



Western
University
OF HEALTH SCIENCES

Employee Handbook

MARCH 15, 2024

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In addition to the policies outlined in this Handbook, employees who reside outside of California and Oregon (OOS) must also refer to their state addendums and labor law posters provided at the time of hire. It is important that OOS employees review their state addendums together with the Employee Handbook when interpreting certain policies and to learn how they apply. OOS employees must work closely with their supervisor when they need assistance to interpret the section(s) in the Handbook that apply to them. Supervisors with OOS employees must contact Human Resources at HROut-of-stateemployees@westernu.edu if they need assistance about how a particular policy or state law that applies to their OOS employees. Labor law posters and any state addendums for employees who perform their duties and live in California and/or Oregon, are posted on WesternU's website and/or displayed throughout both campuses.

Introduction

We know that you will find Western University of Health Sciences, herein referred to as (“WesternU” or the “University”) a dynamic and rewarding place to work and we look forward to a long and successful relationship. Whether you have been employed by the University for some time or just joined our team, please know you are valued! Thank you for choosing WesternU and for serving our students!

This online Employee Handbook (“Handbook”) contains only general information and guidelines applicable to all WesternU employees. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described herein. Further, the University reserves the right to develop and/or create supplemental policies and procedures that broaden, supplement, modify, or operationalize the general policies contained herein. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you must address your specific questions with your supervisor or contact the Office of Human Resources (OHR) at HR@westernu.edu.

The University has a few employees who perform work while residing in states outside of California and Oregon and are referred to in this Handbook as out-of-state (OOS) employees. In addition to the policies outlined in this Handbook, OOS employees must refer to the state addendums provided to and reviewed with them at the time of hire. These addendums must be consulted together with the policies and procedures in this Handbook. It is best that the OOS employees consult with their respective supervisor and the Office of Human Resources (OHR) when interpreting which policies or procedures apply. Supervisors of out-of-state (OOS) employees and OOS employees should email HROut-of-stateemployees@westernu.edu if they need assistance about how a particular policy or state law might apply to them. Since most of our employees perform their duties and live in California and/or Oregon, this Handbook includes California and Oregon appendices reflecting the applicable state specific policies for such groups. Further, the applicable labor law posters are prominently displayed throughout both campuses.

This Handbook or its addendums do not create, nor should they be construed as creating an expressed or implied contract for employment for any specified period or definite duration (i.e., this Handbook or its addendums do not alter an employee’s “at-will” status).

The information contained in this Handbook is intended for use by University employees only. This version of the Handbook replaces and supersedes all previous Employee Handbooks and all earlier oral communications and written materials concerning the University’s employee’s policies and procedures.

Further, some of the subjects described in this Handbook are covered in detail in official policy documents, as many of those links are referred to in this Handbook. You will need to refer to the freestanding policies for specific information. Employees are expected to be familiar and comply with the information in this Handbook, as well as other University policies that apply to their employment.

This Handbook is the property of the University and is considered proprietary information. No part of the Handbook may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or in an information storage and retrieval system or otherwise, for any business or commercial venture without express written permission of the University.

Special Note for Faculty Eligible for University Faculty Handbook Rights: In addition to the Employee Handbook, the [University Faculty Handbook \(UFH\)](#) contains additional policies that supplement the employment of certain faculty who, according to their faculty contract, are eligible for UFH rights. The UFH policies and rights include but are not limited to policies related to promotion, tenure, workload, and other relevant topics. In instances where the provisions of the UFH differ from policies contained in this Employee Handbook, the provisions contained in the UFH will prevail. For further information related to the UFH policies, please review the [University Faculty Handbook \(UFH\)](#).

President's Message

Dear Colleague:

Welcome to the WesternU family! You are now part of a distinctive community whose time and talents help shape the future of health care by supporting the University's educational, research, and community outreach missions.

Western University of Health Sciences started as a small medical school on September 6, 1977, in Pomona, California. The founders of the College of Osteopathic Medicine of the Pacific embarked upon a mission to educate future generations of healers through a culture of humanistic and compassionate care, combined with scientific and technical excellence.

This deeply humanistic approach has carved a special niche for WesternU in the world of graduate health science education. From our foundation in humanistic science, we have grown with colleges, multiple clinical enterprises, a robust research component, and campuses in the Pacific Northwest.

Humanism and caring do not happen by accident. These ideals must be imparted by example through all who work and learn at our institution.

Each of us is an embodiment of humanism at WesternU and responsible for championing a culture that situates diversity, equity, inclusion, and anti-racism at its humanistic core. Through our attitudes and actions as employees, we are role models for future healthcare practitioners as we sustain a campus environment that is truly welcoming and supportive.

I am confident you will find your work rewarding and am grateful you have joined us on this journey. I think you will find this Employee Handbook a valuable resource as an overview of your rights and responsibilities as an employee.

More detailed information is available through the Office of Human Resources or through your own department or college. Please contact the Office of Human Resources with any questions.

Again, welcome to WesternU!

Robin Farias-Eisner, MD, PhD, MBA
President

About Western University of Health Sciences (“WesternU”)

Founded in 1977, Western University of Health Sciences (“WesternU”) is a nonprofit, graduate university for the health professions with its main campus located next to Southern California’s historic downtown Pomona, and two campuses in Lebanon, Oregon (COMP-Northwest and CHS-Northwest). WesternU has eight colleges and more than 3,800 students studying toward advanced degrees in Dental Medicine, Graduate Nursing, Health Professions Education, Occupational Therapy, Optometry, Osteopathic Medicine, Pharmacy, Physical Therapy, Physician Assistant Studies, Podiatric Medicine, and Veterinary Medicine.

Degrees and certificates offered by WesternU:

[College of Osteopathic Medicine of the Pacific \(COMP\) \[founding college\]](#)

- Doctor of Osteopathic Medicine (DO)

[College of Osteopathic Medicine of the Pacific \(COMP\) – Northwest](#)

- Doctor of Osteopathic Medicine (DO)

[College of Health Sciences](#)

- Doctor of Physical Therapy (DPT)
- Post-Professional Doctor of Physical Therapy (DPT)
- Master of Science in Health Sciences (MSHS)
- Master of Science in Medical Sciences (MSMS)
- Master of Science in Physician Assistant Studies (MSPA)

[College of Health Sciences - Northwest](#)

- Doctor of Physical Therapy (DPT)

[College of Pharmacy](#)

- Doctor of Pharmacy (PharmD)
- Master of Science in Biotechnology and Pharmaceutical Sciences
- (MSBPS)
- PharmD International Pathway Program (PIP)

[College of Graduate Nursing](#) (Online/Hybrid/In-Person)

- Associate degree Nurse (ADN) to Master of Science in Nursing (MSN)
- Doctor of Nursing Practice (DNP)
- Emergency Nurse Practitioner (ENP)
- Family Nurse Practitioner (Post Masters FNP)
- Master of Science in Nursing – Entry (MSN)
- MSN/Family Nurse Practitioner
- Master of Science in Nursing/Psychiatric Mental Health Nurse Practitioner (MSN/PMHNP)
- Psychiatric Mental Health Nurse Practitioner (Post-Master’s PMHNP)

[College of Veterinary Medicine](#)

First Graduating Class
1982

Founder
Philip Pumerantz, PhD

Students
3,800

Faculty & Staff
1,500

Colleges
COMP
CDM
CPM
CGN
CHS
CVM
CO
COP

Academic Programs
27

- Doctor of Veterinary Medicine (DVM)

College of Dental Medicine

- Doctor of Dental Medicine (DMD)
- Doctor of Dental Medicine International (DMD)

College of Optometry

- Doctor of Optometry (OD)

College of Podiatric Medicine

- Doctor of Podiatric Medicine (DPM)
- Doctor of Podiatric Medicine (DPM) Advanced Standing

Additional Facts for WesternU can be found at:

<https://www.westernu.edu/ire/fact-sheet/>

Mission Statement

To produce, in a humanistic tradition, healthcare professionals and biomedical knowledge that will enhance and extend the quality of life in our communities.

Vision Statement

To continue to flourish as a pioneering institution, that has enjoyed phenomenal growth, we must build on our foundation in humanistic health sciences, *the WesternU Way*– the caring, respect, empathy, and trust that have ever made us so innovative, audacious, and nimble. This bedrock of values informs all that we do, ensuring our work is ever a beacon that reflects compassion as we serve our communities.

Values

Embody humanism through caring, respect, empathy, trust, and inclusion. Sustain a pioneering culture of bold innovation, courage, and passion. Display a collaborative mindset in how we operate, educate, and serve others. Achieve excellence in all we do.

Spirit

To continue to pioneer as an institution of phenomenal growth, we must build on our foundation in humanistic health sciences – *the WesternU Way*.

WesternU Institutional Narrative

As you take your first step onto a WesternU campus, each path, each person, each structure comes with a transformative story. WesternU is more than the practice of medicine. We are defined by character and culture.

As you walk the campuses, you will discover humanism at the heart of every interaction: a warm welcome, a sincere smile, a positive word, a kind deed, a thoughtful gesture. You will see students

work together on case studies; a parade of pets in campus parks; student clubs offering opportunities for career growth and community involvement; and faculty, staff and students designing their future and the future of WesternU. We display a collaborative mindset in how we operate, educate, and serve others.

WesternU was founded in Pomona, California. Named in honor of the Roman goddess of fruit, Pomona, with a rich history of fertile soil, was a perfect community to seed the future of health care education and health care for generations to come. As you stroll the Pomona esplanade, sunlight and warmth give life to the blossoms of nature that are bright and flush. It is truly a metaphor for the culture of WesternU: about being and becoming – to help people discover who they are and who they can become. From the 40-year employee to the first-time grad student, we are interconnected, looking beyond horizons, supporting each other to support others.

WesternU, geographically, we are two: as humanists, we are one: to enhance and extend the quality of life in our communities and achieve excellence in everything we do. We attract diverse, professional faculty, staff and students that thrive in an environment of humanistic health care education.

The Pomona campus is in the middle of an urban downtown with a true West Coast vibe. The buildings, fountains, murals, and sculptures of the Pomona campus have a storied past. Artist, teacher, and architect Millard Sheets, who helped define the California art movement, designed the Pomona Mall (1962) which is now part of WesternU. Today, the Pomona campus is surrounded by art galleries, art and dance studios, local and international musicians, along with niche markets and restaurants.

WesternU has two campuses in Lebanon, Oregon. A city known for inclusiveness with a motto that reflects our commitment to Humanism: “The City that Friendliness Built.” Surrounded by wooded forests, scenic rivers and beautiful waterfalls, Lebanon’s rural beauty is a perfect balance to Pomona’s urban vibe.

Dedicated to a Culture of Civility and Inclusion

All employees are expected to adhere to WesternU’s Institutional *Principles of Civility*. These principles will be enforced to ensure each member’s commitment to a safe and respectful working and learning environment. These principles are designed to supplement all existing policies pertaining to conduct and professionalism and WesternU reserves the right to amend or change these principles from time to time as circumstances warrant.

Please familiarize yourself with these principles below as you engage within the University community.

Institutional Principles of Civility

Consistent with WesternU's commitment to a culture of ethical behavior, civility and open conversation in all shared governance activities, the Board of Trustees recognizes the need to establish and enforce institutional principles applicable to the entire campus community. Each member of the WesternU community – student, staff, faculty, or administrator – has a shared interest in promoting a working and learning environment where all members, and their points of view, are treated with civility. The Board of Trustees defines civility as the demonstration of respect, honesty, and dignity for oneself and others and treating others as we desire to be treated. Civility is a good faith effort to engage in a positive manner with even the most critical feedback being delivered in a manner free of malintent. Examples of civility include, but are not limited to:

- a. Treating others with courtesy, respect, and consideration.
- b. Speaking in tones of voice that are appropriate for the circumstances.
- c. Being respectful of other's right to express their views, even if there is disagreement.
- d. Relying on verified facts rather than relying on or misrepresenting/mischaracterizing opinions as facts.
- f. Managing differences or issues in a productive manner rather than one that is confrontational.

By affirming the value, contribution, and opinion of each WesternU community member, everyone is contributing to a safe and respectful working and learning environment. To that end, each member is expected to affirm the principles of civility by adhering to the following:

- **Discourse.** WesternU values and encourages the free exchange of diverse ideas and points of view. However, WesternU discourages uncivil speech or expression that oversteps the ability of others to express themselves.
- **Collegiality.** WesternU embraces an environment that facilitates collegial relationships and leads to addressing issues and differences in an atmosphere of mutual respect and civility.
- **Respect.** WesternU believes that a community member's opinions, ideas, and conduct best reflect the goals of the WesternU community when the dignity of each member is respected and when members of the community are considerate of the feelings, circumstances, and individuality of other members.
- **Responsiveness.** WesternU encourages all community members to speak out against uncivil treatment so the university can fulfill its responsibility of responding in a fair, timely and consistent fashion.

<https://www.westernu.edu/communications/institutional-principles-of-civility/>

Your Office of Human Resources

The Office of Human Resources (OHR) serves WesternU's more than 1,500 faculty, staff and student workers across both campuses (Lebanon, OR and Pomona, CA). Human Resources serves the University in the unique role of supporting a positive and efficient work environment for departments, business units, faculty, staff, and students. Human Resources plays a critical role in ensuring compliance with state and federal employment laws and regulations.

Mission:

To develop, implement, and maintain a state-of-the-art human resources program through strategic partnership with the organization and by fostering an engaged workforce in alignment with the University's Humanistic Values.

Vision:

WesternU will be an employer of choice, where all employees thrive.

Values:

Ethics:	We act with integrity, honesty, empathy, and transparency.
Service:	We provide high-quality, professional, and proactive employee service.
Collaboration:	We demonstrate and facilitate affirming relationships for mutual success and collective good.
Listening:	We listen empathetically to provide consultative solutions to continually strive for institutional excellence.
Inclusion:	We embrace differences, practice equity, increase access, and create a diverse workplace where all people thrive.

The Office of Human Resources (OHR) operates from the perspective that employees should be trusted to work with the best interests of WesternU in mind and to observe the policies and procedures of the University and the directions of their supervisor and/or Director.

WesternU believes that employee concerns are best addressed through informal and open communication. No employee will be disciplined or otherwise penalized for raising a good-faith concern. The staff members of WesternU's OHR are available to answer questions about employment, working conditions, and other human resource issues, including, but not limited to, questions about recruitment and hiring, orientation/onboarding, classification and compensation,

training, employment policies and procedures, health and welfare benefits, leaves of absence, and accommodations.

The OHR is available to assist if you have any questions, suggestions, or concerns relating to your job or university policies and practices.

Key Policies

Employment At-Will Policy

The [Employment At-Will Policy](#) (Policy) states that, unless subject to an employment agreement or faculty contract which states otherwise, at all times, including during any introductory period, employment at the University is on an At-Will basis, which means that employees have the right to resign at any time, with or without cause, and with or without notice. Likewise, the University retains the right to discharge an employee at any time with or without cause, and with or without notice, so long as state and federal laws are not violated.

No manager, supervisor, or employee of the University has any authority to enter into an agreement for employment for any specified period or to make an agreement for employment on other than At-Will terms. Only the President or Provost of WesternU have the authority to make any such agreement, which is binding only if it is in writing and signed by the employee and the President or Provost of WesternU.

Work requirements at WesternU may fluctuate. Therefore, your employment conditions and status are subject to change at any time, and for any reason. Although you may have been hired for a specific position, with specified hours, days, pay, duties, etc., all of these may be reduced, increased, or terminated by WesternU, at its sole discretion.

Changes that may occur during employment, such as performance evaluations, changes in compensation, receipt of bonuses, promotions, and other changes, will not change the At-Will nature of employment with WesternU and will not create any implied promise of continuing employment or any implied requirement of “cause” for termination. Nothing contained in this policy is meant to change the At-Will nature of employment with WesternU, which is and will remain At-Will.

Equal Employment Opportunity Notice

WesternU is an Equal Employment Opportunity employer and makes employment decisions on the basis of individuals’ education, experience, knowledge, skills, and abilities.

To this end, WesternU is committed to equal opportunity laws that ensure applicants and employees are treated equally. WesternU does not discriminate against any employee or applicant in employment decisions based on age, race, religion, sex, sex assigned at birth, gender expression, national origin, ethnicity, marital status, disability, mental and physical disability, sexual orientation, or any other basis protected by law. Additionally, WesternU is committed to ensuring that all employees enjoy a work environment that is free from all forms of unlawful harassment and intimidation.

The University is held to compliance with all applicable laws providing equal employment opportunities. All employment opportunities and activities, including but not limited to hiring, promotion, demotion, transfer, recruitment, advertising, layoff, discharge, rate of pay, selection for training and job assignments shall be conducted without regard to age, race, religion, sex, sex assigned at birth, gender expression, national origin, ethnicity, marital status, disability, mental and physical disability, sexual orientation, or any other basis protected by law.

Any employee or applicant for employment who believes that they have not been treated consistent with the Equal Employment Opportunity Policy is to contact the Associate Vice President of Equal Opportunity and Title IX Coordinator, who is the Equal Opportunity Officer for Western University of Health Sciences.

Equal Opportunity and Civil Rights (EOCR) Policy¹

The following information represents the general policy for WesternU on this topic. Due to the varying geographic nature of WesternU's workforce, employees may be subject to additional state policies which may supersede this policy and govern their employment. *If you reside outside of California or Oregon, you must contact your supervisor or the Office of Human Resources for current state policies or procedures that may affect you.*

As stated in the Equal Opportunity and Civil Rights (EOCR)¹Policy ("EOCR policy") WesternU is committed to providing an educational and working environment, for all members of the WesternU community, free from all forms of discrimination, harassment, and retaliation (also referred to as prohibited conduct).

These forms of prohibited conduct are unacceptable and will not be tolerated. It is the responsibility of each member of WesternU to positively contribute to the WesternU community in a manner that allows everyone to thrive. All members of the WesternU community are encouraged to take reasonable and prudent actions to prevent or stop an act of prohibited conduct. Additionally, any member who takes such action will be supported by WesternU and protected from retaliation. WesternU prohibits any form of retaliation against a person, who under good faith, reported a policy violation and who participates (or declines to participate) in any investigation or proceeding under its policy.

Non-Discrimination Statement

WesternU, consisting of its eight colleges of graduate health sciences, and its clinical centers wherever located (collectively "WesternU"), is an institution founded upon the principles of compassion, excellence, and humanism. Consistent with these values, WesternU is committed to

¹ The projected publish date of the Equal Opportunity and Civil Rights (EOCR) Policy is July 1, 2024. For current applicable OTIXEO policies please visit <https://www.westernu.edu/otixeo/> or email OTIXEO directly at OTIXEO@westernu.edu.

providing a safe and non-discriminatory educational and working environments for all members of the WesternU community. Consistent with state and federal and local laws, WesternU strictly prohibits discrimination or harassment in its programs and activities on the basis of race (inclusive of traits historically associated with race, including hair texture and protective hairstyles), color, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, physical or mental disability, age, religion, creed (including religious observances, practices, dress, head scarves, beards, and grooming standards associated with one's religious beliefs or practices), medical condition (as defined by statute), genetic information, marital status, pregnancy (including childbirth, breastfeeding or related medical conditions), veteran status or any other characteristic protected by law.

Under this EOCR² policy, in addition to the prohibited conduct defined above, WesternU prohibits abusive conduct and/or workplace bullying. Abusive conduct and/or workplace bullying has numerous negative effects on both individual employees and WesternU as a whole. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale. WesternU believes all employees should be able to work in an environment free of bullying. WesternU considers workplace bullying unacceptable and will not tolerate it under any circumstances.

