CALIFORNIA STATE ADDENDUM

This addendum to the MCAD Handbook (the "California Addendum") applies to all eligible employees working in the state of California. The California Addendum modifies and supersedes some, but not all, of the policies set forth in the Handbook. To the extent there are any inconsistencies between the Handbook and the California Addendum, the terms of the California Addendum shall control. If you have any questions regarding the application of the California Addendum, please contact Human Resources.

The College will provide employees with all required state notices and posters.

Equal Opportunity Employment

In addition to the protected classifications outlined in our general Equal Employment Opportunity policy, the College also prohibits any form of discrimination or harassment based on political affiliation, military or veteran status, reproductive health decision-making, and status as a victim of domestic violence in accordance with state law.

Personnel Files

The College will permit an employee, within thirty (30) days upon written request and up to once annually, the opportunity to inspect and obtain a copy of certain personnel records that the College maintains relating to the employee's performance or to any grievance concerning the employee. The employee may be charged for the actual cost of copying and mailing the personnel file.

Vacation Pay at Separation

Eligible employees working in California will be paid for all unused, accrued vacation time upon termination or resignation of employment.

Meals and Breaks

Employees are provided an unpaid meal period of no less than thirty (30) minutes when they work more than five (5) consecutive hours during which they are relieved of all duties.

Employees are provided with a ten (10) minute rest period for every four (4) hours worked. If practical, the rest period should be in the middle of the workday.

California Family Rights Act ("CFRA")

In accordance with the terms and conditions of this Policy, MCAD will provide unpaid, job-protected leave under the California Family Rights Act ("CFRA") to eligible employees working in California. As detailed below, this policy sets forth the eligibility requirements for CFRA leave, the conditions for using leave, the process for requesting leave, and other related provisions. For more information on this policy, please contact Human Resources.

<u>Eligibility</u>

Employees are eligible for CFRA leave if they have been employed with MCAD for at least twelve (12) months and if they have worked for at least 1,250 hours during the twelve (12) month period immediately preceding commencement of the leave, subject to the following:

- The 12 months of service with MCAD need not be consecutive months and time previously worked for the College may be used to meet the 12-month requirement. However, MCAD need not consider any period of previous employment occurring more than seven (7) years before the date of the employee's most recent hire, unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement outlining MCAD's intention to rehire the employee after the break in service.
- All periods of time worked during the 12-month period preceding commencement of leave count for purposes of meeting the "1,250 hours" requirement. Time taken for holidays, vacation, or leave is not considered work time except that an employee returning from their USERRA-covered service obligation shall be credited with the hours of service that would have been performed but for the period of absence due to or necessitated by USERRA-covered service.
- For an employee who takes a pregnancy disability leave, and who then wants to take CFRA leave for reason of the birth of her child immediately after her pregnancy disability leave, the 12-month period during which she must have worked 1,250 hours is that period immediately preceding her first day of pregnancy disability leave, not the first day of the subsequent CFRA leave for reason of the birth of her child.

CFRA Leave Entitlement

An eligible employee may receive up to twelve (12) workweeks of CFRA leave during a twelve (12) month period (as defined below) for any one or combination of the following qualifying reasons:

- The birth of a child, and to care for a newborn child; or the placement with the employee of a child for adoption or foster care (hereinafter, "bonding leave");
- The care of an employee's spouse, domestic partner, child, parent, grandparent, grandchild, sibling, or any other designated person ("family member") with a serious health condition; or
- The employee's own serious health condition that renders the employee unable to perform their job duties.
- Because of a qualifying exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States, as specified in Section 3302.2 of the Unemployment Insurance Code.

The twelve (12) month period in which an eligible employee may take the CFRA leave described above is calculated on a "rolling" basis measured backward from the date the employee first uses such leave. That is, each time an employee takes such CFRA leave the remaining leave entitlement would be any balance of the twelve (12) weeks of leave that had not been used during the immediately preceding twelve (12) months.

Leave for the birth and care of a newborn child, or placement of a child in adoptive or foster care, must conclude within twelve (12) months of the birth or placement.

Intermittent or Reduced CFRA Leave

When medically necessary, leave may be taken intermittently or on a reduced work schedule when medically necessary, among other circumstances. If you are taking a leave for the birth, adoption, or foster care placement of a child, the basic minimum duration of the leave is two (2) weeks and you must conclude the leave within one (1) year of the birth or placement for adoption or foster care.

Note: During any period of intermittent leave or reduced schedule, the College reserves the right to transfer the employee to an alternative position, with equivalent pay and benefits, for which the employee is qualified and which may better accommodate the periods of leave than the employee's regular position.

Requesting CFRA Leave

Where the need for CFRA leave is foreseeable, the employee shall inform Human Resources and of the need for leave at least thirty (30) days before the leave is scheduled to begin, where foreseeable. Where the need for leave is unforeseeable, the employee shall Human Resources as soon as practicable. When possible, your notice must include the estimated time and duration of the reasonable accommodation, transfer, or leave required.

