**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.

**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, status as a victim of domestic violence, and traits historically associated with race, such as hair texture and protective hairstyles 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.

**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.

Breaks

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.

Space and Storage

The College will provide employees with a room or other location in which to express milk in private. A lactation room or location shall not be a bathroom and shall be in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk. The College will provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to the employee’s workspace. If a refrigerator cannot be provided, an employer may provide another cooling device suitable for storing milk, such as an employer-provided cooler.

Procedure to Request a Lactation Accommodation

Request for lactation accommodations, can be submitted via email to benefits@mcad.edu.

If the College cannot provide break time or a location that complies with the policy, the College will provide a written response to the employee. An employee claiming a violation of rights under this policy has a right to file a complaint with the Labor Commissioner and file a wage claim to recover one hour of premium pay at the employee’s regular rate of pay for each violation.

‎**Sick Leave for California Employees**

The College’s earned sick time policy satisfies the requirements of California’s paid sick time law. Employees will receive notice of their rights under the law under separate cover and will be required to sign an acknowledgement of receipt of such [notice.](https://www.google.com/url?q=https://www.dir.ca.gov/dlse/lc_2810.5_notice.pdf&sa=D&source=docs&ust=1676467967018107&usg=AOvVaw0Wo4Nd4-y9Q68tjl0Y4Wir)

**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 one (1) hour of sexual harassment and abusive conduct prevention training to nonsupervisory employees and two (2) hours of sexual harassment and abusive conduct prevention training to supervisors and managers once every two years. The law requires the training to include practical examples of harassment based on gender identity, gender expression, and sexual orientation.

Training material provided by the California Department of Fair Employment and Housing may be found at: <https://www.dfeh.ca.gov/shpt/>.

**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>

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