Community Expectations

All members of WesternU have the right to fully participate in all WesternU programs and activities and be free from discrimination or harassment. To support this inclusive environment, WesternU maintains strict policies prohibiting harassment and discrimination. These policies are applicable to and available for use by all applicants for employment and admissions, students, and current employees. "Employees" includes staff or faculty who are full time, part time, seasonal or temporary classifications, including student workers, irrespective of immigration status. "Third Parties" are also covered under these policies related to the prohibition of harassment and discrimination which includes other types of various relationships with WesternU, such as: contractors, vendors, visitors, guests, employees of or individuals associated with businesses or organizations participating in cooperative work or academic programs with the University, and other third parties within WesternU's control.

² The projected publish date of the Equal Opportunity and Civil Rights (EOCR) Policy is July 1, 2024. For current applicable OTIXEO policies please visit <https://www.westernu.edu/otixeo/> or email OTIXEO directly at OTIXEO@westernu.edu.

Complaint Procedures

The EOCR³ is intended to promote community safety and the well-being of all members of the WesternU community. The University cannot address discrimination, harassment, or retaliation unless it knows about it. We, therefore, strongly urge the reporting of all incidents of potential discrimination, harassment, or retaliation, regardless of the potential offender's identity or position. Any such conduct, even a single incident, can be reported under this Policy.

If you have experienced or witnessed conduct that you believe is contrary to WesternU's Policy, or have concerns about such matters, you are strongly encouraged to report such behavior to:

- Your manager or supervisor; or
- The Associate Vice President (AVP), Equal Opportunity and Title IX Coordinator. Address: 359 E. Second Street, Pomona, CA 91766. Email: The Office of Title IX and Equal Opportunity at OTIXEO@westernu.edu.

Employees should not feel (and are not) obligated to complain about potential harassment, discrimination, or retaliation to their supervisor or the alleged perpetrator before bringing the matter to the attention of the designated representative(s) identified above. **Preventing discrimination and harassment is everyone's responsibility.** Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, WesternU strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that their behavior is unwelcome and requesting that it be discontinued, although that is never required.

WesternU prohibits retaliation against any employee who engages in a protected activity under the EOCR³ policy such as filing a good faith formal complaint regarding conduct in violation of this policy or reporting or opposing, in a reasonable manner and consistent with WesternU policy, an action reasonably believed to constitute a violation of the EOCR³ policy. WesternU will not tolerate retaliation against any employee for raising a good faith concern, for providing information related to a concern, or for otherwise cooperating in an investigation of a reported violation of this policy. Any employee who retaliates against anyone involved in an investigation is subject to disciplinary action, up to and including termination.

Reporting Options and Expectations

Employees who have the authority to take action to redress prohibited conduct, or provide interim measures to students or employees, are expected to report disclosures of suspected or alleged prohibited conduct to the Associate Vice President of OTIXEO and Title IX Coordinator and/or

³ The projected publish date of the Equal Opportunity and Civil Rights (EOCR) Policy is July 1, 2024. For current applicable OTIXEO policies please visit <https://www.westernu.edu/otixeo/> or email OTIXEO directly at OTIXEO@westernu.edu.

their designees. These individuals shall inform each student or employee who makes disclosures regarding prohibited conduct of their reporting expectations and individuals whose professional capacity includes confidentiality mandated by law (i.e., a therapist, victim advocate or other position with similar responsibilities) are exempted from these expectations.

Employees will undergo regular training regarding how to prevent and report prohibited conduct under this policy by the Office of Title IX & Equal Opportunity (OTIXEO). Failure to report disclosures of alleged or suspected prohibited conduct to the OTIXEO could lead to discipline, up to and including termination.

The Investigation Process

Upon notice to the Associate Vice President of Equal Opportunity and Title IX Coordinator, the complaint resolution process contained in the EOCR⁴ policy involves a prompt preliminary review to determine if there is reasonable cause to believe the policy has been violated. If so, WesternU will take appropriate action, which may include an initiation of an investigation (that is thorough, reliable, impartial, prompt, and fair) and a determination about whether applicable policy/policies has been violated. Once the investigative findings are known, WesternU will promptly implement effective remedies designed to end the prohibited conduct, prevent its recurrence, and address its effects.

Notwithstanding the above, regardless of whether or not a complaint has been filed under this policy, when WesternU becomes aware of possible prohibited conduct involving individuals subject to University policy, the OTIXEO will conduct a prompt assessment to determine the appropriate response, including interim measures, but not limited to: a prompt investigation to determine whether the alleged conduct more likely than not occurred, reasonable steps to end the discrimination, harassment, or other steps to address the hostile environment, if one has been created, in order to prevent its recurrence, and address its effects.

More information regarding the prohibited conduct covered under this policy as well as the various procedural options WesternU affords may be found in the EOCR⁴ policy. Any reported allegations of potential harassment, discrimination, or retaliation will be investigated promptly, fairly, thoroughly, and impartially through a process that provides the parties appropriate process and reaches reasonable conclusions based on the information collected. Complaints of potential harassment, discrimination, or retaliation will be investigated in a timely manner by qualified investigators. To the extent possible, WesternU will maintain confidentiality during the investigation process.

WesternU will endeavor to resolve allegations of potential harassment, discrimination, or retaliation in a timely manner and, when an investigation is completed, will advise the parties

⁴ The projected publish date of the Equal Opportunity and Civil Rights (EOCR) Policy is July 1, 2024. For current applicable OTIXEO policies please visit <https://www.westernu.edu/otixeo/> or email OTIXEO directly at OTIXEO@westernu.edu.

involved of its conclusions, consistent with its obligation to maintain confidentiality and protect the privacy of those involved, to the extent possible.

All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination, harassment, or retaliation.

For more information about reporting obligations, definitions of prohibited conduct, informal and formal resolution processes, and potential sanctions for policy violations, please review the Equal Opportunity and Civil Rights Policy (EOCR)⁵ and Procedures. This policy is intended to promote student safety and the well-being of all members of the WesternU community.

External Resources

Confidential resources are available for those unsure about whether to report formally or who are interested in seeking counseling in addition to (or without) making a formal report. While discussing allegations with a confidential resource may not result in an identifying report to the Associate Vice President of Equal Opportunity and Title IX Coordinator, they may have reporting (or other) obligations under the law. Employees may contact Optum Employee Assistance Program (services are available for students and employees) at (800) 234-5465 or visit www.liveandworkwell.com (access code: westernu).

Questions

Inquiries can be referred to the OTIXEO directly at the OTIXEO@westernu.edu. Additional reporting and policy information is available at <https://www.westernu.edu/otixeo>.

Sexual and Gender-Based Harassment, Interpersonal Violence and Other Sexual Misconduct (SIM) Policy

The following information represents the general policy for WesternU on this topic. Due to the varying geographic nature of WesternU's workforce, employees may be subject to additional state policies which may supersede this policy and govern their employment. *If you reside outside of California or Oregon, you must contact your supervisor or the Office of Human Resources for current state policies or procedures that may affect you.*

The Sexual and Gender-Based Harassment, Interpersonal Violence, and Other Sexual Misconduct (SIM) Policy (SIM Policy) specifically addresses all forms of sex discrimination, including sexual harassment and other related acts referred to within this policy as Prohibited Conduct⁵. Prohibited Conduct, for purposes of this policy, includes but is not limited to acts such as sexual assault, dating violence, domestic violence, and stalking (collectively referred to as Prohibited Conduct in this

⁵ The projected publish date of the Equal Opportunity and Civil Rights (EOCR) Policy is July 1, 2024. For current applicable OTIXEO policies please visit <https://www.westernu.edu/otixeo/> or email OTIXEO directly at OTIXEO@westernu.edu.

policy). WesternU has adopted appropriate complaint procedures to ensure that prompt and appropriate administrative action is taken to address reports, formal complaints and to eliminate the recurrence of Prohibited Conduct.

The University is committed to providing an educational and working environment, for all members of the WesternU community, free from all forms of sexual harassment, sexual and gender-based violence (e.g., relationship violence and stalking) as well as other conduct involving sex or gender-based discrimination or sexual misconduct.

These forms of Prohibited Conduct are unacceptable and will not be tolerated. It is the responsibility of each member of WesternU to positively contribute to the WesternU community in a manner that allows everyone to thrive. All members of the WesternU community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. Additionally, any member who takes such action will be supported by WesternU and protected from retaliation. WesternU prohibits any form of retaliation against a person, who under good faith, reported a policy violation and who participates (or declines to participate) in any investigation or proceeding under its policy.

Community Expectations

All members of WesternU have the right to fully participate in all WesternU programs and activities and be free from discrimination or harassment. To support this inclusive environment, WesternU maintains strict policies prohibiting harassment and discrimination. These policies are applicable to and available for use by all applicants for employment and admissions, students, and current employees. Here, “employees” includes staff or faculty who are full time, part time, seasonal or temporary classifications, and student workers, irrespective of immigration status. “Third Parties” are also covered under these policies related to the prohibition of harassment and discrimination, which includes other types of various relationships with WesternU, such as: contractors, vendors, visitors, guests, employees of or individuals associated with businesses or organizations participating in cooperative work or academic programs with the University, and other third parties within WesternU’s control.

Complaint Procedures

The SIM Policy is intended to promote the safety and the well-being of all members of the WesternU community. However, to address discrimination, harassment, or retaliation, the University must first know about it. We, therefore, strongly urge the reporting of all incidents of potential Prohibited Conduct at the earliest point possible, regardless of the potential offender’s identity or position. Any such conduct, even a single incident, can and should be reported. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established,

WesternU strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

If you have experienced or witnessed conduct that you believe is contrary to the SIM Policy (sexual harassment, sexual assault, dating violence, domestic violence, stalking, and/or retaliation under this policy) or have concerns about such matters, you are strongly encouraged to report such behavior to the OTIXEO by emailing OTIXEO@westernu.edu or calling (909) 469-7038.

WesternU prohibits retaliation against any employee for filing a complaint regarding conduct in violation of this policy. WesternU will not tolerate retaliation against any employee for raising a good faith concern, for providing information related to a concern, or for otherwise cooperating in an investigation of a reported violation of this policy. Any employee who retaliates against anyone involved in an investigation is subject to disciplinary action, up to and including termination.

Reporting Obligations

In addition to reporting Prohibited Conduct an employee may face or witness themselves, employees who have authority to take action to redress Prohibited Conduct or provide supportive measures to others, including students, have the duty to report disclosures of suspected Prohibited Conduct to the OTIXEO. Employees with such responsibilities are referred to as Responsible Employees. This role includes, but is not limited to, those individuals with any of the following positions or substantially similar positions or job duties, regardless of the specific title the institution may attach to the position:

- [Title IX Coordinator and Deputy Title IX Coordinators](#) (and related positions) designated to comply with and carry out the institution's responsibilities to respond to reports of conduct prohibited by this policy.
- Faculty and associate faculty, teachers, instructors, or lecturers receiving payment from the University. Clinical faculty with unpaid appointments are not considered Responsible Employees; however, employees that manage preceptors, clinical faculty, and other faculty with unpaid appointments are considered Responsible Employees.
- Teaching assistants and fellows, while performing the duties of employment by the institution.
- Laboratory directors, coordinators, or principal investigators.
- Rotations, internship, or externship directors or coordinators.
- Study abroad program directors or coordinators

The Responsible Employee role does not include those individuals who are also any of the following: a mental health therapist, victim advocate, or other position with similar responsibilities, or other individual acting in a professional capacity for which confidentiality is mandated by law.

Individuals who are not deemed Responsible Employees shall inform any student who makes a disclosure regarding Prohibited Conduct, of the student's ability to report to a Responsible Employee and direct the student to those specific reporting resources. Responsible Employees will undergo regular mandatory training regarding their obligation to report Prohibited Conduct under the SIM Policy to the OTIXEO. Additionally, all employees with supervisory or managerial duties will receive regular training on how to properly identify and escalate observed or reported suspected Prohibited Conduct, even if raised informally.

Failure to notify the OTIXEO of perceived or reported disclosures of suspected Prohibited Conduct could lead to disciplinary action, up to and including termination.

The Investigation Process

Upon notice to the OTIXEO, the complaint process contained in the SIM Policy involves a prompt preliminary review to determine if there is reasonable cause to believe the policy has been violated. If so, WesternU will take appropriate action, which may include an initiation of an investigation that is thorough, reliable, impartial, prompt, and fair. The subsequent hearing process determines whether the applicable policy has been violated. If so, WesternU will promptly implement effective remedies designed to end the discrimination, prevent its recurrence, and address its effects.

Notwithstanding the above, in compliance with California SB 493, regardless of whether or not a complaint has been filed under this policy, when WesternU becomes aware of possible Prohibited Conduct under the SIM Policy involving individuals subject to University Policy, the Title IX Coordinator or designee will conduct a prompt assessment to determine the appropriate response, including but not limited to: a prompt investigation to determine whether the alleged conduct more likely than not occurred, reasonable steps to end the harassment, or other steps to address the hostile environment, if one has been created, in order to prevent its recurrence, and address its effects.

More information regarding the Prohibited Conduct under this policy as well as the various procedural options WesternU affords may be found in the [\(SIM\) Policy and Procedure](#).

Policy References

For more information about reporting obligations, definitions of Prohibited Conduct, informal and formal resolution processes, and potential sanctions for policy violations, please review the [Sexual and Gender-Based Harassment, Interpersonal Violence and Other Sexual Misconduct \(SIM\) Policy and Procedure](#). This policy is intended to promote student and employee safety and the well-being of all members of the WesternU community.

External Resources

Confidential resources are available for those unsure about whether to report formally or who are interested in seeking counseling in addition to (or without) making a formal report. While discussing allegations with a confidential resource may not result in an identifying report to the Associate Vice President of Equal Opportunity and Title IX Coordinator, they may have reporting (or other) obligations under the law. Employees may contact Optum Employee Assistance Program (services are available for students and employees) at (800) 234-5465 or visit www.liveandworkwell.com (access code: westernu).

Questions

Inquiries can be referred to the OTIXEO directly at OTIXEO@westernu.edu. Additionally reporting and policy information is available at <https://www.westernu.edu/otixeo>.

The preceding information represents the general policy. Due to the varying geographic nature of WesternU's workforce, employees may be subject to additional state policies which may supersede this policy and govern their employment.

Disability Accommodations

The following information represents the general policy for WesternU on this topic. Due to the varying geographic nature of WesternU's workforce, employees may be subject to additional state policies which may supersede this policy and govern their employment. *If you reside outside of California or Oregon, you must contact your supervisor or the Office of Human Resources for current state policies or procedures that may affect you.*

WesternU is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA) and state and local disability laws, as applicable. WesternU does not discriminate against any qualified employee or applicant about any terms or conditions of employment because of such individual's disability under applicable law so long as the employee can perform the essential functions of the job.

Consistent with this policy, WesternU will provide reasonable accommodations to a qualified individual with a disability under applicable law who has made WesternU aware of their disability, provided that such accommodation does not constitute an undue hardship on WesternU.

Requesting an Accommodation

If you believe you need an accommodation for a disability, contact the Office of Human Resources and/or email the OHR Benefits team at HRBenefits@westernu.edu. The request should include the following information:

- A description of the requested accommodation.
- The reason for the requested accommodation.

- How the requested accommodation will assist you in performing the essential functions of your job.

Upon receipt of an accommodation request, your supervisor and/or a member of the OHR will meet with you to discuss and identify the precise limitations resulting from the disability and the potential accommodation(s) that WesternU can make to help overcome those limitations.

The OHR will determine the reasonableness of the requested accommodation and, if the requested accommodation is reasonable, consider various factors to determine whether it would impose an undue hardship.

The OHR will engage with the employee in an interactive discussion to explore options for possible reasonable accommodations. After discussion and exploration, the OHR will inform the employee of its decision on the accommodation request. If the accommodation request is denied, employees will be advised of their right to appeal the decision by submitting a written statement explaining the reasons for the request. The appeal will be reviewed by the Chief of Human Resources Officer (CHRO), who may contact the employee and/or the employee's supervisor for more information and/or discussion. If the request on appeal is denied, that decision is final.

The law does not require WesternU to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

Discrimination and Retaliation are Prohibited

The University will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability.

The University prohibits retaliation against employees who request disability accommodation or who participate in an approved accommodation. An employee who violates this anti-retaliation provision may be subject to disciplinary action, up to and including termination.

It is the policy of the University to comply with all relevant and applicable provisions of the Americans with Disabilities Act (ADA), the California Fair Employment and Housing Act (FEHA), and any applicable local laws.

Religious Observance and Accommodations

The following information represents the general policy for WesternU on this topic. Due to the varying geographic nature of WesternU's workforce, employees may be subject to additional state policies which may supersede this policy and govern their employment. *If you reside outside of California or Oregon, you must contact your supervisor or the Office of Human Resources for current state policies or procedures that may affect you.*

The University is committed to providing a work environment that is respectful of the religious beliefs of all its employees. Consistent with this commitment, the University will make good faith efforts to provide a reasonable religious accommodation to employees who's sincerely held religious beliefs conflict with a WesternU employment requirement, unless such an accommodation would create an undue hardship for the University.

Reasonable accommodation in the workplace allows employees to observe a sincerely held religious practice or belief if it does not create undue hardship for the University. The University will provide reasonable accommodations to employees who observe a sincerely held religious belief under Title VII of the Civil Rights Act of 1964 and/or the California Fair Employment and Housing Act (FEHA) provided that the University has notice of their needs for religious accommodations and no undue hardship will result. Also, there must not be a conflict with other laws that the University must comply with such as the Cal/OSHA's Standards, mandating employee protections to ensure the health and safety of University employees and their families.

Requesting a Religious Accommodation

If you believe you need accommodation for a sincerely held religious belief, contact your supervisor and/or the Office of Human Resources. The request should include the following information:

- A description of the requested accommodation.
- The reason for the requested accommodation.

Determinations of Accommodation Requests

The University makes determinations concerning religious accommodation requests on a case-by-case basis and relies on fact-specific inquiries to determine if it will provide reasonable accommodation. Your supervisor will notify you of the University's determination of your request.

Retaliation is Prohibited

The University prohibits retaliation against employees who request religious accommodation or who participate in an approved accommodation. An employee who violates this anti-retaliation provision may be subject to discipline, up to and including termination.

Accommodation for Pregnancy and Related Conditions

WesternU will provide reasonable accommodations to address the needs of an employee for their pregnancy, childbirth, or related medical conditions and allow the employee to perform the essential requisites of the job, unless the accommodation would impose an undue hardship on the operation of the University's business.

Reporting Improper Conduct and Whistleblower Protection Policy

The Reporting Improper Conduct and Whistleblower Protection Policy is established to further the University's mission of producing, in a humanistic tradition, healthcare professionals and biomedical knowledge that will enhance and extend the quality of life in our communities, in a manner that is conducted in compliance with applicable laws, regulations, and the University's own policies. Employees and other individuals representing the University at every level are expected, always, to act in conformity with this principle. Our values can be implemented only if our employees recognize their responsibility to treat everyone in an honest and ethical manner, in accordance with applicable law.

