee hired on or after 1/1);*
- 2) Employees who have had any salary or pay increase within the six months prior to the effective date of the increase (same example as above);*
- 3) Employees in an interim role with an increased salary that is higher than the annual adjustment amount. (Note: When the employee returns to their previous role at a later date, the salary increase amount for that year will be applied on the effective date of the return to the previous salary.)*

## **B. Attendance and Punctuality**

Specific work hours and days are assigned at the time of hire in accordance with departmental needs. Please note that all schedules are subject to change, as necessary.

To maintain a productive work environment, Dominican expects employees to be reliable and punctual in reporting for work at their regularly scheduled start time. Absenteeism and tardiness place a burden on other employees and on Dominican.

If you cannot avoid being late to work or are unable to work as scheduled, you must notify your supervisor as soon as possible, but no later than 15 minutes after the start of your normal work shift on the day of the absence or tardiness, and on each additional day of absence. Employees who must leave work early are required to notify their supervisor before leaving the office.

All employees are required to report their absences to their supervisor immediately. Exempt staff and 12-month faculty must record absences of 2 hours or more in the timekeeping system. Type of absence, such as vacation, personal, sick, or unpaid time off, must be indicated. Supervisors are required to review and confirm all employee reported and submitted absences for each pay period.

Excessive absenteeism or an inappropriate period pattern of absences can lead to disciplinary action, up to and including termination. Absences during an approved leave for other protected purposes are not considered for disciplinary purposes.

If an employee fails to report for work for three or more days without notifying the appropriate supervisor, Dominican will consider that the employee has abandoned their job and has voluntarily resigned their employment, with exceptions related to job-protected leaves.

## **C. Timekeeping**

Accurately recording time worked is the responsibility of every non-exempt employee. Federal and state laws require Dominican to keep an accurate record of time worked to calculate employee pay and benefits.

Non-exempt employees must record their work hours accurately daily and note the time they begin and end their workday. Employees must log out before they leave their desks for lunch or leave the office for the day. All non-exempt employees are required to record exact start and end times for their work hours. Non-exempt employees must submit all hours in the timekeeping system for approval according to payroll calendar deadlines.

Failure to comply with Dominican's timekeeping rules may lead to disciplinary action, including immediate dismissal.

#### **D. Breaks and Meal Periods**

Non-exempt employees are provided with appropriate rest periods on each day they work more than 3.5 hours total. Non-exempt employees are entitled to a paid, uninterrupted, 10-minute paid rest break for every four hours worked; partial four-hour periods are rounded up when they are longer than two hours as illustrated in the table below.

<b>Time Worked</b>	<b>Rest Time Owed</b>
Less than 3.5 hours	None
3.5-6 hours	10 mins (1 10-min break)
6-10 hours	20 mins (2 10-min breaks)
10-14 hours	30 mins (3 10-min breaks)

Non-exempt employees working an 8-hour day are entitled to two ten-minute break periods, in approximately the middle of the first half and the second half of their shift. Breaks should be arranged with your supervisor to accommodate the workflow. Employees who choose to smoke during their breaks (in the designated areas) are not entitled to additional break time. Employees who find that work is preventing them from taking a rest break must notify their supervisor so arrangements can be made. Unless the employee provides this notification, Dominican will assume the employee is taking or voluntarily foregoing the rest breaks to which the employee is entitled.

Non-exempt employees who work more than a five-hour shift also are provided with a 30 minute unpaid meal period each workday, which must begin before the end of the fifth hour of work. Employees will be relieved of all duties during the meal period and will not be interrupted during the meal period. Taking a timely 30 minute duty-free meal period is mandatory. Employees who work six hours or less may voluntarily forego the meal period with advance supervisor approval and by recording their waiver in the timekeeping system. A second unpaid meal period is provided on days the employee works more than 10 hours, which must be started before work time exceeds 10 hours. The second meal period is also mandatory, except for employees who work 12 hours or less and took the first meal period, who may voluntarily forego the second meal period with advance supervisor approval and by recording their waiver in the timekeeping system.



An employee who believes that work responsibilities are preventing the employee from taking a meal period, or who does not receive an additional meal or rest break when a break is interrupted due to business needs, must notify the supervisor so arrangements can be made. Non-exempt employees must record the time they leave for and return from the meal period in the timekeeping system. Employees who violate this policy will be subject to disciplinary action.

Employees may not forego breaks or lunch periods in order to leave work earlier.

#### **E. Accommodation for Nursing Mothers**

Dominican will provide nursing mothers with a private lactation room (other than a restroom) and additional break time for the purpose of expressing milk. The lactation room shall be in close proximity to the employee's workspace, shielded from view, and free from intrusion while the employee is expressing breast milk. The lactation room is located in Guzman 208. Please contact Human Resources for access information.

The lactation room or location will be safe, clean, and free of hazardous materials, contain a surface to place a breast pump or personal items, contain a place to sit, and have access to electricity. Dominican will also provide access to a sink with running water and a refrigerator suitable for storing milk.

Employees can use their regular rest breaks for this purpose. Employees who need a different or additional time should make arrangements with their supervisor. Regular rest break time used for expressing breast milk will be paid, but where additional time off is provided as special accommodation, that time may be unpaid.

#### **F. Overtime Procedure**

While overtime may occasionally occur depending on workload and department priorities, all overtime must be approved in advance by a supervisor.

Dominican pays overtime compensation to non-exempt employees in accordance with state and federal wage and hour requirements. Unless an alternative workweek schedule has been adopted, overtime is paid as follows: (1) One and one-half times the employee's regular rate of pay for hours worked over 8 in a day, over 40 in a workweek, or up to 8 hours on the seventh consecutive day of work in the workweek; or (2) twice the employee's regular rate of pay for hours worked over 12 in a day and over 8 on the seventh consecutive day of work in a workweek.

For purposes of computing overtime, Dominican's workweek runs from Sunday at 12:01 a.m. through Saturday at midnight, and the workday runs from 12:01 a.m. through midnight. Only hours actually worked are considered in calculating overtime. Paid time off (such as vacation, sick leave and holidays) does not count toward hours worked, nor are lunch periods considered hours worked. In accordance with California law, daily overtime hours do not count toward the 40-hour weekly overtime threshold.

Exempt employees do not receive overtime pay.

#### **G. Make-Up Time**

Non-exempt employees who take approved time off work for personal reasons may, under certain circumstances, be allowed to make that time up on another work day in the same workweek, so long as the employee does not work longer than 11 hours on that day and 40 hours in the week. Overtime will not be paid for make-up time.

An employee who wishes to make up time for a personal absence must submit a written request to their supervisor in advance of working make-up time. A written request is always required for which make-up time is requested. The request must state what day the absence occurred, the length of the absence, and the requested make-up time schedule. The make-up time must be scheduled in the same week as the personal absence. Employees and supervisors must work with Payroll to accurately reflect make-up time in the timekeeping system. All make-up time requests are subject to approval by the employee's supervisor. For purposes of make-up time, an employee's regular rate of pay will be used up to 11 hours in a single day where make-up time is scheduled.

## **H. Compensatory Time Off**

Dominican does not provide compensatory time off to employees who work beyond their normal work hours. Non-exempt employees will receive overtime pay when they work overtime, and may not take time off in lieu of receiving overtime pay. If time needs to be missed and the employee wishes to make the time up, refer to the Make-Up Time policy. Exempt employees receive a fixed salary intended to cover all compensation to which they are entitled, and Dominican does not maintain any compensatory time off plan or arrangement that provides them additional paid time off when they work long hours.

