

# WHITTIER COLLEGE

## EMPLOYEE HANDBOOK

**April 2019**



### **Notice of Proprietary Information**

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**Revised April 2019**

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## 1. INTRODUCTION

Welcome to Whittier College!

Employees of Whittier College and Whittier Law School (the “College”) are important members of a team effort. We hope that employees will find their position with the College rewarding, challenging, and productive. Our employees have been the fuel of our successful growth and are the foundation of our future.

Because our success depends upon the dedication of our employees, we are highly selective in choosing new members of our team. We expect an employee’s best efforts and trust that our employees will strive to be members of the College team, cooperate with co-workers, and follow College instructions and procedures.

This Employee Handbook is intended to explain the terms and conditions of employment for all full-time and part-time employees,<sup>1</sup> Whittier temporary employees and supervisors. This Handbook summarizes the policies and practices in effect at the time of publication. This Handbook supersedes all previously issued handbooks and any policy or benefit statements or memoranda that are inconsistent with the policies described here.

The College’s Human Resources Department will be happy to answer any questions an employee may have.

### 1.1 HISTORY AND VALUES

Named for renowned 19th century poet John Greenleaf Whittier, the College is located in the hills overlooking metropolitan Los Angeles and coastal Southern California, a location we take full advantage of in educating students.

The College was founded by members of the Religious Society of Friends (Quakers) in 1887, but has been non-sectarian since the 1940’s. Nonetheless, the social values associated with our Quaker heritage – freedom of conscience, integrity, internationalism, listening to others and building consensus – strongly influence the College’s ethos.

The campus has a friendly tone, and there is respect for people of all backgrounds and nationalities. Whittier has a long-standing commitment to a diverse student body and faculty and the acceptance of difference that it thereby seeks to engender. This is a community where individuality is valued, tolerance is cherished, and the things that make each of us unique are seen as invaluable tools in seeking greater knowledge and understanding.

Our long academic tradition, grounded in the Quaker quest for knowledge and personal growth, aims to foster in students an appreciation for the complexities of the modern world and

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<sup>1</sup> Faculty of Whittier College are employees of the College and are subject to the policies and procedures in this Handbook unless the provisions of the Faculty Handbook deal with the same subject matter and are inconsistent with those contained herein. In that case, the Faculty Handbook controls.



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workplace while never losing sight of the importance of social responsibility. This is a place where students become actively involved in the local community as they explore their role in the global community too.

Whittier's residential nature is a key component in defining who we are, as students and professors live and learn in close proximity to one another, fostering an atmosphere where knowledge can be pursued 24/7.

Whittier Law School, an integral part of Whittier College, provides a sound legal education that prepares graduates for careers in law, business, and public service. The school was founded as Beverly College of Law in 1966, and became a part of Whittier College in March of 1975.

Whittier Law School, located in the city of Costa Mesa, California, is fully accredited by the American Bar Association and the Association of American Law Schools.

## **1.2 MISSION STATEMENT**

Whittier College is a residential four-year liberal arts institution that prepares students from diverse backgrounds to excel in a complex global society. Through challenging, interactive courses, taught by accomplished professors, students learn to make connections across disciplines, understand cultural perspectives, and integrate learning with practical application. Inspired by a Quaker heritage, the Whittier education equips students to be active citizens and effective communicators who embrace diversity and act with integrity.

## **1.3 HUMAN RESOURCES DEPARTMENT**

The Human Resources Department provides employees with information and necessary assistance to understand the College's personnel policies and to promote a positive work environment. The Human Resources Department is the best resource from which employees can obtain current information on work rules, benefits, personnel policies, wage and salary data, personnel records, job opportunities, and benefit continuation and conversion privileges on termination of employment.

The Human Resources Department maintains personnel records for all current employees. Employees are responsible for reporting any changes or updates to Human Resources within 10 business days of an event that makes an update necessary. This includes written notification of any changes in name, marital status, number of dependents, home address or telephone number. Many of these changes may also be made directly by an employee through [my.whittier.edu](http://my.whittier.edu).

Employees are encouraged and expected to report any problems, issues, concerns or complaints to the Human Resources Department as soon as possible. Specifically, employees are expected to immediately report any and all incidents of harassment, discrimination or violence regardless of whether the employee was directly involved, was a bystander, or merely heard rumors regarding such unacceptable behavior. Please see Whittier College Policy on Nondiscrimination, Grievance Process and Civil Rights Investigation Protocol for a more thorough explanation of the procedure regarding complaints of harassment and discrimination.

Employees are also encouraged and expected to inform Human Resources of any discrepancy in pay or if the employee feels that he or she has been improperly denied wages, rest breaks, meal

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breaks or overtime pay. The College will never retaliate against an employee in any fashion for reporting any problems or concerns to Human Resources in good faith.

## **1.4 ABOUT THIS HANDBOOK**

The Human Resources policies of Whittier College are outlined on the pages that follow. It is the employee's responsibility to read, and it is to an employee's advantage to fully understand, this Handbook and all of its policies, and to keep current with regard to any changes to College policies. Employees are expected to be familiar with the policies and procedures set forth in this Handbook regardless of whether an employee has actually read the provisions of the Handbook.

We expect all employees to understand and comply with the provisions in this Handbook. Employees who do not understand any provision in this Handbook because of an inability to read and comprehend English are expected to immediately notify their supervisors. Employees who fail to request assistance will be considered to have a complete understanding of all of the provisions in this Handbook.

This Handbook constitutes all policies and procedures pertaining to the duration of employment with the College and the circumstances under which employment with the College may be terminated. Nothing in this Handbook or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment or employment for any specified period for any employee.

The information in this Employee Handbook supersedes and replaces all previous personnel policies, procedures, benefits, and rules of conduct. Please remember that the College may change, delete, revise, or add to any policies, benefits, or practices described in the Handbook, at its sole and absolute discretion, with or without prior notice.

This Handbook, like all policies and procedures of the College, is interpreted and applied in a manner that best serves the objectives and furthers the mission of the College.

The Employee Handbook is also available on line at:  
[http://www.whittier.edu/humanresources/employee\\_forms](http://www.whittier.edu/humanresources/employee_forms)

## **2. FUNDAMENTALS OF THE EMPLOYEE-COLLEGE RELATIONSHIP**

### **2.1 AT-WILL EMPLOYMENT**

The relationship between the employee and the College is for no set duration of time and considered employment "at-will." This means that the employment relationship between any employee and the College can be terminated at any time by either the employee or the College, with or without cause and with or without advance notice. Nothing in this Handbook, and nothing stated by any individual, which is not contained within this Handbook, may serve to alter the at-will nature of all employees of the College.

The College can change the terms and conditions of employment with or without notice and with or without cause, including, but not limited to termination, demotion, promotion, transfer, compensation, benefits, duties, and location of work. While supervisors and managers have

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certain hiring authority, no one other than the President of Whittier College and the Board of Trustees, has any authority to alter the at-will relationship. Any such change must be in writing and signed by the President of Whittier College and the employee. This provision regarding at-will employment represents an integrated agreement with respect to the at-will nature of the employment relationship and there are no oral, collateral, or written agreements to the contrary.

## **2.2 ESSENTIAL EXPECTATIONS OF ALL EMPLOYEES**

There is a “general expectation” that all employees of the College conduct themselves in a manner that is in keeping with the mission, culture and traditions of the College. Meeting that expectation is an implicit job requirement for every College employee, in addition to the requirements of the particular job, as outlined in the applicable job description and as detailed by supervisors and College administrators. Employees may be subject to discipline if they fail to meet expectations arising from their particular job description, the directions of their supervisors, and the general expectations of all employees as outlined in this section. While it is not possible to describe each and every act or area of performance that relates to the “general expectation,” examples in some of the key areas are provided in the subsections which follow. Any questions regarding the guidelines and policies outlined herein should be directed to Human Resources Department personnel.

### **2.2.1 Professionalism**

All employee conduct must be consistent with, and acceptable in, a professional work environment. All members of the College community, and all people with whom College employees interact in connection with their employment, are to be treated with respect and courtesy. No employee conduct, language, materials, attire or appearance shall have an adverse impact on the College work environment, morale or productivity. The successful business operation and reputation of our College is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance by all College employees of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

In general, the College expects that the use of good judgment, based on high ethical principles, will guide all employees with respect to acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly and promptly with the Human Resources Director for advice and consultation. The continued success of our College is dependent upon our students’ trust and we are dedicated to preserving that trust. Employees owe a duty to our College and its students to act in a way that will merit the continued trust and confidence of the public.

Compliance with this policy of business ethics and professional conduct is the responsibility of every employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, including possible termination of employment.

### **2.2.2 Demonstrating and Promoting Ethical Conduct**

All members of the Whittier College community are expected to conduct themselves ethically, i.e., by demonstrating honesty, integrity, fairness, respect and professionalism toward all matters

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and persons. No employee shall provide inaccurate, false or fraudulent information in the course of conducting business, on College documents or during College investigations, audits or complaint processes. No employee shall make bad faith allegations of wrongdoing, including allegations that are knowingly false, capricious, maliciously motivated or made with reckless disregard for fact.

### **2.2.3 Respect of Privacy and Confidentiality**

The privacy of Whittier students, faculty, staff, visitors and all other persons shall be respected and promoted. Confidential information shall be maintained as confidential, and access to such information shall be strictly limited to those having good cause for such access and then limited to the extent necessary to accomplish legitimate purposes. The unauthorized release, use, access, or retention of confidential or proprietary information concerning any member of the College community, the College and any affiliated entities, operations or personnel (for example, information and/or records related to payroll, personnel, student, alumni, donor, patient, financial, business, research or teaching), regardless of intent, is strictly prohibited. (Nothing in the paragraph should be construed as limiting an employee's right to discuss or disclose the employee's compensation to others or any discussions among employees regarding their compensation or other work conditions).

The Family Educational Rights and Privacy Act (FERPA) of 1974 governs all information about students, current and former, maintained by Whittier College. FERPA generally requires that Whittier College have the student's written permission to release any information from his/her records except certain types of "directory information." Any questions regarding what information pertaining to a student can be released should be directed to the employee's supervisor, the Dean of Students, the Registrar, or to the Human Resources Department before the release of any such information.

Please note that certain expectations of privacy (e.g., in connection with electronic devices, e-mail, security investigations, the College's Weapons and Controlled Substances Policies, etc.) are necessarily suspended in connection with employment at the College.

### **2.2.4 Non-Discrimination/Harassment/Sexual Misconduct**

Whittier College prohibits any form of discrimination, harassment or mistreatment on the basis of race, color, national origin, ethnicity, ancestry, religion, creed, age, gender, mental or physical disability, veteran or military status, medical condition (including pregnancy, childbirth, and related medical conditions), marital status, citizenship or immigration status, sexual orientation, gender orientation, gender identification, gender expression, gender characteristics, or any other basis recognized by applicable law. Please see the anti-harassment, anti-discrimination, and sexual misconduct policies at [www.whittier.edu/policies/nondiscrimination](http://www.whittier.edu/policies/nondiscrimination) for a more detailed explanation of Whittier's policies against discrimination and harassment.

### **2.2.5 Adherence to, and Promotion of, College and Departmental Policy**

No employee of the College may act, or fail to act, in a manner that violates, interferes with or subverts College or departmental policy, objectives or initiatives. All employees are responsible for familiarizing themselves with College policies, adhering to those policies and complying with the spirit and intent of those policies as well as with the general objectives and mission of the College.

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## **2.2.6 Obeying the Law and Other Applicable Rules**

Employees shall comply, and conduct themselves in accordance, with the letter, spirit, and intent of all federal, state, local and administrative laws and regulations. Whittier College will comply with all applicable laws and regulations and expects its employees, officers and directors to and shall refrain from any illegal, dishonest, or unethical conduct. Employees are encouraged and expected to report any and all illegal activity or suspicion of illegal activity to Human Resources and/or Campus Safety immediately. The College will never retaliate against an employee for a good faith report of illegal activity.

## **2.2.7 Avoiding Conflicts of Interest and Appearance of Conflicts of Interest**

All employees must take all necessary and appropriate steps to avoid situations involving actual or potential conflicts of interest, including personal or romantic involvement with a competitor, supplier or subordinate employee of the College, which may impair an employee's ability to exercise good judgment on behalf of the College.

Employees shall disclose in writing any actual or potential conflicts of interest to their immediate supervisor. Where a potential conflict has been identified, a written acknowledgement and instruction as to how the conflict is to be handled shall be provided by an employee's supervisor before action may be taken by the employee. In situations where the conflict at issue involves a romantic relationship between two employees, the College and the employees will work together in an effort to reach a resolution of the conflict. In some instances, such conflicts may require dismissal of one or both of the employees from their employment with the College.

Examples of activities and situations which present a potential for conflict of interest for which written acknowledgement and instruction are to be obtained, include, but are not limited to, participating in any transaction between the College and a business entity in which the employee or his or her relative or intimate friend has a personal or financial interest; supervising or hiring a relative or intimate friend; accepting employment with a supplier, competitor or any other employer that might impair performance of College duties; accepting gifts from prospective or current suppliers, unless gift is of nominal value (for example, isolated meal invitations); and/or disclosing confidential College information or using such information for personal gain.

A conflict of interest shall also be deemed to exist whenever an employee has a financial interest, direct or indirect, in a student, parent, supplier, vendor, potential employee or other principal dealing with the College and that interest is of such extent or nature that it might reasonably affect his/her judgment or decisions exercised on behalf of the College.

In addition, by virtue of their respective roles at Whittier College, The Trustees, the President, Senior Executive Staff of Vice Presidents, Deans and Departmental Executive Directors/Directors, have a fiduciary relationship with the College which requires that they act in good faith and with loyalty to the College's best interests. In any case where these Trustees and Administrators exercise discretionary authority over College affairs, they may not use this authority for their own benefit. Further, the Board of Trustees of Whittier College fully supports Statement Number 57 of the Financial Accounting Standards Board which requires disclosure of any actions by any Trustee or Administrator that may even appear to constitute a conflict of interest. Therefore, it is the policy of the College that all Trustees, or members of any standing

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or ad hoc committees of the Board, the President, and the Senior Executive Staff of Vice Presidents, Deans, Departmental Executive Directors/Directors, and others as from time to time may be included under this policy, have a duty to be free from the influence of any personal and conflicting interests when they act on behalf of the College, represent the College in negotiations of any kind, or advise others within the College or outside of the College with respect to the conduct of business for the benefit of the College.

Accordingly, Trustees, the President, Vice Presidents, Deans, and Departmental Directors are expected to deal with all persons, firms, or other entities that from time to time negotiate, contract, or otherwise deal with the College solely on the basis of what is in the best interests of the College, without favor or preference based on the personal considerations of any person or group of persons. It is imperative to uphold the integrity of the College without any conflict, or even so much as the appearance of conflict, between the personal interests of Trustees and Administrators on the one hand, and the interests of the College on the other, in dealing with any organization or individual having or seeking to have any business relationship with the College.

All candidates for membership on the Board of Trustees will be advised of this policy prior to assuming the responsibilities of members. In order to authorize this policy, the Whittier College Board of Trustees hereby adopts and requires the reporting procedures outlined in section 2.2.8 below of all Trustees, members of any committees of the Board of Trustees, the President, Senior Executive Staff of Vice Presidents, Deans and Departmental Executive Directors/Directors.

### **2.2.7.1 Gifts and Gratuities**

Whittier College faculty and staff may not accept or solicit gifts, cash, favors, or gratuities from vendors or potential vendors. Ordinary business courtesies, such as payment for a modest lunch are acceptable when approved. Gifts under \$25.00, such as promotional items, which are regularly distributed by the vendor to clients are also acceptable.

### **2.2.7.2 Employing Relatives**

In keeping with good personnel management procedures and to guarantee equal employment opportunities to all, employees may not participate in career decisions (including supervision, promotion, merit, reassignment, hours, scheduling, etc.) that affect other members of their relatives, friends or someone with whom they have a romantic relationship. For purposes of this policy, “relative” is defined as: spouse, domestic partner, mother, father, son, daughter, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-relatives, grandparent, grandchild, aunt, uncle, cousin, niece, nephew and legal guardian or other person who stands in place of a parent.

This policy will be upheld regardless of the gender of the parties involved and will be equally applied to both males and females. If a proposed hire, promotion or other job action places an employee in a supervisory role with friend, relative or person with whom they have a romantic relationship, the matter should be brought to the attention of the supervisor and Human Resources. If a new hire, promotion or transfer creates a direct reporting relationship with the employee’s relative, someone with whom the employee has a romantic relationship or a friend, the immediate supervisor and Human Resources must be informed within 10 days prior to the event. While appointment of relatives, friends or those with whom an employee has a romantic



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relationship to the same department or unit is not necessarily in conflict with this policy, employees may not participate in career decisions (including promotion, merit, reassignment, etc.) of relatives, friends or those with whom they have a romantic relationship.

The College will do whatever is possible to avoid the conflict or appearance of a conflict of interest although all parties should recognize that easy accommodation of the situation may not always be possible. For more specific information regarding the employment of immediate family, the employee may contact the Human Resources Department.

### **2.2.8 Reporting Wrongdoing**

If an employee of the College has knowledge, concerns or suspicions of illegal, dishonest, wrongful or fraudulent activity, the employee is to contact the Associate Vice President, Human Resources and Organizational Development as soon as possible. The employee must exercise sound judgment to avoid baseless allegations. An employee's reporting of an allegation of activities believed to be wrongful or unlawful made with the belief in the truth of the allegation based upon the facts will be considered to be done in good faith, regardless of the outcome. An allegation is not in good faith if made with reckless or willful disregard of facts that would disprove the allegation. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination. However, the College will never retaliate against an employee for making a report of wrongdoing which is based upon a good faith belief in the truth of the allegations.

Reports of wrongdoing should be factual, contain as much specific information as possible, and include, at a minimum, the names of the parties involved, the location of the incident(s), and the nature of the possible wrongdoing or unlawful activity. Employees are encouraged to submit a report in writing so as to assure a clear understanding of the issues raised, but any such report may be made orally. Allegations of suspected or unlawful activities may be reported anonymously to Human Resources. All reports of illegal, wrongful, fraudulent or dishonest activities will be promptly investigated and, if appropriate, recommendations for corrective action will be made.

#### **2.2.8.1 Where to Report Wrongdoing**

Reports of wrongdoing must be made to either the employee's supervisor or to the Human Resources Department. Allegations regarding fraudulent or unlawful conduct, misuse of College property, technology, or facilities, health and safety violations, misrepresentation of fact and falsification of non-financial records should be reported to the Associate Vice President, Human Resources and Organizational Development, or, if the victim is a student, the Vice President and Dean of Students. Allegations regarding theft of College property, falsification of financial records, and misappropriation of funds should be reported to the Vice President of Finance and Administration.

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## 2.2.8.2 Whistleblower Protection Policy

A “whistleblower” as defined in this policy encompasses any of the following employees:

- a) An employee who discloses information which he/she believes to be unlawful to a government or law enforcement agency;
- b) An employee who discloses information which he/she believes to be unlawful to a person with authority over the employee;
- c) An employee who discloses information which he/she believes to be unlawful to another employee with authority to investigate, discover, or correct the purported violation or noncompliance;
- d) An employee who provides information to, or testifies before, a public body conducting an investigation, hearing or inquiry, where the employee has reasonable cause to believe that the information discloses unlawful conduct; or
- e) An employee who refuses to participate in an activity that would result in unlawful conduct.

For the purposes of this policy, “unlawful conduct” refers to:

- a) A violation of a state or federal statute;
- b) A violation or noncompliance with a local, state or federal rule or regulation; or
- c) With reference to employee safety or health, unsafe working conditions or work practices in the employee’s employment or place of employment.

The College takes protection of whistleblowers very seriously. It is the policy of the College to never make, adopt, or enforce any rule, regulation, or policy which would serve to prevent or prohibit any College employee from being a whistleblower. It is further the College’s policy to never retaliate against any employee for engaging in any activities defined as whistleblowing activity herein and further not to retaliate against any College employee for any whistleblowing activity he/she may have participated in prior to his/her employment with the College. The College will also not retaliate against any employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.

Insofar as possible, the confidentiality of the whistleblower will be maintained when requested. However, the whistleblower’s identity may need to be disclosed to conduct a thorough investigation, to comply with the law, and/or to provide accused individuals their legal rights of defense. The College will not retaliate against a whistleblower, nor will the College retaliate against someone believed to be a whistleblower. This includes, but is not limited to, protection from retaliation in the form of adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any



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whistleblower who believes he/she is being retaliated against must contact the Associate Vice President, Human Resources and Organizational Development immediately. The right of a whistleblower to protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

### **2.2.9 Respect of Authority**

Employees shall demonstrate appropriate regard and respect for the College, its administrators, faculty and staff. No employee shall refuse to follow (or follow only after complaints or resistance), a reasonable and lawful written or verbal instruction from a supervisor or other College employee with apparent authority, including Campus Safety officers in the discharge of their duties. If an employee believes that an instruction from a supervisor is illegal or inappropriate in any way, such concerns should be brought to the attention of the Human Resources Department right away, pursuant to the guidelines and subject to the policies outlined in this Handbook, which include protection against retaliation for any such good-faith complaints.

No employee shall impede or fail to fully, immediately and truthfully cooperate with any College inquiry or investigation, including investigations of complaints about alleged violations of College policy or applicable law.