Those who report under this Policy are protected from suffering any retaliation as defined in the Policy. WesternU prohibits any retaliation against an individual who, in good faith, reports under this Policy in any manner with the intent of adversely affecting the terms or conditions of employment of that individual. Retaliation occurs when an employer takes any adverse employment action against an employee for making a good faith report of a violation of state or federal law, rule or regulation. Adverse employment actions can include discharge, demotion, suspension, discrimination, or retaliation in any manner against an employee regarding promotion, compensation, or other terms, conditions, or privileges of employment. WesternU prohibits retaliation against an individual who:

- Is a whistleblower.
- Refuses 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.
- Exercised their rights as a whistleblower in any former employment.
- Makes a good faith disclosure of suspected wrongful or unlawful conduct. Any individual who engages in retaliation in violation of this Policy will be subject to disciplinary action up to and including termination.

If an employee becomes aware of any actual, suspected, or potential violation of a legal or ethical obligation, the employee should immediately report using formal University channels by clicking [here](#) to complete the form.

For more about information about reporting improper conduct and whistleblower protections, please review the [Reporting & Investigation of Alleged Improper Conduct](#) and view the [Reporting Improper Conduct and Whistleblower Protection Policy](#).

Conflict and/or Problem Resolution Policy

The Conflict and/or Problem Resolution Policy encourages all employees to discuss any work-related conflict and/or problem with management at any time. The conflict/problem resolution process is available to all personnel and applies to all issues of an interpersonal nature between or amongst all employees, except for complaints that may be subject to WesternU's Equal Opportunity and Civil Rights (EOCR ⁶) Policy or Sexual and Gender-Based Harassment, Interpersonal Violence, and Other Sexual Misconduct (SIM) Policy. The purpose of the Conflict and/or Problem Resolution Policy is to provide a prompt and efficient environment for resolving conflict/problems fairly and equitably. In addition, this Policy is designed to evaluate problems pertaining to alleged violations of University policies. This tool provides a way to establish and maintain an atmosphere of respect and trust between employees and provides a method whereby problems can be resolved in a fair and impartial manner. WesternU encourages employees to report issues without fear of reprisal or retaliation.

For further information related to this policy, please see the [Conflict and-or Problem Resolution Policy](#).

⁶ The projected publish date of the Equal Opportunity and Civil Rights (EOCR) Policy is July 1, 2024. For current applicable OTIXEO policies please visit <https://www.westernu.edu/otixeo/> or email OTIXEO directly at OTIXEO@westernu.edu.

Your Employment with WesternU

Introductory Period Policy

The [Introductory Period Policy](#) states that the first 90 days of continuous employment at WesternU is considered an introductory period. The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations and abilities. During this time, you will learn your responsibilities, get acquainted with fellow employees, and determine whether the job is what you had anticipated. Your supervisor will closely monitor your performance. To provide a thorough evaluation, there are occasions when the 90-day introductory period may need to be extended. When necessary, the employee will be informed in writing of the extension. In such instances, the maximum introductory period may be extended up to ninety (90) additional days.

Completion of the introductory period does not entitle you to remain employed by WesternU for any definite period. Your status as an at-will employee does not change and the employment relationship may be terminated with or without cause and with or without advance notice, at any time by you or the University, including before the end of the 90-day introductory period.

Job Description Policy

The [Job Description Policy](#) establishes that during the interview process and/or your introductory period, your supervisor will explain your job responsibilities and the performance standards expected of you. Be aware that your job responsibilities may change at any time during your employment. WesternU reserves the right to assign special projects or other work duties necessary or important to the operation of your department or WesternU. Further, under this Policy, WesternU reserves the right at any time, with or without notice, to alter or change job responsibilities, job descriptions, reassign or transfer positions, or assign additional job responsibilities to employees. Your cooperation and assistance in performing such additional work is expected. Nothing in this section prohibits the employee or supervisor from requesting that a formal review of the additional job duties be conducted to ensure that the additional duties are properly placed either on a temporary or permanent basis and that compensation is properly aligned with higher level job duties.

Employee Classifications

It is WesternU's policy to properly classify all employees in accordance with the requirements and essential functions of the position(s) and to comply with the Federal Fair Labor Standards Act (FLSA) and with the State Department of Labor (DOL). Positions are classified according to the following general principles for exempt vs. non-exempt employees:

- Exempt employees are paid a salary and are not eligible for overtime pay. Except as permitted by law, an
- Exempt employee's pay is not subject to reduction because of variations in the quality or quantity of work performed.
- Non-exempt (hourly) employees are paid for time worked and are eligible to receive overtime pay in accordance with applicable federal, state, and local law.

Full-Time Employees

Regular full-time employees are those who are scheduled for and regularly work 40 hours per week. To be eligible for health and welfare benefits, an employee must work 30 hours or more as set forth in official plan documents.

Part-Time Employees

Part-time employees are those who are regularly scheduled to work less than 40 hours per week. Part-time staff employees are generally classified as non-exempt (unless the employee is a part-time faculty) except when required by law. Part-time employees who work 30 hours or more are eligible for health and welfare benefits.

Regular Employees

Regular employees are those who are hired to work on a regular schedule. Regular employees may be classified as full-time or part-time, and exempt or non-exempt. Employees are on a regular status when the position held has a regular schedule of hours and when such a position is determined to be of regular status by the Office of Human Resources.

Temporary Employees

Temporary employees are part-time or full-time employees hired by WesternU to work for the duration of specific projects or assignments. Temporary employees are not eligible for any of the benefits offered by the University, such as but not limited to holiday pay, bereavement pay, or any other paid time-off or benefits, unless required by law. Temporary assignments generally do not extend beyond a 12-month period, unless approved by WesternU's Office of Human Resources. Temporary employees can be exempt or non-exempt. Temporary employees should not be confused with workers from temporary agencies. Temporary employees are on WesternU's payroll for the duration of their assignments. Agency temporary employees are employed by a temporary agency and are considered employees of that Agency (see Contract Employees below).

Contract Employees

Contract employees are employees of firms with which WesternU has contracted for services of self-employed individuals with which WesternU has contracted directly. (Note: As a general rule, WesternU will contract with self-employed individuals only if they are incorporated.)

Functional Categories

Employees are also grouped into the following functional categories: Faculty and Staff.

- Faculty are employees who are typically employed through a faculty contract, and who have been appointed with the faculty rank (i.e., Professor, Associate Professor, Assistant Professor, etc.).
- Staff and Administrators are considered at-will employees.

Employees should consult each benefit summary plan description for information regarding the categories of employees eligible under the specific benefit program. Employees with any questions about their employment categories, benefits eligibility, or exemption status, or who believe their position has been misclassified, should contact the Office of Human Resources. For more information, refer to the [Employee Classifications policy](#).

Immigration Law Compliance

As a result of the Immigration Reform and Control Act of 1986, that any offer of employment is conditioned upon satisfactory proof of a prospective employee's identity and legal ability to remain and work in the United States. WesternU is required to complete and retain on file I-9 documentation and WesternU will coordinate the record-keeping requirements under the regulations.

If you are not a citizen of the United States, but have permission to work in this country, it is your responsibility to immediately report any changes in your visa status to the Office of Human Resources.

Former Employees Who Return to the University: If you have separated employment from WesternU and then return within 3 years, we are required by law to check the I-9 on file and determine if the form is still valid and you are still eligible to work. This includes updating and re-verifying I-9 information, including name, the date of rehire, and information on updated documentation. Please note, you may still be asked to complete a new I-9 form in this case. If you return to the University after 3 years, the law requires that a new I-9 must be completed, including the documentation verification process.

I-9 Requirements When Employee's Work Authorization Expires: If your work authorization expires, WesternU, as an employer, is required by law to re-verify the I-9 to continue to employ you. This re-verification must occur no later than the date that your work authorization expires. You must present either a document that shows the extension of your initial employment authorization or a new work authorization document.

It is your responsibility to make sure you obtain an extension or new authorization to continue working and that it is done in a timely manner to comply with the law.

Employment of Relatives Policy

The [Employment of Relatives Policy](#) (Policy) applies to hiring and employment decisions affecting all job classifications, including regular, temporary, and part-time positions. These restrictions also are applicable when assigning, transferring, or promoting an employee.

WesternU may refuse to hire relatives of present employees if doing so could result in actual or potential problems in supervision, security, safety, or morale, or if doing so could create potential conflicts of interest.

For the purpose of this policy, the term "relative" applies to those who are related by blood, marriage, or adoption of employees currently employed by the University which includes the following: spouse, domestic partner and their immediate relatives, child (biological, foster, adopted, stepchild, legal ward, or child being raised by the employee), parent (biological, foster, adoptive, parent-in-law, stepparent, legal guardian, or other person who stood in loco parentis to the employee when the employee was a child), sister, brother, first-cousin, aunt, uncle, niece, nephew, grandchild, grandparent, and in-laws, including brother- and sister-in-law. It should also be interpreted to include individuals with whom an employee has a close personal relationship, such as, but not limited to, persons who are living in the same household.

No one may be hired or hold a position in the same academic or operating unit in which a relative participates in making recommendations or decisions specifically affecting their appointment, retention, evaluation, work assignment, promotion, transfer, or salary and where an employee reports directly to a relative without a thorough review by the Office of Human Resources and the Administrator of the appropriate Operating Unit, which may result in the mandatory implementation of a HR plan, signed by all relevant parties, to ensure compliance with the terms of this Policy. Should a situation arise in which a relative would be in a position to recommend appointment, retention, promotion, tenure, workload, or salary, that relative must recuse themselves from said decisions.

Prohibited Employment Relationships:

The hiring of relatives is prohibited if the employment of such an individual would result in the creation of:

- A supervisor/subordinate relationship between a relative and an employee. If a direct supervisory or managerial relationship were established, relatives of a currently employed employee cannot be considered as applicants for an open position.
- An actual conflict of interest or the appearance of a conflict of interest. Generally, this bars the hiring or employment of an employee's relatives in any position that has an auditing or control relationship to the employee's job.

Marriages or Relationships between Employees:

Employees who become subject to this policy's provisions due to marriage or commencement of a close personal relationship must inform their supervisor or the Office of Human Resources as soon as practical but not later than 30 days after such arrangement or development.

Employees who marry or establish a domestic partner relationship can continue in their current positions if a prohibited employment relationship is not created. If one of the prohibited situations does occur, reasonable attempts will be made to find another position within the University to which one of the employees can transfer. All practical efforts will be made to arrange such a transfer at the earliest possible time. If a transfer is not possible, a review of the structure of the working relationship will be carried out by the Office of Human Resources and the Operating Unit Administrator, toward modifying the situation so that one person in the relationship is not forced to resign. If accommodations of this nature are not feasible, and the Office of Human Resources/Operating Unit Administrator's review indicates that a prohibited relationship is not avoidable, the employees will be permitted to determine which of them will resign.

Employment of relatives must be approved in advance by the Office of Human Resources. In cases where the employment of a relative is contemplated or where a marriage will result in one of the exceptions, the Operating Unit Administrator must contact the Office of Human Resources.

Special Consideration for the hiring process:

All questions and issues relating to an employment-of-relatives situation or concern should be addressed to the Office of Human Resources.

If there is a relationship between the supervisor and the top candidate (e.g., friend, neighbor, relative of future spouse, etc.), this relationship must be declared to the Office of Human Resources, prior to a hiring offer being made. It is very important that special care be taken to ensure that such candidates are objectively evaluated by a third party.

This policy is enforced in compliance with all applicable laws.

Employment Verifications

To ensure confidentiality, uniformity, and accuracy of personnel information, it is the responsibility of the Office of Human Resources to handle all inquiries which require reference to documentary records concerning past and present employees of the University. Inquiries received by other offices must be referred to the Office of Human Resources.

No information is provided about a former or current employee without the former or current employee's signed authorization to release information, except what is required to comply with the law. With written authorization, WesternU will **only** verify dates of employment and job titles to outside agencies and/or employment inquiries, unless the authorization identifies specific information which can be disclosed.

Employment verifications can be obtained by sending an email to the Office of Human Resources, Employment Team, at employment-team@westernu.edu, or by faxing it to (909) 469-5489.

Personnel and Payroll Records

WesternU is required by law to keep current all employees' names and addresses. Further, the Office of Human Resources is the designated Custodian of Records. WesternU maintains the confidentiality of all personnel records. Personnel records are official documents pertaining to employees belonging to the University and maintained by the Office of Human Resources.

Payroll records are official documents pertaining to employment compensation belonging to the University and maintained by the Payroll Office. The information in an employee's personnel and payroll file is permanent and confidential.

Employees are responsible for promptly notifying the Office of Human Resources whenever there are changes in personnel data such as, but not limited to, name, address, and telephone number.

Employees have the right to inspect and/or receive a copy of their personnel records and certain payroll records, by completing a [Personnel File Inspection Request Form](#), and will be in accordance with applicable law. Personnel files are the property of the University and may not be removed from the University's premises without written authorization from the Office of Human Resources. Employees can request copies of documents in their personnel file and will agree to pay for the actual cost of copying the documents. Employees must schedule an appointment at least 3 business days in advance to review their personnel file.

Work Schedules

Employees are expected to be available during normal operating hours. A supervisor will inform employees of their normal operating hours for their respective business department. WesternU

reserves the right to modify an employee's work schedule as well as the number of hours worked to accommodate the University's needs.

Workweek

The current official workweek begins at 12:00 a.m. on Monday morning and ends at 11:59 p.m. on Sunday evening.

Timekeeping Requirement

All employees are required to accurately record all time that is worked in the University's designated timekeeping system.

Deductions for Exempt Employees

Exempt employees paid on a "salary basis" regularly receive a predetermined amount of compensation each pay period. This is the exempt employee's bi-weekly salary. Subject to the exceptions listed below, exempt employees will receive full salary for any workday in which they perform any work, regardless of the number of hours worked. Exempt employees may not be paid for any workday in which they perform no work, subject to WesternU benefits programs and policies.

Deductions from pay are permissible when an Exempt employee:

- Is absent from work for one or more full days for personal reasons other than sickness or disability.
- Is absent for one or more full days due to disability if the employee has exhausted their sick time under this policy.
- Is absent for jury duty or military duty beyond 10 days and performs no work during this time.
- Works less than a full week during the initial or final week of employment.
- Partial or full day deductions from available vacation or sick time balances will also be made by the University when applicable.

The University must comply with these salary basis requirements and applicable law. Therefore, WesternU prohibits all University managers from making any improper deductions from the salaries of Exempt employees.

If you believe that an improper deduction from your salary has been made, you should immediately report this information to your direct supervisor, or the Payroll department at Payroll@westernu.edu.

Reports of intentional and improper deductions will be investigated promptly. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

Timekeeping

Employees are expected to record all time worked. Further, employees are expected to be on time daily and remain on the job throughout the regularly scheduled workday.

Provisions of the Fair Labor and Standards Act (FLSA) require that non-exempt employees record and report the hours worked per pay period. Accordingly, non-exempt employees are required to accurately record and save all actual time worked (including the *precise* time when they begin and end each workday, the *precise* time they begin and end an unpaid meal, and the *precise* time when they begin and end working) on each day that they have any time worked using the University's official timekeeping system. This requirement applies to employees working remotely (from home or elsewhere) just as if they were working in the office.

Non-exempt employees and exempt employees must accurately record and save their absences and use of vacation and sick time using the University's official timekeeping system.

Employees must complete their own timekeeping records, as described above. Time worked and absences may not be recorded by another person on behalf of an employee. Any changes made to an already-submitted time record must have a documented reason and must be approved by both the employee and their supervisor. Only an employee's direct supervisor or the University administrator can adjust timekeeping records, and only after any such changes have been authorized by the employee in writing.

Non-exempt employees are prohibited from working "off the clock," meaning working time that employees do not record as time worked for payroll purposes. Any non-exempt employee who believes that they are expected to or has been asked to work without recording their time must immediately contact their supervisor.

Falsifying time records is a breach of this Policy and can be grounds for disciplinary action, up to and including an unpaid suspension or termination.

Confirmation of the Accuracy of Time Records

It is imperative that all WesternU employees are paid in full for all time worked, that employees receive all rest and meal periods in accordance with state law, and no work is performed off the clock.

To assure these requirements are met, all non-exempt employees must review their time records on a weekly basis and confirm in the University's timekeeping system that they are complete and accurate.

Each employee is required to perform a review of time records upon the final time entry of the pay period and report any inaccuracies. Failure to do so may result in disciplinary action up to and including termination. Please speak with your supervisor or contact the Office of Human Resources if you have any questions or concerns about confirming your time records.

Call-in and Reporting Time Pay

WesternU complies with appropriate regulations in the payment of call-in and reporting time pay to non-exempt employees.

The purpose of this requirement is to provide information to non-exempt employees related to compensation when they are called in to work or report to work and are sent home because no work is available.

When an employee has worked a full shift, has left the University premises, and is asked to return for additional work, the employee will be paid at the applicable overtime rate for the actual time worked or two (2) hours, whichever is greater.

When an employee reports to work for a scheduled shift and is sent home because no work is available, the employee will be paid one-half of the scheduled shift or two (2) hours, whichever is greater.

Working Hours, Overtime and Meal and Rest Breaks – California Employees

The Working Hours, Overtime and Meal and Rest Breaks for California employees are contained in Appendix A.

Working Hours, Overtime and Meal and Rest Breaks – Oregon Employees

The Working Hours, Overtime and Meal and Rest Breaks for Oregon employees are contained in Appendix B.

Working Hours, Overtime and Meal and Rest Breaks – Employees in States outside of California and Oregon

California and Oregon may be subject to additional state policies which may supersede the above policies and govern their employment. Employees must review the relevant state addendum provided to them and/or the particular labor law poster sent electronically. In addition, Out-of-state

employees should email HROut-of-stateemployees@westernu.edu if they need assistance about how a particular policy or state laws that might apply to them. Supervisors of non-exempt employees who reside in other states outside of California and Oregon MUST contact the Office of Human Resources and Payroll to ensure that they are complying with the applicable Wage and Hour laws and to ensure appropriate state and local taxes are withheld.

Payment of Wages

WesternU makes required deductions for Federal withholding (Income tax), State Income tax, Social Security (FICA), Medicare and SDI (State Disability Insurance, *when applicable*), court ordered garnishments and child support. All other deductions must be authorized in writing to be made from your paycheck.

Your paycheck stub, which is available on ADP, itemizes all deductions and provides information on your earnings for each pay period and for the year to date, as well as vacation and sick leave balances. Employees have an affirmative obligation to report any overpayment of wages immediately to the Office of Payroll. When an employee has been overpaid, an overpayment recovery plan will be established to provide a method by which the overpayment can be recovered. Any failure to report a known overpayment may result in disciplinary action.

Paychecks for employees who are not on direct deposit are normally mailed on Thursdays of each payroll week. If you notice an error on your check, please report it immediately to your supervisor and the Payroll department at Payroll@westernu.edu.

Biweekly Payroll

Under this Policy, all employees of WesternU are paid every other Friday for work performed during the applicable two-week pay period. Non-exempt employees are paid on the Friday following the end of the pay period. Exempt employees are paid on Friday of the pay period in which the paycheck is issued. If a regular payday falls on a holiday, employees will be paid on the workday before the holiday.

Direct Deposit

WesternU offers automatic payroll deposit for employees at all locations. You may begin and end automatic payroll deposits at any time in one of two ways: by completing the [Direct Deposit Authorization](#) form and returning it to Payroll at least 10 days before the pay period for which you would like the service to begin, or you can enroll in Direct Deposit through the ADP employee portal or through the ADP Mobile app. You should carefully monitor your direct deposit statements for the first two pay periods after the service begins to ensure it is set up correctly.