## **I. Exempt Employee Salaries**

In compliance with state and federal law, exempt employees are paid on a salary basis, meaning they receive a predetermined salary each week that is not subject to reduction based on quantity or quality of work, except as legally allowed. Exempt employees who are absent from work for an entire workweek will not be paid for that week unless they use paid leave.

Exempt employee pay is subject to reduction only in the following circumstances:

*Absences for Illness: Exempt employees who are absent for a half-day or more because of sickness or disability will be paid through their available accrued paid time off pursuant to Dominican's accrued paid time off policies.*

*Absences for Personal Reasons: Exempt employees who are absent from work for a half day or more for personal reasons other than sickness or disability are required to use accrued paid time off for the period of absence. An exempt employee who does not have sufficient accrued paid time off to cover an absence will have a deduction made from salary only where the absence is for a full day.*

*Family/Medical Leave: Dominican will reduce the salary of an exempt employee who takes unpaid family care or medical leave intermittently or on a reduced schedule. Reductions will be done in full-day increments.*

*First or Last Weeks of Employment: Exempt employees who work fewer than five days during their first or last week of employment will be paid a proportionate share of their full salary for the days actually worked.*

*Legally Required Absences: Exempt employees who are absent from work for part of a Monday- Friday workweek for jury duty, attendance as a witness at a trial, or temporary military leave will receive their full pay for that week, offset by the amount of payment they receive in jury fees, witness fees, or military pay. Exempt employees who are absent from work for these reasons for an entire workweek*

*will not be paid for that week unless they use their vacation time.*

Exempt employees who believe that an improper deduction has been made from their salary should submit a written notification to the Human Resources Office explaining the nature of the deduction made and why you believe the deduction to be improper. Dominican will evaluate your report and promptly reimburse you if the deduction was improper or will contact you and explain why the deduction was proper.

## **J. Employee-Requested Telecommuting, Reduced or Flexible Work Schedule**

Dominican's operational style is highly collaborative and in-person presence and availability is needed to provide high quality and efficient service to students, faculty, and staff.

Supervisors within each department manage flexible schedules so long as core business hours have sufficient coverage and department needs are met. Examples of flexible schedules include early or late start times, or weekend shift work.

Reduced work schedules and remote work will be considered case-by-case. The supervisor, the appropriate Vice President or Dean, and the Director of Human Resources must approve the request in advance before implementation. In response to these requests, the following information should be considered:

- Full-time positions are needed in most departments to sufficiently cover the workload responsibilities of the team.
- Supervisors are responsible for the work produced by their teams and must have ongoing knowledge of their activities.
- Many employees often work with sensitive University data that should not be handled off campus, as doing so presents a data security risk.
- Employees are provided the devices, equipment, and technology to perform their duties on- campus and not at home. The University must consider management of workplace and workstation safety.

Requests for telecommuting and remote work should be made using the Telecommuting and Remote Work Agreement Form. Please allow 4-6 weeks for the request to be evaluated. City and other local ordinances may be used as a factor in the approval process of a request to work remotely or relocate out of the state of California. Written requests for a reduced work schedule or remote work should be made to the employee's supervisor and Director of Human Resources. International remote work, outside of what is required for Dominican business, will not be accommodated at this time.

## **K. Flexible Workplace Management**

### Flexible Workspace Management - Staff

Dominican University prioritizes a flexible work model. Department managers and team leaders are asked to work with their staff to develop flexible working spaces by creating hybrid and dedicated office spaces for their teams while keeping space management in mind. This will likely look like more versatile spaces geared toward multi-person use.

A **hybrid office** is a flexible workspace that accommodates multiple remote and/or in-office employees. This space provides employees and teams with the right environment and tools to foster a joyful work experience, collaboration, efficiency, and adaptability to different employees' needs.

A **dedicated office** space is the traditional single use office space dedicated to an individual employee. These spaces should be prioritized for employees who need ongoing dedicated office space for confidentiality needs and/or who are working on campus most of the time.

Employees who are working in-office for 60% of their time or more will be guaranteed a dedicated office space.

## **VI. STATE AND FEDERAL MANDATED BENEFITS APPLICABLE TO ALL EMPLOYEES**

### **A. California Sick Leave**

All employees, including part-time and temporary employees, are eligible for California Sick Leave, provided they work at least 30 days within 12 months of their hire date. Dominican will grant 40 hours or five days, whichever is greater, of paid sick leave to employees covered by this California Sick Leave policy upon hire, and on January 1 each year thereafter. Employees may not use California Sick Leave until 90 days after hire. Unused California Sick Leave will carry over from calendar year to calendar year but the accrual will be capped at 80 hours or 10 days, whichever is greater. Adjunct Faculty, 9-month Faculty, and 12-month Faculty employees are provided with sick leave in accordance with the Collective Bargaining Agreement.

### **B. California State Disability Insurance Benefits**

Employees requiring a leave of absence for a medical disability must notify the Human Resources office. Employees on medical disability leave for eight or more consecutive calendar days may be eligible for California State Disability Insurance (SDI) benefits. Employees must apply directly to the state for these benefits. SDI does not provide additional leave, job protection, or reinstatement rights beyond those provided by our policies or by applicable state or federal law. Dominican's Leave of Absence policies are contained in the Leave of Absence section.

### **C. Workers' Compensation Insurance**

Dominican provides a comprehensive workers' compensation insurance program to all employees. This program covers injuries and illnesses sustained in the course of employment and that require medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or immediately in the event of hospitalization.

Any employee who sustains a work-related injury or illness should immediately inform their supervisor and the Human Resources Office. No matter how minor an on-the-job injury may appear, it should be reported immediately. This will enable eligible employees to qualify for coverage as quickly as possible.

### **D. Paid Family Leave Benefits**

Pursuant to California law, Paid Family Leave (PFL) provides benefits to Employees who need to take time off work to care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner. PFL also provides Military Assist benefits to those who need time off work because of the military deployment of their spouse, registered domestic partner, parent, or child to a foreign country. Benefits are also available to parents who need time to bond with a new child entering their life

either by birth, adoption, or foster care placement.

The state's PFL program provides partial wage replacement benefits during an absence for these purposes. The PFL program does not provide additional leave, job protection, or reinstatement rights beyond those provided by our policies or by applicable state or federal law. Employees must apply directly to the state for PFL benefits. Employees must apply separately for a leave of absence under Dominican's Leave of Absence policies.

All California employees contribute to a pool of funds that has been set aside to pay for PFL Benefits. The funds are collected every payroll period by an increase in the State Disability Insurance (SDI) rate. PFL is funded entirely by employee contributions. The program is administered by the State, not by Dominican.

#### **E. Consolidated Omnibus Budget Reconciliation Act ("COBRA")**

Pursuant to COBRA, eligible employees and their dependents may in most instances continue group health insurance coverage at their own expense after they leave employment with Dominican or otherwise become ineligible for Dominican-provided health benefits. Additional information about COBRA will be furnished to an employee in the event they should leave Dominican or otherwise become ineligible for group health insurance coverage. Employees whose dependents or spouses lose their eligibility for group health insurance coverage should contact the Human Resources Office immediately.