### **2.2.10 Productivity, Attendance and Tardiness**

Employees are expected to fulfill their obligations under the section entitled, “Essential Expectations of All Employees” in this Handbook, to perform their job responsibilities and essential functions as stated in their job descriptions, and to perform those related and ancillary tasks which are reasonably designed to further their job responsibilities.

Employees are expected to be at their workstation and ready to work at the beginning of the employee’s assigned daily work hours. Employees are expected to remain at their workstation, unless performing work-related duties, until the end of the employee’s assigned work hours, except for allowed rest and meal breaks.

Employees shall perform their work in a productive, cost-effective manner. Employees shall not engage in any conduct adversely affecting productivity, efficiency or orderly workflow, including, but not limited to, habitual tardiness or chronic absenteeism, which are not caused by the employee’s medical condition or disability or other reasons protected by law, absences which are unexcused or unauthorized, patterns indicating abuse of leave policy, falsification of timekeeping records, failure to return from approved leaves, job abandonment, and failure to follow departmental procedures regarding notification of, or requests for, absence or leave.

From time to time, it may be necessary for an employee to be absent from, or late in arriving to, work. Except with regard to pre-approved absences or Sick Leave absences, if an employee is unable to report to work, or if the employee will arrive late, the employee must notify his/her supervisor prior to the employee’s start time or within 1 hour after the employee’s normal start time. If the employee knows in advance that he/she will need to be absent or tardy, the employee is required to notify his/her supervisor with as much advance notice as practicable.

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It is the employee's responsibility to make arrangements with management to keep the College informed during an absence and to provide medical verification when asked to do so consistent with the College's Sick Leave policy. It is not appropriate to leave a message or have a friend or relative call in for an employee except in an emergency. The employee must make every attempt to speak with his/her supervisor regarding absences from, and late arrival to work.

The College may request a doctor's statement certifying the employee's ability to perform the essential duties of the employee's job and identifying any work restrictions and/or accommodations needed to enable the employee to perform the essential duties of his or her position when the employee has been absent for more than 3 (8 hour) consecutive days or more than 24 work hours as a result of illness or injury. The doctor's statement should be provided to the Human Resources Department. Any work restrictions imposed by the employee's doctor will be reviewed by Human Resources personnel and discussed with the employee in connection with providing the employee with a reasonable accommodation as explained more fully in this handbook.

Employees who do not call in or report to work pursuant to the policies set forth in this Section may be subject to disciplinary action, up to and including possible termination. Absence from work for 3 consecutive days without notifying the employee's supervisor is job abandonment and will be considered a voluntary resignation unless the employee is unable to do so due to a medical condition or disability or other reason protected by law.

A consistent pattern of absence will be considered excessive, and the reasons for the absences may come under question. Tardiness or leaving early may be as detrimental to the College as an absence. A "tardiness pattern" will carry the same weight as an absence except where the tardiness is due to a medical condition or disability or any other reason protected by law. Other factors, like the degree of lateness, may be considered consistent with this section.

Tardiness or absence is considered "excused" only when an employee complies with the policies set forth in this Section (2.2.10). The failure to comply with the policies set forth in this Section (2.2.10) will result in a tardy or absence that is "unexcused."

The College considers "unexcused" tardiness and absence to be a serious problem. Accordingly, employees who are tardy or absent excessively or show a consistent pattern of tardiness or absence, whether "excused" or "unexcused," will be subject to disciplinary action, up to and including possible termination. Absences or tardiness for reasons protected by law are excluded from this provision.

Note: Call in procedures for Campus Safety personnel supersede the procedures in this Handbook. However, absence from work for 3 consecutive days without notifying the employee's supervisor, except where the employee is unable to give such notice due to a medical condition or disability or other reason protected by law, is job abandonment and will be considered a voluntary resignation.

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### 2.2.11 Respect for/Misuse of College Resources

College resources shall be used appropriately in the furtherance of the business and operations of the College, and not misused, mistreated, abused, abandoned, improperly discarded, sold, or otherwise caused to prematurely diminish in value. Employees shall not engage in any use of College resources, supplies, materials, equipment, property, services, vehicles, logos or trademarks for any purpose other than College business.

Employees shall not engage in any act of unauthorized taking or use of College assets, which results, or could result, in financial loss to the College (for example, theft, fraud, embezzlement, failing to report known or suspected misappropriations to Audit Services – regardless of magnitude).

Employees may be issued tools or other College property during the course of a job or project. Such property shall be returned in good condition, except for normal wear and tear. Employees should take care of all College equipment as if it were their own. It is the responsibility of any terminating employee to return promptly all College property.

If an employee loses or damages College property as a result of an intentional act or gross negligence, the employee may be required to pay for the College property that has been damaged or lost.

Unauthorized removal of College property is prohibited, including removal of items designated as scrap or trash.

College resources shall not be used for:

- a) The reproduction or distribution of copyrighted materials, trademarks, or other protected material in any form without express written permission from the material's owner;
- b) Transmittal of any communication or material that may be illegal, offensive, harassing or unprofessional;
- c) Distribution of unauthorized e-mail, including unsolicited, junk, chain or unauthorized mass mailings;
- d) Promoting or engaging in for-profit endeavors through the use of College electronic resources or e-mail;
- e) Viewing, downloading, storing or otherwise interacting with obscene, abusive, harassing, bullying or pornographic documents, messages (including jokes), files, images, emails, videos, music, or links (absent legitimate business need, such as related academic research or curriculum or as part of a disciplinary investigation). However, such legitimate business need must be disclosed in advance to the employee's supervisor. Employees who receive such material unsolicited or inadvertently must report the receipt to their system administrator or supervisor, and take steps to avoid offending others with the received material; or

- i) Any other unlawful or improper purpose.

Employees may not conduct personal business while being paid for hours worked, except for paid rest and meal breaks and may not assign non-College work to another employee or student worker.

### **2.2.12 Safety Issues and Policy Against Violence and Intimidation**

Employees must follow and promote safe work practices, report unsafe work practices, immediately file accident reports, the forms for which can be obtained from the Human Resources Department or Campus Safety and immediately report any and all safety hazards and accidents to Campus Safety.

No employee shall engage in or promote acts or threats of violence, intimidation or aggression on College property at any time or while on College business regardless of location, or offsite at College-related events. This provision includes, but is not limited to, possession of any firearm (excluding permitted staff in the Campus Safety department).

### **2.2.13 Controlled Substance Issues**

Whittier College is a drug and alcohol-free workplace. As part of the omnibus drug legislation enacted November 18, 1988, Congress passed the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D), which requires that all employees be notified that it is unlawful to manufacture, distribute, dispense, possess, or use any controlled substance in the workplace.

Controlled substances are those defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined in regulation 21 CFR 1308.11 - 1308.15. Controlled substances include, but are not limited to, such substances as marijuana, heroin, alcohol, cocaine, LSD, and amphetamines.

As a condition of employment, all employees of the College (including those persons working on covered grants and contracts), will be required to notify his/her supervisor and/or Human Resources of any criminal drug statute conviction for a violation occurring in the workplace, no later than five days after such conviction.

Any violation of the laws prohibiting controlled substances in the workplace by an employee may be cause for disciplinary action up to and including discharge from employment. In the alternative, at the option of the College, in order to remain employed by the College, the employee may be required to satisfactorily complete a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

In keeping with the Drug-Free Workplace Act, and consistent with the College's requirement that employees maintain high standards of safety, quality, and professional conduct in the workplace, the following actions are prohibited:

- a) Reporting to work under the influence of alcohol, intoxicants, illegal drugs, marijuana, or controlled substances, whether ingested on or off College premises;

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- b) The illegal use, possession, manufacture, transfer, purchase, sale, or attempted purchase or sale of intoxicants, alcohol, illegal drugs, marijuana, or controlled substances in any manner during working hours, or while on the job, on College property, including parking lots or College-owned or leased vehicles; and,
- c) Using College property or an employee's position within the College in any fashion which would encourage or facilitate the making or trafficking of intoxicants, controlled substances, alcohol, marijuana, or illegal drugs.

Additionally, employees in positions affecting public safety who are taking a drug or medication, whether or not prescribed by a physician, that may adversely affect the employees' ability to perform their duties in a safe or productive manner must report such use of medication to their supervisors. This includes drugs that are known or advertised as possibly affecting judgment, or causing drowsiness or dizziness or marked with a notice to exercise caution in the operation of moving vehicles or mechanical equipment. The College may consult with the prescribing physician to learn the expected effect of the drug or require a written statement from the physician that continued work will be safe and efficient. An employee may continue to work if the College determines that the employee does not pose a safety threat and that job performance is not affected by the use of the drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate measures. Employees have the responsibility to report any drug, alcohol, or controlled substance situation that affects the workplace and to report any violation of the College's alcohol and drugs policy.

Prescription medication should be kept out of the reach of other employees, students or the public.

In order to promote a safe, productive and efficient workplace, the College reserves the right to inspect, at any time the College deems appropriate, College property including but not limited to lockers, desks, vehicles, filing cabinets, and packages. Searches of employees and their personal property including but not limited to lunch boxes, containers, purses, brief cases, and other objects brought onto College property that might conceal alcohol, illegal drugs, controlled substances, and/or other inappropriate materials may be conducted when there is reasonable suspicion that an employee is in violation of this policy. An employee's consent to such a search is required as a condition of employment, and the employee's refusal to consent may result in disciplinary action, up to and including termination, although the employee will first have the opportunity to contest the basis for the reasonable suspicion.

If there are reasonable grounds for suspecting that an employee is in violation of the College's alcohol and drugs policy, the College has the right to require testing at the College's expense. The testing will be conducted by a professional medical staff and laboratory while the employee is "on the clock." After the test, the employee will be placed on an immediate suspension from work until the results are obtained. Any employee in violation of this policy will be subject to discipline, up to and including termination, even for a first offense. Other actions, such as notification of law enforcement agencies, may be taken depending on the circumstances. Failure of any employee to consent to testing when requested to do so will be considered insubordination and may result in immediate termination.

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The College will attempt to reasonably accommodate any employee who wishes to voluntarily enter and participate in a drug or alcohol dependency rehabilitation program at the employee's expense, unless it places an undue hardship on the College. This is not applicable if the employee has violated this policy and is already subject to discipline for a drug or alcohol policy violation separate from the seeking of rehabilitation assistance. Leave of absence for such purpose shall be without pay.

### **2.2.14 Workforce Eligibility and Compliance**

It is the responsibility of the employee to ensure that the employee is fully eligible to work, as defined under applicable law and all policies of Whittier College. The College is committed to full compliance with the federal immigration laws and will not knowingly hire or continue to employ anyone who does not have the legal right to work in the United States. Within 3 days of an employee's date of hire, he/she must provide proof of his/her legal right to work in the United States. If the required proof is not provided, the College will terminate the employee as required by law. As an ongoing condition of employment, employees are required to provide documentation verifying their identity and legal authority to work in the United States.

Employees who were hired with documentation indicating an expiration date to their work authorization period must provide appropriate new work authorization permission prior to the expiration date. The College is responsible for notifying employees in advance of an expiring work authorization or their need to obtain new work authorization permission. Failure to provide evidence of renewal or eligibility to continue to work in the United States will result in termination.

Every employee must comply with the policies of the College, maintain updated records, update all forms, complete all required training and education, and otherwise act to comply in full with the letter and spirit of this Handbook and the full policies of the College. The Office of Human Resources maintains a list of all necessary forms that must be completed and acknowledgements that must be signed at the time of hiring and updated throughout the employment relationship. All forms and acknowledgments must be completed and returned prior to or on the first day of employment.

Continuing employees have an obligation to acknowledge receipt of updated notices and information, and to read such materials, as they are distributed and posted by the Office of Human Resources. All continuing and updated forms and acknowledgements must be completed and returned as a condition of continuing employment. The failure to provide the completed and signed forms and acknowledgements when requested will be considered insubordination that may result in disciplinary action up to and including termination. An employee may be denied work on the basis of the employee's failure to fully comply with all workforce eligibility requirements.



## 2.3 POLICIES REGARDING THE COLLEGE COMMUNITY

### 2.3.1. Anti-Harassment Policy – Policy on Sexual/Romantic Relationships Between Employees and Students

#### **Regarding Anti-Harassment:**

The College does not tolerate unlawful harassment and the College's policy against harassment applies to all persons involved in the operation of the College and prohibits unlawful harassment against the College's applicants, employees, independent contractors, and students by any employee of the College, including supervisors and managers, as well as vendors, students, independent contractors, suppliers, and any other persons. Any form of harassment which violates federal, state or local law, including, but not limited to, harassment related to an individual's race, color, national origin, ancestry, ethnicity, sex, gender, religion, creed, age, mental or physical disability, veteran or military status, medical condition (including pregnancy, childbirth and related medical conditions), marital status, citizenship, immigration status, status as a victim of domestic violence, status as a victim of sexual assault, status as a victim of stalking, sexual orientation, gender orientation, gender identification, gender expression, or genetic characteristics, or any other category protected by state or federal law ("a protected category") is a violation of this policy and will be treated as a disciplinary matter. Gender expression relates to a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. Gender identity relates to a person's internal sense of being male or female. The College also prohibits harassment based on the perception that an employee, applicant, independent contractor, or student has any of the characteristics of someone in a protected category, or is associated with a person who has or is perceived as having any of the characteristics of someone in a protected category.

Harassment is unwelcomed verbal or physical conduct that is sufficiently severe or pervasive and is subjectively (from the view point of the alleged victim) and objectively (from the view point of the reasonable person) offensive that unreasonably interferes with the work performance and alters the work environment of an applicant, employee or independent contractor or that deprives a student or any other person of the ability to participate in or benefit from the College's educational program. Harassment may also exist when an applicant, employee, independent contractor, student or other person's consent to or rejection of sexual conduct is linked to the grant or denial of employment or educational benefits ("Quid Pro Quo" harassment). Finally, retaliatory harassment may take the form of adverse employment or educational actions taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.

Sexual harassment deserves particular mention and some examples of prohibited behavior are as follows:

- a) Visual conduct, such as leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters.
- b) Verbal conduct such as sexual innuendos, suggestive comments, sexually oriented teasing or practical jokes, display of sexually suggestive pictures or other materials, suggestive or insulting sounds, looks or gestures.

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- c) Any unwanted physical contact (i.e. kissing, hugging, touching, massaging, sitting on laps), including the most severe form of harassment such as sexual assault. Physical conduct also includes intentionally blocking a person's normal movement.
- d) Offering or demanding an educational or employment benefit (such as a raise or promotion or assistance with one's career) in exchange for consent to sexual favors, or threatening an educational or employment detriment (such as termination, demotion, or disciplinary action) for an employee's refusal to engage in sexual activity.

Please note that this list is not exhaustive and the mere fact that conduct is not listed as an example on the list above does not mean that such conduct is permissible or would not constitute sexual harassment. Further, harassment need not be motivated by sexual desire to constitute unlawful sexual harassment.

If an applicant, employee, or independent contractor feels that he/she is the victim of harassment, that person should immediately notify his/her supervisor, the Director or Associate Vice President, Human Resources and Organizational Development, or another College supervisor. If an applicant, employee, or independent contractor has any questions about what constitutes harassing behavior, that person should similarly ask a supervisor, Director or Associate Vice President, Human Resources and Organizational Development, or another College supervisor. A student employee who believes he or she was subjected to harassment by non-student employees should report such misconduct to his or her direct supervisor, the Director or Associate Vice President, Human Resources and Organizational Development, or another College supervisor. A student employee who believes that he or she was harassed by another student employee should report such misconduct to his or her direct supervisor, the Director or Associate Vice President, Human Resources and Organizational Development, or another College supervisor. A student employee who believes that he or she has been subjected to sexual harassment that is unrelated to his or her employment by another student should report such misconduct to the Title IX Coordinator or the Dean of Students Office and follow the reporting procedures set forth in the College's Sexual Misconduct Policy, which may be found at <https://www.whittier.edu/policies>.

Violations of the policy by applicants, independent contractors, employees and/or non-employees will be referred to Human Resources, senior management and/or other appropriate management personnel for appropriate corrective action.

The College prohibits any form of retaliation against any applicant, employee, (including student employees), or independent contractor for filing a good faith complaint under this policy or for assisting in the investigation of a complaint. An applicant, employee, or independent contractor who feels that he/she has been retaliated against for filing a complaint or for participating in an investigation should immediately notify his/her supervisor, Human Resources, or another College supervisor. A student who believes that he or she has been retaliated against should follow the procedures set forth in the College's Sexual Misconduct Policy, which may be found at <https://www.whittier.edu/policies>. False or malicious complaints of harassment, discrimination or retaliation, as opposed to complaints which are not substantiated but are made in good faith, may be subject to appropriate disciplinary action.



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A supervisor or member of management may not date, engage in any sexual activity with, or make sexual advances, welcomed or unwelcomed, toward any subordinate employee, applicant, independent contractor, student or parent, and must not offer an employment benefit to an applicant, employee, or independent contractor (such as a raise or promotion or assistance with one's career) in exchange for sexual favors or threaten an employment detriment (such as termination, demotion, or disciplinary action) because of an employee's failure to engage in sexual activity.

### **Regarding Sexual or Romantic Relationships between Faculty Members, Staff and Students:**

This policy highlights the risks in sexual or romantic relationships at Whittier College between individuals in inherently unequal positions; prohibits certain relationships between Faculty Members, and students; and requires recusal (from supervision and evaluation) and notification in other relationships.

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions, and parties in such a relationship assume those risks. Unequal relationships include:

- Supervisor and employee;
- Faculty Member/Staff Member and student;
- Faculty Member/Staff Member and administrative assistant

Note - if a faculty member serves as a coach for an athletic team, whether voluntary or paid, he or she must adhere to the Policy on Sexual or Romantic Relationships for Coaches as well. Because of the potential for conflict of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided. Further, these relationships are often less consensual than the individual whose position confers power or authority believes. In addition, circumstances may change, and conduct that was previously welcomed may become unwelcomed. Even when both parties have consented at the outset to a sexual or romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcomed conduct.

Such relationships may also have unintended, adverse effects on the climate of the campus, thereby impairing the environment for others – both during such a relationship and after any break-up. Relationships in which one party is in a position to evaluate the work or influence the career of the other may provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities, or simply creates a perception of these problems.

For all of these reasons, sexual or romantic relationships – whether regarded as consensual or otherwise – between individuals in inherently unequal positions as listed in this policy are strictly prohibited.

Where such a relationship develops, the person in the position of greater authority or power must recuse him/herself to ensure that he/she does not exercise any supervisory or evaluative function over the other person in the relationship. Where such recusal is required, the recusing party must

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also notify his/her supervisor, and Title IX Coordinator so that person can ensure adequate alternative supervisory or evaluative arrangements are put in place. Such notification is always required where recusal is required. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy. The College has the option to take any action necessary to insure compliance with the spirit of this policy.

If there is any doubt whether a relationship falls within this policy, individuals should disclose the facts and seek guidance rather than fail to disclose. Questions may be addressed to the Vice President of Academic Affairs, the Associate Vice President, Human Resources and Organizational Development, or the Title IX Coordinator listed in this policy.

Those who engage in sexual or romantic relationships contrary to the guidance, prohibitions, and requirements provided in the policy are subject to disciplinary action up to and including dismissal/termination, depending on the nature of and context for the violation. They will also be held accountable for any adverse consequences that result from those relationships.

Employees, supervisors, and/or managers who become aware of any violation of this policy should immediately advise the College Associate Vice President, Human Resources and Organizational Development to ensure that such conduct does not continue. Conduct that violates this policy can lead to disciplinary action up to and including termination. Be advised that managers, supervisors, and co-workers can be sued personally for sexual harassment.

Whittier College will provide anti-harassment, including sexual harassment, training for its supervisory staff at least once every two years. The College also will provide such training to all newly hired or promoted supervisors within six months of their promotion or hiring.

### **2.3.2 Equal Opportunity/Anti-Discrimination Policy**

The College is committed to equal employment opportunity for all qualified persons, without regard to race, color, national origin, ancestry, ethnicity, sex, religion, creed, age, gender, mental or physical disability, veteran or military status, medical condition (including pregnancy, childbirth and related medical conditions), marital status, citizenship, immigration status, status as a victim of domestic violence, status as a victim of sexual assault, status as a victim of stalking, sexual orientation, gender orientation, gender identification, gender expression, genetic characteristics or any other category protected by state or federal law (“a protected category”). Unlawful discrimination based on the perception that anyone has any of the characteristics of someone in a protected category, or is associated with a person who has or is perceived as having any of the characteristics of someone in a protected category is also prohibited. Gender expression relates to a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s sex at birth. Gender identity relates to a person’s internal sense of being male or female. This policy against discrimination applies to all terms and conditions of employment and all employment practices, including, but not limited to, recruitment, hiring, compensation, leaves of absence, recall, lay off, placement, College benefits, promotions, demotions, transfers, training, disciplinary action, and termination.

The College also maintains compliance with the federal Genetic Information Nondiscrimination Act (GINA). The College respects all employees’ privacy in their genetic information and

enforces a strict policy of nondiscrimination on the basis of genetic information which includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (i.e. an individual's family medical history). The College will never discriminate, harass, or retaliate on the basis of genetic information when it comes to any terms or conditions of employment, including, but not limited to, recruitment, hiring, compensation, leaves of absence, recall, lay off, placement, College benefits, promotions, demotions, transfers, training, disciplinary action, and termination. Additionally, the College will never use genetic information to make an employment decision.