Pay statements can be accessed through either the ADP employee portal or through the ADP Mobile app by logging in and clicking on “Myself” and “Payment Options.”

To stop automatic payroll direct deposit, you can do it by one of the following methods:

Complete the [Direct Deposit Authorization](#) form and return it to payroll at least 10-calendar days before the pay period for which you would like the service to end by: sending the completed form

to the Payroll Department at Payroll@westernu.edu; or by faxing it to (909) 469-8571; or by going to the ADP online portal to cancel the direct deposit.

You will receive a regular payroll check on the first pay period after the receipt of the form, provided it is received no later than 10-calendar days before the end of the pay period. For any additional information on Automatic (Direct) Deposit, please contact the Payroll Department at (909) 469-5443 (or ext. 5443) or email at Payroll@westernu.edu.

Travel Policy

WesternU provides those employees who are properly authorized to travel and incur business related expenses on behalf of the University with adequate transportation, lodging, meals, and other services necessary to conduct University business in accordance with established University policies and applicable law. This policy applies to all travel and business-related expenses regardless of the source of funding. The purpose of the travel policy is to ensure employees may conduct business in an efficient and effective manner while traveling on behalf of the University.

For the complete policy, please see [Travel Policy](#).

Reimbursements Policy

WesternU will reimburse employees for all reasonable and necessary expenses that they incur as a direct consequence of their job duties and/or in accordance with their immediate supervisor's directions. This includes reimbursement for mileage expenses incurred in the direct performance of an employee's duties other than the normal commute to and from work.

For additional information regarding submitting expenses for reimbursement, employees should contact their immediate supervisor and/or consult the University Financial Services & Treasury, General Expense Reimbursement Policy.

For the complete policy, please review [Reimbursements Policy](#).

External Employee Trainings Expense

Employees attending training programs, seminars, conferences, lectures, meetings, or other outside activities for the benefit of WesternU or the individual employee, whether required by the University or requested by individual employees, must obtain advance written approval by the employee's immediate supervisor to receive compensation and/or reimbursement. There may be additional approvals required depending on the activity involved. Any employee wishing to attend an activity must submit a written request detailing all relevant information, including date, hours, location, cost, expenses, and the nature, purpose, and justification for attendance. Attendance at any such event is subject to the policies on reimbursement and compensation.

WesternU will reimburse employees for reasonable and necessary expenses, incurred as a direct consequence of conducting business on behalf of the University. Further, it is the policy of WesternU to reimburse departments, projects, or grants for expenses incurred while conducting business on behalf of the University.

To be considered reimbursable, expenses incurred (either on or off campus) must be reasonable and necessary to the University's business and substantiated with adequate supporting documentation as outlined under the Reimbursement Policy.

Please note that the University has implemented policies that address specific reimbursements related to the use of a cell phone/personal device (*See [Cell Phone Stipend Policy](#)*) or internet/technology related expenses (*See [Telecommuting Policy](#)*). In such instances, those respective policies govern, and employees should refer to those policies for further information.

Any expense incurred and/or paid to an outside entity shall be treated as compensation to the individual or entity if it does not comply with the University's accountable plan. Any reimbursement of expenses to independent contractors not complying with the University's accountable plan will be included in the IRS form 1099. There are additional requirements that must be met or considered. Please see the full [Reimbursements Policy](#) for additional details.

For attendance at events required or authorized by the University, customary and reasonable expenses will be reimbursed upon submission of proper receipts. Acceptable expenses generally include registration fees, materials, meals, transportation, and parking. Reimbursement policies regarding these expenses should be discussed with the immediate supervisor in advance.

This policy does not apply to an employee's voluntary attendance at formal or informal educational sessions, even if such sessions generally may lead to improved job performance. While WesternU generally encourages all employees to improve their knowledge, job skills, and promotional qualifications, such activities do not qualify for reimbursement or compensation under this policy unless prior written approval is obtained as described previously.

Remote Work Arrangements/Telecommuting

Western University of Health Sciences offers remote work arrangements through our Telecommuting Policy and Procedure as an administrative option that provides alternative means to fulfill work requirements. Telecommuting arrangements must be carefully considered in light of the University's academic, medical and workplace culture which is based on face-to-face collaboration, patient care services, connection and service. There are many positions or functions which may not be amenable to remote work/telecommuting and require a physical presence. For the complete policy, please review [Telecommuting Policy](#).

Questions or Concerns: If there are questions or concerns related to the telecommuting policy/procedure or agreement, please contact [Employee Relations](#) as soon as possible.

Time Off and Leave Policies

Vacation Policy

The University recognizes the need for its employees to have time away from work to relax, recharge, and engage in personal pursuits. Accordingly, the University provides paid vacation benefits to regular full and part-time employees, subject to the following terms: Eligible full-time non-exempt employees scheduled to work 40-hours or more per week, begin accruing vacation benefits from their day of employment.

Part-time non-exempt employees who work 20 to 39.99 hours per week earn prorated vacation based on the normal workweek of the employee and begin accruing vacation benefits from their first day of employment.

To facilitate department scheduling, vacations should be scheduled as far in advance as possible and approved by the appropriate supervisor. Vacation time is not accrued when an employee is on a leave of absence and will not be counted as hours worked in calculating overtime for non-exempt employees.

Vacation is accrued as follows:

Eligible Full-time Non-Exempt Employees:

ACCRUAL SCHEDULE			
Months of Service	Pay period Accrual (days)	Annual Accrual (Days)	Maximum Accrual (Days)
0-12 months	0.538 days	14	28
13 months -24 months	0.73 days	19	38
25 th month +	1 day	26	48

WesternU encourages employees to use their vacation in the same year in which it accrues. Once an employee has accrued the maximum amount of paid vacation as provided in the above Accrual Schedule, the employee will not be eligible to accrue any additional paid vacation except to the extent that prior paid vacation time is used.

If a designated paid holiday is observed during your vacation period, it will not count against your vacation bank.

WesternU recognized holidays occurring during an employee's scheduled vacation are treated as holidays and are not counted as paid vacation days (i.e., an employee who is on a one-week vacation when a holiday occurs will receive four days' vacation and one day holiday pay).

Vacation may not be approved if the request exceeds the employee's vacation accrual balance and/or if the time requested will negatively impact the operations of the work unit (e.g., there are specific periods when the work unit needs all staff available for a major project/program, there are employees who are already scheduled for vacation, the employee has recently taken vacation time whereas other staff are still waiting for approval of vacation requests, there are pre-scheduled events that require the employee to be present, etc.).

If an employee takes vacation time that exceeds the employee's available accrued vacation pool, the excess time-off is unpaid, even if the time-off was approved by the appropriate supervisor.

Exempt Employees:

Exempt employees accrue vacation at the rate of one (1) day per pay period (26 days per year) starting upon the first day of employment. Vacation may be accrued up to a maximum of 48 days. When that point is reached, accrual ceases until vacation is taken. When the accrual is reduced below the maximum, additional vacation is accrued up to the maximum of 48 days.

If vacation time is available, employees cannot take vacation time-off without pay, as allowed by law. Unapproved vacations, even when paid, may be subject to disciplinary action. This applies to both non-exempt and exempt employees.

If a payday occurs during an employee's vacation, unless pay is received by direct deposit, the employee may request an early paycheck by contacting [Payroll](#). One week's advance notice is required.

Pay for accrued but unused vacation time will be paid to the employee when the employee's classification changes from a status that is eligible for vacation accrual to a status that is not eligible for vacation accrual (e.g., reduced to less than 0.5 FTE) on the last day of the employee's status as vacation eligible. Pay for accrued but unused vacation time is also paid to terminating employees on the final paycheck.

For the complete policy, please review [Vacation Policy](#).

Holidays

Each calendar year, WesternU observes the following paid holidays:

New Year's Day (January 1st)

Martin Luther King Jr.'s Birthday (the third Monday in January)

Presidents' Day (the third Monday in February)

Memorial Day (the last Monday in May)

Juneteenth Day (June 19th)

July 4th (Independence Day)

Labor Day (the first Monday in September)

Indigenous People's Day (the 2nd Monday in October)

Veterans Day (November 11th)

Thanksgiving Day (the fourth Thursday in November)

Day after Thanksgiving (the day after the fourth Thursday in November)

Christmas Day (December 25th)

When a holiday falls on a Saturday or Sunday, it is usually observed on the preceding Friday or the following Monday, respectively. However, WesternU may grant another day off in lieu of closing. Holiday observance will be announced in advance.

All regular full-time and part-time employees scheduled to work 20 hours per week or more, who are on active status, are eligible for holiday pay.

Winter Break

At its discretion, the University will offer 2 weeks off, with pay, during the winter break for employees who are on active status and eligible to receive holiday pay. The announcement is usually communicated to the WesternU community by end of October each year. The winter break closure is subject to change and is at the discretion of and based on the needs of the University, Department, and/or College. Generally, the winter break lasts for two weeks and encompasses two (2) official holidays, Christmas Day, and New Year's Day. Days off during the Winter Break are not to be considered additional holidays, vacations, or personal days.

Sick Time Policy – California Employees

The [Sick Time Policy for California Employees](#) is contained in the Appendices, beginning on Page 102. To minimize redundancy and mitigate potential errors, please refer to Appendix A for further information on this topic.

Sick Time Policy – Oregon Employees

The [Sick Time Policy for Oregon Employees](#) is contained in the Appendices, beginning on Page 139. To minimize redundancy and mitigate potential errors, please refer to Appendix B for further information on this topic.

Sick Time Policy – Employee outside of California and Oregon

Employees residing in states outside of California and Oregon may be subject to additional state policies which may supersede or govern their employment. Employees must review the relevant state addendum provided to them and/or the labor law poster sent electronically. In addition, Out-of-state employees should email HROut-of-stateemployees@westernu.edu if they need assistance about how a particular policy or state laws that might apply to them. Supervisors of non-exempt employees who reside in other states outside of California and Oregon **MUST** contact the Office of Human Resources and Payroll to ensure that they are complying with the applicable Wage and Hour laws and to ensure appropriate state and local taxes are withheld.

Bereavement Leave Policy

The following information represents the general policy for WesternU on this topic. Due to the varying geographic nature of WesternU's workforce, employees may be subject to additional state policies which may supersede or govern their employment. California employees should review Appendix A for statutory policies related to this topic. Oregon employees should review Appendix B for statutory policies related to this topic. *If you reside outside of California or Oregon, you must contact your supervisor or the Office of Human Resources for current state policies or procedures that may affect you.* The University provides up to five (5) working days of bereavement leave for eligible employees following the death of a spouse, domestic partner, child (biological, foster, adopted, stepchild, legal ward, or child being raised by the employee), parent (biological foster, adoptive, stepparent, or legal guardian), sister, brother, cousin, aunt, uncle, grandchild or grandparent, and in-laws, including brother and sister-in-law. An employee may take the five days of bereavement leave consecutively or intermittently; however, the leave must be completed within three (3) months of the date of death of the family member. There is no annual cap on the number of days, meaning an employee can take up to five days for bereavement leave per occurrence.

In the case of the death of anyone other than those relatives listed, vacation time or leave without pay may be taken. Arrangements for such an absence should be made with your supervisor.

Part-time employees who are regularly scheduled to work 20 hours per week or more are eligible for bereavement pay on a prorated basis based on their regularly scheduled number of hours worked.

WesternU requires the employee to provide documentation of the death of the family member within 30 days of the first day of the leave. Acceptable documentation include: a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution or governmental agency. For the complete policy, please review [Bereavement Policy](#).

Alcohol and Drug Rehabilitation Leave

Employees may take leave to voluntarily enter an alcohol or drug rehabilitation program as required by law, provided it does not impose an undue hardship on the University. Employees who cannot perform their job duties because of their current use of alcohol or drugs are not protected. For the complete policy, please review [Drugs and Alcohol on Campus Policy](#)

Leaves of Absence Policies

WesternU provides a variety of leaves of absences as mandated by Federal law and by the respective state laws. Due to the varying geographic nature of WesternU's workforce, employees may be subject to additional state policies which may supersede this policy or govern their employment. Employees must review the relevant state addendum provided to them and/or the particular labor law poster sent electronically. California employees may review the relevant statutory policies in [Appendix A](#). Oregon employees may review the relevant statutory policies in [Appendix B](#). In addition, out-of-state employees should contact their supervisor and/or email HROut-of-stateemployees@westernu.edu if they need assistance about how a particular policy or state laws that might apply to them.

Personal Leave of Absence

WesternU may grant a personal leave of absence without pay or benefits for up to 30 days where there are compelling reasons and no undue hardship to the University. WesternU has sole discretion to determine whether a personal leave of absence will or will not be granted. Requests for a personal leave of absence should be brought to the attention of the employee's supervisor or the Office of Human Resources prior to taking the leave. Employees who take a leave without express written permission will be subject to disciplinary action, up to and including termination.

Eligibility for personal leave will be based on a 12-month rolling back method. Employees who take personal leave to obtain gainful employment outside of WesternU without the express permission of WesternU may be subject to disciplinary action, up to and including termination.

Upon returning from unpaid personal leave, the employee must contact the Office of Human Resources.

Family Medical Leave Policy

The following information represents the general policy for WesternU on this topic. Due to the varying geographic nature of WesternU's workforce, some employees may be subject to additional state policies which may supersede or govern their employment. California employees should review Appendix A for statutory policies related to this topic. Oregon employees should review Appendix B for statutory policies related to this topic. *If you reside outside of California or Oregon, you must contact your supervisor or the Office of Human Resources for current state policies or procedures that may affect you.*

The [Family and Medical Leave of Absence Policy](#) states that WesternU, in accordance with the Family Medical Leave Act (FMLA) will grant up to 12 weeks of FMLA leave during a 12-month period to eligible employees (or up to 26 weeks of military caregiver leave). The purpose of this FML Policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this FML Policy and the applicable state law, employees will be afforded all rights required by law. If you have any questions, concerns, or disputes with this FML Policy, please contact the Office of Human Resources.

Eligibility: To be eligible for leave under this FML Policy, employees must meet **all** the following requirements:

- Have worked at least twelve (12) months for WesternU.
- Have worked at least 1,250 hours for WesternU over the twelve (12) months preceding the date the leave would commence.
- Currently work at a location where there are at least fifty (50) employees within seventy-five (75) miles.

The 12 months of employment do not have to be consecutive. All periods of absence from work due to or necessitated by service in the Armed Forces are counted as hours worked in determining eligibility.

Reasons for Leave: To qualify as FMLA leave under this FML Policy, the leave must be for any or all of the following reasons:

- Because of the birth of a child of the employee and to care for that child.
- Because of the placement of a child with the employee for adoption or foster care.

- To care for a spouse, sponsored adult dependent, child, sponsored child dependent, or parent of the employee who has a serious health condition.
- Because of a serious health condition that makes the employee unable to perform the functions of their job.
- Because of a qualifying exigency arising out of the fact that the employee's spouse, sponsored adult dependent, son, daughter, sponsored child dependent, or parent is a military member on covered active duty in the Armed Forces.
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the servicemember's spouse, sponsored adult dependent, son, daughter, sponsored child dependent, parent, or next of kin (military caregiver leave).

FMLA Procedure

An employee must provide at least thirty (30) days advance notice, or as much notice as practicable, before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member. An employee will provide, at least, verbal notice sufficient to make the employer aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.

When the approximate timing of the need for leave is not foreseeable, an employee should give notice of the need for FMLA leave as soon as practicable under the facts and circumstances of the particular case. The employee must comply with all other requirements contained in the FMLA implementing regulations.

In the case of childbirth or placement, the employee shall, when foreseeable, give the supervisor 30 days' notice before the leave is to begin. If the birth or placement requires leave to begin in less than 30 days, the employee shall provide the supervisor with as much notice as possible.

When leave is taken for planned medical treatment, the employee shall:

1. Make a reasonable effort to schedule the treatment so as not to disrupt the operations of the University.
2. Provide the University with no less than 30 days' notice, before the date the leave is to begin; and/or
3. Provide as much notice as possible if the date of the treatment requires leave to begin in less than thirty (30) days.

The responsibility for approving FMLA is delegated to the Office of Human Resources and it shall be responsible for maintaining accurate records of FMLA leave.

1. An employee shall follow standard policies or practices for notification of absence(s).
2. An employee requesting leave shall submit a completed FMLA application to the Office of Human Resources in a timely manner.
3. It is the responsibility of the Office of Human Resources to designate leave as FMLA and to notify the employee that the leave will count towards the employee's 12-week entitlement. The notification will be in writing.

If the University does not initially have enough information to decide as to whether the request qualifies as FMLA, notice of this must be given to the employee. The employee then has seven (7) working days to turn in additional information.

If the University learns that a leave is for FMLA purposes after the leave has begun, the leave may be retroactively counted as FMLA as follows:

1. If the University did not learn a leave was a FMLA qualifying event until the employee returned to work, the University may retroactively, within thirty (30) working days of the employee's return to work, designate the leave as FMLA.
2. If the leave taken for a FMLA qualifying event has not been designated as such and the employee wishes to designate the leave as FMLA, the employee shall notify the University within ten (10) working days of the employee's return to work, that the leave is FMLA qualifying.
3. A preliminary designation of FMLA may be made if the University knows the reason for the leave, but the information has not been confirmed or the University has requested additional clarification and the clarification has not been received. Upon receiving confirmation or clarification, the preliminary designation becomes final. If the additional information fails to confirm an FMLA qualifying event, the University shall withdraw the designation and provide written notice to the employee.

The University shall send the employee a written notice detailing specific expectations and obligations of the employee and explaining the consequences of failure to meet these obligations.

The written notice shall include the following as appropriate:

1. The leave will be counted against the employee's 12-week FMLA entitlement.
2. If the employee is not eligible for FMLA, the notice must state at least one reason why the employee is not eligible.
3. The requirement that the employee provide medical certification of a serious health condition.
4. The requirement that the employee's accrued leaves will be applied as appropriate.
5. The requirement that the employee make any premium payments to the Office of Human Resources to maintain benefits, and consequences of failure to make payments.

6. The employee's potential liability to pay health insurance premiums which were paid by the University during the employee's unpaid FMLA, if the employee fails to return to work after taking FMLA.
7. Any requirement for the employee to provide a fitness for duty certification to return to work.
8. If the employee is a "key" employee, the potential consequences that restoration to an equivalent position may be denied.
9. The employee's right to restoration to the same or equivalent position.

Amount of Leave: An eligible employee can take up to 12 weeks of FMLA leave during any 12-month period. The University will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this FML Policy. Each time an employee takes leave, WesternU will compute the amount of leave the employee has taken under this FML Policy in the last 12-months and subtract it from the 12-weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26-weeks for the FMLA military caregiver leave during a single 12-month period. For the military caregiver leave, WesternU will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

Eligible spouses who both work for WesternU may only take a combined total of 12-weeks of leave for the birth of a child, adoption, or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition. Both may only take a combined total of 26-weeks of leave to care for a covered injured or ill service member (if each spouse is a parent, spouse, child or next of kin of the service member).

Intermittent Use or Reduced Schedule

Leave taken for childbirth or placement (adoption, foster care, or legal guardianship) may be taken intermittently or on a reduced schedule, with the approval of the Office of Human Resources:

1. This leave may be taken only within 12 months of the date of birth or placement of the child.
2. Leave taken for childbirth on an intermittent or reduced schedule shall be taken after the presumed six-week recovery period.
3. A pregnant employee may take leave intermittently for prenatal examinations or her own condition, such as for periods of severe morning sickness.