### **VII. ELIGIBLE EMPLOYEE BENEFITS**

Dominican provides a comprehensive package of employee benefits to eligible employees. As with our employment policies in general, our employee benefits are reviewed on an ongoing basis and we expect them to change. Some benefits, such as medical and dental benefits, are defined in legal documents, such as insurance contracts and official plan documents. If there is any conflict between the benefit summaries in this Handbook and any applicable legal document, the language of the legal document will govern. Visit Dominican's benefits website [at http://benefits.filice.com/dominican/](http://benefits.filice.com/dominican/) for annual Benefits Guide and additional information.

## A. Benefits Eligibility

Full-time employees who are regularly scheduled to work 30 hours or more per week are considered benefits-eligible. Additionally, employees qualifying under the Affordable Care Act (ACA), or under the terms of a Collective Bargaining Agreement (CBA), are eligible for select benefits.

This section describes a wide range of benefits offered at Dominican; however, eligibility depends upon status and classification of the position. The table below indicates benefit-eligibility for certain benefits for some employee classifications; it is not a complete illustration, and is subject to annual updates depending on legal plan documents. Contact the Human Resources Office if you have questions about your eligibility.

Benefits Eligibility by Employee Classification Table

Employee Classification	Medical, Dental, Vision	403(b) Employee Contributions <sup>1</sup>	403(b) Employer Contributions <sup>2</sup>	Accrued Time Off <sup>3</sup>	CA Sick Time	CBA Sick Time	Employer Paid Life Insurance
FT Staff, FT 12-month Faculty	✓	✓	✓	✓		✓	✓
FT 9-month Faculty	✓	✓	✓			✓	✓
Adjunct Faculty, PT (CBA/ACA Eligible)	✓	✓				✓	✓
Staff, PT (ACA Eligible)	✓	✓			✓		✓
Staff and Adjuncts, PT, Non-ACA Eligible		✓			✓		
Student Employees, PT, Non-ACA Eligible					✓		

<sup>1</sup> TIAA-CREF 403(b) Retirement Plan: Effective 7/1/13, employee is eligible to participate upon hire without Dominican contribution.

<sup>2</sup> After 1 year of continuous employment and 1,000 work hours, employee is eligible for Dominican matching contribution. An employee who returns to Dominican less than 6 months after leaving an eligible position will retain years of service for purposes of calculating retirement matching.

<sup>3</sup> Accrued Time Off = Vacation, Personal Days, Summer Days, Sick Leave

## B. Group Benefits Insurance

Dominican offers group health insurance to eligible employees. Plans and rates are subject to change on an annual basis. Booklets describing all group health plans, including eligibility rules and benefits, and additional information are available online at <http://benefits.filice.com/dominican/> and in the Human Resources Office.

## C. Vacation

Accrued vacation days may be requested and used for time away from the University.

### 1. *Vacation Accrual Schedule*

Eligible employees, as defined above, accrue (or earn) vacation depending on the length of time they have been employed with Dominican. The accrual schedule below shows accrual rates for full-time employees. Vacation accrual for eligible employees working less than 40 hours is pro-rata based on the number of hours they are regularly scheduled to work.

<b>Employment Category</b>	<b>Length of Employment</b>	<b>Vacation Hours Earned Per Pay Period</b>	<b>Vacation Days Earned on Annual Basis</b>	<b>Maximum Vacation Accrual</b>
<b>Non-Exempt</b>	Date of hire up to 3 years	3.33 hours	10 days	17.5 days
	3+ years	5.00 hours	15 days	22.5 days
<b>Exempt</b>	Date of hire up to 3 years	5.00 hours	15 days	22.5 days
	3+ years	6.67 hours	20 days	27.5 days
<b>VPs, Deans, President</b>	Date of hire up to 3 years	6.67 hours	20 days	27.5 days
	3+ years	8.33 hours	25 days	27.5 days

#### 1. *Maximum Accrual*

Employees are encouraged to take their vacation during the service year in which it is earned. Once an employee's unused vacation balance reaches the maximum for their employment category and years of service, the employee will stop accruing vacation. When the employee's unused vacation balance drops below the maximum, the employee will begin accruing vacation again in accordance with the accrual schedule. An employee who is on an unpaid leave of absence (including leaves of absence that may be paid for by a third-party, such as workers' compensation insurance or California Paid Family Leave) does not earn vacation. An employee who leaves Dominican will be paid for any earned and unused time off.

#### 2. *Taking Vacation*

Vacation time can be taken only with the prior permission of the employee's supervisor. A request for time-off must be submitted to your supervisor for approval in our timekeeping system. Vacation requests must be made as far in advance as possible.

Generally, vacation requests will be accommodated according to the needs of the department.

Supervisors may deny requests for vacations during peak business periods, for times of the year when numerous vacation requests are received, or for vacation lengths that cannot be accommodated.

Employees may not use vacation time before it is accrued.

#### **D. Personal Days**

Annually on January 1, eligible employees receive three personal days to use as floating holidays. These personal days may be used to celebrate holidays not observed by the University, or to celebrate a birthday or anniversary. Personal days may be used on any day chosen by the employee; they need not be used on the actual date of the holiday or celebration.

Personal days can be taken only with prior permission of the employee's supervisor. Personal days are granted each year on the first of January. The maximum number of personal hours that can be accrued is 3 days. The number of personal days for employees working fewer than 40 hours, or who start mid-year, is calculated on a pro-rata basis.

- New hire start date: 1/1 – June 30 = 24 hours, 7/1-9/30 = 16 hours, 10/1-12/31 = 8 hours

#### **E. Summer Personal Days**

Annually, on June 1st, Eligible employees receive up to three (3) personal summer days that are eligible for use between June 1st and August 31st. The maximum number of summer days that can be accrued is three (3) days. Summer personal days use may be requested for use at administration's discretion to supplement a holiday week closure. Summer days can be taken only with prior permission of the employee's supervisor. Employees who start after June 1st in any given year are not granted personal summer days in that hiring year.

#### **F. Holidays**

At the end of the calendar year, Dominican publishes and distributes a list of holidays for the following fiscal year.

Full-time staff and 12-month faculty are eligible to receive holiday pay. The number of holiday hours for employees working fewer than 40 hours is calculated on a pro-rata basis. When a designated holiday falls during an eligible employee's vacation, the employee will be paid for the holiday and the day will not be charged as a vacation day. Employees will not be paid for any holiday that falls during an unpaid leave of absence. Non exempt employees who are required to work on a university recognized holiday will receive holiday pay in addition to pay for the actual hours worked.

#### **G. Campus Closure/Emergency**

The university will pay up to five days per calendar year, in the event the campus is closed, unexpectedly due to a campus emergency.



## H. Sick Leave

### 1. Accrual of Sick Leave

Eligible full-time employees receive three (3) hours per pay period, prorated for part-time employees, up to a maximum of 320 hours (40 working days)

Sick Leave Hours Earned Per Pay Period	Sick Leave Days Earned on an Annual Basis	Maximum Sick Leave Accrual
3.00 hours	72 hours	320 hours

Once sick leave is exhausted, other accrued time off may be used. Sick leave is not seen as a form of wages, and therefore employees are not paid for unused sick leave at the time the employment relationship ends.