Certification

If certification is required, the employee must provide a completed certification to Human Resources within thirty (30) calendar days of the request for certification, or as soon as it is reasonably possible under the circumstances. As appropriate, the employee may be required to furnish a certification from a health care provider for the employee's leave: (i) to care for the employee's covered family member with a serious health condition or (ii) due to the employee's own serious health condition that renders them unable to perform the essential functions of the position. The contents of the certifications must be in accordance with the CFRA. Where a certification by a foreign health care provider is in a language other than English, the employee must provide Human Resources with a written translation of the certification upon request. Failure to furnish the appropriate certification in a timely fashion may result in a delay or denial of an employee's CFRA leave.

The employee may be required to correct any deficiencies in the certification within seven (7) days. Where the certification is for an employee's serious health condition, the employee may be required to obtain a second medical opinion if MCAD doubts the validity of the certification, or to obtain a third medical opinion if the first and second opinions differ.

When MCAD has the information necessary to determine if leave is CFRA protected, within five (5) business days, the employee shall be notified whether the leave will be designated as CFRA leave and, if possible, how much leave will be counted against their CFRA entitlement. Note that the College may preliminarily designate absences for more than three (3) consecutive days as CFRA Leave. If MCAD determines that the leave is not covered by the CFRA, the employee must be notified of that determination.

Recertification may be requested for the serious health condition of the employee or the employee's family member if additional leave is requested. During an absence because of an employee's own serious health condition, the College may request, no more frequently than every thirty (30) days, periodic reports that describe the employee's status and prospects for return to work. In addition, employees must give notice as soon as practical if the dates of leave change or are extended, or initially were unknown.

Health Benefits

Group health benefit coverage will be maintained on the same basis as coverage would have been provided had the employee been actively employed during the CFRA leave period. Employees approved for CFRA leave will be informed in writing of the terms and conditions under which health insurance and other benefits will be continued during their leave. Any share of group health plan premiums which had been paid by the employee prior to CFRA leave must continue to be paid by the employee during the CFRA leave period.

If the employee's premium payment obligations under the applicable plan are not covered by the employee's paycheck, the employee must provide MCAD with funds in the appropriate amount.

In the event that an employee fails to return from leave, they may be required to reimburse the College for any health insurance contributions made during any unpaid period of leave, in accordance with the CFRA.

Job Restoration and Release to Return to Work

Employees generally have the right to return to their position or a position of equivalent pay, benefits, and working conditions, upon completion of their CFRA leave. When CFRA leave was taken due to an employee's serious health condition, the employee may be required to provide a release to return to work from the employee's healthcare provider prior to reinstatement. Failure to provide such release, or failure to return to work as scheduled after the exhaustion of CFRA leave, may result in a denial of job reinstatement or termination from employment.

An employee is not entitled to job restoration in circumstances where the employee would not have been employed at the time reinstatement is requested, regardless of CFRA status, due to reduction in force.

Other Leaves

CFRA runs concurrently with all other leaves as permitted by applicable law and College policies.

Accommodations and Leave for Disabilities Due to Pregnancy, Childbirth, or Related Medical Condition

YOUR RIGHTS AND OBLIGATIONS AS A PREGNANT EMPLOYEE

If you are pregnant, have a related medical condition, or are recovering from childbirth, PLEASE READ THIS NOTICE.

• California law protects employees against discrimination or harassment because of an employee's pregnancy, childbirth or any related medical condition (referred to below as "because of pregnancy"). California law also prohibits employers from denying or interfering with an employee's pregnancy-related employment rights.

• Your employer has an obligation to:

° reasonably accommodate your medical needs related to pregnancy, childbirth or related conditions (such as temporarily modifying your work duties, providing you with a stool or chair, or allowing more frequent breaks);

° transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy; and

° provide you with pregnancy disability leave (PDL) of up to four months (the working days you normally would work in one-third of a year or 17 1/3 weeks) and return you to your same job when you are no longer disabled by your pregnancy or, in certain instances, to a comparable job. Taking PDL, however, does not protect you from non-leave related employment actions, such as a layoff.

° provide a reasonable amount of break time and use of a room or other location in close proximity to the employee's work area to express breast milk in private as set forth in the Labor Code.

• For pregnancy disability leave:

° PDL is not for an automatic period of time, but for the period of time that you are disabled by pregnancy. Your health care provider determines how much time you will need.

° Once your employer has been informed that you need to take PDL, your employer must guarantee in writing that you can return to work in your same position if you request a written guarantee. Your employer may require you to submit written medical certification from your health care provider substantiating the need for your leave.

° PDL may include, but is not limited to, additional or more frequent breaks, time for prenatal or postnatal medical appointments, doctor-ordered bed rest, severe morning sickness, gestational diabetes, pregnancy-induced hypertension, preeclampsia, recovery from childbirth or loss or end of pregnancy, and/or post-partum depression.