Leave taken to care for a spouse, sponsored adult dependent, child, sponsored child dependent, or parent or for the serious health condition of the employee may be taken intermittently or on a reduced schedule when medically necessary.

Eligible employees may take FMLA leave on an intermittent or reduced schedule basis when medically necessary due to the serious health condition of a covered family member. If employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the University's operations.

If it is physically impossible for an employee using intermittent leave or working a reduced leave schedule to commence or end work mid-way through a shift, the entire period that the employee is forced to be absent is designated as FMLA leave and counts against the employee's FMLA entitlement.

If an employee requests intermittent leave or leave on a reduced work schedule that is foreseeable, based on planned medical treatment for the employee or family member, the University may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.

Employee Notice Requirement: All employees requesting FMLA leave must provide verbal or written notice of the need for leave to their department manager or the Office of Human Resources.

When the need for the leave is foreseeable, the employee must provide WesternU with at least thirty (30) days' notice. When an employee becomes aware of a need for FMLA leave fewer than 30-days in advance, the employee must provide notice of the need for the leave either the same day the need for leave is discovered or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with WesternU's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Within five (5) business days after the employee has provided this notice, the Office of Human Resources will complete and provide the employee with a Notice of Eligibility and Rights and request a medical certification or other supporting documentation as necessary.

Designation of FMLA Leave: Within five (5) business days after the employee has submitted the required certification or other documentation, the Office of Human Resources will complete and provide the employee with a written response to the employee's request for FMLA leave using the FMLA Designation Notice.

Return from FMLA Leave

An employee taking FMLA shall be entitled, upon return from FMLA, to

1. Be restored by the University to the position they held when the leave commenced,
or
2. Be restored to an equivalent position with equivalent benefits and pay.

Note: An equivalent position is one that is virtually identical to the employee's former position in terms of pay, benefits, and working conditions, including privileges, prerequisites, and status. It must involve the same or substantially similar duties and responsibilities which must entail substantially equivalent skill, effort, responsibility, and authority.

If an employee is unable to perform the essential functions of their position because of a physical or mental condition or is unable to return to work upon the expiration of FMLA, the employee has no right to restoration to another University position.

If an employee fails to return to work after an approved FMLA, because of the continuation, recurrence or onset of a serious health condition, the University may require supporting evidence as follows:

1. A certification issued by the healthcare provider indicates the employee needs to care for another qualifying individual and is therefore unable to return to work.
2. A certification issued by the employee's healthcare provider indicates the employee is unable to return to work.

When an employee is to return to work from FMLA, the University may require presentation of a certificate that the employee is able to resume their regular job duties.

Benefits During FMLA Leave

During FMLA, the status of an employee's benefits are as follows:

1. The University shall continue the employee's health plan at the same level and conditions of coverage as if the employee had been in employment continuously for the duration of the leave.
2. The University shall continue to cover the cost of the employer's credit portion toward the employee's health insurance plan.
3. The University shall continue to cover the cost of the employee's basic life insurance.

4. The University shall continue to cover the cost of the employee's enrollment in the long-term disability plan.
5. The employee shall make arrangements with the Office of Human Resources to pay the cost of other benefits for which the employee would ordinarily be responsible during any period of paid or unpaid leave.

At the time an employee gives notice of intent not to return to work, the University's obligation to provide any benefits stops. The employee shall be obligated to repay the University any health insurance premium which the University paid for the employee if the employee fails to return to work after FMLA.

Use of Paid and Unpaid Leave: An employee who is taking FMLA leave because of the employee's own serious health condition, or the serious health condition of a family member, must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leaves for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, when an employee takes six (6) weeks of pregnancy disability leave, the 6-weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee will then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave, or sick leave (if the reason for the absence is covered by WesternU's sick leave policy) prior to being eligible for unpaid leave.

Intent to Return to Work from FMLA Leave: On a basis that does not discriminate against employees on FMLA leave, the University may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Definitions

For purposes of this FML Policy the following definitions shall apply:

“Parent” - Is defined broadly as the biological, adoptive, step, or foster parent of an employee or an individual who stood *in loco parentis* to the employee when the employee was a son or daughter. “Parent” does not include the employee’s parents-in-law.

Note: “*In loco parentis*” means that the employee has the day-to-day responsibilities for the care and financial support of a child or persons who had such a responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

"Child"- A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability as defined by the American with Disabilities Act (ADA) at the time that FMLA leave is to commence.

"Spouse" - Spouse is to be defined as a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either (1) was entered into in a State that recognizes such marriages or, (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

“Covered Active Duty” - Covered active duty for members of a regular component of the Armed Forces means duty during deployment of the member of the Armed Forces to a foreign country.

“Covered Active Duty” - For members of the reserve components of the Armed Forces (members of the U.S. National Guard or Military Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation.

“Covered Servicemember” - A member of the Armed Forces, including a veteran of the Armed Forces, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious illness.

"Covered Veteran" - A covered veteran is an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. Outpatient Status with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to:

1. A military medical treatment facility as an outpatient; or

2. A unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

“Next of Kin” - The nearest blood relative other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative.

“Serious Injury or Illness for a Servicemember” - In the case of a member of the Armed Forces including a member of the National Guard or Reserves, means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating.

“Serious Injury or Illness for a covered Veteran” - The injury or illness that was incurred or aggravated by the member in the line of duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating; or
2. A physical or mental condition for which the covered veteran has received a VA Service-Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or part, on the condition precipitating the need for caregiver leave; or
3. A physical or mental condition that substantially impairs the veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
4. An injury, including a psychological injury, based on which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

“Child On Active Duty or Call to Active-Duty status” - The employee’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in *loco parentis*, who is on active duty or called to active-duty status, and who is of any age.

“Leave because of a Qualifying Exigency” - Eligible employees may take FMLA leave while the employee’s spouse, child, or parent (the “covered military member”) is on active duty or called to active-duty status as defined for one or more of the following qualifying exigencies:

1. *Short-notice deployment* to address any issue that arises from the fact that a covered military member is notified of an impending call or order to active duty in support of a contingency operation seven or less calendar days prior to the date of deployment. Leave may begin on the day the covered military member is notified of an impending call or order to active duty in support of a contingency operation.
2. *Military events and related activities* to attend any official ceremony, program, or event sponsored by the military that is related to active duty. To attend family support or assistance programs and informational briefings sponsored or promoted by the military.
3. *Childcare and school activities* to arrange for alternative childcare when the active duty or call to active-duty status of a covered military member necessitates a change in the existing childcare arrangement for a child. To provide childcare on an urgent immediate need basis (but not on a routine, regular, or everyday basis). To enroll in or transfer a child to a new school or day care facility when enrollment or transfer is necessitated by the active-duty status of a covered military member. To attend meetings with staff at a school or daycare facility when such meetings are necessary due to circumstances arising from the active duty or call to active-duty status of a covered service member.
4. *Financial and Legal arrangements* to make or update financial or legal arrangements to address the covered servicemembers’ absence while on active duty. To act as the covered military member’s representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits.
5. *Counseling* to attend counseling provided by someone other than a healthcare provider for oneself, for the covered service member, or for the child provided that the need for counseling arises from the active duty or call to active-duty status of a covered military member.
6. *Rest and Recuperation* To spend time with a covered military member who is on short term temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to fifteen (15) days of leave for each instance.
7. *Post Deployment activities* to attend arrival ceremonies.
8. *Parental Care* may be taken to care for a military member’s parent who is incapable of self-care when the care is necessitated by the member’s covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting, or transferring the parent to a care facility, or attending meetings with staff at a care facility.
9. *Additional activities* to address other events which arise out of the covered military member’s active duty or call to active-duty status provided that the employer and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

“Documenting Relationships” - For purposes of confirmation of family relationship, the employer may require the employee to give notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child’s birth certificate, a court document, etc.

“Serious health condition” - An illness, injury, impairment or physical or mental condition that involves the following:

1. Inpatient care in a hospital, hospice, or residential medical care facility.
2. Continuing treatment by a healthcare provider.

“HealthCare Provider” - A healthcare provider is defined as: 1) Doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; 2) podiatrist; 3) dentist; 4) clinical psychologist; 5) optometrist; 6) chiropractor (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist); 7) nurse practitioner; 8) nurse-midwife; 9) physician assistant; 10) Christian scientist practitioner; 11) clinical social worker; or, 12) other persons determined by the United States Secretary of Labor to be capable of providing health care services.

Catastrophic Leave Policy

The University has developed a Catastrophic Leave Program to permit benefit eligible University employees to donate and to receive eligible catastrophic leave hours to or from the University Catastrophic Leave Bank. Employees should review the Catastrophic Leave Policy and related forms at: [Catastrophic Leave Policy](#).

Jury Duty Policy

The following information represents the general policy for WesternU on this topic. Due to the varying geographic nature of WesternU’s workforce, some employees may be subject to additional state policies which may supersede or govern their employment. California employees should review Appendix A for statutory policies related to this topic. Oregon employees should review Appendix B for statutory policies related to this topic. *If you reside outside of California or Oregon, you must contact your supervisor or the Office of Human Resources for current state policies or procedures that may affect you.*

The [Jury Duty Policy](#) (in this section referred to as “Policy”) states that full time non-exempt employees will be paid their regular wages, up to a maximum of 10 days per year while serving as a juror. Part-time non-exempt employees who are regularly scheduled to work 20 hours per week or more are eligible for jury duty pay based on their regularly scheduled number of hours worked.

In order to receive pay for the time off, employees must attach proof of service to their timecard and submit it to the Payroll Department.

Hourly employees are expected to call in each day after they are released from jury duty for the day and inform their supervisor (or someone designated by their supervisor) what time of day they were released and when they must next report for jury duty. Employees who are expected to return to work if released from jury duty with four (4) or more hours left in their normal workday.

In no case will the salary of an exempt employee be reduced for any week in which the employee works and misses time to serve on a jury. Exempt employees are paid on a salary basis and receive their usual pay while on jury duty. These employees are expected to show judgment and responsibility by doing what they reasonably can to maintain continuity of operations while they are jurors. This may require keeping in contact with supervisors and subordinates by telephone, taking work home, reporting to work before or after jury duty each day, and/or performing work on weekends.

Time Off to Vote Policy

The following information represents the general policy for WesternU on this topic. Due to the varying geographic nature of WesternU's workforce, some employees may be subject to additional state policies which may supersede or govern their employment. California employees should review Appendix A for statutory policies related to this topic. Oregon employees should review Appendix B for statutory policies related to this topic. *If you reside outside of California or Oregon, you must contact your supervisor or the Office of Human Resources for current state policies or procedures that may affect you.*

The [Time Off to Vote](#) (Policy) establishes that as WesternU has a continuing interest in encouraging responsible citizenship, you are urged to vote for candidates of your choice at local, state, and national elections either before or after your regular shift. If you do not have sufficient time outside of your working hours to vote, you will be allowed to take up to two (2) hours off with pay for this purpose. Such time off should be taken at the beginning or end of your regular shift, whichever allows for more free time.

If an employee does not have sufficient time outside of working hours to vote in local, state-wide, and national elections, they may, without loss of pay, take off up to two hours of working time to vote. Such time off must be taken at the beginning or end of the regular working shift, whichever allows more free time for voting and the least time off from scheduled working hours, unless otherwise mutually agreed. In addition, employees may serve as election officials on Election Day, but the employees will not be compensated for such absences.

No action will be taken against any employee in any manner requesting or taking any time off as provided in this policy.

Procedures

Employees requesting leave under this policy should comply with the following requirements:

1. Notify your supervisor at least two days prior to election day of the need for time off to vote.
2. Coordinate the time off with your supervisor prior to election day to ensure as little disruption as possible in the flow of work.
3. Provide appropriate proof of voting to your supervisor.

Benefits

Employee Benefit Plans

University employees may be eligible for a variety of employment-related benefits. Since benefit offerings can change periodically, it is best to consult with the Office of Human Resources Benefits department about the specific benefits that are offered. Below are the health and welfare benefits offered to eligible employees:

Medical Benefits:

- Kaiser
 - HMO
 - HRA
- Blue Shield HMO
 - Blue Shield Trio HMO
 - Blue Shield Access + HMO
- Blue Shield HDHP PPO HSA

Dental Insurance:

- Sun Life DHMO
- Sun Life PPO

Vision Insurance:

- VSP

Spending and Savings Accounts:

- Flexible Spending Account
- Health Savings Account

Basic Life/Accidental Death and Dismemberment (AD&D) Insurance

Voluntary Term Life Insurance

Long-Term Disability Insurance

Long Term Care Insurance

Employee Assistance Programs

Voluntary Benefits:

- Accident Coverage

- Critical Illness Coverage
- Hospital Indemnity Coverage

Other Benefits:

- Tuition Remission Program
- Education Assistance Program
- Ride Share
- Health Club Reimbursement
- Exercise incentives

For more information on the above (and other) benefits (including eligibility requirements), please consult the Office of Human Resources for the respective benefit plan documents.

Note: All benefits and programs described herein are subject to modification and/or discontinuation at any time, for any reason, at WesternU's sole discretion, in accordance with applicable law.

Employee Assistance Program (EAP)

WesternU contracts with providers for confidential short-term, preventive assistance to employees and their dependents that are experiencing difficulties in dealing with personal, professional, and life management issues. The Emotional Wellbeing Solutions Program [Employee Assistance Program \(EAP\)](#) addresses a broad and complex body of issues affecting mental and emotional well-being, such as alcohol and other substance abuse, stress, grief, family problems, and psychological disorders.

The EAP is available at no cost for the first five visits per incident per plan year. Referrals can be made by contacting EAP at 800-234-5465 or at <http://www.liveandworkwell.com> (access code: westernu).

Employee Educational Assistance Program

WesternU assists employees in the attainment of educational goals for an undergraduate, graduate or doctoral degree, or certification programs that will help them in the performance of their jobs or will help them prepare for a promotion to another position within WesternU. For the complete policy, please see [Employee Educational Assistance Program](#).

Tuition Remission Program

WesternU provides an opportunity for full-time employees and eligible dependents to take advantage of the educational opportunities offered by the University. Purpose: To encourage

employees and their eligible dependents to further their education and be of greater value as employees of the University as well as encourage employees to continue working while participating in higher education. For the complete policy, please see [Tuition Remission Program](#).

Workers' Compensation

WesternU provides Workers' Compensation coverage as required by law. Any work-related injury or illness, no matter how minor, must be reported to the employee's supervisor immediately and the Office of Human Resources. If medical assistance is required, the Office of Human Resources will provide the employee with the appropriate paperwork and send them to an approved medical facility. When feasible, the employee must also complete the online [Incident Report](#) on the day of the incident.

All employees must go to an approved medical facility. The WesternU Patient Care Center in Pomona cannot be used for work related injury or illness, except for incidents limited only to exposure to blood or other bodily fluids. You will be paid your regular wages for the time you are required to spend seeking medical treatment.

Any partial day absences from work for follow-up treatments, physical therapy or other prescribed appointments are considered paid absences and will not utilize the employee's available sick time. Employees must indicate the time they were off work for these appointments on their timesheets.

Workers' Compensation disability periods that require an employee to be away from work for more than five (5) consecutive workdays run concurrently with FMLA, or other applicable state leave laws (to the extent permitted under applicable law) and are subject to the provisions and requirements of those leaves. Disability periods that extend beyond the employee's entitlement to FMLA or other applicable state leave laws run concurrently with any other extended leave of absence (to the extent permitted by law) and are subject to the provisions and requirements of those leaves. Available sick and vacation time (or PTO if applicable) must be utilized during periods of leave of absence, as allowed by law, and will be coordinated with workers' compensation benefits to approximate regular wages.

The law requires WesternU to notify the University's workers' compensation insurance provider of any concerns of false or fraudulent claims. For the complete policy, please review the [Worker's Compensation](#) policy.

Departing Employees

Departing employees cease participating in university provided medical, vision or dental benefits effective the last day of the month of termination.

Ancillary benefits, such as life or disability, cease on the last day of employment. Terminated employees may be eligible to participate in extended health care coverage in accordance with applicable laws.

Please contact the Office of Human Resources for more information about the availability and terms of extended health care coverage.

An exit interview may be arranged and conducted, usually on the last day of employment.

Campus Safety and Security

Workplace Health and Safety

The University is committed to maintaining a safe workplace that complies with all federal, state, and local health and safety laws. Accordingly, the University has adopted the following workplace health and safety guidelines. WesternU has designated Environmental Health and Safety (EHS) as its Safety Representative. You should address all questions about this policy or the University's safety measures to the Safety Representative (ehs@westernu.edu) or to your supervisor.

All employees are responsible for their own safety, as well as that of others in the workplace. To help the University maintain a safe workplace, everyone must always be safety conscious. Health and safety standards specific to identified risks in each work area are established and maintained in accordance with the various regulatory agencies that apply to the work location. Employees should learn where all entrances and exits are in the building they are assigned to. They should also familiarize themselves with locations for fire extinguishers, AED's, First Aid Kits, and Trauma Kits. In compliance with California Proposition 65, WesternU will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

Emergency Preparedness Guidelines

The University's Environmental Health and Safety (EHS) Department coordinates an Emergency Preparedness Program in the event of a disaster, such as an earthquake or train derailment. Employees should consult those guidelines ([available here](#)) for more information.

Injury and Illness Prevention Program (IIPP) Policy

The [Injury and Illness Prevention Program \(IIPP\) Policy](#) (Policy) applies to all employees, regardless of where they perform their job duties. The IIPP emphasizes injury and illness prevention on the part of both management and employees. WesternU promotes cooperation in all health and safety matters, not only between management and employees, but also between each employee and their co-workers. Only through a cooperative effort can an effective health and safety program, in the best interest of all, be established and preserved.

The University expects employees to work in a safe manner that does not endanger themselves, their co-workers, or others in the workplace. Employees who are unable to complete their job duties safely should not report to work. Employees must comply with all applicable workplace safety and health laws and University policies and procedures, including, but not limited to, rules governing the use of safety equipment and personal protective equipment.

As part of the IIPP, each building has at least one (1) employee who has been designated as a Building Safety Coordinator. Part of their responsibilities are to perform building safety inspections with the Office of Environmental Health and Safety (EHS), help direct employees, students, and visitors on where to exit the building in the event of an emergency evacuation, and be a resource related to safety questions or concerns. If an employee wishes to report a health or safety concern, they may do so by contacting ehs@westernu.edu.

For the complete policy, please see [Injury and Illness Prevention Program \(IIPP\)](#)

Reports of Work-related Injuries and Illnesses

Employees must immediately report all work-related injuries and illnesses to a supervisor, no matter how minor the injury or illness appears. If the nature of the injury or illness causes the employee to be unable to make an immediate report, the employee should make the report to a supervisor as soon as practicable under the circumstances.

Employees who witness another employee's work-related injury or illness must immediately report that injury or illness to a supervisor.

The online [Incident Report](#) should be completed as soon as it is safe to do so.

Cooperation with Investigations

Employees must cooperate with all investigations into workplace injuries and illnesses conducted by the University and/or appropriate enforcement agencies. Employees must comply with all lawful requests for information relating to these investigations.

Report of Unsafe Conditions

Employees must immediately report any unsafe workplace conditions or near-miss incidents that they experience or witness to a supervisor. Where possible, such reports should be in writing. Examples of conditions that must be reported include, but are not limited to, an employee not wearing proper protective equipment, a close call (i.e., an injury that almost occurred but did not), or equipment that is not functioning properly.