### 2. Use of Sick Leave

Sick leave may be used for absences when the employee or the employee's family member is ill or injured, and for medical appointments for diagnosis, treatment, and/or preventive care. For purposes of this policy, "family member" includes the employee's child, (including biological, adopted, or foster child, step-child, legal ward, or a child to whom the employee stands in loco parentis, regardless of age or dependency status), a biological, adoptive, or foster parent, step-parent, or legal guardian of an employee or the employee's spouse or registered domestic partner, parent-in-law, or a person who stood in loco parentis when the employee was a minor child, spouse, registered domestic partner, grandparent, grandchild or sibling. Sick leave is also available for employees who are absent from work because they are, or a family member is, the victim of domestic violence, sexual assault, or stalking. Sick leave will be paid at the employee's base rate of pay. Sick leave is not payable at the end of employment.

Employees who are absent and using sick leave for three or more consecutive days are required to provide a doctor's statement certifying the medical absence to their supervisor, unless the employee has designated days for use other than the employee's own illness. Employees who are medically unable to work for eight or more consecutive calendar days must report the absence to the Human Resources Office and may be eligible to receive State Disability benefits.

## I. Jury and Witness Duty Leave

Employees who are called for jury duty or subpoenaed to testify as a witness will be given leave to fulfill their civic obligations. Upon receipt of a proposed jury summons, juror questionnaire or subpoena to testify, employees should notify their supervisor and the Human Resources Office. If you are called as a juror during a particularly busy time in the office, we may ask you to request the court to postpone your jury duty to a more convenient time. Paid leave benefits for jury and witness duty leave are described in the Benefits section.

With substantiating documentation, jury and witness duty leave is considered paid leave for full-time employees who have been with Dominican for at least one year. These full-time employees are eligible

for up to 10 business days of paid jury or witness duty leave per calendar year. In addition, employees may use accrued vacation for any unpaid jury or witness duty leave. No deductions will be made for partial work week absence due to jury or witness duty from the salary of exempt employees who have exhausted their paid leave, including the exhaustion of the 10 days of paid jury leave, or who are ineligible for paid leave. Employees who are released from jury or witness duty before the end of their regular workday must report to work for the remainder of the workday, if practical.

## **J. Bereavement Leave**

In the event of death in the family, up to five days' paid leave will be granted to employees who have been employed for at least 30 days before the leave commences and are eligible to receive accrued time-off benefits. If an employee must travel 200 or more miles and requires additional time off, up to seven paid days total bereavement leave will be granted. The number of bereavement hours for employees working fewer than 8 hours each day or 40 hours each week is calculated on a pro-rata basis. The bereavement leave must be completed within 3 months of the date of death, but need not be taken consecutively.

For purposes of this policy, "family" includes:

- *The spouse, domestic partner, significant other, parent, child, grandchild, step-parent, step-child, grandparents, siblings, aunts, uncles, nieces, nephews, and cousins of an employee.*
- *The parent, sibling or child of the employee's spouse, domestic partner, or significant other.*
- *Other definitions of family may fall under the Bereavement Leave policy. Please reach out to the Human Resources Office if you have questions.*

If an employee requires more than the granted bereavement leave time off, they may request unpaid leave or use any accrued time.

Accrued vacation or personal time may be used to attend the funeral of someone other than a family member as defined above.

In addition to paid leave in the event of a death of a family member, employees who have been employed for at least 30 days are also eligible to take up to five days of unpaid leave following a reproductive loss event, which includes a failed adoption, failed surrogacy, miscarriage, stillbirth or unsuccessful assisted reproduction effort. Leave days may be taken nonconsecutively but must be completed within three months of the reproductive loss event. Employees taking a leave following a reproductive loss event may utilize their accrued time off or any other compensatory time available to them during a leave for a reproductive loss event.

Dominican will keep employee information related to an employee's request for leave following a reproductive loss event confidential.

Employees who experience more than one reproductive loss event within a 12-month period may be entitled to multiple leaves. No more than 20 days of unpaid leave shall be granted for a reproductive loss event in a single 12-month period.

## **K. Sick Leave Sharing Program**

See separate Administrative Policy.

## **L. Tuition Benefits**

See separate Administrative Policy.

## **M. Retirement Plans**

Dominican offers eligible employees the opportunity of tax-sheltered contributions for retirement benefits through a 403(b) plan. Employees should refer to the Summary Plan Description for further information, or contact the Human Resources Office.

# **VIII. LEAVES OF ABSENCE**

## **A. Family, Medical, and Pregnancy Disability Leaves**

Dominican provides several types of leaves of absence to meet the individual needs of employees and their families, and as required by various state and federal laws. Eligibility, benefits, length of leave, and job protection vary, depending on the reason for leave and the length of time the employee has worked for Dominican.

One type of leave is available under the Family and Medical Leave Act (“FMLA”) and California’s equivalent statute, the California Family Rights Act (“CFRA”). A “FMLA Eligible” employee, as defined in this policy, means an employee who (1) has been employed by Dominican for at least one year; (2) has actually worked at least 1,250 hours in the previous 12-month period (inclusive of time the employee has spent in military service during that period); and (3) works in a location within 75 miles of at least 50 Dominican employees. A “CFRA Eligible” employee, as defined in this policy, means an employee who (1) has been employed by Dominican for at least one year (2) has worked 1,250 hours during 12 months preceding leave (these hours can be non-consecutive). Employees who do not meet these specific requirements may still be eligible for some types of leave depending on the reason and length of leave.

Additionally, to measure the maximum amount of leave available to an employee, Dominican generally uses a rolling 12-month period, measured backward from the date the employee takes leave.

### **1. Family Care Leave**

Both FMLA and CFRA allow employees to take unpaid leave to care for a family member with a serious health condition. In addition, both FMLA and CFRA allow employees to take unpaid leave in order to care for a newborn, newly adopted child, or newly placed foster child. Note that CFRA defines “family member” more broadly than the FMLA defines it, and therefore CFRA offers leave where FMLA may not. CFRA also allows leave for a “designated person,” meaning an individual related by blood or whose association with the employee is the equivalent of a family relationship. Employees wishing to discuss leave options should contact the Human Resources office.

The maximum amount of leave under this policy is 12 weeks in a 12-month period, offset by any family care, medical, military exigency, or military caregiver leave the employee has taken during that

period. The 12-month period is a rolling period, measured backward from the date any employee takes leave. Leave taken by an employee under CFRA typically runs concurrently with FMLA leave except where leave is taken under the FMLA for a disability due to pregnancy, childbirth, or related medical conditions.

Leave to care for a newborn, newly adopted, or newly placed foster child must be taken within 12 months of the birth, adoption, or placement. When leave is taken for this reason, it must generally be taken in periods of at least two weeks. Requests for leave of less than two weeks must be approved by the supervisor and will be based on the needs of the department. Where both spouses work for Dominican, they each are entitled to 12-weeks of unpaid leave to care for a new child. Leave taken for pregnancy disability does not count toward the 12-week family care leave entitlement. Family care leave to care for the newborn begins for a new mother when she is no longer disabled and her pregnancy disability leave ends.

Leave to care for an ill family member may be taken intermittently depending on the opinion of the family member's health care provider.

## **2. *Medical Leave***

Medical leave is available to employees who are unable to work due to a serious health condition, as certified by their health care provider. Generally, this type of leave is available only for medical conditions that result in a period of prolonged incapacity (more than three days) but is also available for chronic health conditions for which the employee is being medically supervised.

All employees are eligible for this type of leave, but reinstatement rights vary depending on whether an employee is FMLA Eligible and the reason for leave. The maximum amount of leave under this policy is generally 12 weeks in a 12-month period, offset by any family, military exigency, or military caregiver leave the employee has taken during that period. The 12-month period is a rolling period, measured backward from the date the employee takes leave. The leave may be taken intermittently or on a reduced work schedule, based on the health care provider's recommendation. Where required by law, additional leave beyond the 12-week period is available.