The College expects all employees to show respect and sensitivity towards all other employees, and to demonstrate a commitment to the College's equal opportunity objectives. If an employee observes a violation of this policy, it should be reported immediately to the Human Resources department. The College will investigate immediately any complaint and take appropriate preventative and/or corrective action. The College prohibits any form of retaliation against any employee for filing a good faith complaint under this policy or for assisting in the investigation of a complaint. An employee who feels that he or she has been retaliated against for filing a complaint or for participating in an investigation may also make use of the complaint procedure outlined in Section 2.3.4 below. False or malicious complaints of harassment, discrimination or retaliation, as opposed to complaints which are not substantiated but are made in good faith, may be subject to appropriate disciplinary action.

### **2.3.3 Disability Accommodation and the Interactive Process**

The College complies with the requirements of the California Fair Employment and Housing Act (FEHA), the Rehabilitation Act and the Americans with Disabilities Act and amendments (ADA) and will reasonably accommodate qualified individuals with a physical or mental disability or impairment that limits a major life activity, or a record of such disability or impairment, or being regarded as having such disability or impairment or being regarded as having such potential disability or impairment. The employee is responsible for bringing the need for accommodation to the attention of the College.

In most cases, the College will not require any specific information pertaining to the employee's physical or mental condition. However, the College may require a statement from a qualified health professional regarding any work restrictions and the type of accommodation that would enable the individual to perform the essential duties of his or her job.

Any applicant or employee seeking an accommodation should contact the Human Resources department. The College will then engage in an interactive process with the applicant or employee in an attempt to reach a reasonable accommodation that would enable the individual to perform the essential duties of the person's job and that does not cause the College undue hardship in the operation of its business. In considering requests for accommodation, the College will look at a number of factors, including the impact on other employees, the cost involved, the health and safety of the employee and others, and other business necessities.

The College will also reasonably accommodate victims of domestic violence, sexual assault or stalking. In some instances, such accommodations may include the implementation of safety measures, where appropriate.

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Any employee who feels that his/her requests for accommodation have not been properly addressed or who feels like he/she has been discriminated against should immediately report this issue to Human Resources or College management. The College will never retaliate against an employee for reporting perceived violations of the disability accommodation policy in good faith.

### **2.3.4 Complaints for Violation of Anti-Harassment or Equal Opportunity Policies**

The College encourages all applicants, employees or independent contractors to immediately report any incidents of harassment, discrimination or retaliation forbidden by this policy pursuant to the procedures set forth under Section 2.3.1 above so that complaints can be quickly and fairly resolved. The employee will be asked to provide details of the incident or incidents, names of individuals involved and names of any witnesses. While the College prefers that the complaint be in writing, this is not mandatory.

The College will discretely, promptly and thoroughly investigate the complaint, as soon as possible to determine whether any violation of its policy has occurred. For policies and procedures relating to discrimination involving students either as alleged victims or as the accused person, see the Whittier College Policy on Nondiscrimination at <https://www.whittier.edu/policies>.

While complete confidentiality cannot be guaranteed, the College will perform the investigation as discretely and as quickly as reasonably possible. A College representative will advise all parties concerned of the results of the investigation. The College will never retaliate against an applicant, employee, or independent contractor for making a good faith complaint to Human Resources pursuant to this policy.

The individuals listed below are available to members of the College community who seek information and counseling about the College's formal and informal mechanisms for resolving complaints:

#### Whittier College Main Campus

Students	Vice President and Dean of Students
Staff	Associate Vice President, Human Resources and Organizational Development
Faculty	Vice President for Academic Affairs, Dean of Faculty

#### Law Campus

Students	Assistant Dean of Students
Staff	Associate Vice President, Human Resources and Organizational Development
Faculty	Dean of the Law School

The representatives designated for specific groups have certain expertise in dealing with issues related to their assigned groups. However, for maximum flexibility and sensitivity, individuals may seek counsel from, or file complaints with, any of the representatives listed above.

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Since a claim of harassment or discrimination may involve members of the faculty, the student body, and/or staff, the procedure used in cases of harassment and discrimination may differ from the process normally applied in resolving staff employee-management, work-related issues.

To protect alleged victims and accused persons alike, all management personnel are charged with the responsibility of using the utmost discretion in investigating complaints.

Employees who believe that they have been sexually harassed may also file a complaint with the local office of the California Department of Fair Employment & Housing (DFEH) or the United States Equal Employment Opportunity Commission.

### **2.3.5 Student-Employee Interactions**

Employees are expected to be polite, courteous, and attentive to every student and/or family member of our students. A desire to help attitude must be displayed. When an employee encounters an uncomfortable situation that he or she does not feel capable of handling, the employee's supervisor should be notified immediately.

Ours is a service business and all of us must remember that the student always comes first. Remember, while the student is not always right, the student must still be treated in a professional manner. Never regard a student's question or concern as an interruption or an annoyance. An employee must respond to inquiries from students, whether in person or by telephone/email, promptly and professionally. Never argue with a student. If a problem develops, or if a student remains dissatisfied, ask a supervisor to intervene.

All correspondence and documents, whether to students or others, must be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates an employee's commitment to those with whom we do business.

### **2.3.6 Open Communications**

The College is committed to providing the best possible climate for maximum development and goal achievement for all employees. Our practice is to treat each employee as an individual. We seek to develop a spirit of teamwork, with individuals working together to attain a common goal.

In order to maintain an atmosphere where these goals can be accomplished, we strive to provide a comfortable workplace. All management personnel at Whittier College have an open door policy and employees are encouraged to discuss any job concerns directly with management personnel. In most cases, it is preferable for the employee to use the normal chain of command to communicate concerns to management. This means talking first to an immediate supervisor, whenever possible. However, we understand there may be times when an employee would feel uncomfortable talking to his/her immediate supervisor or manager. An employee has the right to deal directly with Human Resources or other College management regarding College policies, job assignments, working conditions, or any other concern that may affect the employee's performance and relationship with the College.

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### **2.3.7 English Language**

As a courtesy to our guests, all employees who deal directly with the public are expected to be able to speak, read, and understand the English language. An employee must speak English when talking to English speaking guests or employees. If a guest speaks to an employee in another language, the employee may respond in that language if the employee is able to do so or if possible, the employee should find another employee or supervisor to help them. Employees are not required to speak English while on their rest or meal breaks.

### **2.3.8 Attire and Appearance**

The College expects employees to maintain an appropriate and professional personal appearance and to behave in an appropriate and respectful manner at all times in connection with any College business or activity. The College recognizes the employee's right to dress and groom as he or she chooses, unless the dress or grooming has an adverse effect on the College's business or on the employee's health or safety.

Because an employee's appearance affects the opinion that others may form of the College, the College requests that employees dress appropriately for the jobs they perform. The College expects all employees to present a neat, well-groomed appearance and a courteous disposition. Employees should dress in a businesslike manner. Employees should avoid extremes in dress, jewelry, accessories, fragrances and behavior. Non-businesslike clothing and unprofessional behavior is unacceptable. These requirements are important to making a favorable impression on the public, students and fellow workers.

Employees who are provided with College uniforms should keep them in a neat and clean condition. Employees provided with College uniforms must wear them at all times while on duty. Employees are required to return their uniforms in a timely manner upon termination of their employment.

Employees are expected to observe these requirements regarding personal appearance and behavior at all times while at work. Employees who report to work in unacceptable attire may be requested to leave work and return in acceptable attire. Such time off from work will generally be without pay for non-exempt employees. Nothing in this policy is intended to prohibit employees from appearing or dressing consistently with his or her gender identity or gender expression.

The College will reasonably accommodate employees whose religions dictate specific dress or grooming practices that do not cause an undue hardship to the College's operation or pose a safety concern. Employees requesting accommodation should notify the College's Human Resources Department to enable the College to engage in the interactive process in order to provide a reasonable accommodation.



### **2.3.9 Posting of Materials**

Posted information on College bulletin boards is for the benefit of all employees. Employees will find posters that explain state and federal law, as well as updated information about College policy and procedures. Employees are responsible for checking College bulletin boards on a regular basis and for reading all posted materials. Employees may not post, remove, or alter materials on College bulletin boards at any time, without prior written management approval.

### **2.3.10 Security**

The College has developed guidelines to help maintain a secure workplace. Be aware of persons loitering for no apparent reason in parking areas, restrooms, walkways, entrances and exits, and service areas. Employees should report any suspicious persons or activities to Campus Safety personnel or their supervisor.

The Students Right-to-Know and Campus Security Act requires that all Colleges and universities receiving federal funds publish campus security policies, crime prevention programs, and specific campus crime statistics on a yearly basis. This information is available online to employees and applicants, as well as upon request to the Campus Safety Department.

Employees should become familiar with the campus, their building and the evacuation routes. Each building is assigned a building captain. In the event of an emergency on campus, information will be provided via cellular telephone, the College's website, or through a supervisor.

The Campus Safety Office at the Whittier College campus is available on a 24-hour basis, at (562) 907-4211 or in emergencies at (562) 907-4911. At the Whittier Law School please call (714) 444-4141, extension 422, 8:00 a.m. to 6:00 p.m. After 6:00 p.m., the guard may be paged from the Reference Desk in the Library by calling (714) 358-6052.

Office employees should secure their desk or office at the end of the day. The security of facilities as well as the welfare of our employees depends upon the alertness and sensitivity of every individual to potential security risks. Employees should immediately notify their supervisor when unknown persons are acting in a suspicious manner in or around the facilities, or when keys, security passes or identification badges are missing. Lost or missing keys should be reported to Campus Safety immediately.

#### **2.3.10.1 Reporting Threats or Violence**

The College is committed to ensuring that the work environment is as safe as possible for all employees and students. Any form of threats or violence, no matter how minor, will not be tolerated. It is the responsibility of every employee to report any situation involving a threat and/or any form of violent behavior. Even veiled threats or jokes should be taken seriously.

Violent behavior can include, but is not limited to, fighting, extreme verbal abuse, vandalism, bodily injury, destruction of property, etc. All violent behavior or threats of violence, whether verbal or physical, is prohibited and will be addressed immediately.

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The only way to prevent a potentially dangerous situation is if the appropriate people within the College are notified. All employees must report all acts of violence to their supervisor/manager and Human Resources. Once notified, the College will take steps to immediately intervene and diffuse a situation which involves threats or violence. To this end, employees should report all outstanding restraining orders to the Human Resources Department or if a potentially violent non work-related situation exists that could result in violence in the workplace.

If an employee is fearful of retaliation, he or she may make an anonymous call to any member of management. Anonymous reporting of threats or violence will be investigated promptly. An employee should be sure to give as much information as possible so that the threat can be investigated swiftly and effectively. Whittier College will never retaliate against an employee for a good faith report of violence or potential violence on campus and/or at the workplace. Depending on the severity of the situation, the local police may need to be called for assistance.

All steps will be taken to ensure the confidentiality of reports of threats or violence. However, in some instances complete confidentiality may not be possible due to the need for a thorough investigation and resolution of the dispute. To the extent that it does not hinder the investigation in any capacity, the College will make every effort to notify the reporting party in the event that information regarding the report is made public and/or is revealed to the alleged offender. If a determination is made following an investigation that an act of violence or threat of violence has occurred, appropriate disciplinary action, which may include a mandatory psychiatric fitness for duty examination or termination of the offender, will be taken. The severity of the discipline will be determined by the severity and/or frequency of the offense.

The College expects each employee to support this policy and understand how his/her behavior may impact the safety of the workplace. In addition, each supervisor is required to enforce all safety-related policies in an attempt to avoid potential hazards. All employees share in the responsibility of assuring that misunderstandings and other problems are resolved in a timely and respectful manner so that a productive work environment is maintained.

### **2.3.10.2 Prohibition of Weapons**

Whittier College enforces a strict policy prohibiting weapons on College property, including legal and authorized weapons. The use of any firearm, explosive, weapon, dangerous chemicals, or biological agent on College property or at any College function is prohibited. Other prohibited items include, but are not limited to, swords, pellet or BB guns, knives, paintball guns, bows and arrows, or toy guns. Students, faculty, staff, campus visitors (excluding law enforcement officers), and any other non-employees participating in a College activity are not allowed to carry and/or possess weapons at any time while in College buildings or property, whether or not licensed to do so. Whittier College students, faculty and staff are responsible for the behavior of any visitor they bring on campus or at off-campus, College sponsored activities or events.

Reports of any suspected violation of this anti-weapon policy should be made to the Department of Campus Safety at the numbers specified in Section 2.3.10. Violation of this policy is unacceptable and shall be grounds for disciplinary action up to and including expulsion from Whittier College or termination of employment. The College will not tolerate retaliation against any student, faculty, or staff member who reports a suspected violation of this policy.



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In cases of reasonable suspicion of possession of firearms or weapons of any kind, the College reserves the right to search personal belongings on College property, including but not limited to articles of clothing, purses, brief cases, residence hall rooms, bags, and vehicles. Unless an emergency situation exists where there is a threat of imminent danger to people, all such searches must be approved by the Associate Vice President, Human Resources and Organizational Development (or designee) for staff, the Vice President for Academic Affairs (or designee) for faculty, the Vice President, Dean of Students (or designee) for students, and the Dean of the Law School (or designee) for the Law School campus. Unless to do so may compromise the safety of persons, a reasonable attempt will be made to notify the person who the College reasonably suspects is in possession of firearm or weapon prior to the search. Persons may be asked to leave campus or remain in the presence of Campus Safety until a search is conducted or the situation is resolved. The search will normally be conducted in private by Campus Safety or an appropriate supervisor (for faculty and staff) with a third person normally present. In the case of students, the search will be conducted in private by Campus Safety and the Vice President, Dean of Students or designee.

Sanctions and/or discipline for violation of this policy will be imposed in accordance with the procedures in the Student Code of Conduct, the Employee Handbook, or Faculty Handbook, as appropriate. Visitors found in violation of this policy are subject to expulsion and/or permanent ban from campus by the Department of Campus Safety and may be subject to criminal prosecution, depending upon the nature of the violation.

### **2.3.11 Smoking – Tobacco / Electronic Cigarettes**

The College recognizes that smoking in the workplace can adversely affect some employees and prohibits smoking inside the facilities or in College-owned or leased vehicles. The College will comply with all applicable ordinances governing smoking in the workplace or community.

Whittier College is a tobacco-free environment in which to live, learn, work and play. See the Whittier College website for additional information regarding the College Smoking Cessation plan.

### **2.3.12 Solicitation/Distribution**

It is the College's intent to provide a pleasant and interruption-free workplace for employees. We prohibit the solicitation, distribution and posting of materials on or at College property by any employee or non-employee, except as may be permitted by this policy or with the approval of College management. The Human Resources Department or OSE may provide and/or designate a specific department and/or departmental manager to provide such authorization for each campus location. The College may require documentation to be completed prior to the solicitation, distribution and posting of materials on or at College property by any employee or non-employee.

Employees may only admit non-employees to work areas with management approval or as part of a College-sponsored program. These visits should not disrupt workflow. An employee must accompany the non-employee at all times. Employees who are unclear whether an area is a work or non-work area should consult with a supervisor for clarification.

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Employees may not solicit other employees during working times, except in connection with a College-approved or sponsored event. Employees may not distribute literature of any kind during working times, or in any work area at any time, except in connection with a College-sponsored event. E-mail solicitation through Whittier College list serve or staff/faculty announcements that are non-work related will not be permitted without prior authorization from the Human Resources Department. The posting of materials or electronic announcements are not permitted without prior approval from Human Resources.

Working time includes the working time of both the employee doing the soliciting and distributing, and the employee to whom the soliciting and distributing is being directed. Working time does not include authorized break periods, meal periods, or any other specified periods during the workday when employees are properly not engaged in performing their work duties.

Solicitation or distribution that is in any way connected with the sale of goods or services must be approved in advance by Human Resources. Violation of this policy should be reported to Human Resources.

Vendors must have prior approval from the Human Resources Department or OSE to solicit on campus or distribute/post information.

### **2.3.13 Workspace Issues**

All employees are expected to keep their work areas clean and organized. People using common areas such as lunch areas, conference rooms and restrooms are expected to keep them clean. From both safety and health standpoints, every employee shares the responsibility of maintaining a clean and safe workplace. The following rules are to be observed by each employee:

- a) Individual work areas, tools, materials, and supplies are to be kept neat and in good order.
- b) Electrical switches and fire equipment are to be kept clear for quick use in an emergency. The location of switches and fire equipment should be determined before having to use them.

Lockers, desks, computers, printers, fax machines, copiers, and other office and shop work equipment are College property and must be maintained according to College rules and regulations. When using a College locker, employees should not place any other lock on a locker. They must be kept clean and are to be used only for work-related purposes. The College reserves the right to inspect all College property to ensure compliance with its rules and regulations, without notice to the employee and/or in the employee's absence.

Prior authorization must be obtained before any College property may be removed from the premises.

In addition, employees should not have any expectation of privacy in any personal property or personal equipment brought onto College property, whether or not the employee intends to use such personal property for work-related matters. For security reasons, employees should not leave personal belongings of value in the workplace. An employee's personal property, including but not limited to packages, purses and backpacks, lunch-boxes, computers, PDA's or

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any other possessions, electronic devices or articles carried into or from the College's premises may be inspected and searched, with or without notice, with or without the employee's prior consent, upon reasonable suspicion of unauthorized possession of College property.

"Reasonable suspicion" is defined as those facts that would lead a reasonably prudent person to believe that the employee has unauthorized possession of College property or that College property is in the property or area to be searched.

Employees working in, entering or leaving the premises who refuse to cooperate in an inspection will be subject to disciplinary action, up to and including termination. If upon investigation, an employee is found to be in violation of the College's drug-free or weapon-free workplace policy, security procedures or any other College policies and procedures, the employee will be subject to disciplinary action, up to and including termination.

### **2.3.14. Policy on Housing and Living Arrangements Between Employees and Students**

Employees are strictly prohibited from allowing students who are not their immediate family members, and who have not registered as such, to spend the night in their homes or to live with them.

Those who engage in living arrangements or visitations contrary to the guidance, prohibitions, and requirements provided in the policy are subject to disciplinary action up to and including dismissal/termination, depending on the nature of and context for the violation. They will also be held accountable for any adverse consequences that result from those visitations and/or living arrangements.

## **2.4 Motor Vehicle and Authorized Driver Policy**

Whittier College is committed to providing a safe driving environment both on and off campus for all students, staff and faculty. Employees whose work requires operation of an electric or motor vehicle must abide by the guidelines for safe operation of vehicles and carts outlined in this handbook and in the "Authorized Driver and Vehicle Fleet Safety Policy" governed by Campus Safety. It is the intent of these guidelines to prevent injury to students, employees, and guests, to protect on-campus pedestrians, to reduce damage to college property, and to provide safe driving standards for all college vehicle/cart operators, and their passengers.

The Authorized Driver and Vehicle Fleet Safety Policy applies to all faculty, staff and students driving, or supervising the operation of, vehicles/carts. College employees who contract services and/or utilize drivers for college events (such as Commencement, Conference Services, Student Services, Alumni Functions, etc.) are expected to ensure compliance with this policy for events under their supervision/planning/ direction. This program provides for initial and annual driving record review and driver training for all individuals who operate and/or oversee the operation and use of vehicles/carts.

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## **Authorized Driver Program**

Any employee may apply to receive Authorized Driver status in support of operating motor/electric vehicles for College business. However, only employees who have been granted Authorized Driver status may actually operate College-owned/leased vehicles/carts and/or personal vehicles on College business, or in support of College-sponsored programs on/off campus. The Authorized Driver process includes a review of the employee's Department of Motor Vehicles (DMV) driving record, as well as a hands-on behind the wheel training for use of carts/vehicles on campus.

All employees whose work requires/requests operation of Whittier College motor vehicles and/or electric vehicles must present and maintain a valid Driver's License and clean/acceptable driving record to the College's standards. All employees whose work requires/requests operation of Whittier College vehicles on campus must apply for and be granted Authorized Driver status by the Human Resources and Campus Safety Departments respectively.

To apply for Authorized Driver status, employees must submit a copy of their Driver's License along with a completed American Driving Records (ADR) Form to Human Resources. Human Resources will conduct a Department of Motor Vehicles (DMV) driving record check. Human Resources will notify the employee, his/her supervisor and Campus Safety whether the employee has successfully cleared the driving record check and may proceed in the process. Employees deemed cleared by Human Resources must make an appointment with Campus Safety to receive proper behind the wheel training prior to actually driving a Whittier College fleet vehicle on campus. Campus Safety will issue an Authorized Driver status ID card valid for one academic year. The Authorized Driver ID card must be worn at all times while operating a vehicle/cart on campus.

Employees must submit their ADR release forms upon new hire status or upon need to drive, and annually on a go-forward basis, preferably at the start of each new fiscal year. Employees must also complete the Campus Safety behind the wheel training annually to remain eligible to drive Whittier College vehicles and retain Authorized Driver status. Failure to comply may result in suspension of Authorized Driver status and/or disciplinary action up to and including termination.