Emergencies

If immediate action is required due to a fire, a medical or weather emergency, an employee's conduct, or any other emergency, employees should call 911 or contact Campus Security at x3000 if calling from a university phone or by dialing (909) 706-3000 before notifying a supervisor or other University official. The University has adopted an Emergency Response Plan to address the University's response to emergencies in the workplace. For the complete policy, please see [Emergency Response Plan](#), or for any questions please contact [EH&S](#) or your supervisor.

Violations

Employees who engage in conduct that violates this policy or applicable law, or that otherwise endangers the health and safety of the University's employees, students, customers, vendors, or others in the workplace will be subject to disciplinary action, up to and including termination. The University will not discharge or otherwise discriminate against employees for reporting work-related injuries or illnesses. The University prohibits retaliation against an employee because the employee has reported a health or safety concern, a work-related injury or illness, or a violation of a health and safety law, participated in a health and safety committee, requested access to occupational injury or illness reports and records, instituted or caused to be instituted a proceeding under or relating to their rights, or has testified or is about to testify in the proceeding, or otherwise exercised rights protected by occupational safety and health laws on behalf of the employee or others.

Identification Badges (I.D.)/Electronic Access Card

The [Identification Badges \(ID\) and Electronic Access Card](#) (Policy), states that to protect safety and maintain the security of all employees, requires every employee to always wear a University issued identification (ID) badge when on any property owned or under the control of WesternU. Contact Campus Security to obtain a photo identification badge that identifies you as a WesternU employee.

Because employee ID badges can also be used to electronically open building entry doors, employees must not loan their badge to anyone. Each time the badge is used to open a door, it is logged into the keycard database. If you lose your ID badge, you should contact Campus Security at x3000 or if using cell phone, please call (909) 706-3000 to report the loss.

Parking Information

Pomona Campus

All administration, faculty, and staff may purchase an appropriate "parking permit hang tag," which must be visible in your vehicle when using any of the University parking areas. Aside from a few assigned parking spaces, parking is on a first-come, first-served basis for all employees.

There are "Guest" spaces available for outside guests, which may not be used by WesternU employees or students. WesternU provides roving security officers for the parking lots 24/7.

Although any damage or theft of vehicles are not the responsibility of WesternU, any incident should be reported to Campus Security and the local police. Unauthorized vehicles are subject to towing. There are also all-day parking spaces provided by the City of Pomona in some of our lots. These lots each have one- or two- meter machines that dispense parking permits. You need to enter the parking space number into the machine before you can complete the purchase. The

City of Pomona determines the cost for parking. City parking spaces do not have any designation or painting in the parking space other than the space number. Free parking is also available on the streets surrounding the University, subject to the posted restrictions. In addition to the metered parking, one-day parking permits are available at the Campus Store, located in the HPC building on the first floor. The permits have a scratch off surface, and you scratch off the appropriate date. These permits are good for one day. Employees can park in any employee lot and students are able to park in any student lot using these permits. Refer to [Parking On Campus](#) for more details.

Lebanon Campus

All administration, faculty, and staff may purchase an appropriate “parking permit hang tag,” which must be visible in your vehicle when using any of the University parking areas. Aside from a few assigned and reserved parking spaces, parking is on a first-come, first-served basis for all employees.

There are “Visitor” spaces available for outside guests, which may not be used by WesternU employees or students. WesternU provides roving security officers for the parking lots during regular business hours.

Although any damage or theft of vehicles are not the responsibility of WesternU, any incident should be reported to Campus Security and the local police. Unauthorized vehicles are subject to towing. Parking is also available on the streets surrounding the University, subject to the posted restrictions.

Employee Property

An employee’s personal property or belongings, including but not limited to lockers, packages, purses, and backpacks, may be inspected upon reasonable suspicion of unauthorized possession of WesternU property, possession of dangerous weapons or firearms, abuse of the University’s drug and alcohol policy, or any violation of the University’s policies. Employees have no reasonable expectation of privacy as to any personal property or belongings that they bring to work when the University has a reasonable basis for such a search.

University Property

WesternU property, such as, but not limited to lockers, furniture, desks, computers, data processing equipment/software, and University vehicles, must be maintained according to University rules and regulations. They must be kept clean and are to be used only for work-related purposes. WesternU reserves the right to inspect all University property, including computer or phone usage, data, and/or messages to ensure compliance with its rules and regulations, without notice to the employee at any time, and not necessarily in the employee’s presence. **Employees should have**

no expectation of privacy in any such resources or University property. Prior authorization must be obtained before any University property may be removed from the premises.

University voicemail and/or electronic mail (e-mail) including texting, cell phones, mobile email are to be used for business purposes. WesternU reserves the right to monitor voicemail messages, e-mail messages, and texts to ensure compliance with this rule, without notice to the employee and at any time, not necessarily in the employee's presence.

WesternU may periodically need to assign and/or change "passwords" and personal codes for voicemail, e-mail, cell phones, mobile email, etc. These communication technologies and related storage media and databases are to be used only for University business and they remain the property of WesternU. The University reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system. Messages on the University voicemail and email systems are subject to the same University policies against discrimination and harassment as are any workplace communications. Offensive, harassing, or discriminatory content in such messages will not be tolerated.

When lockers are provided to employees, no personal locks may be used on University provided lockers unless the employee furnishes a copy of the key or the combination to the lock. Unauthorized use of a personal lock by an employee may result in losing the right to use a University provided locker.

For security reasons, employees should not leave personal belongings of value in the workplace. Terminated employees should remove any personal items at the time they leave WesternU or at a time determined by the employee and department/college. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee's termination. Additionally, any WesternU property can be dropped off at the Centralized Drop Off location at:

For Pomona Campus
University Services Center (USC)
401 E. Second Street, Room 102
Pomona, CA 91766

For COMP-Northwest Campus
University Services Center (USC)
200 Mullins Dr.
Lebanon, OR 97355-3983

If University property is not returned, the University may initiate legal action to recover the property.

Campus Crime Awareness and Security

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the University is required to publish and distribute the Annual Security Report & Annual Fire Safety Report for each campus, to all employees and students. The Annual Security Report & Annual Fire Safety Report for each campus are available at [Campus Security Resources and Reports](#). Please contact the Office of Campus Safety at (909) 706-3000 or email security@westernu.edu if you have any questions or concerns regarding safety at WesternU.

Campus Safety efforts include but are not limited to:

Pomona Campus: Safety and security on campus is a critical issue for everyone who comes to WesternU. Even though our campus is in the heart of downtown Pomona – a busy district of business, restaurants, and nightclubs – the campus is a safe environment. The University has contracted with a private security service to ensure a safe academic environment. Uniformed guards are visible throughout the day and into the evening hours, and they patrol the parking lots in marked vehicles every day that University buildings are open. Guards are onsite 24/7. Nonetheless, you can help continue our history of safety by taking these suggested steps:

- ALWAYS wear your university identification badge.
- Pay attention to your surroundings. If you see something that is not right or suspicious, report it to a security guard or call (909) 706-3000 or use the [LiveSafe Mobile App](#).
- If you see a crime being committed, call the Pomona Police at 911.
- During the evening hours, walk in groups into the parking areas.
- If you are alone during the evening hours and you need to get to your car, call and ask for an escort.
- **Security escorts are available by calling (909) 706-3000 or by asking any guard or by using the [LiveSafe Mobile App](#).**
- If you know you are going to be on campus late into the evening, consider moving your car into parking lots near the University Services Center (USC) and Nursing Science Center (NSC) buildings.

Lebanon Campus: The campuses have contracted with a private security service to ensure a safe academic work environment. Uniformed guards are visible when the University building is open. Nonetheless, you can help continue our history of safety by taking these suggested steps:

- ALWAYS wear your university identification badge.
- Pay attention to your surroundings. If you see something that is not right or suspicious, report it to a security guard or call (541)968-4840 for COMP-NW or (541)954-7900 for CHS-NW or use the [LiveSafe Mobile App](#).

- If you see a crime being committed, call the Lebanon Police at 911.
- During the evening hours, walk in groups into the parking areas.
- If you are alone during the evening hours and you need to get to your car, ask for an escort.
- Security escorts are available by calling (541) 968-4840 COMP-NW or (541) 954-7900 for CHS-NW by using the [LiveSafe Mobile App](#).

Violence in the Workplace Policy

The Violence in the Workplace Policy (Policy) established that the University has zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously, and will lead to disciplinary action, up to and including termination. The University is committed to providing a safe, violence-free workplace. The University strictly prohibits employees, consultants, students, visitors, or anyone else, either on University premises or engaging in a University-related activity, from behaving in a violent or threatening manner. To this end, the University seeks to prevent workplace violence before it begins and reserves the right to address certain behaviors, even in the absence of violent behavior. Prevention of workplace violence begins with recognition and awareness of potential early warning signs and has established procedures for responding to any situation that presents the possibility of violence.

For the complete policy, please review [Violence in the Workplace Policy](#).

Reporting and Resources

If any employee observes or becomes aware of any actions or behaviors which may violate the [Violence in the Workplace](#) (Policy) the employee observing the incident should immediately notify any supervisor or the Director of Campus Security. Further, employees should notify any supervisor or the Director of Campus Security if any restraining order is in effect, or if a potentially violent non-work-related situation exists that could result in violence in the workplace. The Office of Human Resources should be contacted if the employee would like to request an accommodation or leave in connection with any act of domestic violence, sexual assault, stalking, or serious crimes involving physical injury, or if an employee's covered family member is a homicide victim. No adverse employment action will be taken against an employee because they notify the University of a potentially violent non-work situation involving the employee or the employee's immediate family member(s), nor will the University take adverse action against any employee who requests an accommodation or leave related to an experience of crime or abuse.

Employee Assistance Program

Any employee who believes they may have a problem that could lead to violent behavior is encouraged to use the University's [Employee Assistance Program \(EAP\)](#). Further information about the EAP can be found in the [Benefits](#) section of this Handbook.

Guests and Visitors Policy

The [Visitors to Campus \(Policy\)](#) states that visits from friends and family are to be kept to a minimum, to preserve an appropriate work environment. It is extremely important that the impression left with University visitors is that of a professional organization with the highest standards of conduct.

Guests and visitors must report-in and register with Campus Security prior to walking around the campus and must restrict their whereabouts to the designated location.

The University reserves its right in its sole discretion to deny such a request for reasons including, but not limited to, the requested guest or visitor has been disruptive in the past, there is a special event scheduled on the date(s) requested, or the work environment is not appropriate for the visitor or guest due to safety or other reasons.

Employees' Minor Children on Campus

The University values its employees and strives to provide an environment open to work and family issues. Safety is the primary concern when considering bringing children on campus during work hours and/or while the employee is to be performing work. The following guidelines apply to bringing children to the workplace:

- Children are not to be brought to work on a regular basis in lieu of childcare.
- All minors under the age of 18 attending any WesternU activity deemed appropriate for children, present in any University venue, must be supervised by the parent or guardian.
- The University will not assume liability for employees' children who are brought on to campus without prior permission.

Employees Who Are Required to Drive

Consistent with the Vehicle Use policy, employees who are required to drive a University owned and/or leased vehicle, for the purpose of conducting official University business, will be required to provide proof of current valid driver's license and active automobile insurance coverage that meet the required minimum insurance coverage for the State of California and/or Oregon.

If an employee chooses to use their personal vehicle to conduct University Business, they are strongly encouraged to discuss coverage scenarios with their own insurance carriers. The

employee's personal liability policy is primary, including applicable personal insurance deductibles to be paid by the employee. Employees driving personal vehicles to conduct University business are prohibited from transporting hazardous materials (any item or agent (biological, chemical, physical) which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors) on behalf of WesternU.

Employees who use their own personal vehicle to conduct official University business may be subject to certain restrictions related to the use of their personal vehicle. Employees who drive their own vehicles on University business will be reimbursed at the current IRS reimbursement rate per mile. For further information, please review the [Vehicle Use](#) policy.

Employees who are required to drive to conduct University business will be enrolled in the CA DMV Pull Program which provides information about traffic violations. WesternU retains the right to transfer to an alternative position, suspend, or terminate an employee who does not meet the minimum driver requirements, whose current Motor Vehicle Report (MVR) indicates Motor Vehicle Violations as referenced in the University's [Vehicle Use](#) policy and/or is considered an unacceptable driver per the University's business automobile insurance carrier.

Prohibited Use of Mobile Devices While Driving Policy

The Prohibited Use of Mobile Devices While Driving Policy (Policy) states, in the interest of the safety of our employees and other drivers, WesternU employees are prohibited from using mobile devices (including cell phones, tablets, etc.) while driving on University business and/or University time.

If your job requires that you keep your mobile device turned on while you are driving, you must use a hands-free device.

Writing, sending, or reading text-based communications - including text messaging, instant messaging, e-mail, web browsing and use of mobile device applications - on any wireless device while driving is also prohibited under this policy unless the device is specifically designed and configured to allow voice-operated and hands-free operation to dictate, send, or listen, and it is used in that manner while driving.

Violating this policy is a violation of law and a violation of University rules.

Smoke and Vape-Free Workplace

The Smoking and Vaping Policy (Policy) bans smoking, including electronic cigarettes (aka, vape pens, e-cig), in any enclosed areas of campus. Further, in consideration of others and consistent with its commitment to providing a healthy work environment, smoking, and vaping is not permitted inside any WesternU building. The University seeks to provide a safe, healthy, and productive work environment for all employees, students, and visitors. This Policy covers all uses

of tobacco including both smoking (e.g., cigarettes, pipes, cigars) and oral applications (e.g., chew or snuff). Electronic delivery devices and products (e.g., e-cigarettes) and similar delivery devices and products (e.g., vape pens) are also prohibited. Smoking and Vaping are allowed outdoors in designated smoking and vaping areas only.

For the complete policy, please see [Smoking and Vaping Policy](#).

Housekeeping

All employees are expected to keep their work areas clean and organized. Employees using common areas such as lunchrooms, locker rooms, and restrooms are expected to keep them tidy. Please clean up after meals and dispose of trash properly.

Off-Duty Use of Facilities

Employees are prohibited from remaining on WesternU premises or making use of University facilities while not on duty. Employees are expressly prohibited from using University facilities, University property, or University equipment for personal use without proper authorization. This policy is not intended to limit the ability of employees to use the WesternU's email systems to communicate with other employees regarding the terms and conditions of their employment during non-working times, including such topics as wages, job performance, workload, supervisors, or staffing.

Workplace Privacy

Due to concerns regarding the potential for invasion of privacy, sexual or other harassment, and protection of proprietary or confidential information, employees may not use any audio or video recording devices while on working time, except when these devices are to perform job duties, such as taking minutes, transcribing meetings, or creating content for training and educational programs. Additionally, employees may not use any audio or video recordings in work areas that the University has identified as confidential, secure, or private, unless the employee is engaged in protected activity related to improving the terms and conditions of their employment, such as documenting health and safety issues.

The University uses or may use video surveillance in public areas (not in restrooms, locker rooms or changing areas). The video surveillance will not include sound recording. Areas under video and/or audio surveillance are identified with posted notices in conspicuous places, and employees should have no expectation of privacy in any such areas.

WesternU reserves the right to inspect all University property and facilities to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. To ensure that no misuse or violation of University policy or any law

occurs there is **no expectation of privacy** regarding University facilities, the use of University equipment as well as any personal properties brought into the workplace.

Drugs and Alcohol on Campus Policy

WesternU is concerned about the use of alcohol, illegal drugs, or controlled substances as they affect the workplace. Use of these substances, whether on or off the job, can detract from an employee's work performance, efficiency, safety, and health, and therefore seriously impair the employee's value to the University. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes WesternU to the risks of property loss or damage, or injury to other persons.

The use of prescription drugs and/or over-the-counter drugs also may affect an employee's job performance and may seriously impair the employee's value to the University.

The following rules and standards of conduct apply to all employees either on WesternU property or during the workday (including meals and rest periods). Behavior that violates WesternU policy includes:

- Possession or use of an illegal or controlled substance that is not prescribed by a licensed healthcare provider or being under the influence of an illegal or controlled substance while on the job.
- Driving a WesternU vehicle while under the influence of alcohol.
- Distribution, sale, or purchase of an illegal or controlled substance while on the job.

Violation of these rules and standards of conduct will not be tolerated. The University also may bring the matter to the attention of appropriate law enforcement authorities. To enforce this policy, WesternU reserves the right to conduct searches of University property or employees and/or their personal property, and to implement other measures necessary to deter and detect abuse of this policy.

An employee's conviction on a charge of illegal sale or possession of any controlled substance while off University property will not be tolerated because such conduct, even though off duty, reflects adversely on WesternU. In addition, the University must keep people who sell or possess controlled substances off WesternU premises to keep the controlled substances themselves off the premises.

For the complete policy, please see [Drugs and Alcohol On Campus Policy](#).

SPECIAL NOTE: WesternU is aware that marijuana possession and use is now legal in California and Oregon. However, as a recipient of federal funding, the University is required to comply with federal laws regarding the possession and use of marijuana, including the Drug-Free Workplace

Act of 1988. The University must comply with the federal laws related to marijuana or it jeopardizes the receipt of student financial aid and federal grants. Therefore, the University holds that marijuana possession and/or use of marijuana on any properties owned or operated by the University or at any approved University sponsored events, or the event is paid with funds from the university, is strictly prohibited.

Alcohol and Drug Testing

If the University has reasonable suspicion that an employee is under the influence of alcohol or illicit drugs while on duty or prior to going on duty, that employee may be asked to submit to a urinalysis or other appropriate test or examination, which will be conducted at a WesternU designated medical facility at the University's expense. Reasonable suspicion includes a suspicion that is based on specific observation such as the employee's manner, disposition, muscular movement, appearance, behavior, speech or breath odor, information provided to management by an employee, by law enforcement officials, a security service or other individuals believed to be reliable or a suspicion that is based on other surrounding circumstances.

In addition, employees who occupy safety-sensitive positions, or who are involved in an accident, either directly or indirectly, may be subject to testing or examination pursuant to applicable law by a University designated clinic. Such examination or tests, when requested, will be a condition of employment. If an employee refuses to submit to the requested examination or test, the employee will be subject to disciplinary action, up to and including termination.

Alcohol at WesternU and Client Events

Based on the nature of specific roles at WesternU, employees may be required to attend sponsored and non-sponsored WesternU and client events at which alcohol is served. Professional conduct is expected at all times by University employees. All WesternU employees are ultimately responsible for their choices and behavior at all University and/or client-sponsored and non-sponsored events, meetings, business travel and client/WesternU interactions. Employees will be held responsible for any inappropriate or unprofessional incidents at such events or while traveling on WesternU related business, regardless of whether they were influenced by the use of alcohol. Employees who choose to use alcohol at WesternU and/or client events or while performing University related travel or work are required to follow all laws and encouraged to use good judgment regarding the amounts they choose to consume.

In the event an employee acts in a manner deemed unprofessional by the University, the employee may be subject to disciplinary action, up to and including, termination.

Use of Legal Drugs

The University recognizes that employees may, from time to time, be prescribed legal drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in their impairment. Employees may not work while impaired by the use of such drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to WesternU property, or substantially interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, they may not report to work. To accommodate the absence, the employee may use accrued sick leave, or vacation time. The employee may also contact their supervisor to determine whether they qualify for an unpaid leave of absence, such as family care or medical leave.