## **3. *Pregnancy Disability Leave, Accommodations and Transfers***

Any employee who is disabled by pregnancy, childbirth or a related medical condition may take an unpaid pregnancy disability leave. Conditions for which leave is available include prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth. Pregnancy disability leave is available for the actual period of disability as certified by the employee's health care provider, up to a maximum of four (4) months per pregnancy. If the employee is FMLA-eligible, pregnancy disability leave will be counted against the employee's 12-week entitlement to family care or medical leave, above. Pregnancy Disability Leave will not count against leave entitlement under CFRA.

Pregnancy disability leave may be taken intermittently or on a reduced work schedule, depending on the nature of the employee's pregnancy disability and the recommendation of her health care provider.

In addition, an employee affected by pregnancy or a related medical condition is eligible for reasonable accommodation, including transfer to an available position or duties that are less strenuous or hazardous. The employee must provide Dominican with a certification from her health care provider stating the nature of the accommodation or transfer requested, that the accommodation or transfer is medically advisable, and the period during which the accommodation/transfer is needed.

#### **4. *Military Exigency Leave***

FMLA-eligible employees may take a Military Exigency Leave to deal with a qualifying exigency related to or affected by the active military duty or call to active military duty in the Armed Forces, National Guard, or military reserves of the employee's spouse, domestic partner, child, or parent. Qualifying exigencies include (1) the deployment on short notice of the family member; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) other post-deployment activities; and (8) miscellaneous activities agreed to by Dominican and the employee in terms of timing and duration of leave. The maximum period of leave is up to 12 weeks in a 12-month period, offset by any family care, military caregiver, or medical leave taken in that period.

In addition, all eligible employees (including employees who are not FMLA-eligible) are also entitled to "Military Caregiver Leave," which is described in the policy below.

#### **5. *Military Caregiver Leave***

FMLA-eligible employees may take a Military Caregiver Leave to care for a spouse, domestic partner, child, parent, or next of kin who is a member or former member of the Armed Forces and who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or on the temporary disability retired list, for a serious illness or injury that was incurred in the line of duty while on active duty and incurred within five years prior to the treatment, recuperation, or therapy, or that was aggravated by service in the line of duty while on active duty. The maximum period of leave is up to 26 weeks of leave in a 12-month period. Military Caregiver Leave is generally a one-time entitlement, and has a special 12-month leave period that begins on the first day the employee takes Military Caregiver Leave. Additional Military Caregiver Leave is available, however, if the military family member sustains a later injury or illness or for the injury or illness of a different military family member. When both spouses work for Dominican, they are limited to a combined total of 26 weeks for Military Caregiver Leave.

### **B. *Military Leave***

Employees who are absent from work for duty in the uniformed services will be granted a military leave and reinstatement rights in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and state law. Dominican will continue to pay the employer portion of the group health benefits during leaves of up to 30 calendar days, and thereafter the employee may continue health coverage at the employee's expense for up to 24 months under the provisions of USERRA, at the full cost of the premiums. The maximum cumulative period of military leave during an employee's employment with Dominican is five years, subject to certain exemptions. Employees who have annual military obligations are required to schedule their leave with their supervisor and the Human Resources Office as far in advance as possible.

Eligibility for employment reinstatement following a period of service in the uniformed services is in accordance with USERRA. Upon reinstatement, an employee's compensation, benefits, retirement eligibility, and length of service will be calculated as if he/she had been continuously employed during the service leave period.

### **C. Leave for Military Spouses and Domestic Partners**

Eligible employees may take up to 10 days of unpaid leave during the period the employee's spouse or registered domestic partner is home on leave from deployment during a period of military conflict.

Eligibility requirements for this type of leave are:

- *The employee must be regularly scheduled for work at least 20 hours per week;*
- *The employee's spouse or registered domestic partner must (a) be a member of the U.S. Armed Forces, National Guard, or military reserves who has been deployed during a period of military conflict (as defined in California Military Code section 395.10, and (b) if a member of the U.S. Armed Forces, must have been deployed to an area designated as a combat theater or combat zone by the President of the United States.*

An employee wishing to take this kind of leave must give Dominican advance notice of the leave, within two business days of receiving notice that the spouse or domestic partner will be on leave from deployment. The employee must also submit written documentation of the dates that the spouse or domestic partner will be on leave from military deployment.

### **D. Organ and Bone Marrow Donor Leave**

Employees who have been employed by Dominican for at least 90 days may take paid leave for up to 30 business days for the purpose of organ donation and up to five business days for bone marrow donation during a one-year period. To do so, the employee must provide written verification to Dominican that they are an organ or bone marrow donor and that there is a medical necessity for the organ or bone marrow donation. Employees taking this type of leave are required to use their paid vacation and sick leave benefits.

Leave taken under this policy does not run concurrently with leave under the FMLA or CFRA, but rather is in addition to it. The leave will not be considered a break in continuous service for purposes of the employee's rights to salary adjustments, accrued time off, or seniority. Employees returning from leave within the timelines above will be restored to the same or an equivalent position.

## **E. Leave for Serious Crimes**

### **1. *Leave and Reasonable Accommodation for Victims of Domestic Violence, Sexual Assault and Stalking***

Employees who are victims of domestic violence, sexual assault, or stalking are eligible for unpaid leave for these purposes: attending court hearings, seeking medical, legal, or psychological assistance, or for otherwise protecting their own or their child's health, safety, or welfare. Accrued time off, sick leave or personal leave may be used for such absences. The maximum length of unpaid leave an employee may take under this policy is limited to 12 weeks, offset by any Family and Medical Leave taken in the same 12-month period.

Employees who seek to take time off must give Dominican reasonable notice. However, if an unscheduled or emergency court appearance is required for the health, safety, or welfare of the victim or their child, the employee need not provide advance notice, but in this situation we require employees to provide evidence from the court or the prosecuting attorney that they have appeared in court. Dominican will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

Dominican also provides reasonable accommodations to victims of domestic violence, sexual assault, or stalking, provided the accommodation does not pose an undue hardship or pose a safety risk. Accommodations may include implementation of safety measures or procedures in the workplace or adjustments to job duties or the work facility in response to domestic violence, sexual assault, or stalking. Any employee wishing to request such an accommodation should speak with the Human Resources Office.

Because domestic violence, sexual assault, and stalking may find their way into the workplace, we encourage any employee who has safety concerns to alert Dominican. This will assist us in maintaining a safe workplace. Please see Dominican's Violence-Free Workplace Policy for more information.

### **2. *Leave for Victims of Serious Crimes***

An employee who is the victim of a serious crime, or whose immediate family member (including registered domestic partner) is the victim of a serious crime, may take time off to attend judicial proceedings relating to the crime or any proceeding in which the victim's rights are at issue. Advance notice is required, unless this is not feasible. Dominican also requires documentation concerning the judicial proceedings. The time off is unpaid, but employees may elect to use their accrued time-off for such absences. Dominican will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

## **F. Time Off for School and Childcare Purposes**

Any employee who is the parent or guardian of a child may take time off without pay to appear at the child's school to discuss possible suspension.