Driving record checks are reviewed and determinations for clearance/non-clearance are made on a case by case basis. However, factors such as the severity of the incident, frequency, and timeframe are taken into account. Employees may be denied eligibility to drive, or may have their privileges revoked for the following, but not limited to, reasons:

Actions that may result in denial:

- Ticket for driving an unsafe vehicle
- Two or more tickets in the past three years
- Previous license suspension within the past five years
- Two or more accidents in the past three years
- Other miscellaneous items that may appear on an individual's driving record

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Actions that will result in automatic denial:

- Currently suspended/expired license
- DUI (within the past five years)
- Two or more tickets for excessive speeding
- Ticket for reckless driving
- More than one (1) point on driving record
- Convictions

### **Use of Personal Vehicles for College Business**

All employees whose work requires/requests operation of motor vehicles must present and maintain a valid Driver's License, clean/acceptable driving record to the College's standards and proof of insurance. All employees whose work requires/requests operation of motor vehicles off-campus for College business must apply for and be granted Authorized Driver status by the Human Resources Office annually, preferably at the start of each new fiscal year. An employee who is operating their personal vehicle while on College business, or in support of College-sponsored programs, is not covered through the institution's insurance policy. Employees must carry insurance that does not exclude coverage when they use their personal vehicle for business purposes.

In accordance with California Law, the employee's personal automobile insurance must respond first to any liability claims that occur, even though the employee is driving for College purposes. Employees operating their personal vehicle for College business are encouraged to notify their supervisor prior to conducting business.

Any changes in an employee's driving record or automobile insurance must be reported to the Human Resources Office within five business days. Failure to notify Human Resources of any changes and/or driving when not authorized may result in disciplinary action. Employees who cannot maintain insurance and/or an acceptable driving record will not be permitted to operate a motor vehicle in the course of their duties. If the employee's job requires driving, failure to maintain insurance and/or an acceptable driving record may result in termination. All employees driving a vehicle on College business must immediately, within reason, report to Human Resources any accident and/or any moving or non-moving violation(s) for which they are cited. The College accepts no responsibility/liability for citations issued to an employee by any law enforcement agency while driving a vehicle on College business, except those for mechanical violations on College owned or leased fleet vehicles. Liabilities created by any citation issued due to driver action will be the responsibility of employees who receive them.

The following protocols apply to all employees driving College and/or personal vehicles while conducting College business:

1. Obey all traffic laws and appropriate safety precautions.
2. Cellphone use while driving is prohibited, except in emergency situations or if using a hands-free device. California state law bans the use of cellphones and other hand-held

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devices without a hands-free device while driving a vehicle. In all other situations, pull to the side of the road before using a cellphone or other hand-held device.

3. Two-way radio use while driving is prohibited except for Campus Safety officers within the scope of their job activities. In all other situations, pull to the side of the road before using a two-way radio.

### **Whittier College Owned/Leased Vehicles:**

Vehicles owned, or leased, and furnished by Whittier College are to be used exclusively for college business. Personal use of College vehicles is prohibited. Vehicles must be parked on Whittier College property when not in use. Department Supervisors must notify the Finance and Administration office, or assigned designee, as well as the Campus Safety department, if an exception is made for any employee to park a College-owned vehicle at their own residence. Documentation, including written reasoning for exception must be provided. Long term exceptions are to be approved by the Finance and Administration office, or an assigned designee.

### **Off-Campus Trips/Travel:**

An employee who is coordinating a trip on behalf of the college, which requires the use of personal vehicles and/or rented vehicles, must submit the American Driving Records (ADR) form to Human Resources and if student passengers are involved, the appropriate travel waivers to the OSE/Campus Safety Offices.

1. Trip coordinators must complete and submit an “Activity Travel Agenda & Roster” prior to the activity.
2. Every student participant must complete a “Student Activity Release Waiver” prior to the activity.
3. All drivers must have completed and cleared ADR forms on file in Human Resources.
4. For trips exceeding 100 miles from campus, at least one person other than the driver must be awake and seated next to the driver.

To be eligible to rent a car on a College credit card, or submit for reimbursement, the employee must be an approved Authorized Driver, meeting all the requirements set forth by Human Resources and Campus Safety. If an employee elects to retain the rental vehicle for an extended period of time for personal use after College business has ended, the employee is responsible for providing payment for that additional period of time.

### **Disciplinary/Corrective Action**

Failure to comply with the Motor Vehicle and Authorized Driver guidelines established in this handbook and within the Authorized Driver and Vehicle Fleet Safety Policy governed by the Campus Safety Department may result in disciplinary action, as appropriate. Depending on the severity, frequency, and/or gross negligence, disciplinary action may consist of, but is not limited to: verbal warnings, written warnings, loss/suspension of Authorized Driver status, employment suspension and/or termination of employment.



## **2.5 OTHER RULES REGARDING YOUR EMPLOYMENT**

### **2.5.1 Expense Accounts and Employee Reimbursements**

Employees are reimbursed for all reasonable out-of-pocket expenditures which they incur in the performance of their duties. All employees using their personal vehicles for travel related to College business will be reimbursed for such use at the mileage rate established by the IRS at the time the travel occurs. This amount is intended to repay employees for their expenses in operating the vehicles including the cost of gas, oil, tires, maintenance and the cost of insurance. All expenditures must be submitted to the employee's supervisor on an Expense Report, along with receipts, invoices or other appropriate documentation. Management approvals must be obtained on the report prior to submitting it to Accounting. Any inquiries as to what constitutes a reasonable, reimbursable expenditure should be directed to the employee's immediate supervisor or to the Accounts Payable Department.

### **2.5.2 Employing Minors**

The employment of minors is restricted by the terms and conditions of the provisions of state and federal law. The College will comply with all regulations governing the employment of minors.

### **2.5.3 Literacy Policy**

The law requires employers to assist any employee who reveals a problem with illiteracy. Consistent with this obligation, if an employee reveals such a problem and requests the College's assistance in enrolling in an adult literacy education program, the College will attempt to assist the employee if the accommodation requested would not result in an undue hardship to the College. The type of assistance available from the College may include, as examples, providing the employee with the location of local literacy education programs or arranging for a literacy education provider to visit the jobsite. The College has no obligation, however, to pay for the costs of any such provider or program, nor does it provide paid time off for participation in an adult literacy education program.

### **2.5.4 Break Facilities**

The College maintains break rooms which have a refrigerator and microwave oven for the convenience of our employees. All employees are responsible for cleaning any materials they may use for their own needs, including coffee cups, dishes, trays and refuse. Employees are expected to help keep the refrigerator in good order by not keeping leftover food or condiments for indefinite or extended periods.

### **2.5.5 Children on Campus**

The presence of children in the workplace with the faculty/employee-parent during the faculty member/employee's workday is inappropriate and is to be avoided except in emergency situations. This policy is established to avoid disruptions in job duties of the faculty member/employee and co-workers, reduce liability, and help maintain the College's

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professional work environment. The College will not be liable for any damages or injuries sustained by or to children who are brought on the campus.

If, in an emergency situation, bringing a child to work with the faculty member/employee is unavoidable, the faculty member/employee must contact his/her supervisor as soon as possible to discuss the situation and obtain permission to have the child accompany the faculty member/employee while working. Factors the supervisors will consider are: the age of the child, how long the child needs to be present, the work environment in the faculty member's/employee's area, and any possible disruption to the faculty member's/employee's and co-workers'. Consideration will not be given to allow a child with an illness to come to work with the faculty member/employee.

Upon permission being granted, a child brought to the workplace in unavoidable situations will be the responsibility of the faculty member/employee-parent and must be accompanied by, and be under the direct supervision of the faculty member/employee-parent at all times.

### **2.5.6 Lost or Damaged Personal Items**

Employees are encouraged not to bring large sums of money, jewelry, or other valuables to work. The College will not be responsible for personal property that is lost, damaged, stolen, or destroyed. If an employee happens to find personal belongings that have been lost by a guest or employee, the items should be given to Campus Safety immediately.

### **2.5.7 Outside Employment**

Outside employment is permissible as long as it does not have an adverse effect on, or create a conflict of interest with the College. Employees must inform their manager when they have secured outside employment so that a determination can be made if a conflict of interest exists.

The College asks that the employee think seriously about the effects that such extra work may have on the limits of his/her endurance, overall personal health and effectiveness with the College. The College will hold all employees to the same standard of performance and scheduling demands and cannot make exceptions for full-time employees who also hold outside jobs.

### **2.5.8 Parking**

Designated free parking is available to employees who register their vehicles with the Campus Safety office. Upon completion of registering their vehicle with Campus Safety, employees will be issued a parking permit, which must be displayed at all times.

To avoid parking citations, related fines, and possible towing of their vehicles, employees must park in their assigned spaces or lots. Certain parking spaces are designated as "Reserved" or "Visitor" parking. Employees are not to park in these spaces, unless the space has specifically been reserved for the employee in question. If the nature of an employee's job requires him/her to have a special parking space, his/her supervisor will arrange to have one assigned, if one is available.



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Employees should exercise caution in leaving the facilities alone after dark. Upon request, an employee will be escorted to his/her vehicle by another employee or supervisor or Campus Safety Officer.

It is advisable for employees to always lock their car, and it is suggested that employees take all reasonable precautions to ensure the security of their vehicle and/or the belongings therein. The College assumes no responsibility for damage to cars or for loss of personal property while on the College's premises.

### **2.5.9 Pets on Campus**

Pets such as domesticated dogs and cats are permitted on campus. However, such pets are not permitted in any buildings on campus without prior written authorization from Human Resources. The owner of the pet assumes full liability in the event the pet is injured, dies or injures a third party and for any and all damages to College property related to or caused by the pet. All pets must be leashed or caged and under the control of the owner when not within a specific area of the owner's office. Pets may not be tethered and unattended.

Inhumane or cruel treatment of animals on College property is prohibited. Pets may not be left in closed vehicles on campus. Owners must clean up after their pets.

Pets are prohibited from any sports or athletic field, including the natural or synthetic turf fields, tennis courts, and the all-weather track. Pets are also prohibited from the food preparation and campus dining areas. With the exception of fish, pets are not permitted in the residence halls.

The College reserves the right to prohibit pets in any building or any section of the campus, for any reason. Pets that provide handicapped assistance are exempt from this policy so long as proper authorization has been obtained from the Office of Disability Services.

### **2.5.10 Electronic Devices**

The College provides a number of electronic business tools for use by its employees for business purposes. These may include, but are not limited to computers, computer systems, e-mail access and e-mail systems, telephones, cellular phones, I-pads, laptops, voice mail, fax and copy machines, tape recorders and an array of information system tools. The following rules apply to the use of all such devices, and an employee's use of these devices shall be understood to be subject to all of these rules:

- a) There is no expectation of privacy in using any of these electronic devices. The College reserves the right, based on its own determination of reasonable cause or legal necessity for doing so, to access any of these devices, any data storage or memory systems, and any electronic and online communications. All use of such devices and all communications through said devices are subject to review by management. Employee's use of the devices grants consent to the College for such review.
- b) All messages/information sent, received, composed and/or stored on these systems are the property of the College and considered to be proprietary information.

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- c) The College reserves the right to inspect and confiscate any devices issued to or used by employees.
- d) Employees are not authorized to retrieve any e-mail or voice mail messages that are not addressed to them unless approval is obtained from the appropriate supervisor.
- e) The College prohibits employees from copying College files, records, and documents for personal use and/or emailing such documents to a personal email account.
- f) Employees should exercise judgment in the use of cellular telephones at all times. College policy expressly prohibits the use of cellular telephones and receiving and/or sending text messages by employees while driving College vehicles in a manner that violates any provision of State or local laws.
- g) Employees are required to limit both the frequency and length of non-business use of College telephones to emergencies or other urgent matters. Personal cellular telephones and other electronic devices should be set to silent mode, or turned off, during working hours.
- h) Cameras or cellphones are not to be used to invade another's privacy, or to expose confidential information. Employees are prohibited from taking photographs without prior approval anywhere on College non-public grounds.
- i) The College does not permit the use of the College logo, name, confidential or proprietary information without explicit written authorization.
- j) Employees may not use any College computer or systems, or other electronic communications device to access, review, or post information on blogs while they are on College premises or on duty. No employee shall suggest, even indirectly or by innuendo, that personal views stated in any medium are somehow expressed on behalf of the College or are condoned or authorized by the College.
- i) In line with our general non-solicitation policy, the College's computers must not be used to solicit for outside business ventures, personal parties, social meetings, charities, membership in any organization, political causes, religious causes, or other matters not connected to the College's business.

### **2.5.11 Non-disclosure, Copyright and Confidential Information**

Employees may acquire, become acquainted with, or have access to confidential and proprietary information and trade secrets relating to the business of Whittier College and its students. All confidential and proprietary information and trade secrets obtained in the course of employment

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are to be used for conducting College business only. Employees should never discuss or disclose such confidential and proprietary information and trade secrets, either directly or indirectly, with or in the presence of persons outside the College, or those employees who do not have a need to know, either during employment or at any time thereafter. Nothing in this section is intended to prevent employees from discussing their compensation or work conditions.

Information in any form, including but not limited to documents, tapes, lists, computer printouts, studies, surveys, reports, drafts, pictures, charts, maps, drawings, programs, equipment, blueprints, vendor lists, student lists, all financial reports, all accounts payable/receivable information, payroll information, records, files, and other materials pertinent to the College or its students, may not be removed from the facilities without prior permission of the College President.

Moreover, employees should make sure that all confidential and proprietary papers and files are locked away at night and should limit the papers that are taken out of the office. Employees should not discuss confidential and proprietary information in elevators, hallways, restaurants, and in any place where they may be overheard. Employees should not leave confidential and proprietary documents in unattended conference rooms or behind when a conference or meeting is over.

Employees are expected to keep proprietary and confidential information secure from outside visitors and all other persons who do not have a legitimate reason to see or use such information. The College rules regarding document control, restricted access to areas of the facility, and other such procedures must be strictly observed by each employee.

On termination of employment, whether voluntary or involuntary, all College documents and other tangible College property in the employee's possession or control must be returned to the College.

This same level of confidentiality must be maintained regarding co-workers, employee relations matters, and College operations, except that nothing in this section is intended to prevent employees from discussing their compensation or work conditions.

If an employee observes a violation of this policy, the employee should report it immediately to his/her supervisor or Human Resources. The College will never retaliate against an employee for making a good faith report of a suspected violation of this policy. The College will immediately investigate and take appropriate preventative and/or corrective action. Violation of this policy will result in disciplinary action, up to and including termination. The College also reserves the right to pursue individuals legally for breaches of this non-disclosure/confidentiality policy which results in damage to the College.

### **2.5.12 Workforce Reductions**

Under some circumstances, the College may need to restructure or reduce our workforce. If restructuring our operations or reducing the number of employees becomes necessary, the College will attempt to provide advance notice, if possible, to help prepare affected individuals. If possible, 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.

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In determining which employees will be subject to layoff, the College will take into account, among other things, operating requirements, the skill, productivity, ability, and past performance of those involved, and also, when practical for the business needs of the College, the employee's length of service.

### **2.6 Termination of the Employment Relationship**

**Voluntary Termination** – a voluntary termination is a termination that is initiated by the employee. The College would like employees to give at least 2 weeks written notice before leaving their job and state the reason for leaving.

**Involuntary Termination** – an involuntary termination is a termination that is initiated by the College. Reasons for involuntary terminations must be approved by the Associate Vice President, Human Resources and Organizational Development prior to taking any formal action.

Employees will receive their final paycheck within the time required by law. All College property, such as keys, cellphones, electronic devices, business cards, records, documents and equipment, must be returned by each employee immediately upon termination of the employment relationship. The following rules also apply in connection with the termination of employment with the College:

- a) If the employee has given at least 72 hours' advance notice, the final paycheck will be issued on the last day worked.
- b) If less than 72-hours' notice is given, the final paycheck will be mailed no later than 72 hours after the last day worked, unless other arrangements are made.
- c) Employees who are terminated involuntarily will be provided with their final paycheck on their last day of work.
- d) Employees are paid for unused accrued vacation hours and unused personal days.
- e) Unused sick time is forfeited.
- f) Earned overtime is included.
- g) Bonuses/incentives will be paid in accordance with the terms and conditions of the specific bonus/incentive program applicable to the employee.

## **3. EMPLOYEE FEEDBACK/DISCIPLINE/PROMOTION**

### **3.1 Types of Employee Feedback**

Employee feedback and discipline are essential to the creation and maintenance of a professional, effective and efficient workforce and to insure fairness to the employee and the best service to our students. Different types of feedback an employee might expect to receive include verbal feedback from the employee's supervisor, written feedback, instruction and notices of reprimand from the employee's supervisor, formal annual evaluations including a meeting to discuss the evaluation, as well as meetings with Human Resources department personnel.

When verbal warnings are given, they are signed by the supervisor and employee and are documented, then forwarded to the Human Resources department and placed in the employee's personnel file. When written warnings are given, they are signed by the supervisor and the employee, and then forwarded to the Human Resources department. The warning is placed in the employee's personnel file. The employee receives a copy of the warning. The employee has 5 calendar days to submit a written statement in response to the warning that will be attached to the original document and kept in the personnel file.

### **3.2 Job Descriptions**

Job descriptions are useful for many purposes, including evaluating an employee's performance. Employees are given a job description which is included with their offer of employment, at promotion or job transfer. A job description summarizes the employee's duties and responsibilities and gives an employee important information about his/her new job. Employees should read and study their job description carefully and discuss it with their supervisor if he/she has any questions. From time to time an employee may be asked to work on special projects or to assist with other work necessary or important to the operation of the employee's department or the College. The employee's cooperation and assistance in performing such additional work is expected. The College reserves the right to revise and update job descriptions from time to time, as it deems necessary and appropriate.

### **3.3 Performance Evaluations**

Performance evaluations are an important aspect of the College's personnel policies. The goal of performance evaluations is to provide an objective, consistent and fair way to gauge each employee's on-the-job effectiveness. The evaluation process provides an opportunity for the supervisor to communicate expected standards of performance and departmental goals and for the employee to review how their contribution fits with the goals and mission of the College. This is a good time for the employee to ask questions and clarify important points. Performance evaluations help the College make important decisions about job placement, training, development and pay increases. It is also used as a means of discussing work standards, areas where improvement is needed, career development potential and possible career opportunities.

Using a form approved by the College, supervisors are required to conduct performance evaluations at the completion of the Introductory Period and thereafter, on an annual basis. Also, if an employee is transferred or promoted, the review date will be adjusted in coordination with the date of transfer or promotion. Evaluations are reviewed in a meeting between the employee

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and his/her immediate supervisor and/or an appropriate designee. The employee and the supervisor/designee will sign the form at the conclusion of the review. Wage and salary increases, when the budget permits, are normally awarded on the basis of merit for Regular employees, at the beginning of the fall semester.

A satisfactory performance evaluation does not guarantee a salary increase nor does it alter, modify, or amend the at-will employment agreement between employees and the College. It should be remembered that employment is at the mutual consent of the employee and the College. Accordingly, either the employee or the College can terminate the employment relationship at-will, at any time, either with or without cause or advance notice.

### **3.4 Promotions or Transfers**

It is the College's intent to give qualified employees preference over others when filling job openings within the College. However, because of the experience, skills and educational requirements of many jobs, promotions from within the College are not always possible.

Employees must have satisfactorily completed the 180 days Probationary Period before applying for another position. (Exceptions may be made if the transfer is within the same department). An employee's past performance, experience, attitude, qualifications, potential, and length of continuous service are all important factors which will be considered in making promotion and transfer decisions.

Employees may request a transfer interview with the Human Resources Department to discuss their qualifications and to determine if the transfer is in the best interests of the employee and the College. Employees who transfer to a new position may be categorized as probationary (being in an evaluation period of up to 180 days), for the purpose of assessing their ability to perform assigned tasks. This status will not impact the employees' continued participation in the benefits program, provided that they maintain an average of at least 20 work hours per week for eligibility.

The College reserves the right to assign employees commensurate with their experience, skills, knowledge, abilities and where appropriate to the needs of the College. If it should become necessary for the College to transfer an individual from one department to another, he/she will be notified as far in advance as possible.

The College reserves the right, at its sole discretion, to promote, demote and transfer employees, with or without cause or advance notice.

### **3.5 Employee Discipline**

Occasionally, it becomes necessary for an employee and their supervisor to formally address a problem by identifying unacceptable behavior and establishing a clear plan to correct it. The goal of this employment counseling is to help the employee resolve his/her problems and to continue or return to work in a manner that is productive for the College. This process usually begins after informal attempts to resolve the situation have failed.

If a problem in performance or behavior arises in the course of the employment relationship, the College will gather relevant information and consider the nature and severity of the problem in

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determining, in its sole discretion, whether it will terminate the relationship or implement a system of progressive discipline designed to address and correct the problem.

While the College may, in its sole discretion, impose different forms of discipline depending on the nature and severity of the misconduct, this does not alter the at-will nature of the employment relationship at the College. Accordingly, the College may terminate the employment relationship with or without cause, with or without advance notice so long as the termination is not for any unlawful purpose.