Nothing in this policy is intended to diminish WesternU's commitment to employ and reasonably accommodate qualified disabled individuals. The University will reasonably accommodate employees who must take prescribed drugs because of a health condition and who, because of their appropriate use of such drugs, cannot perform the essential functions of their positions adequately or safely, provided that such accommodation does not constitute an undue hardship on the University.

Customary Use of Over-the-Counter Drugs

Nothing in this policy is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this policy.

Counseling/Employee Assistance

Employees who suspect they may have alcohol or drug problems, even in the early stages, are encouraged to seek diagnosis voluntarily and to follow through with the treatment as prescribed by qualified professionals. Employees are invited to anonymously contact the University's Employee Assistance Program (Optum Health at 1-800-234-5465) or go to <http://www.liveandworkwell.com> (access code: westernu) to obtain information about available assistance. Employees who wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program are encouraged to contact the Office of Human Resources, who will determine whether the University can accommodate the employee by providing unpaid leave for the time necessary to complete participation in the program.

Employees should be aware that participation in a rehabilitation program will not necessarily shield them from disciplinary action for a violation of this policy, particularly if discipline is imposed for a violation. Disclosures made by employees to the Office of Human Resources concerning their participation in any alcohol or drug rehabilitation program however will be treated confidentially.

Ergonomics

WesternU is subject to OSHA, Cal/OSHA, and Oregon OSHA regulations, including ergonomics standards for minimizing workplace repetitive motion injuries. The University will make necessary adjustments to reduce exposure to ergonomic hazards through modifications to equipment, processes, and employee training. The University encourages safe and proper work procedures and requires all employees to follow safety instructions and guidelines.

WesternU believes that reduction of ergonomic risk is instrumental in maintaining an environment of personal safety and well-being and is essential to our business. To this end, we strive to provide appropriate resources to create a risk-free environment.

If you have any questions about ergonomics or to request for a work area ergonomic evaluation, please contact the Office of Risk Management or visit the website: [ERGO Assessment site](#)

On the Job

Conducting Personal Business

Employees are to conduct only WesternU business while at work. Employees may not conduct personal business or business for another employer during their scheduled working hours.

Confidential Information

Each employee is responsible for safeguarding the confidential information obtained during employment. In the course of your work, you may have access to confidential information regarding WesternU, its suppliers, its students, its patients, or perhaps even fellow employees. You have a responsibility to prevent revealing or divulging any such information unless it is necessary for you to do so in the performance of your duties—and only to the extent permitted by applicable law and underlying vendor contracts. Employees are not to disclose any such confidential information to (a) any other person in the organization unless there is a legitimate business reason for doing so; or (b) any person or entity outside the University, unless management has expressly stated that the information can be disclosed to that person. Access to confidential information should be on a “need-to-know” basis and must be authorized by your supervisor. In addition, employees must comply with any additional safeguards for protected health information (PHI), student records (Family Educational Rights and Privacy Act) or financial (Personal Identifiable Information—PII) information imposed by contracts, federal, state, and/or local laws and regulations.

Any breach of this policy will not be tolerated, and appropriate action may be taken by the University.

Nothing in this policy is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Further, nothing in this or any University policy or agreement shall be construed to prevent any employee from reporting to, communicating with, contacting, responding to an inquiry from, cooperating with, providing relevant information to or otherwise participating or assisting in an investigation conducted by: (a) any federal, state or local governmental or regulatory body or official(s) or self-regulatory organization regarding a possible violation of any state or federal laws or regulations that has occurred, is occurring or is about to occur; or (b) the Equal Employment Opportunity Commission (EEOC), the National Labor Relations Board (NLRB) or any other governmental authority with responsibility for the administration of labor or employment laws regarding a possible violation of such laws. Prior authorization of the University is not required to make any such reports or

disclosures and no employee is required to notify the University that they have made such reports or disclosures.

If you have any questions regarding your confidentiality obligations, you should contact your supervisor or the Office of Human Resources. For further information, pertaining to confidentiality, please review the [HIPAA-HITECH Confidentiality of Patient Information](#) and [FERPA regarding student privacy rights](#) and [Payment Card Industry Data Security Standards](#) regarding the protection of payment (credit) card data.

Summons and Complaints, Subpoenas and Other Legal Documents

The University may become a party to legal actions which involve the serving of a subpoena, complaint, or other legal documents. Additionally, the University may be required, through the serving of a subpoena for records, to produce medical records or student records. For WesternU, this process is managed by the Office of Risk Management. For the complete policy, see [Summons and Complaints, Subpoenas and Other Legal Documents](#).

Conflicts of Interest and Ethics

WesternU has implemented a [Conflicts of Interest and Ethics Policy](#) (Policy), which employees should consult regarding their obligations related to actual or potential conflicts and ethical standards. If employees have any questions regarding conflicts of interest, they should contact their supervisor or the Office of Human Resources.

Dress and Personal Appearance

Employees are asked to make good judgement about their dress and appearance and are expected to present a professional image. Employees must dress in a manner that is consistent with their job responsibilities. Attention should be paid to safety, University image, and student, vendor, and visitor interactions.

While employees are always expected to present a professional image, there may be times when more casual attire is permitted (e.g., for certain casual, work-related social functions). Likewise, there may be certain events, functions, or roles that require more formal attire from time to time. There are also certain positions within the University that require employees to wear personal protective equipment and/or uniforms.

Given the vast array of positions and work environments, the University cannot provide a detailed list of what is or is not “appropriate” professional work attire. Instead, responsibility for setting dress codes lies with each department at the University, in consultation with the Office of Human

Resources. If any employee has a question about what constitutes proper attire within a given department, they should consult their supervisor or Department Chair/Director.

The University reserves the right to determine appropriate dress. Any employee who is inappropriately dressed when the employee arrives at work will be considered unsuitable to work and may be asked to change or sent home to do so.

In addition to professional attire, the University expects all employees to observe good habits of grooming and personal hygiene.

This policy will not be enforced in a manner that discriminates against anyone based on a protected class, such as race, sex, gender identity or gender expression, religion, national origin, ethnicity, or any other class protected by federal, state, or local law. Specific departments may have the need for a different dress code that must be adhered to by those employees. Please discuss any specific dress and appearance policies that might differ from this general policy with your immediate supervisor or Department Chair/Director.

News Media Contacts

All media inquiries and/or requests for comment from the University shall be directed to the Office of Public Relations and Marketing. Employees should not speak to the media on WesternU's behalf without authorization from this Office.

This policy does not limit an employee's right to discuss the terms and conditions of their employment, or to try and improve these conditions. For more information, please visit the Public Relations home page [Media Guidelines](#).

Political Activity

Many employees participate in political activities on their own time. University time, facilities, property, or equipment (including all computers, networks, and electronic equipment) must not be used for an employee's outside/personal political activities. WesternU will not reimburse any employee for political contributions, and employees should not attempt to receive or facilitate such reimbursements.

Absent a formal statement by WesternU announcing any political endorsements, employees must not, through their own actions, speech, contributions, or written communication, mislead others to believe that the University officially endorses or opposes any candidates for political office or propositions that WesternU itself has not officially announced. University employees are entitled to their own personal positions.

The University will not discriminate against employees based on their lawful engagement in political activities outside of work.

Personal Cell Phones, Audio Devices, and Personal Calls

Employees may use their personal cell phone to send and receive *occasional and limited* personal communications during work. Any personal usage of a cell phone must not interfere with the employee's work performance, take away from work time, or violate any University policy, including safety policies, policies against harassment, discrimination, and disclosure of confidential or trade secret information. Cell phones should be turned off or set to silent or vibrate mode when attending meetings, conferences, and in any circumstance where incoming calls may be disruptive to the work environment.

Cell phones (including other handheld devices) may be used by employees to assist them in performing their job. However, to the extent University employees use their devices to send, receive, and/or access University data or for work, such University data (including web browsing or gaming), messages (including voicemail, mobile email, and text messaging), and other stored electronic information is University property and is subject to monitoring.

WesternU may ask you to assign a password to your cell phone or other device to prevent unauthorized access. This password does not affect the University's ability to monitor the information contained on the device.

Employees who are required to use their personal cell phone for WesternU business purposes will be reimbursed or provided a stipend (refer to [Cell Phone Stipend](#) for more information). The employee is responsible for the proper use and maintenance of their personal cell phone. Please note that violations of this policy, specifically, through use of a cell phone and/or any another electronic device for excessive personal, non-emergency reasons, may result in disciplinary action, up to and including termination.

University Email and Computing Resources

Computer equipment and software are the property of the University and must be used in accordance with our policies. For the complete policies on this topic, please see the [Email Policy](#) and the [Acceptable Use of University Computing Resources Policy](#).

Social Media

The [Social Media \(Policy\)](#) defines "social media" activities as including all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity website, web bulletin board or a chat room, whether associated or affiliated with the University, as well as any other form of electronic communication. WesternU has a resolute team of employees who manage the University's social media presence. The members of that team are the only WesternU employees that are authorized to make any posts to any social media platform on behalf of the University. While WesternU recognizes that social media may be used in several

beneficial ways, including as an effective networking and communication tool, we ask our employees to remember that the University's Communications Systems are designed for business use. Employees may not allow their social media activities to affect their productivity or interfere with their work time. WesternU expects employees to keep their participation in social media activities to a minimum while at work.

When engaged in social media activities, employees should always be fair and courteous to fellow employees, customers, suppliers, and people who work on behalf of the University. Employees must not use social media to harass, bully, threaten, or discriminate against colleagues, customers, or anyone else. Make sure you are honest and accurate when engaged in social media activities. Avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, which disparage co-workers, customers, or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law.

Employees must maintain the confidentiality of the University's trade secrets and confidential information. Trade secrets may include information regarding the development of our systems, processes, products, services, and other knowledge. Such information must not be discussed or cited in employees' social media activities, without management's prior approval.

Employees must not represent themselves as speaking on behalf of the University in any social media activities. If an employee identifies themselves as an employee of the University in any social media post, they must be clear that they are representing personal views and is not speaking on behalf of the University. Violations of this policy may result in disciplinary action, up to and including immediate termination.

Nothing in this policy is intended to interfere with employee rights under any applicable federal or state laws, including protected concerted activities under the National Labor Relations Act (NLRA) such as employees' right to communicate about wages, hours and terms and conditions of employment. To the extent anything in this policy conflicts with any law, the terms of that law will control. For the complete policy, please see [Social Media](#) policy.

Romance in the Workplace

The purpose of this guiding principle is to foster a work environment that is fair, objective, and conducive to University business. Because romantic relationships between employees/students in the workplace can result in favoritism and conflicts of interest that disrupt the workplace, the University believes that the boundaries between work and romantic relationships and procedures contained in this policy are necessary.

No Change to Other Employee Conduct Policies. This policy does not change or alter the University's anti-harassment, anti-discrimination, or other policies addressing employee conduct. Additionally, this policy is not intended to interfere with employees' rights under the National Labor Relations Act (NLRA), the California Constitution, or the California Labor Code.

Workplace Conduct. The University expects all employees to conduct themselves in an appropriate and professional manner that promotes courtesy and respect in the workplace. Therefore, behaviors such as unwelcome touching or physical contact; sexually offensive or obscene remarks, jokes, advances, or gestures; requests for sexual favors; engaging in stereotyping based on an individual's gender or sex; leering; displaying or distributing sexually offensive or obscene posters, cartoons, or other materials; or any form of stalking or bullying are inappropriate for the workplace and impermissible.

Management and Supervisory Relationships with Employees. The University does not permit its executive, management, and supervisory employees to have romantic relationships with employees they directly supervise or whose employment terms they can influence. If such a relationship develops, the employees involved must promptly notify the Office of Human Resources.

The University has the discretion to enforce this policy and will do so in a non-discriminatory manner, based on objective business reasons. However, if a romantic relationship develops, the University may permit the employees involved to work with the Office of Human Resources to find a workable solution that eliminates the potential for conflicts and favoritism. Workable solutions may include, for example, department transfers, schedule changes, relocation, or separation of employment.

An executive, management, or supervisory employee who had a prior romantic relationship with a subordinate or other employee, will not be permitted to make, participate in, or influence decisions that affect that subordinate's or employee's employment, including, for example, compensation, promotion, discipline, or termination.

The University may ask employees involved in a romantic relationship to sign a statement acknowledging that their relationship is consensual and free from harassment and coercion of any kind.

Relationships between non-management coworkers in different departments are not covered by this policy. However, if such relationships create conflict, performance issues, or otherwise disrupt

the workplace, the employees involved in the relationship may be subject to disciplinary action, up to and including termination, according to the University's relevant policies.

In addition, there is a Consensual Relationship Statement in the [Sexual and Gender-Based Harassment, Interpersonal Violence and Other Sexual Misconduct \(SIM\) Policy](#) that includes relationships between staff/students, faculty/students, supervisors/supervisees:

II. STATEMENT ON CONSENSUAL RELATIONSHIPS *WesternU strongly discourages consensual relationships (i.e., romantic or sexual) between faculty and students, staff and students, persons in a supervisor/supervisee employment relationship, or between students who have an authority relationship over other students or are within a small group, such as a course, student organization, or program cohort. Relationships with an inherent power differential may result in a lack of meaningful, affirmative consent between parties and an actual or perceived conflict of interest. WesternU expressly prohibits any form of Prohibited Conduct of employees or students when a previous consensual relationship ceases to exist or when such a relationship is rejected by one of the parties. Accordingly, WesternU strongly recommends that such relationships be avoided. Consensual relationships are considered Prohibited Conduct when they are found to compromise WesternU's educational mission or otherwise is disruptive to workplace operations. If the relationship is nevertheless not avoided, the person in the authority position is strongly recommended to report the relationship to his or her department head, Dean, or the Office of the Provost immediately. Failure to report the relationship or any significant delay in reporting may be cause for disciplinary action. If an individual is in doubt concerning a possibility of a violation of this policy, it is recommended that they consult with their Department Chair or Dean. Confidentiality shall be protected to the fullest extent possible. WesternU may take actions as it deems appropriate to address situations it becomes aware of that involve romantic and/or sexual relationship involving imbalance of supervisory authority or responsibility, including but not limited to: transferring or moving one of the involved parties to another position or assignment or altering responsibilities or authority. WesternU also encourages consideration of romantic and/or sexual relationships and how they may impact the broader workplace or learning environment. Employees and Students are strongly advised to establish clear boundaries to prevent inappropriate relationships from forming and for communicating directly and/or seeking assistance with communicating about issues of inappropriate pursuit or personal boundary violations. Moreover, pursuing romantic and/or consensual relationship with patients is generally unacceptable. Employees or students discovered to have used or plans to use information contained in confidential records to pursue or establish consensual relationships will be subject to discipline.*

Any violation of this policy, including a failure to disclose a romantic relationship to the Office of Human Resources, may result in disciplinary action, up to and including termination.

If you believe that you are aware of a violation of this policy, follow the University's Complaint Procedure to report the violation. The University will investigate your complaint and take remedial action, if necessary.

The University will distribute and implement the policy in accordance with the law. If you have questions concerning any provisions of this policy, contact the Office of Human Resources for more information.

Inspections

The University reserves the right to require employees while on University property, or on clients' property, to agree to the inspection of their person, personal possessions and property, personal vehicles parked on University owned, controlled or operated property, and work areas, when it has reasonable suspicion to conduct the search. This includes lockers, vehicles, desks, cabinets, workstations, packages, handbags, briefcases and other personal possessions or places of concealment, as well as personal mail sent to the University or its clients. Employees are expected to cooperate with any search or inspection.

Punctuality and Attendance

WesternU depends and relies upon its employees; therefore, it is important that employees attend work as scheduled. Regular, reliable, and punctual attendance is an essential function of your job at WesternU. The University may take disciplinary action against an employee for unexcused absences or unreasonable tardiness.

An unexcused absence is the failure to report to work on a scheduled workday (including mandatory overtime workdays). This does not include scheduled vacations, bereavement, military leave, family or medical leave, pregnancy leave, paid sick leave, leave provided by the University as a reasonable accommodation, jury duty, industrial injury, other approved and/or protected leaves of absence.

In the event of an unplanned, unexcused absence, employees are expected to provide as much notice as reasonably practicable when they are going to be absent from work. If you find it necessary to be absent, you must notify your supervisor or the person in charge at least one hour before the start of your scheduled shift.

A careful record of absenteeism and tardiness is kept by the employee's supervisor and becomes part of an employee's personnel record. To the extent permitted by law, absenteeism and lateness

lessen an employee's chances for advancement and may result in disciplinary action, up to and including termination.

Coaching and Performance Counseling

Rule or policy violations, poor performance, excessive unexcused absences, and other forms of misconduct have a negative effect on the continuity, productivity, efficiency and/or safety of the workplace and will not be tolerated. Such behavior may result in coaching or disciplinary action up to and including termination, depending on the nature of the conduct. For the complete policy, please review [Corrective Action and Performance Counseling Policy](#).

Although the University may terminate the employment relationship at any time, without notice or following any formal system of discipline, the University often exercises its discretion to use some form of progressive discipline, when appropriate. Progressive discipline may be utilized when, in the discretion of the University, the problem at issue is capable of correction, if used. Progressive discipline procedures may include verbal coaching or counseling, a written warning, and, if the situation does not improve, involuntary termination. Any or all these steps, or none of them, may be followed, depending on the particular circumstances and nature of the performance problem, conduct, or policy violation.

Exceptions or deviations from the progressive discipline procedures outlined above may occur whenever the University deems appropriate, at its sole discretion. Further, nothing contained in this Policy confers upon any employee the right to any specific form or course of progressive discipline. The University reserves the right to terminate the employment relationship at any time, with or without notice or cause.

Performance Management

WesternU reviews and evaluates employees' work performance in a variety of different manners, informally and/or formally. The evaluation of an employee's work performance is an ongoing process. Refer to [Performance Appraisal](#) and [Performance Appraisal Annual Exempt and Non-Exempt Employees Procedure](#) policies for information on frequency of evaluation and more information.

Employees are free to ask their supervisors or managers for input regarding their performance at any time and are encouraged to do so. Likewise, the University encourages supervisors and managers to provide regular and constructive feedback to their direct reports regarding their work performance. "Special" reviews may occur at the discretion of the supervisor to review outstanding or unsatisfactory performance. For the complete policy, please see [Special Performance Appraisal for Employee Development](#) policy.

University-wide written performance evaluations will occur *at least* annually or more frequently and/or in specific departments, as deemed appropriate.

Professional Code of Conduct

All employees of WesternU shall adhere to the values of WesternU to promote acting with integrity and respect for others and to be responsible and setting high standards of professionalism for our services and ourselves and assuming accountability for our conduct. Please familiarize yourself with the University's [Professional Code of Conduct](#) policy.

Workplace Investigations (outside of SIM and EOCR⁷)

For concerns related to employee policies outside of the scope of the SIM and EOCR⁷ policies, reports may be made by contacting, the Office of Human Resources, Employee Relations department at EmployeeRelations@westernu.edu. This policy does not pertain to behavior within the scope of the SIM and/or EOCR⁷ policies. The SIM and/or EOCR⁷ policy contain their own applicable procedure which governs such matters.

When allegations are made that employee(s) violated WesternU policies beyond the SIM and/or EOCR⁷ policies, the Office of Human Resources may take the following steps, if there is reasonable cause to believe a WesternU policy pertaining to employees has been violated. The Office of Human Resources will conduct an assessment to determine the appropriate response, including but not limited to, determining applicable policies that were allegedly violated, interim measures, whether the concern needs to be shared with any other campus partners, threat assessment considerations, and applicable procedural options (formal investigation or informal resolution). The Office of Human Resources may also utilize informal resolution options, if appropriate, rather than a formal investigative process.