Any employee who is a parent, guardian, or grandparent having custody of any child in kindergarten or grades 1-12, or of the age to attend a licensed child care provider, may take forty (40) hours of unpaid leave time per calendar year for these purposes: (i) to find, enroll, or reenroll their in a school or licensed child care provider; (ii) to participate in activities of the school or licensed child care provider of any child; and (iii) to address a

child care provider or school emergency.

The employee must give Dominican reasonable written notice prior to taking the time off. Employees taking time off for the foregoing purposes must use any accrued vacation time, and after exhaustion of vacation, time off will be unpaid. The employee must also provide written documentation from the child's school or licensed childcare provider to substantiate the employee's participation in child-related activities covered by this policy.

## **G. Personal Need for Leave of Absence**

An unpaid leave for urgent and compelling personal reasons may be granted to an employee who has at least one year of service. Such a leave is normally limited to four months' duration. The request must be approved by the immediate supervisor and respective Vice President. If there is available paid leave through any other policy or program, the employee should discuss these options with Human Resources before seeking personal leave.

## **H. Administration of Leave**

### **1. How to Request Leave**

A request for a leave of absence must be submitted to the Human Resources Office. Requests must be approved by the employee's manager, and as necessary, a Vice President. Employees must provide Dominican with at least 30 days' advance notice before the leave is to begin. If the need for leave is not foreseeable, and 30 days' notice is not possible, notice must be given on the same day that the employee learns of the need for leave or the next business day, unless circumstances make this impracticable. Leave requests should be made in writing and must set forth the reasons for the requested leave, the anticipated start date of the leave, and the anticipated duration of the leave.

Employees who request a leave because of their own or a family member's health condition (including pregnancy and military caregiver leave) must submit written medical certification from a health care provider to support the leave request. If an employee fails to provide the required medical certification within 15 days of requesting leave, Dominican may deny or delay the leave.

Subject to the approval of the health care provider, employees are expected to coordinate with their manager prior to the scheduling of medical treatment for themselves or a family member in order to work out a schedule that best suits the needs of both the employee and Dominican.

Leave extension requests should be made two weeks before the end of the scheduled leave, if possible. Where the leave extension is for the employee's or a family member's serious health condition, the request must include medical certification of the need for continued leave.

Failure to comply with these notice requirements may result in denial or deferral of the requested leave.

### **2. Compensation and Benefits during Leave**

Generally, leaves under this policy are unpaid. Employees may choose to use accrued time off or sick leave during the absence, and in some circumstances must use accrued paid leave as follows:

- *Accrued Sick leave must be used during medical, military caregiver, or pregnancy*



*disability leave, or family care leave to care for an ill family member.*

- *Accrued Vacation and personal days must be used during medical, military caregiver, military exigency, and family care leave.*
- *However, use of vacation and/or sick leave is optional, not required, during periods when the employee is receiving any kind of income replacement benefits, such as workers' compensation, state disability, or paid family leave benefits, and use of vacation is optional at any time during a pregnancy disability leave.*

Using paid leave will not extend the maximum amount of leave available. When paid leave is exhausted, the remaining leave is unpaid. Time off benefits will continue to accrue only during the portion of leave during which an employee is receiving pay. Employees do not accrue time off when on unpaid leave.

Dominican maintains and continues to pay the employer portion of group health insurance coverage during following approved leaves:

- *For up to four months of pregnancy disability leave;*
- *For up to a combined total of 12 weeks of family care and medical leave (FMLA- eligible employees only); and*
- *For up to 26 weeks of military caregiver leave (FMLA-eligible employees only).*

For the above-approved leaves, the employee will continue to pay the employee's portion of applicable group insurance premiums. For all leaves not meeting the above three criteria, the employee will be responsible for the cost of both the employer and employee portions of insurance premiums. The employee must pay costs in full during the period of leave if the employee wishes such benefits to continue. Employees who have exhausted or are ineligible for these benefit entitlements may continue coverage at their own expense under COBRA, which includes the employer's cost and an administrative fee. An employee who fails to return from leave may have to repay insurance premiums paid by Dominican during the leave.

### **3. Returning to Work**

All employees returning from medical or pregnancy disability leave must provide medical certification of their fitness to return to work.

Although Dominican is unable to guarantee reinstatement in all cases, in general an employee who returns to work at the end of their leave will be returned to their former position or to an equivalent position, subject to certain limitations. Eligible employees who return to work within the 12-week period (or within the 26-week period from military caregiver leave), and any employee returning from pregnancy disability leave within the four-month period, will be reinstated to the same or equivalent position, unless the employee would have been terminated for reasons unrelated to the leave (for example, position elimination), or if the employee can no longer perform the essential functions of the job. Employees returning from leave after more than 12 weeks due to a work-related injury will be reinstated unless reinstatement is unavailable due to business necessity.

Dominican reserves the right not to reinstate eligible employees who are considered "key" employees, unless the employee has been on leave for a work-related injury and/or pregnancy disability leave.

A key employee is defined by the federal regulations that govern the Family and Medical Leave Act.

Under those regulations:

1. “An employer may deny job restoration to a key employee if the denial is necessary to prevent substantial and grievous economic injury to the operations of the employer.”
2. “A key employee is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all employees employed by the employer within 75 miles of the employee’s worksite. The determination of whether a salaried employee is among the highest paid 10 percent is made at the time the employee gives notice of the need for leave.”

Dominican will notify such employees of their “key employee” status and the conditions under which they may be denied reinstatement, if applicable.

#### **4. Termination**

If the employee's prior position or an equivalent position is not available at the end of the approved leave, employment will be terminated.

In addition, an employee is considered to have resigned voluntarily if:

- *The employee does not return to work on the next regularly scheduled workday after the end of the approved leave period, and had not had an extension of leave approved;*
- *The employee has accepted other employment during the leave period.*

## **IX. WORK ENVIRONMENT**

### **A. Safety**

Dominican is committed to providing a safe workplace. Employees are encouraged to raise ideas, concerns, or suggestions for improved safety at Dominican with their supervisor or the Human Resources Office. If you wish, employees may make reports or raise concerns about workplace safety issues anonymously. All reports can be made without fear of reprisal.

Every employee must immediately report any unsafe condition to the appropriate supervisor. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Human Resources Office and their supervisor. Such reports are necessary to comply with applicable law and to initiate workers' compensation benefits procedures.

Dominican has established an Injury and Illness Prevention Plan, managed by the Facilities Services Office.

Dominican publishes its Annual Security and Fire Report each October and distributes it to all student and employees via email. It can also be found on the Dominican website under the Clery Report.

## **B. Violence-Free Workplace**

As part of its commitment to workplace safety, Dominican is committed to providing a workplace free of threats or acts of violence and to protecting its employees from such conduct on its premises. In keeping with this commitment, we established a strict policy that prohibits any employee from engaging in behavior that is violent, threatening, or intimidating while on duty or working on Dominican-related business. This policy applies to all employees. Dominican will not tolerate those who make threats, engage in threatening behavior, or commit acts of violence against others. In addition, Dominican is committed to preventing violent or threatening behavior on its premises by non-employees/vendors, such as visitors, guests, students, or family members.