° PDL does not need to be taken all at once but can be taken on an as-needed basis as required by your health care provider, including intermittent leave or a reduced work schedule, all of which counts against your four-month entitlement to leave.

° Your leave will be paid or unpaid depending on your employer's policy for other medical leaves. You may also be eligible for state disability insurance or Paid Family Leave (PFL), administered by the California Employment Development Department.

° At your discretion, you can use any vacation or other paid time off during your PDL.

° Your employer may require or you may choose to use any available sick leave during your PDL.

° Your employer is required to continue your group health coverage during your PDL at the same level and under the same conditions that coverage would have been provided if you had continued in employment continuously for the duration of your leave.

° Taking PDL may impact certain of your benefits and your seniority date; please contact your employer for details.

° If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself). For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

Notice Obligations as an Employee.

• Give your employer reasonable notice: To receive reasonable accommodation, obtain a transfer, or take PDL, you must give your employer sufficient notice for your employer to make appropriate plans. Sufficient notice means 30 days advance notice if the need for the reasonable accommodation, transfer, or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable.

• Provide a Written Medical Certification from Your Health Care Provider. Except in a medical emergency where there is no time to obtain it, your employer may require you to supply a written medical certification from your health care provider of the medical need for your reasonable accommodation, transfer or PDL. If the need is an emergency or unforeseeable, you must provide this certification within the time frame your employer requests, unless it is not practicable for you to do so under the circumstances despite your diligent, good faith efforts. Your employer must provide at least 15 calendar days for you to submit the certification. See your employer for a copy of a medical certification form to give to your health care provider to complete.

• PLEASE NOTE that if you fail to give your employer reasonable advance notice or, if your employer requires it, written medical certification of your medical need, your employer may be justified in delaying your reasonable accommodation, transfer, or PDL.

Additional Rights under California Family Rights Act (CFRA) Leave

• You also may be entitled to additional rights under the California Family Rights Act of 1993 (“CFRA”) if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave. This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition (not related to pregnancy) or that of your child, parent or spouse. While the law provides only unpaid leave, employees may choose or employers may require use of accrued paid leave while taking CFRA leave under certain circumstances. For further information on the availability CFRA leave, please review your employer's Notice regarding the availability of CFRA leave.

This notice is a summary of your rights and obligations under the Fair Employment and Housing Act (FEHA). For more information about your rights and obligations as a pregnant employee, contact your employer, visit the Department of Fair Employment and Housing's Web site at www.dfeh.ca.gov, or contact the Department at (800) 884-1684. The text of the FEHA and the regulations interpreting it are available on the Department of Fair Employment and Housing's Web site at www.dfeh.ca.gov.

Lactation Accommodation

It is the policy of the College to provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child each time the employee has need to express milk. The break time shall, if possible, run concurrently with any break time already provided to the employee. Break time for an employee that does not run concurrently with the rest time will be unpaid.

Sick Leave for California Employees

The Sick Time policy in the Handbook meets or exceeds the requirements of California’s Sick Leave law, and California employees may utilize sick leave in a manner consistent with state law.

Voting Leave

All employees are encouraged to exercise their voting privileges and are permitted up to two hours paid time off to vote if the employee does not have sufficient time outside scheduled work hours in which to vote while polls are open. Employees must request time off to vote from their supervisor at least three working days prior to the election day. If special arrangements are necessary, employees should contact the Human Resource Manager.

Sexual Harassment Prevention Training

The College will provide sexual harassment prevention training in accordance with state law.

Sexual Harassment Policy Reporting Agencies

Employees should consult the Handbook for information regarding the College's policy on sexual harassment and discrimination. An employee may discuss concerns or file complaints with his or her direct supervisor, the Human Resources Department, or with the agencies listed below:

California Department of Fair Employment and Housing
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711
contact.center@dfeh.ca.gov
https://www.dfeh.ca.gov
U.S. Equal Employment Opportunity Commission
450 Golden Gate Avenue 5 West,
P.O Box 36025
San Francisco, CA 94102-3661
1-800-669-4000 or 510-735-8909 (Deaf/hard-of-hearing callers only)
http://www.eeoc.gov/employees

Drug and Alcohol Rehabilitation Leave

MCAD will reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, provided that this reasonable accommodation does not impose an undue hardship on MCAD. Notwithstanding the foregoing, MCAD may refuse to hire, or discharge an employee who, because of the employee's current use of alcohol or drugs, is unable to perform his or her duties, or cannot perform the duties in a manner which would not endanger his or her health or safety or the health or safety of others.

Organ and Bone Marrow Donation Leave

MCAD will provide a paid leave of absence to an employee who is an organ donor (not to exceed thirty (30) business days of paid leave in a one-year period) or a bone marrow donor (not to exceed five (5) business days in a one-year period), for the purpose of donating an organ or bone marrow to another person. An additional thirty (30) business days of unpaid leave in a one-year period is available for an employee's subsequent organ donation. MCAD may require that the employee take up to five (5) days of earned but unused leave for bone marrow donation and up to two weeks of earned but unused leave for organ donation.