### **3.5.1 Causes of Employee Discipline**

- a) Disciplinary action may be triggered by any action or failure of action by a Whittier College staff employee that is, in the view of the College's administration, inconsistent with the College's mission, operations or policies.
- b) Some categories of behavior that may result in discipline and/or termination include, but are not limited to, the following:
  - (1) Any form of discrimination or harassment, including, but not limited to, conduct which constitutes discrimination, harassment or sexual harassment (as outlined elsewhere in this Handbook), including discrimination or harassment based on protected class status, or retaliation related to reporting discrimination or harassment.
  - (2) Failure to complete mandatory training programs required by the College.
  - (3) Absenteeism and attendance-related issues, including, but not limited to, habitual tardiness, chronic absenteeism, and absences which are unexcused or unauthorized (as described in Section 2.2.10 above), patterns indicating abuse of leave policy, falsification of timekeeping records, failure to return from approved leaves, job abandonment and failure to follow departmental procedures regarding notification of, or requests for, leave.
  - (4) Behavior of an unprofessional or disruptive nature, including, but not limited to, behavior that is inconsistent with or unacceptable in a professional work environment or which may have an adverse impact on morale or productivity in such a setting, including inappropriate language, materials, attire or appearance.
  - (5) Breach of Confidentiality, including but not limited to, unauthorized release, use, access, or retention of confidential or proprietary information concerning the College and any affiliated entities, operations or personnel (for example, information and/or records related to payroll, personnel, students, alumni, donors, patients, financial, business, research or teaching), regardless of intent, except that employees are not prohibited from discussing their compensation and work conditions.
  - (6) College or departmental policy violations, including, but not limited to, actions and failures to act, in a manner that violates, interferes with or subverts College or departmental policy, objectives and initiatives. All employees are responsible for familiarizing themselves with College policies and adhering to them. Employees should contact their supervisor to obtain copies of departmental policies.



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(7) Conflicts of interest, including, but not limited to, failure to disclose to employee's immediate supervisor a situation or proposed activity that may constitute a conflict or potential conflict of interest; supervising or hiring a relative or intimate friend; engaging in romantic or inappropriate relationships with students; shared living arrangements with students that are not relatives; financial relationships with students that insinuate a quid pro quo expectation or arrangement; accepting employment with a supplier, competitor or any other employer that might impair performance of College duties; accepting gifts from prospective or current vendors or suppliers, unless the gift is of nominal value (for example, isolated meal invitations); and/or disclosing confidential and proprietary College information or trade secrets or using such information or trade secrets for personal gain.

(8) Ethics, including, but not limited to, issues of honesty, integrity, fairness, respect and professionalism not otherwise referenced in this section.

(9) Failure to report wrongdoing, including, but not limited to, failure to report, supporting or otherwise condoning, suspected or actual illegal acts or wrongdoing. Such reports must be made to either the employee's supervisor or the appropriate College office.

(10) Gambling, including, but not limited to, any gambling conducted on College property, while on College property or at College-related events.

(11) Violation of government laws and regulations, including, but not limited to, failure to comply with any federal, state, local or administrative law and/or regulation governing the College.

(12) Insubordination, including, but not limited to, refusal to follow (or following only after unreasonable complaining or resisting) a reasonable written or verbal instruction from a supervisor or other College employee with apparent authority, including but not limited to, Campus Safety officers in the discharge of their duties.

(13) Lack of cooperation and support for investigations, including, but not limited to, impeding or failing to fully, immediately and truthfully cooperate with any College inquiry or investigation, including investigations of complaints about alleged violations of College policy or applicable law.

(14) Misappropriation, including, but not limited to, unauthorized taking and use of College assets which results, or could result, in financial loss to the College (for example, theft, fraud, embezzlement, failing to report known or suspected misappropriations to the Vice President of Finance and Administration Office regardless of magnitude). Falsification of jury duty attendance.

(15) Misrepresentation, including, but not limited to, providing false, fraudulent or inaccurate information in the course of conducting business, on College documents or during College investigations, audits or complaint processes; making bad faith allegations of wrongdoing, including allegations that are knowingly false, capricious, maliciously motivated or made with reckless disregard for the truth.

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(16) Misuse of College resources, including, but not limited to, the use of College resources, supplies, materials, equipment, property, services, vehicles, logos or trademarks for any purpose other than College business.

(17) Misuse of electronic, duplication and distribution resources, including, but not limited to, use of College computing and/or electronic resources for the reproduction or distribution of copyrighted materials, trademarks, or other protected material in any form without express written permission from the material's owner.

(18) Obscene or pornographic material, including, but not limited to, use of College computers or other resources to access, view, download, store or send obscene, abusive or pornographic documents, messages (including jokes), files, images, emails, videos, music, or links, absent legitimate business need (academic research or curriculum or as part of a disciplinary investigation). However, such need must be disclosed in advance to the employee's supervisor. Employees who receive such material unsolicited or inadvertently must report the receipt to their system administrator and take steps to avoid offending others with the received material.

(19) Productivity, including, but not limited to, failure to perform work in a productive or cost-effective manner, or with a reasonable error rate; failure to perform responsibilities or essential functions as per the job description; failure to meet job requirements (for example, maintaining required licenses and certifications); any conduct adversely affecting productivity, efficiency or orderly workflow.

(20) Safety issues, including, but not limited to, failure to follow safe work practices, failure to report unsafe work practices, failure to immediately file accident reports, failure to immediately report safety hazards.

(21) Substance issues, including, but not limited to, inappropriate use or unlawful manufacture, distribution or possession of controlled substances; abuse or misuse of prescribed medication; being under the influence of drugs, marijuana, or alcohol during work hours or at a College event, (the College has the right to take reasonable steps to determine if an employee is working under the influence, including requiring non-invasive testing). Employees with a substance abuse problem are urged to discuss the issue with their supervisor and seek confidential assistance from appropriate sources.

(22) Violence, including, but not limited to, acts or threats of violence, intimidation or aggression on College property at any time or while on College business regardless of location, or offsite at College-related events.

(23) Weapons, including, but not limited to, possession of any firearm (excludes authorized permitted staff in the Campus Safety department) or other weapon while at work or on College property, including rifles, shotguns, handguns, BB guns, pellet guns, stun guns, ammunition, explosive compounds, bomb-making materials, bows and arrows, martial arts weapons and knives (except silverware and knives used by food service, facilities, maintenance and other personnel as part of their job duties). This includes failure to report knowledge of a violation of the College's strict no-weapons policy.

## 3.5.2 Disciplinary Procedures/Corrective Actions

### 3.5.2.1 Guidelines

This section sets forth the criteria and guidelines for assessing, evaluating and administering discipline to staff employees. Excluded are faculty and those claiming student status. Nothing in the following guidelines is intended to create any contractual rights or alter the at-will nature of the employment relationship. The College has the right, in its sole discretion, to terminate and impose any disciplinary action at any time regardless of whether or not any prior disciplinary measures were taken.

The following should be considered when applying discipline:

- a) Consistency in the application of discipline is important. Although different situations involving different staff employees and circumstances call for discretion in determining appropriate disciplinary action, similar offenses should be met with approximately similar discipline.
- b) Discipline should be applied in proportion to the magnitude of the offense.
- c) Discipline should be undertaken as soon as practical after the problems arise.
- d) The extent to which the employee has previously been made aware of the related policies and expectations, and aware of the importance of compliance.
- e) All inappropriate behavior, disciplinary actions taken relative to that behavior, and expectations for correction of behavior should be fully documented and communicated to the employee in a disciplinary counseling session. Verbal warnings should be documented with a notation to the department personnel file at the time the warning takes place.

In some situations, the College may, in its sole discretion and judgment based upon the situation, also:

- a) Offer training or counseling on relevant College policies and practices
- b) Change lines of reporting or supervision
- c) Reassign or relocate employees
- d) Take action to prevent or remedy any harm, consequence or discomfort for a complainant or witness

### 3.5.2.2 Progressive Forms of Discipline

The College may, in its sole discretion, impose different forms of discipline depending on the nature and severity of the misconduct. The discipline may take the form of oral and written warnings, reprimands, suspensions, or termination.

## 4. EMPLOYEE INITIATED ACTIONS

### 4.1 Grievances

#### 4.1.1 Purpose:

The purpose of this employee grievance procedure is to provide for the resolution of work-related grievances not otherwise covered by Sections 2.3.1 through and including 2.3.4 above. This policy is not applicable to situations where another policy with a right of appeal applies.

#### Non-retaliation:

This procedure is designed to allow employees to address complaints in a fair, consistent, and objective manner. Any act of reprisal by a Whittier College employee or by one acting on behalf of the Whittier College, including the intimidation of a grievant, respondent, or witness, will result in prompt disciplinary action.

#### Improper Complaints:

This procedure shall not be used to bring malicious complaints. If a complaint has been made in bad faith, disciplinary action may be taken against the person bringing the complaint.

#### **A. Initiating a Grievance Proceeding**

Informal Resolution: Before initiating a formal grievance, the employee should, if possible, discuss the matter in dispute with the supervisor or the other person with whom the employee has a concern and seek a mutual resolution. Human Resources is available to consult with employees/grievants and managers in an effort to facilitate informal resolution. Also, the Whittier College Associate Vice President, Human Resources and Organizational Development is available to consult with employees/grievants regarding allegations of unlawful discrimination or harassment. Student employees should follow the procedures set forth in Sections 2.3.1 through and including 2.3.4 set forth above for such grievances. An informal resolution may be pursued at any time during this procedure. It is the Whittier College's belief that most grievances can and will be resolved at this level.

#### Initiation of Complaint:

If an informal resolution does not result, the grievant may submit a complaint to his or her immediate supervisor, with a copy to Human Resources, to initiate a grievance. Initially, concerns may be communicated orally; however, they are requested to be submitted in writing to facilitate a formal review under this procedure. The written complaint should specify the Whittier College policy, departmental procedure, or norm violated, and specifically set forth all relevant factual details.

If at any time a supervisor receives allegations of conduct believed to be unlawful discrimination or harassment, he or she must immediately notify Human Resources, even if the allegations are not made in writing and no formal grievance has been initiated.

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At any time a superior to the grievant's immediate supervisor may choose to take the place of the supervisor for purposes of this procedure. In such cases, the term "supervisor" in this procedure would apply to the immediate supervisor's superior.

If the complaint involves the grievant's immediate supervisor and the grievant has a reasonable belief that the immediate supervisor may not be able to deal objectively with the situation, the grievant may make the formal complaint to the immediate supervisor's superior. In such cases, the term "supervisor" in this procedure would apply to the immediate supervisor's superior. Supervisors receiving a complaint of unlawful discrimination or harassment must immediately notify the Associate Vice President, Human Resources and Organizational Development.

### **B. Review by the Supervisor**

The supervisor shall read the complaint and determine whether the complaint's allegations warrant implementing the remainder of the procedures outlined below. If, for example, the allegations in the complaint, even if true, would not constitute a violation of a Whittier College policy, procedure, or standard, then the supervisor should inform the grievant in writing that the grievant's allegations are not subject to further investigation.

If the supervisor determines that the allegations in the complaint warrant further investigation and consideration, then the supervisor shall forward a copy of the complaint to the person against whom the complaint is made ("respondent"). This shall be done within a reasonable amount of time after the supervisor receives the complaint.

#### **Written Response:**

The respondent shall be given 14 calendar days from receipt of the complaint to return a written response to the supervisor with a copy to Human Resources. Necessary extensions may be granted at the discretion of the supervisor.

#### **Investigation:**

The supervisor has the discretion to initiate a reasonable investigation into the matter. The scope of any investigation shall be in the sole discretion of the supervisor. The investigation may include, but is not limited to, meeting with the parties, talking with witnesses, taking notes from interviews and reviewing any supporting documents. The Whittier College's Office of Human Resources may initiate its own investigation into the matter and/or it may participate in the supervisor's investigation. The scope of Human Resources' investigation shall be the sole discretion of the Associate Vice President, Human Resources and Organizational Development or his or her designee.

In cases where there is alleged unlawful discrimination or harassment, the Associate Vice President, Human Resources and Organizational Development has the discretion to initiate his or her own investigation into the matter and/or he or she may participate in the supervisor's investigation.

A grievant may elect to withdraw a complaint at any time; however, Whittier College reserves the right to investigate all complaints in order to protect the interests of Whittier College and its community.

Advisory Committee:

If the supervisor desires, he or she may appoint an advisory committee to assist in the investigation of the complaint and/or for advice concerning the matter. In cases where there is alleged unlawful discrimination or harassment, the Associate Vice President, Human Resources and Organizational Development or his or her designee will be an ex-officio member of the committee.

### **C. The Decision**

Within a reasonable time, the supervisor shall make a decision based on the formal complaint, response and any other information the supervisor determines is relevant. This decision shall be in writing and shall consist of factual findings, conclusions and a remedy if one is appropriate.

All parties and where discrimination or harassment is alleged and the Associate Vice President, Human Resources and Organizational Development, shall receive a copy of the supervisor's decision.

### **4.1.2 Appeals**

#### **D. Request for Appeal**

Any party may submit a written request for appeal of the supervisor's decision to Human Resources within 14 calendar days from the date of the mailing of the supervisor's decision. The Human Resources department will forward the request to the successive superior of the individual who conducted the investigation. The successive superior of the individual who conducted the investigation will act as the reviewing officer. The request for appeal must specifically set forth all grounds for appeal. The non-appealing party must be given the opportunity to respond in writing to the request for appeal.

Grounds for Appeal:

The reviewing officer shall be limited to addressing only the following questions:

- a) Did the supervisor consider the important and relevant facts in the handling of this matter?
- b) Did the grievant prove by a "preponderance of the evidence" (i.e., more likely than not) that the person against whom the grievant has a grievance in fact violated a Whittier College policy, procedure, or standard, or otherwise engaged in any unlawful or illegal activity?
- c) Was the process carried out in a fair manner?
- d) Was the decision one which a reasonable person might have made?

Reviewing Officer's Decision:

Within a reasonable time, the reviewing officer shall make a decision based on the written complaint, the written response, the supervisor's written decision, the written request for appeal,

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any written response to the request for appeal, any meeting the reviewing officer held in regard to the appeal and any other material or evidence relevant to the appropriate grounds for appeal.

Whether to grant a meeting with the appellant and/or respondent shall be the sole discretion of the reviewing officer. All parties and where discrimination or harassment is alleged and the Associate Vice President, Human Resources and Organizational Development, shall receive a copy of the reviewing officer's decision.

### **E. Request for Final Appeal**

Unless the appeal of the supervisor's decision was heard by a Whittier College senior administrator, any party may submit a written request for a final appeal of the reviewing officer's decision to Human Resources within 7 calendar days from the date of the mailing of the reviewing officer's decision. Human Resources will forward the request to the President's Office, who will assign the appeal to a Whittier College senior administrator, or his or her designee, who will act as the final appeal officer. The request for a final appeal must specifically set forth all grounds for appeal. The non-appealing party must be given the opportunity to respond in writing to the request for a final appeal.

#### **Grounds for Final Appeal:**

The final appeal officer shall be limited to addressing only the following questions:

- a) Did the supervisor consider the important and appropriate facts in the handling of this matter?
- b) Did the grievant prove by a "preponderance of the evidence" (i.e., more likely than not), that the person against whom the grievant has a grievance in fact violated a Whittier College policy, procedure, or standard, or otherwise engaged in any unlawful or illegal activity?
- c) Was the process carried out in a fair manner?
- d) Was the decision one which a reasonable person might have made?

#### **Final Appeal Decision:**

Within a reasonable time, the final appeal officer shall make a final decision based on the written complaint, the written response, the supervisor's written decision, the written request for appeal and for final appeal, and any written response to the request for appeal or request for final appeal. The decision of the final appeal officer shall be final. All parties, Human Resources and where discrimination or harassment is alleged, the Associate Vice President, Human Resources and Organizational Development, shall receive a copy of the final appeal officer's decision.

#### **Retention of Records:**

All written decisions made and materials produced in connection with a grievance conducted under this procedure shall be retained by the supervisor for at least two years from the date that the final decision was issued.



## 5. WAGE AND HOUR MATTERS

### 5.1 Timekeeping

Non-exempt/hourly employees are required to enter their hours worked using web time entries at mywhittier.edu and are paid on a biweekly basis. College policy requires that the actual hours worked for each day of the week, including meal breaks, be recorded and that the timecard is electronically submitted by the employee.

An employee should not sign in until the employee is ready to report directly to his/her workstation. An employee shall not falsify timesheets and when reporting hours worked, shall only report actual hours worked. An employee should never sign in for the time of another employee or knowingly allow someone else to sign in for his/her time.

Employees may not work overtime unless it has been approved in advance by his/her supervisor. However, all overtime hours actually worked will be paid whether or not approved.

The employee's electronic submission of the timecard indicates that the time recorded is accurate. It also confirms that the employee has taken his/her meal period and rest breaks for each day worked in the pay period in accordance with College policies. The employee's supervisor will electronically approve the employee's timecard at the end of the pay period. If a change or correction is made on an employee's timecard, both the employee and the employee's supervisor must approve it.

Exempt employees must submit Monthly Payroll Report forms for the purpose of maintaining accurate sick leave, holiday and vacation pay records. The completed forms are due in the Payroll Office no later than the 15th day of each month. The forms are available on the College web site and can be obtained at the College Payroll office.

Violations of this policy may result in disciplinary action, up to and including termination. Any employee who feels that he/she is being deprived of meal and/or rest breaks, or who feels that he/she has not been properly paid for all hours and/or overtime hours worked, should immediately report this issue to the Human Resources department. The College will never retaliate against an employee for making such a complaint in good faith.

### 5.2 Definition of Workday and Week

A workday is defined as a consecutive 24-hour period that begins at 12:00 AM each day. A workweek is defined as a fixed and regularly recurring period of 168 hours (seven 24-hour periods) that begins at 12:00 AM each Sunday and ends at 11:59 pm the following Saturday. Calculations for overtime pay are based on these definitions. The College operates on a standard 40 hour schedule each week consisting of 5 days, Monday through Friday. Regular College campus operating hours are 8:00 AM to 5:00 PM. Regular Law School operating hours are 9:00 AM to 6:00 PM. Employees who work in certain departments may be assigned to specific shifts other than regular operating hours to effectively complete required tasks and/or to maintain the required 24-hour departmental operations. Supervisors may require employees to work overtime, or to work hours other than those normally scheduled, whenever necessary. Employees should direct questions about work hours to their supervisors or to Human Resources.

### 5.3 Break and Meal Times

Non-exempt employees who work more than 5 hours in a workday will receive an unpaid meal period of at least 30 minutes to occur by no later than the end of the fifth hour of work. However, employees who do not work more than 6 hours in a workday may voluntarily agree to waive, in writing, their right to a meal period. Employees working more than 10 hours will be provided with a second 30 minute meal break to occur by no later than the end of the 10<sup>th</sup> hour of work. Non-exempt employees who work at least 3 ½ hours in a work day are entitled to at least a 10 minute paid break period for each four hours of work, or major fraction thereof (anything more than two hours). Where practicable, rest breaks should occur in the middle of the four hour (or major fraction thereof) period.

Non-exempt employees must take all breaks and meal periods and be fully relieved of duty during those times. A general schedule for breaks and meal periods will be posted in each department or communicated to the employees by a supervisor. It is the responsibility of the employee's supervisor to relieve the employee of his/her duties during break and meal times but it is the employee's duty to take his/her breaks and to notify his/her supervisor or Human Resources if she/he is unable to take such breaks.

The paid rest breaks may not be combined with the meal break nor used to make up for reporting to work late or to leave early.

### 5.4 Make Up Time

The College allows the use of makeup time when non-exempt employees need time off to tend to personal obligations. Makeup time worked will not be paid at an overtime rate. An employee cannot make up time off during his/her rest or lunch break except that the employee may make up time worked during a lunch break if the employee is scheduled for a lunch break longer than 30 minutes as the law requires a minimum of 30 minutes must be taken as a meal break by every non-exempt employee pursuant to the schedule set forth above.

Employees may take time off and then make up the time later in the same workweek, or may work extra hours earlier in the workweek to make up for time that will be taken off later in the workweek. The employee must provide the College with a signed written request for each time that the employee desires to work makeup time. However, if an employee knows in advance that he/she will be requesting makeup time for a personal obligation that will recur at a fixed time over a succession of weeks, the employee may request to make up work time for up to 4 weeks in advance. The makeup work must be performed in the same workweek in which the work time was lost.

Employees may not work more than 11 hours in a day or 40 hours in a workweek as a result of making up time that was or would be lost due to a personal obligation. If an employee takes time off and is unable to work the scheduled makeup time for any reason, the hours missed will normally be unpaid unless the employee requests to use any accrued sick or vacation time. If the employee works makeup time in advance of time the employee plans to take off, the employee's schedule may be adjusted.

An employee's use of makeup time is completely voluntary. The College does not encourage, discourage or solicit the use of makeup time. Make up hours are not considered when computing

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daily overtime pay if the employee did not work more than 40 hours in the same workweek or more than 11 hours in any workday.

## **5.5 Classification of Employees**

The College can change the terms and conditions of employment with or without notice, with or without cause, including, but not limited to termination, demotion, promotion, transfer, compensation, benefits, duties and location of work. The College classifies employees in a number of different ways, as follows:

### **Probationary Employee**

An employee is considered to be a probationary employee if he/she is within the first 180 days of employment (or any extension of that period). Probationary employees are not eligible for some College benefits (i.e. the utilization of vacation and personal holiday accruals until the completion of the probationary period). Sick time accruals are available for use on the 90th day of employment. Sick time will begin accruing on the first day of work.

### **Regular, Full-Time Employee**

An employee is considered to be a regular, full-time employee if he/she has satisfactorily completed the introductory period and is regularly scheduled to work 32 hours or more per week. Regular, full-time employees qualify for holiday, vacation and sick time pay and other designated College benefits.