This policy prohibits not only physically violent behavior, but also behavior that is threatening, harassing, or intimidating. Prohibited behavior includes, but is not limited to:

- *Possession of firearms, explosives, weapons such as knives, or any other hazardous or dangerous devices on Dominican property or at any Dominican function, whether on or off premises. Additionally, use of any item as a weapon is prohibited.*
- *Disorderly conduct on Dominican's property, including fighting, inciting/provoking another to fight, battery, attempted bodily injury, or physical abuse.*
- *Using abusive or threatening language, coercing, menacing, or otherwise harassing behavior.*
- *Actual or threatened physical violence.*

All employees are responsible for being aware of and reporting potentially violent behavior, including any incident involving threats or acts of violence. Reports should be made immediately to the employee's supervisor or to any manager, and the Human Resources Office. The matter will be investigated and any appropriate corrective action taken. Violations of this policy will lead to disciplinary action, up to and including immediate dismissal.

To assist Dominican in its efforts to maintain a violence-free workplace, employees are strongly encouraged to notify the Human Resources Office about any restraining order in effect or any potentially violent situation outside of work that could result in violence in the workplace. Employees who become aware of any other workplace security hazards or who have suggestions for increasing security in the workplace should also speak with the Human Resources Office.

Employees making reports as encouraged by this policy will not be retaliated against, and Dominican will not tolerate any such retaliation.

## **C. Confidentiality and Proprietary Information**

All employees, including student employees, have a continuing responsibility to protect Dominican's confidential and proprietary information, during and after their employment with Dominican. Such confidential information includes, for example, information about new initiatives or research, business and marketing plans, financial data, or any other proprietary information acquired through employment with Dominican. This information is critical to our business and should be kept strictly confidential. It is not to be discussed outside Dominican, except as necessary in the normal course of business, and cannot be used except for the benefit of Dominican.

As a condition of employment, employees are required to acknowledge this obligation by signing a Confidentiality Agreement.

Dominican University of California supports the protection of individual privacy and is committed to ensuring the confidentiality of personally identified information provided by its students, faculty, and staff. All Dominican employees are reminded to adhere to all applicable laws and University policies, including the Family Educational Rights and Privacy Act ("FERPA"). Pursuant to FERPA, the education records of all students, regardless of immigration status, are protected from disclosure to outside parties. This includes students' transcripts, grades, and class schedules, information on their family members, information on immigration status, and similar information. Pursuant to Dominican's FERPA Policy, the University cannot release information from student education records to outside parties, including federal agents, without permission from the student, a judicial warrant, a subpoena, a court order, or as otherwise permitted by law. For more details on FERPA, please visit <http://www.dominican.edu/academics/resources/registrar/academic-information/ferpa>.

Care should be taken to protect confidential information from disclosure. It should be marked "confidential," kept out of sight, and stored in locked cabinets or drawers when not in use. Any proprietary information not in use should be shredded.

#### **D. Service**

All employees are encouraged to participate in campus-wide events, activities and service opportunities.

Staff may have the opportunity to serve on campus committees and task forces if meeting all of the following criteria:

- *There are no communicated performance concerns about the staff member and the staff member is not on a performance improvement plan; and*
- *The staff member's supervisor approves of participation. Department priorities may be taken into consideration by the supervisor.*

#### **E. Smoking**

In accordance with California law and Dominican's commitment to providing a safe and healthful work environment, smoking is prohibited on Dominican property, with the exception of one designated smoking area on campus. Prohibited smoking includes e-cigarettes and other electronic nicotine delivery systems, as well as other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products. Smoking of cannabis is prohibited everywhere on campus and not allowed in our one designated smoking area.

#### **F. Dominican Equipment and Stationery**

Equipment essential to accomplishing job duties is often expensive and may be difficult to replace. When using Dominican property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees should notify their supervisor if any equipment or machines appear to be damaged, defective, or in need of repair. Prompt reporting of damage, defects, and the need for repairs could prevent deterioration of equipment and possible injury. Individuals should discuss any questions about responsibility for maintenance

and care of equipment used on the job with their supervisor.

Employees are responsible for all Dominican property, materials, or written information issued to them or in their possession. All Dominican property must be returned on or before an employee's last day of work.

The reputation and influence of Dominican can be adversely affected by the way in which University letterhead is used. Dominican letterhead may not be used for personal correspondence.

#### **G. Telephone and Voicemail System**

Dominican's telephone system, including its voicemail system, is an important Dominican asset, and is designed and intended for business use. Employees are expected to limit all personal calls so as not to interfere with work. Employees are required to reimburse Dominican for any special charges for their personal telephone calls.

Although employees have passwords that restrict access to voicemail messages left for them on Dominican's voicemail system, employees should be aware that Dominican can access any messages stored in the voicemail system and may do so from time to time. Therefore, employees should not assume that such messages are private or confidential.

#### **H. Electronic Communications Systems**

The computer and other electronic communications and information systems that employees use in the course of their jobs, including voicemail, electronic mail, and access to the internet, are the property of Dominican and should be used for business purposes only. Personal use of Dominican devices is not permitted. Employees should not store personal files, photos, or other data on Dominican devices. Employees should understand that their use of these systems is not private. Although employees have passwords that restrict access to their voicemail and computers, Dominican may access any files, voicemail, or email messages stored on (and even deleted from) the computer system or voicemail system. Dominican reserves the right to access such information and to monitor on-line activities for business purposes.

Employees are strictly prohibited from accessing another employee's personal voicemail or email messages without the other employee's express permission. Employees may not use voicemail and email systems in ways that may be disruptive, offensive to others, or harmful to morale consistent with Dominican's policies. Email, voicemail, and text messages are official internal employer communications, subject to summons in legal proceedings.

Dominican's bulletin-board email system is an open forum communication venue without a moderator, and therefore, Dominican will not censor or edit the content of messages. General statements or opinions are allowed. The system is set up with an "opt-out" feature for any individual who does not want to be included on the messages. Dominican's bulletin-board email system may not be used in ways that violate Dominican's policies, including but not limited to harassment, discrimination, and employee conduct.

Copyrights and restrictions that pertain to outside materials and trade secrets shall be respected, and employees are prohibited from the unauthorized downloading of software or other copyrighted materials. Failure to adhere to these rules may result in discipline, up to and including termination.

## I. Use of Social Media

Dominican respects the right of employees to use social media as a means of self-expression and communication. Employees should observe these guidelines to ensure that their public activities on social media do not conflict with their responsibilities to Dominican and its students.

First and foremost, be thoughtful and exercise good judgment in how you present yourself online. If you identify yourself as a Dominican employee or your affiliation with Dominican is well known, what you say will affect Dominican, our employees and students. If you choose to identify yourself as a Dominican employee in social media, you are expected also to make clear that the views you express do not necessarily reflect the views of Dominican, by posting a disclaimer in a prominent place (e.g., “The views expressed are mine alone and do not necessarily reflect the views of my employer.”)

Do not let your social networking harm Dominican or yourself, whether you’re navigating those networks on the job or off. If the content of your message would not be acceptable for face-to-face conversation, it is not acceptable for a social networking site. There’s no such thing as a “private” social media site. Search engines can turn up posts and pictures years after the publication date. If you feel angry or passionate about a subject, it is wise to delay posting until you are calm and clear-headed. If you make a mistake, admit it. Be upfront and be quick with your correction.

Dominican is committed to protecting the academic and intellectual freedom of its students, faculty, and staff including the freedom to take unpopular positions in public forums, as long as those positions do not contravene the law or Dominican’s policies. In particular, the University recognizes that our central commitment to community engagement includes the active engagement of our faculty with public issues and controversies. We assert not only their right to do so but also the importance of doing so, in thoughtful ways that are not unnecessarily or excessively personalized.

- *Do not use the Dominican logo or images on your personal online sites.*
- *Protect Dominican’s confidential, proprietary, and trade secret information, and that of its students and vendors.*
- *Be aware of and follow copyright and fair use laws.*
- *Do not use social media in any way that interferes with performance of your job responsibilities.*

This policy is not intended to infringe in any way on Dominican employees’ legal rights to discuss the terms and conditions of their employment with other Dominican employees for their mutual aid and benefit. Instead, it seeks to balance Dominican’s legal duties and legitimate educational objectives with employees’ protected rights in this regard.

To summarize, when you use social media, use good judgment. Be aware that there may be consequences to what you post or publish online. These consequences may include discipline up to and including dismissal if the conduct violates Dominican policy or if Dominican determines that your posting or publication is not legally protected and harms (or has the potential to harm) Dominican’s legitimate educational interests and obligations toward its employees and affiliates.

## **J. Use of Mobile Devices**

Business calls and/or text messages to and from Dominican issued cell phones or other portable, electronic devices are business communications and subject to the same restrictions as other Dominican communications. Mobile devices are to be used for Dominican business only. Information contained on Dominican issued devices, including but not limited to email, texts, other messaging services, calendars, geographical/location data are Dominican data and may be subject to litigation hold obligations as well as Dominican data retention policies.

Because Dominican's first priority is the safety of its employees as well as others, employees may not use a cell phone or other device in a manner that impairs the operation of a vehicle while driving on Dominican business. Texting while driving is strictly prohibited. Anyone utilizing a cell phone while conducting Dominican business while driving a motor vehicle must use a hands-free device. Even if using a hands-free device, California law prohibits individuals from dialing on its keypad or using their hand in any way to activate or deactivate a feature or function on it while driving, for example, to answer a call. The law allows only a narrow exception for handheld wireless devices that are mounted on a vehicle's windshield, in which case, the driver may make a single swipe or tap with the finger to activate or deactivate a feature or function.

## **K. Gifts**

Employees shall not solicit or accept for personal benefit directly or indirectly any gift, loan, discount, or any item of substantial monetary value (\$75 or more) from any person or company seeking to conduct or is currently conducting business with the University. Gifts, meals and accommodations of a reasonable and normal value may be accepted. Employees should consult with their supervisor on the appropriateness of any gift exchange.

## **L. Personal Property**

Personal property is not covered by University insurance. Employees should check their homeowner's or renter's insurance policies for coverage items brought to campus that are lost or stolen.

# **X. EMPLOYEE CONDUCT**

## **A. Drugs and Alcohol**

Dominican is committed to maintaining a workplace free from the effects of alcohol, illegal drugs, or any drug use or abuse that impairs work performance. Illegal drugs, as referred to in this policy, include drugs that are not legally obtainable, as well as drugs that are legally obtainable but used for illegal or unauthorized purposes. We expect all employees to report for work free from these effects and to be able to perform their job duties fully.

While on Dominican premises and while conducting business-related activities off Dominican premises, individuals may not be under the influence of illegal drugs nor may they be in any condition that impairs work performance due to drug or alcohol use or abuse. Individuals may not engage in the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment. Such violations may also have legal consequences.

The legal use of prescribed drugs is permitted on the job only if it does not impair your ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. If you are taking drugs which may affect your attentiveness, cause drowsiness, or otherwise impair your abilities, please notify the Human Resources Office of this fact so modifications to job duties can be made if appropriate. Note however that as a recipient of Title IV federal funds, Dominican must comply with federal prohibitions related to cannabis, which remains an illegal drug under federal law. Therefore, even the prescribed use of cannabis for medical purposes is prohibited on the job.

If Dominican has a reasonable suspicion that an employee has violated this policy, it will conduct an investigation, which may include an unannounced search of Dominican premises or property and/or the employee's personal property. Dominican may also order any employee reasonably suspected of having used or being under the influence of alcohol or drugs while on duty to take a test for the presence of drugs or alcohol. An independent laboratory at Dominican's expense will conduct such a test. Any employee asked to undergo a test will be suspended from work until further notice.

Failure to abide by this policy or refusal to consent to testing when requested will result in disciplinary action, up to and including immediate termination, even for a first offense.

If you have a drug or alcohol problem that has not resulted in, and is not the immediate subject of disciplinary action, you may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Employees who are eligible for FMLA/CFRA leave will be granted such leave. Leave for employees not eligible for FMLA/CFRA leave may be granted if:

- *You agree to abstain from use of the problem substance,*
- *You abide by all Dominican policies, rules, and prohibitions relating to conduct in the workplace, and*
- *If granting the leave will not cause Dominican undue hardship.*

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with the Human Resources Office, without fear of reprisal, to receive assistance or referrals to appropriate resources in the community.

## **B. Personal Appearance**

Employees are at all times expected to conduct themselves with professionalism, courtesy, and respect in their dealings with each other and with other contacts, such as colleagues, students, and vendors. In addition, dress, grooming, and personal cleanliness standards contribute to a positive work environment and affect the business image we present to our Dominican community and the public at-large. Employees are expected to present a professional appearance consistent with the nature of their job. Fragrances are discouraged and, if worn, should be worn lightly in consideration for others. Employees who have specific questions about appearance and dress should seek clarity with their supervisor. Additional questions can be raised to the respective Vice President with guidance from Human Resources.

## **C. Outside Employment / Conflict of Interest**

Dominican prohibits outside employment that poses a conflict of interest with an employee's position at Dominican.



## **D. Standards of Conduct**

Dominican's ability to provide excellent service to our students rests on the fundamental precept that each employee must treat all others with courtesy, respect, dignity, and professionalism. Deviation from that standard will not be tolerated. Dominican prides itself on our friendly and flexible environment. Employees are expected to comply with basic standards of conduct and professionalism in the workplace and while conducting Dominican business. Although it is impossible to provide a complete list of conduct not tolerated at Dominican, the following are examples:

- Violation of Dominican policy;
- Unsatisfactory job performance;
- Poor attitude (for example, rudeness or lack of cooperation);
- Abusive language, physically aggressive or violent behavior, threats of or actual harm to any employee or any member of the campus community or toward any visitor/guest;
- Failure to provide a physician's certificate when requested to do so;
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management;
- Dishonesty or deceit with work-related impact;
- Intentional filing of fraudulent worker's compensation claim or false complaint; Falsification of employment records, entries in time-keeping system, employment information, or other University records;
- Abuse of paid time off;
- Violation of any safety, health, or security policies, rules, or procedures of the University;
- Possession of firearms or any other dangerous weapons on University premises;
- Unauthorized use of University time or property (equipment, materials, resources, or facilities);
- Unauthorized use of Dominican's name or letterhead;
- Unauthorized use, possession, removal or theft of property belonging to Dominican, fellow employees, students, or other members of the Dominican community.

Employees found in violation of Dominican's standards of conduct policy may be disciplined, up to and including termination, with or without prior notice.

## **XI. POLICY CHANGES**

It is inevitable that new policies will need to be written from time to time, and old policies will need to be revised. Dominican reserves the right to make these changes and will strive to advise employees on a timely basis of any changes affecting the terms of their employment at Dominican. The only policy not subject to change is our "at-will" employment policy, which can be changed only in a written agreement signed by Dominican's President.

We have attempted to be as comprehensive as possible in preparing this Handbook. However, the Handbook cannot possibly cover all situations that may arise. If you need further information, or if you would like to discuss any policies in the Handbook, please speak to your supervisor or the Human Resources Office.