### **Regular, Part-Time Employee**

An employee is considered to be a regular, part-time employee if he/she has satisfactorily completed the introductory period and is regularly scheduled to work a minimum of 20 hours per week but less than 32 hours per week. Regular, part-time employees qualify for holiday, vacation and sick time pay and other designated College benefits.

### **Temporary, Part-Time Employee**

An employee working 20 hours or less per week is not eligible for any College-sponsored benefits, such as medical insurance, vacation and holiday pay. However, the temporary employee is entitled to 24 hours of paid CA sick leave if he/she works at least 30 days in a year.

### **Temporary (Seasonal) Employee**

A temporary employee is considered to be temporary support, if on assignment through a temporary service or through the College's employee payroll for a specific period of time, (such as summer break) with a scheduled termination date, or he/she is an employee only hired to complete a specific project. Temporary employees are not eligible for any College-sponsored benefits, such as medical insurance, vacation and holidays. However, the temporary employee is entitled to 24 hours of paid CA sick leave if he/she works at least 30 days in a year. The temporary employee will not change from a temporary status to another status unless notified in writing.

### **On-Call Employees**

An employee is considered an on-call employee if he/she is solely employed for as-needed assignments. On-call employees are guaranteed a minimum of two-hours of paid work when

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called in to perform a specific assignment. The on-call employee is entitled to 24 hours of paid CA sick leave if he/she works at least 30 days in a year. On-call employees are not eligible for other employee benefits except those mandated by applicable law. An employee will not change from on-call employee status to another status unless notified in writing.

### **Employee Separation and Re-instatement**

An employee who separates from the College and is later re-instated before 180 days have passed, will have their years of service continue, based on their original start date. Employees who separate from the College and are re-instated after 180 days of separation, will be given a new start date and their prior years of service will not be counted.

Any questions regarding an employee's classification should be directed to Human Resources department personnel.

## **5.6 Payment**

### **5.6.1 Payday and Paychecks**

All non-exempt employees are paid every other Friday for work performed during the previous two-week pay period. Exempt employees are paid monthly on the 25th day of the month or the prior Friday closest to the 25th of the month if it falls on a weekend day. If a regular payday falls on a holiday, employees will be paid on the designated pay day.

The College will not cash paychecks for employees. All eligible employees may have his/her payroll check electronically deposited directly into his/her checking or savings account. The employee will continue to receive a normal payroll stub.

Employees should review their paycheck for errors. If an employee finds a mistake, it should be reported to the employee's supervisor or the Payroll Department immediately. The supervisor or the Payroll Department staff will assist the employee in taking the steps necessary to correct the error.

### **5.6.2 Show Up Pay**

Non-exempt, full-time employees who report for work on their regularly scheduled 8-hour shift will be paid 4 hours at their regular rate of pay if work is not available and they are sent home.

Part-time employees who are required to report and are not assigned work or are furnished less than half the usual scheduled day's work will be paid for half the usual scheduled day's work, but no less than 2 hours or more than 4 hours at their regular rate of pay. At the College's option, employees in these circumstances may be assigned to other work not normally performed instead of being sent home. Show-up pay provisions are not applicable under the following conditions:

- a. Business operations cannot commence or continue due to potentially unsafe conditions to employees or property; or
- b. Public utilities fail to supply electricity, water, gas, telephone service or there is a failure in the public sewer system; or

- c. The interruption of work is caused by an act of God or other causes not within the College's control.

Management is responsible for evaluating and making any work-related decisions. The employee will be notified in advance, if possible, to not report for work. If employees are sent home and called back, they are expected to do so within a reasonable amount of time.

### **5.6.3 On-Call Pay**

If a non-exempt employee is expected to be on-call, either upon the College's premises or elsewhere, on-call time is paid. Such on-call pay is compensation given to an employee for hours in which he or she agrees to respond should there be a requirement to report for work. On-call hours paid will be included for overtime eligibility purposes. Going about your normal non-employment activities without any restrictions and having your cell phone on during the day to be contacted as needed without a set time in which a response is required, alone, does not constitute on-call time and will not be paid unless actual work is performed.

### **5.6.4 Overtime Pay**

From time to time, non-exempt employees may be asked to work beyond their normally scheduled hours, or on a regularly scheduled day off. Non-exempt employees will be expected to work reasonable amounts of overtime, according to the needs of the College. When non-exempt employees are asked to work overtime on an 8 hour, 5 day a week schedule, they will receive premium pay of time and one half of their regular rate of pay for any hours worked in excess of eight in a single workday; or 40 hours in any workweek in accordance with state and federal laws. Double pay at the employee's regular rate of pay will be paid for all hours worked beyond 12 in a single workday; and the hours worked beyond 8 on the 7th consecutive day worked in a single workweek.

However, non-exempt employees may not work overtime unless it has been approved in advance by their supervisor. Non-exempt employees who work overtime that has not been authorized in advance will be paid for the time worked but may be subject to disciplinary action, up to and including possible termination.

Exempt employees are not eligible for overtime pay and are expected to work the hours that will ensure all projects and work are completed in a timely manner.

### **5.6.5 Payroll Deductions**

Standard payroll deductions that are required by law, such as federal income tax, state income tax, state disability insurance, Medicare, and social security taxes, will be withheld from an employee's paycheck. The College complies with applicable state and federal laws regarding the garnishment and assignment of wages. A garnishment is a legal levy by a creditor against an employee's wages. The College must honor and fulfill all garnishments and other wage attachment orders as required by law. However, because of the time and cost involved in processing such orders, it is the responsibility of all employees to prevent such garnishments. Any other deductions from an employee's paycheck must be authorized by the employee in writing.

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Each one of the employee's paycheck stubs will itemize amounts that have been withheld. It is important that the employee keep this information for tax purposes. If an employee has any questions about his/her deductions, the employee should talk to his/her supervisor or the Payroll department staff. A W-2 report is prepared after the end of the calendar year showing the total earnings including the deductions made from an employee's pay.

### **5.6.6 Pay Advances**

In cases of extreme emergency or personal hardship only, the College permits a pay advance one time per fiscal year with the approval of the Associate Vice President, Human Resources and Organizational Development and the College Controller. The employee will repay the debt through a separate non-payroll check from the employee or other similar means of payment. The College will require the employee to sign a separate agreement such as a promissory note for the repayment.

### **5.6.7 Compensation Increases**

Pay increases are considered annually. However, pay increases are subject to several internal factors such as budget availability, overall financial condition of the College and the employee's performance. A satisfactory annual performance review is not a guarantee of a pay increase. Likewise, a pay increase shall not necessarily mean that the employee's job performance is not deficient in some aspects.

### **5.6.8 Travel Pay**

Employees who are required to travel for business purposes on behalf of the College will be reimbursed for approved travel expenses. In addition, non-exempt employees will be paid for travel time at a rate not to exceed the California minimum wage. For additional information regarding the Whittier College Travel Policy, please contact the Human Resources Department.



## **6. BENEFITS**

All benefit plans referred to in this Handbook may be further defined in legal documents, including insurance contracts, summary plan descriptions and trust agreements. Should any question ever arise about the nature and extent of the benefit plans, the formal language of the plan documents and not the informal wording of this Handbook must necessarily govern.

### **6.1 Employee Assistance Program**

To help employees resolve personal problems or difficulties that can affect their overall wellbeing, the College provides employees and members of their families, with an Employee Assistance Program. The EAP provides confidential consultation and assessment, treatment coordination and referral as well as follow-up services to prevent personal concerns from interfering with the employee's quality of life, including his/her work life. Additional information about the Employee Assistance Program is available from the Human Resources Department.

The College recognizes that drug and alcohol dependency is a major problem and concern in today's society. Alcohol and drug abuse severely affect an employee's job performance and the safety of the employee and his/her co-workers. As such, the College will: (1) encourage affected individuals to seek medical help at any early stage; (2) assist supervisors in recognizing and dealing with associated problems related to work performance and alcohol or drug use; and (3) discourage supervisors and fellow employees from "covering up" for the affected individual.

An employee who feels that he/she may have a drug or alcohol problem is encouraged to seek help from the Employee Assistance Program (EAP), offered by the College, from a family physician or any other group or agency specializing in the rehabilitation of persons with drug and alcohol dependency. When an employee voluntarily seeks help through the EAP, the matter will be handled confidentially to protect the employee's rights of privacy.

The College shall make every reasonable effort to accommodate any employee who voluntarily enters and participates in a rehabilitation program, provided no undue hardship on the College will result. If, however, an employee's drug or alcohol problem presents a safety concern with regard to other employees or students, or significantly interferes with an employee's ability to adequately perform his/her job, the College may take any lawful actions needed to insure the safety of College employees and students and the orderly and efficient conduct of College business, including termination.

### **6.2 GROUP INSURANCE PLANS**

All regular full time and part time employees who are regularly scheduled to work 20 hours or more per week are eligible to participate in the College's group medical, dental, life and accidental death and dismemberment insurance, vision and long term disability insurance plans on the first day of the calendar month following their date of hire. The College pays the full premium for group life and accidental death and dismemberment insurance and long term disability insurance which, if it is no longer financially feasible, is subject to change at the beginning of a new benefits plan year with as much advance notice as possible.



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The College pays for a significant portion of the premiums towards medical and dental insurance coverage. Employees pay a portion of the premiums. Employee contributions to the plan are paid by payroll deduction, which must be authorized electronically through the benefit portal. Please contact the Human Resources department for plan eligibility, dependent requirements, co-payments or any other questions regarding insurance coverage.

### **6.2.1 Continuation of Benefits after Separation of Employment**

Under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA), employees and qualified beneficiaries are eligible to continue their medical insurance benefits at slightly higher premium rates than the College pays. COBRA costs and eligibility will be administered in accordance with all statutory requirements. The length of COBRA continuation coverage, up to a maximum of 36 months, will be determined by the qualified event from the list below.

Group medical and dental coverage can be continued for dependent through COBRA when any one of the following “qualified events” occur:

- a. Death of the covered employee;
- b. Termination of employment or reduction of hours worked, which renders the employee ineligible for coverage;
- c. Divorce or legal separation from the covered employee;
- d. Employee becomes eligible for Medicare;
- e. A child reaches the maximum age allowed under the group plan.

At the time of termination, or other qualified event, continuation insurance information will be given or sent to the employee that will include the benefit premium, terms and options available to the employee. Health group benefit coverage ends on the last day of the termination month. It is the employee’s responsibility to maintain his/her benefits premiums if COBRA conversion is elected. At the conclusion of continuation of benefits under COBRA, the employee may convert his/her insurance to an individual plan by contacting the insurance carrier directly.

### **6.3 HOLIDAY PAY**

All Regular employees will receive holiday benefits for up to thirteen paid holidays per fiscal year, comprised of eight standard holidays. The eight standard holidays are: New Year’s Day, Memorial Day, Fourth of July, the day before Thanksgiving Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve Day and Christmas Day. There are additional designated holidays which normally are taken during the Winter Break between Christmas Day and New Year’s Day. The designated remaining holiday(s) (if applicable), are announced by the College Administration annually, prior to July 1 of the new fiscal year.

Holidays will be observed on the calendar day designated by the College for observance. A holiday schedule will be posted each year indicating the date for observance of each holiday. If a holiday observed by the College occurs on a Saturday, the holiday will generally be observed on

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the preceding Friday. If an observed holiday occurs on a Sunday, it will generally be observed the following Monday.

Non-exempt regular employees that are required to work on a holiday will receive holiday pay and their regular pay for hours worked.

An employee may take time off to observe the employee's religious holidays. If available, a full day of unused vacation may be used for this purpose; otherwise time off is without pay. An employee must notify his/her supervisor at least 5 days in advance of his/her intent to take time off for a religious holiday.

In order to qualify for holiday pay, an employee must work the employee's regular schedule on the day immediately before and after the holiday. Only excused absences or those due to the employee's disability or medical condition or for other reasons protected by law will be considered exceptions to this policy.

Holiday pay will only be paid for hours and days an employee is normally scheduled to work.

An employee is not eligible to receive holiday pay when the employee is on a leave of absence, unless it is a protected leave under federal or state law. Holiday pay is not considered "hours worked" when computing overtime pay. Nine, ten and eleven month employees who are scheduled off work during a time in which a holiday falls, will not qualify for holiday pay.

### **6.4 PERSONAL FLOATING HOLIDAYS**

All regular full-time and regular part-time employees who have completed their first 180 days of probationary status employment may at the discretion of the College, receive floating holiday time if issued, per fiscal year in addition to vacation and sick leave and the College's regular holidays. Regular full-time employees will receive personal holiday(s) that may be used to cover full day absences only. Regular part-time employees will receive 4 hours of personal holiday time per fiscal year which 4 hours must be used at one time.

The personal holiday is scheduled at the discretion of the employee with the advance approval of his/her supervisor. The personal holiday may be used for religious observances, family business, birthdays, anniversaries, or other personal matters.

When issued, a personal holiday may be taken each year. Employees must use their personal holiday prior to the end of the fiscal year (by June 30).

An unused, accrued personal holiday will be paid out only when the employment relationship between the College and an employee has ended.

### **6.5 SICK DAYS**

The College has established a sick time plan for the benefit of its regular full-time and part-time employees, who are regularly scheduled to work a minimum of 20 hours per week, on a continuous basis.

Employees are eligible to accrue sick time on the first day they perform work. Sick leave can be used for employees to attend medical or dental appointments that have to be scheduled during

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working hours. Additionally, sick leave may be used for the diagnosis, care, or treatment of an existing health condition of, or preventative care for, the employee or a qualified family member, or for an employee who is a victim of domestic violence, sexual assault, or stalking, to take time off to:

- a) obtain any relief to help ensure the health, safety, or welfare of the employee or the employee's child, such as a temporary restraining order, restraining order, or other injunctive relief,
- b) seek medical attention, obtain services from a shelter, program or rape crisis center,
- c) obtain psychological counseling,
- d) participate in any safety planning, or
- e) to take other actions to increase safety from future incidents. While an eligible full time employee earns sick leave from the first day of employment, it is not available for use until the 90th day of employment.

All eligible employees earn 1 day of sick leave each calendar month, in pro-rated amounts based on their standard average hours worked per week, which accrual will never be less than one hour for every 30 hours worked. A maximum of 8 hours of sick leave can be earned per calendar month of service which normally equals 12 days per year. Sick leave accrual is based only on hours paid for hours worked, and processed through the College payroll system.

Unused sick leave accrual carries forward from one fiscal year to the next, with a maximum accrual of 60 days (7 ½ weeks). If an employee's earned but unused sick leave accrual reaches the maximum, the employee will not accrue any additional sick leave benefits. If the employee later uses enough accrued sick leave to fall below the maximum, he/she will resume earning sick leave benefits from that date forward. Sick leave benefits are designed to assist employees who miss work due to their own illness/injury or the illness/injury of a qualified family member during their employment. Therefore, no sick leave benefits will be applied as extra vacation, or be paid upon termination or retirement, from the College. Sick pay is not considered "hours worked" for computing overtime pay. Sick pay will be compensated at the same wage as the employee normally earns during regular work hours in the week the leave is taken.

The employee has the option to apply for State Disability Insurance (SDI) benefits. SDI benefits can be supplemented by accrued sick leave benefits only to the extent necessary to provide a combination of sick leave and SDI benefits equal to the employee's straight-time compensation in effect immediately before the beginning of the illness or disability. Any questions regarding the application process for SDI benefits should be directed to Human Resources.

Employees who are absent from work due to an illness or injury for more than 3 consecutive work days may provide to the Human Resources Department a satisfactory medical certification from their physician, health care provider, or practitioner before returning to work and resuming their duties. The medical certification must verify that the employee is able to return to work and perform the essential duties of his/her position with or without reasonable accommodation. The College will make reasonable accommodations for employees to enable the employees to

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perform the essential duties of their positions where it would not result in an undue hardship to do so, and is consistent with its legal obligations.

Employees must provide their supervisors with reasonable advance notice to use their sick days for time off for scheduled absences such as medical or dental appointments where the need for such appointments is foreseeable. If the need for sick leave is unforeseeable, the employee must provide such notice to his/her supervisor as soon as practicable.

For purposes of this policy, a qualified “family member” is defined as a child, stepchild, legal ward, parent, including in loco parentis, stepparent or legal guardian of employee or employees spouse or registered domestic partner, spouse, registered domestic partner, sibling, grandparent or grandchild.

### **6.5.1 Sick Leave for Kin Care**

Employees may use up to one-half of their yearly sick leave accrual to attend to a child, parent, domestic partner, or spouse who is ill. Leave for this purpose may not be taken until time has actually accrued.

For purposes of this policy, a “child” is defined as a biological, foster or adopted child, stepchild, a legal ward, or a child of a domestic partner. A “child” also may be someone for whom an employee has accepted the duties and responsibilities of raising, even if he or she is not the employee’s legal child. A “parent” is the employee’s biological, foster or adoptive parent, stepparent, or legal guardian. A “domestic partner” is the employee’s legal domestic partner according to the laws of California. A “spouse” is the employee’s legal spouse according to the laws of California.

All conditions and restrictions placed on an employee’s use of sick days apply also to sick days used for the care of a child, parent, domestic partner, or spouse.

## **6.6 VACATION PAY**

Vacation is a time for an employee to rest, relax and pursue special interests. The College has provided paid vacation as one of the many ways in which we show our appreciation for our employees’ loyalty and continued service.

The College has established a vacation plan for the benefit of its Regular full-time and part-time employees who are regularly scheduled to work a minimum of 20 hours per week on a continuing basis. Although eligible employees earn vacation benefits from their first day of employment on a monthly basis, they are ineligible to use vacation pay for time off until they have completed the first 180 days of continuous employment, except as noted below.

Vacation is earned on a monthly basis, in prorated amounts based on an employee’s standard work schedule, with the following maximum monthly equivalents.  
Non 12 month employees cannot use accrued vacation pay during their off non-working months.

Employee’s Years of Continuous Employment	Days (Monthly Equivalent)
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Year One	10 days per year (6.64 hours per month)
Beginning Year Two	14 days per year (9.28 hours per month)
Beginning Year Three	18 days per year (12 hours per month)
Year Five and beyond	22 days per year (14.64 hours per month)

The President, Vice Presidents, and Associate Vice Presidents, accrue vacation benefits at the rate of 16.00 hours per month, of a standard workday from the first month of employment. Deans, and Directors accrue vacation benefits at the rate of 14.64 hours per month, of a standard workday from the first month of employment. They may use accrued vacation benefits upon the completion of the first 180 days of employment.

Unused vacation benefits may be carried forward from one fiscal year to the next. However, the maximum benefit an employee may accrue at any time is 240 hours (30 days). If an employee's earned but unused vacation accrual reaches the maximum, the employee will not accrue any additional vacation benefits. If the employee later uses enough accrued vacation to fall below the maximum, he/she will resume earning vacation benefits from that date forward. Vacation benefits are only earned while the employee is on a paid status. Employees will be considered to be on a paid status when they are paid through the College payroll, for hours worked. Employees are encouraged to schedule vacations during periods when their respective department is not in session or during summer session whenever possible.

For employees who work less than 32 hours per week, but more than 20 hours per week (employees classified as regular part-time employees), the amount of vacation accrual will be pro-rated at 50% of the rate of accrual of vacation time for regular, full time employees.

Employees are encouraged to use all vacation days during the 12-month period after it has been earned. Every effort will be made to grant an employee his/her vacation at the time he/she desires. However, vacations cannot interfere with the College's operation and, therefore, written requests for vacation time off must be submitted to an employee's supervisor for approval at least thirty (30) days in advance. Vacation requests will be approved on a first come, first served basis, and only if the time off will not interfere with the normal business operations of the College. The amount of time requested cannot exceed the accrued amount. If any conflicts arise in requests for vacation time, preference will be given based on the needs of the College, but giving deference, when possible, to the employee with the most seniority.

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If a holiday occurs during an employee's scheduled vacation, the employee will receive holiday pay for that day, and the employee will not be charged for a vacation day on the day the holiday is observed.

Hours earned and taken are calculated on a per pay-period basis and notated at the bottom of employees' pay stubs and on their mywhittier.edu web profile.

Employees will be paid for accrued but unused vacation upon termination of employment. Vacation pay is not considered "hours worked" when computing overtime pay.

### **6.7 TUITION REMISSION**

The Tuition Remission program provides eligible employees, their spouses and their dependents the opportunity to pursue an undergraduate degree, graduate degree or to maintain/improve career related objectives.

Tuition Remission benefits are available to all regular full-time employees of Whittier College and Whittier Law School, and those who have been accepted into the Graduate Fellowship program. Regular full-time employees are those who are regularly scheduled to work **32 hours per week or more** for either the academic or fiscal year. The benefit can be received from Whittier College. All participants in this program must follow the regular College admission policy.

#### **6.7.1 Tuition Remission for Employees**

Regular full-time employees are eligible for Tuition Remission for undergraduate and graduate courses as of the first day of employment. Classes for the employee are limited to 1 class per day during the employee's regular work hours, with a maximum of 2 courses per semester. Employees must have supervisor approval to be absent from regular duties to attend classes. Supervisor approval is not guaranteed but may be obtained if the absence does not cause a hardship on the working conditions of the department, on other employees, or result in a deterioration of service. The employee must complete his/her full schedule of work hours.

To maintain eligibility, an employee must comply with all of the provisions of this policy and maintain good standing as defined by the College. Employees who are not in good standing with the College are not eligible to receive Tuition Remission until they regain good standing. Reinstatement to the program must be approved by the Associate Vice President, Human Resources and Organizational Development.

Study Abroad courses are excluded from this benefit.

#### **6.7.2 Tuition Remission for Spouses**

The Whittier College Tuition Plan provides tuition benefits for spouses of regular full-time employees who have completed one year of continuous service at 32 hours or more per week.

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Spouses may enroll in Whittier College courses on either a credit or audit basis without tuition charge. Spouses may take either undergraduate or graduate courses.

Tuition Remission for spouses is subject to the following conditions:

- a) The spouse must be admitted to the College through the Office of Enrollment as either a Non-degree or Degree Granting undergraduate student, and through the Education Department for graduate and credential programs, and through the Whittier Law School Admission Office for Law School courses.
- b) If a course has an enrollment limitation, other students will have priority over spouses in filling that limit.
- c) 15 units or less can be covered through Tuition Remission per semester
- d) In Summer School and Extended Day courses, spouses will not be counted toward the total enrollment upon which faculty compensation is based.

Study Abroad courses are excluded from this benefit.

### **6.7.3 Tuition Remission for Dependent Children**

The Whittier College Tuition Plan provides tuition benefits for dependent children of regular full-time employees who have completed three years of continuous service at 32 hours or more per week.

Dependent children are defined as those legally claimed on the employee's tax return in accordance with IRS regulations. Dependent child (ren) must be an unmarried bona fide dependent by criteria of the Internal Revenue Service, who has resided with the employee and for whom the employee has been the primary support for a minimum of one year. Proof of dependent status is required and will be verified through the Internal Revenue Service.

Dependent children must be admitted as a regular undergraduate, graduate, or law student at Whittier College or Whittier Law School to be eligible for this benefit.

The payment of tuition is limited to a total of eight semesters, or its equivalent, of undergraduate work per student. For graduate work and legal education, the Tuition Remission is limited to a total of four and six semesters respectively and must be completed by the age of 26.

15 units or less are covered per semester

The use of the Tuition Remission benefit may affect the families' eligibility for other sources of funding and the College reserves the right to reduce the amount of the benefit when external funding would cover the charges covered by the benefit.

Summer School courses and Study Abroad courses are excluded from this benefit.



### **6.7.4 Requirements**

Tuition Remission participants including, employee, spouse and dependents must be in good academic standing with the college. If a participant's GPA is under 2.0 for two consecutive semesters, Tuition Remission will be suspended for the following semester. If a participant is placed in academic suspension or disciplinary action/probation, Tuition Remission will be suspended the following semester and until the GPA is above 2.0 and the participant is off disciplinary probation and academic suspension.

All participants must receive a passing grade in their course work to be eligible for the educational benefits described in this policy. Participants receiving an "F" or "No Credit" will be responsible for paying the tuition for the related course work. Participants who withdraw must do so within the published deadlines. Those who withdraw after the deadline will be responsible for payment of tuition.

### **6.7.5 Fees/Books/Supplies**

No fees are covered by Tuition Remission. Examples of fees include but are not limited to application fees, transcript fees, room and board fees, international programs, lab fees, graduation fees, directed teaching fees, overload fees, and music fees.

The cost for books and supplies are not be covered under Tuition Remission.

### **6.7.6 Graduate Level Courses**

The credit hour charges for graduate courses are subject to federal taxation according to the IRS and will be processed through employee payroll on a calendar year basis.

### **6.7.7 Separation from the College**

Employees who discontinue employment with Whittier College or Whittier Law School will not be eligible for Tuition Remission following the last day of employment. However, the employee's, eligible spouse, or dependent child may complete the course(s) in which they are enrolled at the time of the employee's separation from employment.

If an employee should die or become unable to work due to a permanent disability while employed by the College or Law School, his/her spouse or dependent child(ren) who is/are currently attending school at Whittier College or Whittier Law School may complete the current degree in progress under the provisions of the Tuition Remission policy. This provision does not extend to spouses or dependent children not enrolled nor attending at the time of the employee's death or permanent disability.

### **6.7.8 Procedure**

The employee or participant must complete the appropriate Tuition Remission application provided by the Human Resources department. Completed Tuition Remission applications must be submitted for approval to the Human Resources department no later than the last day of the

first week in each semester. Timely processing of the application will ensure that the participant's tuition account is properly credited.

### **6.8 SOCIAL SECURITY**

All employees of the College are covered under the provisions of the federal social security law. Social security benefits are intended to supplement the employee's family's retirement income and provide disability and survivors' benefits. The amount of deduction from an employee's wages for social security taxes is matched by the College. The total contribution by the employee and the College is credited to the employee's social security account. Detailed information about an employee's social security benefits can be obtained from the Social Security Administration.

### **6.9 UNEMPLOYMENT INSURANCE**

The College pays unemployment insurance taxes on behalf of employees to both the state and federal governments. These taxes fund the payment of unemployment insurance benefits to an employee should the employee become eligible to receive them. Detailed information about unemployment insurance benefits can be obtained from the Employment Development Department.

### **6.10 WORKERS' COMPENSATION**

To ensure that an employee receives any workers' compensation benefits to which the employee may be entitled, the employee will need to:

- a) Immediately report any work-related injury to the employee's supervisor, Campus Safety and the Human Resources department. At the Law School, all injuries should be reported to the employee's supervisor and to the Human Resources, which will coordinate the paperwork and processing of the employee's workers' compensation claim with the College's workers' compensation insurance carrier.
- b) Seek medical treatment and follow-up care (if required).
- c) Complete a written Employee's Claim Form (DWC Form 1) and return it to the Human Resources department.
- d) Provide the College with a certification from the workers' compensation provider regarding the need for workers' compensation disability leave (if applicable), as well as the employee's eventual ability to return to work from the leave to the Human Resources department. The Human Resources department staff will notify the employee's immediate supervisor of any work restrictions to determine whether such work restrictions can be accommodated and/or the employee's return to work date with or without any work restrictions.

### **6.10.1 Medical Treatment for Work Related Injuries**

Whittier College provides medical treatment for work-related injuries through an approved work care center, which the College has chosen because of its experience in treating work-related injuries. Employees will receive notice at time of hire with the name of the workers' compensation carrier in writing and any changes thereafter.

Employees who refuse medical treatment for a work-related illness or injury are required to acknowledge their refusal in writing. However, employees who refuse treatment will still be able to receive treatment, if necessary, in the future.

Medical treatment will be under the direction of the Workers' Compensation health care provider.

### **6.10.2 Paid Sick Leave and Workers' Compensation Benefits**

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment at 100% of the employee's rate of pay. If the employee has accrued any unused sick leave, the additional absences from work may be paid with the use of available sick leave. If the employee does not have accrued, paid sick leave, or if the employee has used all of his/her sick leave, the employee may choose to substitute vacation/paid time off for further absences from work, related to the employee's illness or injury.

When an employee reports a work-related illness or injury, the employee will be sent for medical treatment, if treatment is necessary. The employee will be paid the employee's regular wages for the time the employee spends seeking that initial medical treatment.

### **6.10.3 Other Workers' Compensation Matters**

The College may not be responsible for the payment of workers' compensation insurance benefits for any injury or illness that is not work-related and which arises out of an employee's voluntary participation in an off-duty recreational, social, or athletic activity which is not part of the employee's work-related duties.

Workers' compensation fraud is illegal in California. Any person who files or contributes to the filing of a fraudulent workers' compensation claim may be subject to termination of employment, imprisonment in state prison for up to five years, or by fine up to \$50,000, or both. The following are examples of illegal activities:

- a) filing a claim for an injury or illness that does not exist;
- b) pretending that an injury happened at work when it really happened off the job;
- c) making a false statement to support another employee's claim for workers' compensation benefits.

The law requires the College to notify the workers' compensation insurance carrier of any concerns of false or fraudulent claims.

### **6.11 SECTION 125 TAX REDUCTION PLAN FOR EMPLOYEE BENEFITS**

#### **6.11.1 Insurance Premiums**

The College is able to offer eligible employees the ability to pay for their insurance premiums with "before tax" dollars rather than "after tax" dollars. As an employee becomes eligible for these benefits and the employee elects to cover his/her family, the employee will become a plan participant of the College's "Section 125" Tax Reduction Plan. The Plan Summary controls the terms and conditions of the Plan. A plan summary will be made available to the employee when the employee enrolls for insurance.

#### **6.11.2 Flexible Spending Accounts**

Flexible spending reimbursement accounts are like personal bank accounts that an employee can use to set aside a predetermined dollar amount to cover eligible un-reimbursed health care and/or dependent (i.e. day care) expenses. An employee may elect to contribute to the accounts through payroll deductions on a pre-tax basis. As an employee becomes eligible for these benefits and the employee elects to participate, the employee will become a plan participant of the College's "Section 125" Tax Reduction Plan.

Regular employees, who are regularly scheduled to work at least 20 hours, can choose to set aside portions of their salary/compensation in a "Flexible Spending Account" (FSA) to be used later in the calendar year to pay health or dependent care expenses that qualify under FSA regulations. Money placed in an FSA is not taxed for federal or state income taxes, or social security taxes. Employees may periodically claim money from their FSA to pay eligible health and dependent care expenses. It is important that employees carefully estimate their qualified annual expenses because any FSA funds not claimed by the annually designed deadline will be forfeited.

Whittier College does not offer personal tax or financial advice to its employees. Employees are advised to consult their tax advisors in order to determine their eligibility for an FSA and to determine whether or not the FSA program is right for them. By completing and submitting the forms necessary for the FSA program, employees indicate their assumption of full and sole responsibility for the financial, tax and other aspects of their decision to participate in the program.

Following initial enrollment, employees must re-enroll annually to establish an FSA for each new calendar year. In November of each year, the Human Resources Department will distribute information regarding the annual enrollment for the coming year.

#### **6.11.3 Whittier College 403b PLAN**

Whittier College recognizes the efforts of its employees and wishes to encourage planning for their retirement years by permitting all eligible employees to participate in a "403b plan."

With the "403(b) plan" eligible employees can save for retirement by making tax-deferred contributions from their pay and can receive matching contributions from the College. Enrollment in the retirement accounts is not automatic. Employees must enroll online order to participate.

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Contributions are made by the employee through salary reduction and are fully vested and wholly owned by the employee. Contribution amounts are limited by the IRS Section 403(b).

Retirement Annuity eligibility requirements are as follows.

- a) Faculty, Administrative and Professional staff: Must complete one year of service\* and contribute a minimum amount of 4% of monthly salary
- b) Support Staff: Must complete 2 years of service\* and contribute a minimum of 2% of biweekly salary
- c) Must be 21 years of age to receive the matching contribution

(The waiting period can be waived if the employee has an existing account with TIAA. Please notify the College Benefits Manager if you have an existing TIAA account).

## 7. LEAVES OF ABSENCE

### 7.1 General Provisions Regarding Leaves of Absence

The following general provisions apply to leaves of absence:

- a) Employees seeking medical leaves of absence must provide to the Human Resources department written certification containing information sufficient to establish that they cannot perform the essential functions of their positions from their physician every 30 days to support their continued disability. Where a physician's initial certification covers a time period exceeding 30 days, re-certification is required after the initial certified time has expired. Employees are not required to provide this written certification to their direct supervisors.
- b) A request for an extension of a leave of absence must be made in writing prior to the expiration date of the original leave request and where requested, must be accompanied by a healthcare provider's written statement that certifies the need for the extension. A request for an extension does not guarantee that an extension will be granted.
- c) Failure to return to work on the first workday following the expiration of an approved leave of absence may be considered a voluntary resignation.
- d) Employees must make arrangements with the College to pre-pay their share of group insurance premiums before starting a leave of absence. A request for a benefits continuation form from the Human Resources department will initiate this process. Once arrangements for payment have been made the employee's share of payment for additional months must be received by the first of the month. Failure by employees to pay their share of the premium may result in loss of coverage, except for those leaves for which the law may require that group health benefit plans be maintained. Employees who fail to return to work at the end of an approved leave of absence may be required to reimburse the College for group insurance premiums paid by the College while the employee was on leave to the extent consistent with and permitted by law.
- e) Employees on a leave of absence may be subject to lay off on the same basis as employees who are actively at work.
- f) The College may hold in abeyance or proceed with any counseling, performance review or disciplinary action, including discharge, that was contemplated prior to any employee's request for or receipt of a leave of absence or that has come to the College's attention during the leave. If any action is held in abeyance during the leave of absence, the College reserves the right to proceed with the action upon the employee's return.
- g) Requesting or receiving a leave of absence in no way relieves an employee of his/her obligation while on the job to perform his/her job responsibilities capably

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and up to the College's expectations and to observe all the College rules, policies and procedures.

- h) Employees on leave of absence must communicate with the College on a regular basis, at least once a month, regarding their status and anticipated return to work date.
- i) Employees who return to work from a medical, pregnancy-related disability, family medical, or workers' compensation leave of absence will be required to submit to a doctor's return to work release to ensure their fitness for duty. Employees may submit a request for a reasonable accommodation if necessary.
- j) Employees on leave of absence who seek or accept other employment for work that is prohibited by leave restrictions or employment, without following the College policy on obtaining outside employment, may be subject to disciplinary action, up to and including possible termination.
- k) Any designated family and medical leave under state and/or federal law will run concurrently to satisfy the requirements of those laws where permitted by such laws. If state and federal laws conflict, the more generous law applies.
- l) If a family and medical leave is unpaid, an employee who is granted such leave of absence may be required to use any accrued vacation benefits and sick leave during the period of his or her disability to the extent permitted by law. If an employee receives disability payments (such as state disability insurance, workers' compensation or other disability payments) while on family and medical leave, it is not considered an "unpaid" leave.
- m) Vacation time and sick leave do not accrue during unpaid leaves of absence. Holidays are not paid during leaves of absence unless required by law.
- n) Benefits payable through SDI (disability) or PFL (paid family leave) insurance may be supplemented with sick and vacation pay if the employee consents to doing so such, as long as the employee does not receive more than a regular day's pay.
- o) Employees who falsify the reason for their leave of absence may be subject to disciplinary action, up to and including possible termination.
- p) The College will make a diligent effort to work with the employee in order to provide reasonable accommodation when returning to work following a leave of absence, as applicable, as long as the accommodation does not cause an undue hardship to the College. A doctor's note must be provided to the Human Resources Department to enable the College to determine what type of accommodation would be suitable.



- q) The College will not retaliate against any employee for taking a good faith leave of absence.

### **7.2 Available Leaves of Absence**

Leaves of absence are available to employees in the following categories:

#### **7.2.1 Alcohol and Drug Rehabilitation Leave**

The College wishes to assist employees who recognize that they have a problem with alcohol or drugs that may interfere with their ability to perform their job in a satisfactory manner.

Employees who have a problem with alcohol or drugs and who decide to enroll voluntarily in a rehabilitation program will be given unpaid time off to participate in the program unless it would result in an undue hardship to provide the time off. If an employee requests time off to participate in such a program, the College will also make reasonable efforts to keep the fact that the employee enrolled in the program confidential.

#### **7.2.2 Bereavement Leave**

Employees will be granted a leave of absence with pay for up to 5 workdays due to the death of a child, spouse, domestic partner, parent, sibling, grandchild, grandparent or immediate in-law or step-related immediate family member. Additional unpaid time off may be granted at the discretion of the division VP or the Associate Vice President, Human Resources and Organizational Development.

#### **7.2.3 California Civil Air Patrol Employment Protection Act Leave**

The College will allow up to 10 days of leave per year for voluntary members of the California Wing of the Civil Air Patrol in order for such volunteers to respond to an emergency operational mission.

In order to qualify for the Civil Air Patrol leave, employee volunteer members must be employed by the College for at least 90 days immediately preceding the commencement of leave. Employees will be required to give the College as much notice as is possible of the intended leave dates.

Upon expiration of the leave, the College will restore the employee to his or her position or to a position with equivalent seniority, benefits, pay and other terms and conditions of employment, unless the employee is not restored because of conditions unrelated to the exercise of these leave rights. The College is not required to grant such leave to Civil Air Patrol employees who are required to respond as first responders or disaster service workers for a local, state, or federal agency to the same or a simultaneous emergency operational mission. This will not impact collective bargaining agreements or other employee benefit plans in place that provide greater leave rights.

### **7.2.4 California State Disability Insurance Leave**

State Disability Insurance (SDI) is administered by the Employment Development Department. This plan provides benefits when an employee cannot work because of an illness or injury that is not work-related. Benefits are based on earnings and the first 7 days of an employee's claim is a waiting period during which no benefits are payable. Employees can get a claim form from his/her doctor or any office of the Employment Development Department by telephone, letter, or in person. Employees can also apply for SDI benefits online.

### **7.2.5 California State Paid Family Leave**

Paid Family Leave (PFL) is a California state-sponsored insurance program with the SDI program. PFL provides employees with partial wage replacement for up to 6 weeks in any twelve-month period while absent from work to care for a seriously ill or injured child, parent, spouse, or domestic partner, grandparent, grandchild, sibling, parent-in-law, or bonding with a minor child within one year of the birth or placement of the child in connection with foster care or adoption. The time taken to satisfy the waiting period of seven 7 days, may be taken incrementally. PFL does not create the right to a leave of absence and does not require the College to guarantee reinstatement rights other than those mandated by law. An employee who is entitled to a leave of absence to care for a family member or bond with a child under the FMLA and CFRA can receive PFL benefits while on FMLA and/or CFRA. Employees may use available vacation and/or sick time before they are eligible for paid family leave insurance. Information regarding filing for benefits can be obtained from the California Employment Development Department.

### **7.2.6 Crime Victims Leave for Judicial Proceedings Related to the Crime**

An employee who is a victim of a crime, an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim may take time off from work to attend court proceedings related to the crime. The time taken off is unpaid unless vacation, personal leave time, sick leave time, is available.

The employee must provide his/her supervisor a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice. The employee should provide reasonable advance written notice if at all possible; if no advance notice is possible, the employee must provide the employee's supervisor with documentation evidencing the judicial proceeding within a reasonable time after the absence. Documentation may come from any of the following:

- a) The court or government agency setting the hearing;
- b) The district attorney or prosecuting attorney's office; or
- c) The victim/witness office that is advocating on behalf of the victim

### **7.2.6.1 Leave for Any Proceeding Involving Victims' Rights**

An employee who is a victim of the offenses listed below may take time off from work, at the employee's (victim's) request, to appear in court to be heard at any proceeding in which a right of the victim is at issue. For purpose of this leave, a "victim" means any person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. A "victim" includes the person's spouse, parent, child, sibling or guardian.

The offenses include: vehicular manslaughter while intoxicated, felony child abuse likely to produce great bodily harm or death, assault resulting in the death of a child under eight years old, felony domestic violence, felony physical abuse of an elder or dependent adult, felony stalking, solicitation for murder, a serious felony such as kidnapping, rape or assault, a hit-and-run causing death or injury, felony driving under the influence causing injury, and sexual assault.

The employee should provide reasonable advance notice of the need to take such leave if possible. If no advance notice is possible, the employee must provide the employee's supervisor with documentation within a reasonable time after the absence. Documentation may be any of the following:

- a) Police report indicating that the employee was a victim of an offense specified above;
- b) Court Order protecting or separating the employee from the perpetrator of an offense specified above or other evidence from the court or prosecuting attorney that the employee has appeared in court;
- c) Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an offense specified above.

The time taken off is unpaid unless vacation or personal leave time is available.

### **7.2.7 Domestic Violence, Sexual Assault, or Stalking Leave**

An employee who is a victim of domestic violence, sexual assault, or stalking may take time off from work to seek medical attention, obtain services from a domestic violence shelter, program or rape crisis center, to obtain psychological counseling or participate in safety planning and to take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation. The employee must provide reasonable advance notice to the supervisor, or, if an unscheduled absence occurs, the employee must provide certification to the College within a reasonable time after the absence. The time taken off is unpaid unless vacation or sick time is used.

### 7.2.8 Emergency Duty Leave

The College provides an unpaid leave of absence for employees required to perform emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel.

“Emergency rescue personnel” is defined as any person who is an officer, employee, or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of California, or a sheriff’s department, police department, or a private fire department, or of a disaster medical response entity sponsored or requested by this state, whether that person is a volunteer or partly paid or fully paid, while he/she is actually engaged in providing emergency services.

The College allows an employee who is a volunteer firefighter to take temporary leaves of absence, up to a total of 14 days per calendar year, to engage in fire or law enforcement training or emergency rescue training. Such a leave of absence shall be unpaid unless the employee wishes to use available vacation or personal time.

### 7.2.9 Family and Medical Leave

Employees are permitted to take a leave of absence for the birth, adoption or foster care placement of an employee's child, or the care of an employee's child, parent, spouse, registered domestic partner with a serious illness/health condition, or the employee's serious illness/health condition that makes the employee unable to perform his or her duties. This leave section is intended to comply with both the federal Family and Medical Leave provisions (FMLA) and the California Family Rights Act (CFRA) provisions, where applicable.

Employees who have completed at least one year of employment and have worked at least 1,250 hours in the previous 12 months may submit a written request for a family and medical leave of absence, without pay, for any length of time up to a maximum of 12 workweeks in a 12-month period. The written request must be submitted to the Human Resources department but the employee will not be required to provide the request to the employee’s direct supervisor. The 12-month period is measured backward from the date an employee uses any family and medical leave. There is no carryover of unused leave from one 12-month period to the next 12-month period.

If the need for a family and medical leave of absence is foreseeable, employees must submit their request at least 30 days in advance. Requests for family and medical leaves will normally be granted by the College based on the facts and circumstances surrounding each individual request. If granted, employees will be given written notice designating the leave as a family and medical leave of absence, as well as notice of their rights and obligations during the leave. Requests for family medical leave to care for a child, parent, spouse, or registered domestic partner with a serious illness/health condition, or an employee with a serious illness/health condition, must be accompanied by a health provider's written statement that certifies the need for the leave and estimates the length of time the employee will be unable to work due to the serious illness/health condition.

Employees on family and medical leave that is unpaid may be required to use accrued vacation and/or sick pay benefits to the extent permitted by law. Employees who receive disability

payments (such as state disability insurance, workers' compensation or other disability payments) while on family and medical leave are considered to be on a "paid" leave.

Leave under the FMLA runs concurrently with leave under the CFRA to the extent permitted by federal and state law. However, leave taken to care for a registered domestic partner with a serious health condition is available only under the CFRA and therefore does not count against an employee's 12 workweeks of FMLA leave. Similarly, military caregiver leave and qualifying exigency leave are only available under the FMLA and therefore do not count against an employee's 12 workweeks of CFRA leave. Furthermore, leave taken by an employee because of her own disability caused by pregnancy, childbirth, or related medical conditions is not available under the CFRA, but will count toward the employee's FMLA and Pregnancy Disability Leave entitlements.

Employees on family and medical leave who return to work at the end of an approved leave will be returned to the same job they held immediately prior to their leave or a comparable position in terms of pay, benefits and working conditions. As with other types of legally mandated leaves of absence, an employee on family and medical leave has no greater right to re-employment than he/she would have if not taking such leave. As a result, an employee who takes family and medical leave may be denied reinstatement for reasons unrelated to the leave, such as misconduct or a layoff due to lack of work.

Employees with a serious illness/health condition must present a healthcare provider's written release to the Human Resources department verifying that they are able to return to work and perform the essential duties of their positions with or without reasonable accommodation. The College will attempt to work with the employee in order to provide reasonable accommodation.

### **7.2.10 Family / School Partnership Leave**

An employee may take time off to attend the school activity of his or her child. An employee who is a parent, guardian or custodial grandparent of a dependent child enrolled in a licensed day care center, kindergarten or grades 1 through 12 may take up to 40 hours off work without pay each calendar year to participate in the activities of the child's school. An employee may not miss more than 8 hours of scheduled work time per month and must schedule all such absences with his or her supervisor within a reasonable time in advance of an absence.

When both parents of a child are employed by the College, and both request time off work for the same date, only the employee who made the request first will be granted time off in accordance with this leave policy.

School activity leave may be charged to the employee's unused accrued vacation. Leaves of absence in excess of available, accrued vacation time will be without pay. Exempt employees may use accrued vacation time if available. If no accrued vacation time is available or is available in an insufficient amount to cover the time off, exempt employees will be paid their regular salary if they performed any work on the day the leave is taken. Employees must provide written verification to their supervisor or the Human Resources department from the child's teacher or principal regarding the employee's participation in a school activity.

### **7.2.11 Jury Duty Leave**

Employees are encouraged to fulfill their civic responsibilities by serving on jury duty when required. If an employee receives a call to jury duty, the employee should notify his/her supervisor immediately so he or she may plan the time off from work with as little disruption as possible.

Regular employees who are regularly scheduled to work a minimum of 20 hours per week and need to be absent from work in order to serve as a juror, or to report to the court in response to a jury summons, or to report for jury examination, will be paid their regular salary or at their regular rate of pay for up to 10 days of jury duty within any one calendar year, less any actual jury duty pay. Employees who are regularly scheduled to work less than 20 hours per week on a continuing basis will be provided time off to spend on jury duty but are ineligible for compensation for time spent on jury duty. Exempt employees will be paid for jury duty but are still expected to make sure the essential duties of their job are performed, whether by themselves or as a result of delegation to others.

When on jury duty, employees must report for work whenever their presence is not required at court. Employees who are released from jury service before the end of their regularly scheduled shift or who are not asked to serve on a jury panel are expected to call their supervisor as soon as possible and report to work if requested.

Upon completion of jury duty, a Verification of Attendance Form must be presented to the College's Payroll office.

Falsification of jury duty attendance will be grounds for disciplinary action up to and including termination.

### **7.2.12 Military Leave**

Employees are permitted to take a leave of absence for required military service. Pursuant to the Employment and Re-Employment Rights Act of 1994 (USERRA), an employee who is assigned to a U.S. Military Armed Forces or the Reserves for each branch of that organization, the Army National Guard, the Air National Guard, commissioned corps of the Public Health Service, and any other category of people designated by the president in time of war or national emergency and is subject to active or inactive duty or training or examination to determine fitness for active duty or funeral honors duty will be granted leaves of absence without pay up to five years of cumulative service. [38 USC sec 4303(13), (16), section 4312]

An employee who is eligible for vacation benefits may use accrued, unused vacation benefit hours for all or part of an unpaid leave of absence for Reserve training to supplement his or her military pay so as to equal the amount of pay that would have been received from the College if the employee was not on leave of absence. Any portion of a leave that occurs after all available accrued vacation benefits have been used will be without pay.

A leave of absence without pay will be granted to any employee who enters any branch of the United States armed services. Benefit accruals for any employee serving on active duty longer than 30 consecutive days will be calculated in accordance with applicable federal or state laws and if those laws are inconsistent, the more favorable law would apply.



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Leaves of absence and re-employment following military service as described above will be in accordance with applicable state and federal laws provided an employee returns or applies for reinstatement within the time allowed by law, the individual has not exceeded the cumulative five years of service, and the individual has not lost his/her entitlement to protection under USERRA due to dishonorable discharge or other factors. 38 USC sec. 4312(f)(1)

A copy of the applicable, official military orders for active duty training must accompany an employee's request for a leave of absence. Under USERRA, the College will reasonably accommodate and reemploy, as applicable, the individual no matter the type and nature of military leave.

### **7.2.13 Organ and Bone Marrow Donor Leave**

The College will provide the following paid leaves to employees who choose to donate organs or bone marrow:

- a) Organ donors – will be provided a 30 day (workdays) leave of absence in a rolling year period.
- b) Bone marrow donors – will be provided a leave of absence up to 5 workdays in any one-year period, calculated from the day the employee's leave begins.

Employees must use up to 5 days of accrued unused sick or vacation leave for bone marrow donations, and up to 2 weeks of sick or vacation leave for organ donations, if available. This leave may be taken intermittently.

If no accrued sick or vacation is available, the College will provide up to 30 days of paid leave per year for an organ donation in any one-year period, and up to 5 days of paid leave per year for a bone marrow donation. Leave may be taken in one or more periods of time.

An employee seeking leave under this law must provide written verification to Human Resources that he/she is an organ or bone marrow donor and that there is a medical necessity for the organ or bone marrow donation.

### **7.2.14 Personal Leave**

Employees are permitted to take a leave of absence for a compelling personal reason that does not qualify under the provisions of the California Family Rights Act, the federal Family and Medical Leave Act or the Healthy Workplaces, Healthy Families Act.

Employees who have completed at least 1 year of continuous service may submit a written request for a personal leave of absence, without pay, for any length of time up to a maximum of 30 days. Written requests must state the reason for the leave, as well as the beginning and ending dates.

Requests for personal leaves will be granted at the discretion of the Division Director and the Human Resources Director based on the facts and circumstances surrounding each individual request.



Employees who return to work at the end of a personal leave may be returned to their former job classification if an opening exists or, if there is no such opening, they may be considered for a comparable position if one is available.

### **7.2.15 Pregnancy Disability Leave**

Pregnancy Disability Leave (PDL) is a leave of absence for a disability related to an employee's own pregnancy, childbirth, or related medical condition.

Employees may submit a written request to the Human Resources department for a pregnancy-related disability leave of absence, without pay, for the length of any pregnancy-related disability, up to a maximum of 4 months, meaning the number of days an employee normally works within 4 calendar months. The 4 months of leave is granted for each pregnancy. This leave may be taken incrementally for illness related to the pregnancy and for medical appointments. An employee's pregnancy leave will run concurrently with FMLA leave.

Requests for pregnancy leaves will be granted to employees who present a physician's written statement to the Human Resources department that certifies the need for the leave and estimates the length of time the employee will be unable to work due to the disability.

Employees on pregnancy leave who return to work at the end of an approved leave with a physician's written release verifying that they are able to return to work and perform the essential duties of their position will be returned to the same job they held immediately prior to their leave or a comparable position that is available. A position is available if it is open on the employee's scheduled return date or within 60 calendar days thereafter and the employee is qualified for the job.

If available, a transfer to a less strenuous or hazardous position will generally be granted to an employee who submits a certification from a health provider that a transfer is medically advisable. Certification must include the date of the medical advisability of the transfer, the probable duration of the need for the transfer and a statement that describes the medical advisability of the transfer because of pregnancy. However, the College will not undertake to create a new position for the pregnant employee that would not have otherwise been created, nor will the College be required to discharge any employee, transfer another employee with more seniority, or promote or transfer any employee not qualified to perform the new job. Upon transfer, an employee will receive the salary and benefits that are regularly provided to employees in the position to which the employee has transferred.

### **7.2.16 School Disciplinary Action Leave**

An employee who is the parent or guardian of a child who has been suspended from school may take time off if he/she needs to appear at the school in connection with that suspension.

Employees may charge the time off to unused vacation time or it will be unpaid. Exempt employees may use available accrued vacation time. If no accrued vacation time is available or is available in an insufficient amount to cover the time off, exempt employees will be paid their regular salary if they performed any work on the day the leave is taken. Employees must provide reasonable notice of time off, and provide written verification to their supervisor or the Human Resources department from the child's teacher or principal regarding suspension.

### 7.2.17 Service Member Family and Medical Leave

The federal FMLA entitles eligible employees to take leave for a covered family member's service in the Armed Forces including the National Guard or Reserves ("Service Member FMLA").

This policy supplements the FMLA policy above and provides general notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations to the Service Member FMLA leave are governed by the existing FMLA policy.

Leave Entitlement: Service member FMLA provides eligible employees unpaid leave for any one, or for a combination, of the following reasons:

- a) A "qualifying exigency/emergency" arising out of a covered family member's call to active duty in the Armed Forces during the deployment of the member with the Armed Forces to a foreign country and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country as well as Reserves, National Guards and certain retired members of the Armed Forces; "Qualifying exigency" is defined as: (1) Issues that arise from short-notice deployment (7 or fewer calendar days prior to deployment); (2) to attend military events and related activities; (3) to arrange for childcare and school activities; (4) to engage in activities related to the care of the military member's parent who is incapable of self-care; (5) to make or update financial and legal arrangements; (6) to attend counseling; (7) to spend time (up to five days for each instance) with a military member on rest and recuperation; (8) to attend post-deployment activities and (9) to address other events that arise out of the covered military member's active duty status, provided that the College and employee agree to both the exigency, the timing and duration of such leave
- b) To care for a covered family member who has incurred a serious injury or illness in the line of duty while on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.
- c) To care for a covered family member in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy, for a serious injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

For this type of leave, the definition of a covered employee includes the "next of kin," or nearest blood relative, of a covered service member.

Employee must submit certification that the service member had been called to active duty.

When leave is due to a “qualifying exigency/emergency, an eligible employee may take up to 12 workweeks of leave during any 12-month period. When leave is to care for a seriously injured or ill service member, an eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the service member. Leave to care for a seriously injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period.

Service member FMLA runs concurrent with other leave entitlements where permitted under federal or state law.

Various states have leaves similar to FMLA and they may apply to family members of service members. The entitlement for such leaves differ from state to state. The College policy is to comply with such laws in any circumstances where they apply to employees of the College. An employee should contact Human Resources with any questions regarding such leaves.

### **7.2.18 Spousal Military Leave (Federal & California)**

Qualified employees may take unpaid leave for up to 10 days when their spouse or registered domestic partner is home on leave from deployment with the Armed Forces, the National Guard, or Reserves. For purposes of this leave a qualified employee must meet all of the following:

- a) Is the spouse or registered domestic partner of a qualified member of the armed services who is serving in an area designated as a combat theater or combat zone during a period of military conflict;
- b) Works an average of 20 or more hours per week;
- c) Provides the College with notice, within 2 business days of receiving official notice that the qualified spouse will be on leave from deployment, of his or her intention for this type of leave; and,
- d) Submits written documentation certifying that the spouse will be on leave during the time requested for the leave.

There is no minimum length of employment required in order for an employee to be considered a qualified employee.

This leave will be unpaid unless an employee who is eligible for vacation benefits elects to use vacation hours.

### **7.2.19 Voting**

If an employee is a registered voter and does not have enough time outside of working hours to vote in a state-wide election, the employee may take time off work to vote. Up to 2 hours may be taken without loss of pay. The requested time off should be at the beginning or the end of the work schedule in order to minimize the length of time needed. Employees must request time off

## Whittier College Employee Handbook

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to vote at least 2 working days prior to the election and must justify to his/her supervisor that time off is necessary.

### **7.2.20 Witness Duty Leave**

Employees who regularly work a minimum of 20 hours per week and need to be absent from work in order to serve as a witness in a court case, will be paid their regular wages up to 5 days of witness duty within one calendar year, provided that the College is given reasonable advance notice. Employees who work less than 20 hours per week on a continuing basis will be provided time off to spend on witness duty but are ineligible for compensation for time spent on witness duty. Employees who voluntarily participate as an expert witness in a court case are not eligible for compensation under this policy.

Employees should contact their supervisors and the Associate Vice President, Human Resources and Organizational Development as soon as they know they will be serving as a witness.

Employees are expected to work the remainder of a workday when not performing witness duty. A verification of time spent on court duties will be considered as time worked for the purpose of calculating overtime, sick leave, vacation, and holidays.

### **7.2.21 Workers' Compensation Leave**

Employees are permitted to take a leave of absence because of work-related illness or injury. The College complies with applicable state and federal law concerning leaves for work-related illness or injury. Workers' compensation leaves will run concurrently with family and medical leave where permitted by federal and/or state law.

Upon submission of a medical certification that an employee is able to return to work after a workers' compensation leave, the employee under most circumstances will be reinstated to his or her same position held at the time the leave began, or to a comparable available position. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers' compensation leave would have been laid off had he or she not gone on leave, or if the employee's position has been eliminated, and no comparable positions are available, then the employee would not be entitled to reinstatement.

An employee's return depends on his or her qualifications for any existing openings. If, after returning or wanting to return from a workers' compensation disability leave, an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, the College will work with the employee to provide reasonable accommodations.

#### **7.2.21.1 Workers' Compensation and FMLA / CFRA**

Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under state and federal law (Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA)), may be placed on FMLA/CFRA during the time they are disabled and not released to return to work. The leave under these laws runs concurrently, and eligible employees will be on FMLA/CFRA for a maximum of 12 weeks in a 12-month period to the extent permitted by law.

### 7.3 Offset Provision

The College intends to administer its leave of absence policies in accordance with the requirements of all applicable state and federal laws. Instances may exist where two or more leave of absence policies provide overlapping protections for an eligible employee. However, it is the general intention of the College's policies to limit employees to the time available under the single most favorable leave of absence policy and to prevent employees from exceeding the limitations of that policy. Accordingly, any leave of absence that is taken by an employee under any policy or based upon any request for time off that could have been taken under any other policy of the College (if the employee had requested the opportunity to do so), shall be credited against the maximum limit on leaves established in each of the policies that provided the employee a basis to request a leave. Exceptions to the offset provision will be made only where required by law.

#### EMPLOYEE ACKNOWLEDGMENT OF RECEIPT OF POLICY AGAINST HARASSMENT AND PERSONAL APPEARANCE AND BEHAVIOR POLICY

This will acknowledge that I have received a copy of the Policy against harassment and the Personal Appearance and Behavior Policy and that I will comply with the requirements of both policies at all times as described in this employee handbook.

I understand that I may be held personally liable and responsible for acts of harassment that I commit, condone, tolerate or fail to report. Therefore, if I know of or have reason to know of any act of harassment or the existence of a hostile, intimidating or offensive work environment in the workplace and I fail to report it to higher management, both the College and I can be placed in serious jeopardy.

I promise that I will fully comply with all aspects of that policy. I agree that I will not engage in any conduct that would constitute unlawful harassment or discrimination of another individual. I understand that the College will be unable to promptly investigate and remedy problems that may arise if I fail to cooperate fully and fulfill these essential commitments.

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Employee's Name (Please Print)

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Employee's Signature

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Date

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### SUPERVISOR ACKNOWLEDGMENT OF RECEIPT OF POLICY AGAINST HARASSMENT AND PERSONAL APPEARANCE AND BEHAVIOR POLICY

As a supervisory employee of Whittier College, I acknowledge receipt of the College's Policy Against Harassment and Personal Appearance and Behavior Policy as described in this employee handbook. I understand that I may be held personally liable and responsible for acts of harassment that I commit, condone, tolerate or fail to investigate. Therefore, if I know of or have reason to know of any act of harassment or the existence of a hostile, intimidating or offensive work environment in the workplace and I fail to report it to higher management and/or fail to take immediate and appropriate corrective action, both the College and I can be placed in serious jeopardy.

I promise that I will fully comply with all aspects of that policy. I agree that I will not engage in any conduct that would constitute unlawful harassment or discrimination of another individual. I understand that the College will be unable to promptly investigate and remedy problems that may arise if I fail to cooperate fully and fulfill these essential commitments.

I understand because I am a member of management I may not date, engage in any sexual activity with, or make sexual advances, welcomed or unwelcomed, toward any subordinate employee. I also understand that I am strictly prohibited from offering an employment benefit (such as a raise or promotion or assistance with one's career), in exchange for sexual favors or threatening an employment detriment (such as termination, demotion, or disciplinary action), for an employee's failure to engage in sexual activity.

I agree that I will immediately report any act, allegation or rumor of harassment to my immediate supervisor and/or to Human Resources. I understand and agree that I will cooperate completely in the investigation of any claims of harassment and that I am not to penalize any person for making a complaint of harassment.

I understand that I must participate, when scheduled, in the mandatory Sexual Harassment training provided by Whittier College.

Finally, I understand that if I violate any aspect of this policy, I may be subject to disciplinary action up to and including immediate termination and that I can additionally be sued and held personally liable for my acts or omissions.

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Employee's Name (Please Print)

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Employee's Signature

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Date

# Whittier College Employee Handbook

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## **EMPLOYEE ACKNOWLEDGEMENTS**

By signing these acknowledgements, you agree to abide by the policies/provision in this Handbook. If I have any questions about the contents of this Handbook or the Acknowledgments set forth below, I understand that I should ask Human Resources personnel prior to signing this acknowledgment because by signing this document I am representing that I am familiar with and understand the contents of this handbook.

### **At-Will Employment Acknowledgement**

It must be remembered that the College employs its employees "at-will," which permits the College to change the terms and conditions of employment with or without notice, with or without cause, including, but not limited to termination, demotion, promotion, transfer, compensation, benefits, duties, and location of work. There is no agreement, expressed or implied, between the College and the employee for continuing their long-term employment and that nothing in this handbook creates a promise of continued employment.

### **Employee Handbook Acknowledgement**

This is to acknowledge I have received a copy of the College Employee Handbook. As a condition of employment, I agree to conform to all of the policies, rules, safety rules and regulations of the College, including those contained in the Employee Handbook. My signature below certifies that I have received the Employee Handbook and agree to abide by its provisions during my employment, and that I understand that failure to do so could result in discipline up to and including termination of my employment.

### **Policy Against Sexual Harassment Acknowledgement**

I acknowledge receipt of the attached copy of the College's Policy Against Harassment and Personal Appearance and Behavior Policy, set forth in the Whittier College Employee Handbook. I understand that I may be held personally liable and responsible for acts of harassment that I commit, condone, tolerate or fail to investigate. This will acknowledge that I have received a copy of the Policy Against Harassment and that I will comply with the requirements of this policy at all times.

### **Acknowledgement of Cellular Phone/Device Texting Policy**

By signing this form, I acknowledge that I fully understand the College's Cellular, Texting, PDA, etc. policy, set forth in the Whittier College Employee Handbook, and there is no expectation of privacy using a Section cellular device. I have read and agree to follow this policy.

### **Acknowledgement of the College Computer System, Social Media, Internet Policy**

By signing this form, I acknowledge that I fully understand the College's Computer System Policy, set forth in the Whittier College Employee Handbook, including the Internet, Voicemail, Email, Blogging, etc. policy, and that there is no expectation of privacy using the College's Computer Systems. I have read and agree to follow this policy.

### **Acknowledgement of the Trade Secrets/Confidentiality Policy**

By signing this form, I acknowledge that I fully understand the College's Trade Secret/Confidentiality policy, set forth in the Whittier College Employee Handbook. I agree that I will not disclose any of the above-mentioned trade secrets, directly or indirectly, or use them in any way, except as required in the course of my employment with the College. I have read and agree to follow this policy.

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Employee's Name (Please Print)

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Employee's Signature

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Date