If the Office of Human Resources determines a formal investigation process is necessary, then the following steps may be taken if deemed applicable: issuance of a Notice of Investigation Allegations to the parties which commences a formal investigation, conducting an investigation to determine whether the alleged conduct more likely than not occurred, issuance of a Notice of Outcome to include the finding of the investigative process, and notification to the Respondent of issued disciplinary sanctions(if the Respondent is found responsible for violating the applicable policy). Due to confidentiality, there may be limitations on what is shared with the Complainant regarding disciplinary sanctions. WesternU reserves the right to utilize an external or internal investigator.

Interim measures may be appropriate throughout the duration of the process. Interim measures are those that are non-disciplinary, non-punitive, individualized actions offered, as reasonably available, and without fee or charge to the Complainant or Respondent. Paid administrative leave during the investigation and/or complaint resolution process may be appropriate as well as limited or no contact directives.

Disciplinary sanctions for an employee who has engaged in prohibited conduct include warning, verbal or written, performance improvement/management process, required counseling, required

⁷ The projected publish date of the Equal Opportunity and Civil Rights (EOCR) Policy is July 1, 2024. For current applicable OTIXEO policies please visit <https://www.westernu.edu/otixeo/> or email OTIXEO directly at OTIXEO@westernu.edu.

training or education, probation, loss of oversight or supervisory responsibility, suspension with pay, suspension without pay, termination, or other actions deemed appropriate.

WesternU prohibits retaliation, which is any adverse action against any individual who filed a complaint or participated in the investigation and/or complaint resolution process. Retaliation may include any kind of negative action, punishment, reprisal, threats, or intimidation as a result of submitting a complaint or participation in an investigation. Any retaliatory or otherwise harassing conduct is prohibited and subject to further disciplinary action, up to and including termination of employment. This provision continues to apply after the investigation is concluded. Anyone who feels that they have been retaliated against should notify the Office of Human Resources, Employee Relations department at EmployeeRelations@westernu.edu.

Mandatory Trainings

Administration, faculty, and staff may be required to complete specific training requirements as a condition of employment to ensure compliance with federal, state, or local regulatory requirements, as well as university policy and procedures. There may also be additional specialized training by the employee's operating unit (e.g., college or department) that employees are expected to complete. The unit may at any time add, alter, or eliminate their own unit training requirements, but all operating units may not alter or eliminate university mandated training requirements.

Employees must be allowed to complete mandated training during usual work hours, and non-exempt faculty or staff must be paid for those hours. Failure to complete mandated training by a required deadline may result in denial of system access, and/or loss of privileges, or disciplinary action up to and including termination, in accordance with the specific Handbook for faculty and employees. New employee orientation and mandatory training must be completed within thirty (30) days of beginning employment at WesternU.

Current employees mandatory training is generally offered annually. All current employees must complete this training within thirty (30) days of being notified of the required training.

Please note the content for these mandatory trainings varies each fiscal year.

Separation of Employment

Employment References and Verifications

All requests for references or employment verification must be directed to the Office of Human Resources. No other manager, supervisor, or employee is authorized to release references for current or former employees.

WesternU provides employment references and verification only when an employee has provided written authorization. Without an employee's prior written authorization, the University will **not** provide **any** employment references or verification. Subject to written authorization, WesternU will only disclose an employee's dates of employment and position(s) held. The University will provide information regarding a former employee's compensation only with written authorization and to the extent permitted by law.

Employment references and/or verification can be obtained by sending an email to the Office of Human Resources, Employment Team at employment-team@westernu.edu or Fax to (909) 469-5489.

Separation of Employment

Separation of employment is the general term applied to the employment action when the individual's employment relationship with the University ceases. More information about separation of employment can be found here: [Separation of Employment](#).

An employee's termination is either voluntary or involuntary as described below:

Voluntary Termination

This termination category is utilized when the employee initiated the end of the employment relationship. A voluntary termination can be any of, but not limited to, the following:

- Resignation With Advance Notice (employee provides at least 72 hours advance notice of the resignation).
- Resignation Without Advance Notice (employee provides less than 72 hours advance notice of resignation).
- End of a temporary assignment;
- Job Abandonment (3 consecutive workdays of no-call/no-show).
- Retirement.

Involuntary Termination

This termination category is utilized when the University initiated the end of the employment relationship. An involuntary termination can be any of, but not limited to, the following:

- Unsatisfactory Work Performance.
- Layoff/Reduction in Workforce.
- End of Research Award, End of Project, or Assignment.
- Elimination of Position.

Involuntary terminations must be reviewed and approved by the Office of Human Resources, Employee Relations department, in consultation with the appropriate Department head in advance of the termination action.

General Information about termination or separation of employment

The effective date of termination is the employee's last day of actual work, unless the employee is on a contract which stipulates a contract ending date, and the ending date of the contract is not changed by mutual agreement. When the employee provides at least 72 hours advance notice of their resignation, or the termination is known at least 72 hours in advance, the employee will receive their final paycheck and any unused accrued vacation on their last day of work. If there is less than 72 hours advance notice of resignation, the employee will receive their final paycheck and any unused accrued vacation within 72 hours after the notice was provided.

Employees who resign their position should submit a written resignation letter indicating the effective date of their resignation, which is their last day of work, to their supervisor with a copy to the Office of Human Resources, Employee Relations department. If the employee decides to leave their position, WesternU requests that, if possible, they provide their supervisor and the Office of Human Resources with a minimum of two (2) weeks written notice, in advance, stating their reasons for leaving. Per the University Faculty Handbook, it is customary for faculty members to provide ninety (90) day notice of resignation. The appropriate College Dean and the appropriate Department Director reserve the right to waive the two (2) weeks and ninety (90) day resignation notices respectively. The request that the employee give notice prior to their resignation is not intended to and shall not be considered as a change in the at-will status of their employment.

Notwithstanding any other representations, employees have the right to resign at any time with or without cause, and with or without notice. Likewise, WesternU retains the right to terminate their employment at any time with or without notice, and with or without cause so long as the law is not violated.

Upon receipt of the employee's resignation letter, the termination date may be accepted as submitted, or accelerated at WesternU's discretion. If mutually agreed, the termination date may also be extended. Acceleration or extension of the termination date by WesternU does not obligate WesternU to any additional pay beyond the employee's last day of work.

WesternU reserves the right to terminate an employee at any time for any lawful reason with or without prior disciplinary counseling or notice. Nothing in this Handbook or any other WesternU document is intended to:

- Modify "at-will" employment.
- Promise progressive discipline or disciplinary counseling.
- Promise notice in circumstances where WesternU considers immediate termination or discipline to be appropriate.

An employee who resigns will receive all unpaid wages earned and all unused accrued vacation on their last day of work assuming proper resignation notice is provided to the University. Employees who voluntarily elect to sever their employment relationship with the University will be expressively prohibited from extending their employment relationship through the use of accrued vacation time beyond the agreed upon resignation date. The employee will be paid accrued but unused vacation time and any compensation due to the employee in accordance with the agreed upon resignation date at the time of the exit interview with a representative of the Office of Human Resources. Note that accrued and unused sick leave is not subject to be paid out to an employee who is terminating employment, regardless of the reason for termination.

Health insurance coverage(s) will continue until the last day of the month in which the employee terminates. Terminated employees may elect to continue their health, dental and vision coverage under COBRA regulations upon timely application for coverage. The cost to the employee will be discussed at termination. The cost is usually the total premium plus a 2% administration fee. Information on conversion of life insurance policies will be issued to terminated employees.

University Issued Equipment and Supplies

All University-owned property, including but not limited to vehicles, keys, uniforms, identification badges, laptops, docking stations, computer cameras, headsets, computer monitors, furniture supplied for use in the employee's home, communication devices (e.g., cellular phone, tablets), and credit cards, must be returned immediately upon termination of employment, at the scheduled Exit Interview, or no later than within five (5) business days from date of termination. University property can be given to a supervisor, left in a secure office, or turned into the centralized drop off location at:

For Pomona California:
University Services Center (USC)
401 E. Second Street, Room 102
Pomona, CA 91766

For COMP-Northwest
University Services Center (USC)
200 Mullins Dr.
Lebanon, OR 97355-3983

If University property is not returned, the University may initiate legal action to recover the property.

Acknowledgement of Receipt

This acknowledges I received a copy of the Western University of Health Sciences (“WesternU”) Employee Handbook and Appendices. I understand this Employee Handbook and Appendices supersedes all prior handbooks, written policies, oral and written agreements, procedures, manuals, and memoranda regarding the terms and conditions of my employment. I acknowledge that I am expected to read, understand, and always adhere to WesternU’s policies. I understand it is my responsibility to read and comply with the policies contained in this Employee Handbook and Appendices, and other relevant policies/documentation not included in this Employee Handbook, and if I fail to comply, I may be subject to disciplinary action, up to and including termination. If I have any questions about the policies contained in this Employee Handbook and Appendices, other relevant policies/documentation, or my employment with WesternU, I will seek clarification from the Office of Human Resources.

WesternU Policies. I understand that the statements contained in the Employee Handbook and Appendices are not intended to create any contractual or other legal obligations on the part of WesternU. I further understand that WesternU may revise, modify, supplement, or rescind any of the policies in this Employee Handbook and Appendices without advance notice or cause. No implied contract concerning any employment-related decision or term, or condition of employment can be established by any other statement, conduct, policy, or practice.

Right to Monitor. I acknowledge that WesternU’s property and electronic systems, as discussed in this Employee Handbook, belong to WesternU and WesternU has the right to monitor, inspect and search all property and technical resources at any time. I consent to WesternU monitoring, inspecting, and searching. I acknowledge I have no expectation of privacy in connection with my use of WesternU’s property and/or electronic systems.

My signature below certifies that I understand this acknowledgment and the policies contained in the Employee Handbook and Appendices, including those incorporated by reference.

Employee's Signature _____

Employee's Printed Name _____

Date: _____

[Retain in Employee’s Personnel File]

Appendix A: California Employees

In addition to the policies contained in the Employee Handbook, employees may be subject to State specific policies and procedures, based on the State in which the employee is performing work for WesternU. Therefore, if an employee is authorized to work in the state of California and perform work in California, that employee would also be subject to policies outlined in this document for California employees. If an employee has any question on which policy applies to their employment, please contact the Office of Human Resources.

POLICIES THAT APPLY TO CALIFORNIA EMPLOYEES

California Nondiscrimination Policy

The University is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, color, religious creed, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and related medical conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical disability, mental disability, protected medical condition as defined by applicable state or local law (such as cancer), genetic information or any other characteristic protected by applicable federal, state or local laws and ordinances.

California Harassment Prevention Training

All Employees are required to undergo harassment prevention training as required by applicable law. For more information about this training requirement, visit <https://www.dfeh.ca.gov/shpt/>.

California Lactation Accommodation Policy

WesternU supports the legal right and necessity of employees who choose to express breastmilk in the workplace. This policy is to establish guidelines for promoting a breastfeeding-friendly work environment and supporting lactating employees at WesternU for as long as they desire to express breastmilk.

WesternU will provide a reasonable amount of break time to accommodate an employee desiring to express breastmilk for the employee's infant child each time the employee has need to express breastmilk, in accordance with applicable local, state, and federal law. If possible, the break time must run concurrently with rest and meal periods already provided to the employee. Break time that cannot run concurrently with rest and meal periods already provided to the employee is unpaid, to the extent permitted by applicable law.

WesternU will provide breastfeeding employees with space in close proximity to the employee's work area that is shielded from view and free from intrusion from co-workers and the public to express breastmilk. The room or location may include the place where the employee normally works if it otherwise meets the requirements of the lactation space. Restrooms are prohibited from being utilized for lactation purposes.

An employee who believes lactation accommodation is needed should submit a request for possible accommodation by email to the Office of Human Resources. Upon receiving an accommodation request, WesternU will respond to the employee within five (5) business days.

WesternU and the employee shall engage in an interactive process to determine the appropriate accommodations.

California law expressly prohibits discrimination or retaliation against lactating employees for exercising their rights granted by the ordinance. This includes those who request time to express breastmilk at work and/or who lodge a complaint related to the right to lactation accommodations.

Employees have the right to file a complaint with the Labor Commissioner for any violation of the rights underlying this policy.

Employees can contact the Office of Human Resources with questions regarding this policy.

Working Hours, Overtime and Meal and Rest Breaks – California Employees

Non-exempt employees (also referred to as “employee”) within this Policy, are those who qualify for overtime and are subject to minimum wage requirements. Non-exempt employees do not meet the definition of exempt status. Non-exempt employees are eligible for overtime pay.

Employees are sometimes asked to work overtime to meet operational needs, deadlines, and emergencies. Employees’ cooperation in performing overtime work is expected. Except in emergencies, overtime may not be worked without advance approval by a manager.

WesternU does not allow non-exempt employees to work “off the clock,” as all work time must be recorded. Overtime is calculated based on time actually worked per week. Time off for meals, time spent commuting to and from the worksite, and approved time off (vacations, holidays, sick days jury duty, bereavement, or any leave) will not be considered time worked for the purpose of calculating overtime pay. Non-exempt employees are prohibited from checking work-related emails, texts, voicemails, etc. while on approved time off, unless in emergency situations or authorized in advance by their manager.

For employees residing in California the following overtime laws apply. For the complete policy, please review [California Working Hours Policy](#).

Time and a half (1.5 times the employee’s regular hourly rate of pay) is paid for:

1. Time worked beyond eight hours but less than 12 hours in a single workday.
2. Time worked beyond 40 hours in a workweek not already counted in the “over eight.”
3. The first eight hours worked on the seventh consecutive day worked in a single workweek.

Double time (two times the employee’s regular hourly rate of pay) is paid for:

1. Hours worked beyond 12 in a single workday.
2. The hours worked beyond eight on the seventh consecutive day worked in a single workweek.

Overtime is calculated based on time actually worked per week. Time off for meals, time spent commuting to and from the worksite, and approved time off will not be considered time worked for the purpose of calculating overtime pay. Employees may not waive the mandated overtime payment under any circumstances. Compensatory time in lieu of overtime and flexible work weeks involving overtime are not allowed. Overtime assignments will be distributed as equitably as practicable to all employees qualified to perform the required work. All employees are required to take their rest and meal periods in accordance with California law.

Rest Breaks

Non-exempt employees who work at least three and one half (3½) hours per workday are authorized and permitted to take one (1) net 10-minute rest break for every four hours or major fraction thereof worked. For purposes of this policy, “major fraction” means any time greater than two (2) hours.

For example: If a non-exempt employee works more than six (6) hours, but no more than ten (10) hours in a workday, the employee is authorized and permitted to take two (2) net 10-minute rest breaks: one during the first half of the shift and a second rest break during the second half of the shift. If a non-exempt employee works more than ten (10) hours but no more than fourteen (14) hours in a day, the employee is authorized and permitted to take three (3) net 10-minute rest breaks, and so on.

- Rest breaks should be taken as close to the middle of each work period of four hours or major fraction thereof as is practicable.
- Non-exempt employees do not need to obtain approval from or notify their supervisor when taking a rest break.
- Non-exempt employees are encouraged to take their rest breaks; they are not allowed to work during their rest breaks and may leave the premises if they wish.
- Non-exempt employees are paid for all rest break periods and do not need to clock out when taking a rest break.
- Employees will not be required to stay on the premises, nor will they be required to be on-call during rest breaks.
- Rest breaks may not be combined with each other or with the meal period.
- Rest breaks may not be taken at the beginning or end of the workday to arrive late or leave early.
- Each rest break must be a separate break, meeting the requirements described above.
- If any work is performed during a rest break, or if the rest break is interrupted for any work-related reason, the employee is entitled to another uninterrupted paid rest break.

Meal Periods

Employees who work more than five (5) hours in a workday are provided with an unpaid, off-duty and uninterrupted meal period of at least thirty (30) minutes. Employees are responsible for scheduling their own meal periods but should confirm them with their supervisor(s). Meal periods must begin no later than before the end of the fifth hour of work. For example, employees who start working at 8 a.m. must begin their meal period no later than 12:57 p.m. (a couple of minutes before 1:00 pm). Do not schedule meal periods for the last minute before the end of the fifth hour of work.

Employees who work more than ten (10) hours in a day are entitled to a second unpaid, off-duty and uninterrupted 30-minute meal period. Employees entitled to a second meal period should schedule their second meal period so it begins no later than before the end of their tenth hour of work, meaning the meal period should begin after working no more than nine (9) hours, 57 minutes. Do not schedule meal periods for the last minute before the end of the fifth hour of work.

- When scheduling meal periods, employees should try to anticipate their workflow and deadlines.
- During a meal period, employees are relieved of all duties and should not work during this time. They are free to leave the premises if they wish.
- When taking a meal period, employees should completely stop working for at least thirty (30) minutes.
- Employees are prohibited from working “off the clock” during their meal period.
- Those employees who use a time clock must clock out for their meal periods.
- Employees are required to clock back in and promptly return to work at the end of any meal period.
- Employees who record their time manually must accurately record their meal periods by recording the beginning and end of each work period.
- Time recorded for meal periods is not to be rounded. The exact time a meal break is taken and the exact time a meal break is ended to the minute, must be recorded.
- Unless otherwise directed by their supervisor in writing, employees are not required to get approval from or notify their supervisor when taking a meal period.
- Employees are to immediately notify the Office of Human Resources and/or their supervisor if they believe that they are prevented by the nature of their work from taking a timely and/or complete meal period.

Meal Periods Waiver

If no more than six (6) hours of work complete the day’s work, non-exempt employees may voluntarily waive their meal period in writing. The meal waiver may be enabled electronically within the WesternU time system. Please reach out to the Office of Human Resources with any questions on using the electronic form.

If a non-exempt employee works no more than twelve (12) hours, the employee can voluntarily waive the second meal period, but only if the first meal period was taken and not waived in any manner. Any waiver of the second meal period must be in writing and submitted before the second meal period. Employees who work more than twelve (12) hours may not waive, and should take, their second unpaid, off-duty and uninterrupted 30-minute meal period.

No Working During Rest Breaks and Meal Periods:

- Employees are completely relieved of all work duties and responsibilities during their rest breaks and meal periods.
- All rest breaks and meal periods must be taken outside employees' work areas, such as in a break room. Employees may leave the premises during rest breaks and meal periods.
- Employees should not visit or socialize with employees who are working while taking their rest break or meal period.
- Employees are not expected to remain "on call" or available to respond to messages, monitor radios, telephones, email or other devices during meal periods and rest breaks, even those who are in a sensitive position like security or information technology.
- Employees are required to notify the Office of Human Resources immediately if they believe they are being pressured or coerced by any manager, supervisor, or other employee to forego any portion of a provided rest break or meal period.
- Employees must be compensated for all the time they spend on duty. This includes accounting for all activities. It is a violation of the University's strict policies for employees to perform work off the clock, at any time.
- All time worked must be recorded, even if it's only minutes. WesternU requires that you always clock or sign in when you start work and clock or sign out when you end work or when you work variable hours.

Missed/Late Meals:

- Any non-exempt employee working more than a six-hour shift who is not able to take a meal break at all, either on-duty or off-duty, will be paid a Missed Meal Premium of one hour of pay for that day.
- If, however, a non-exempt employee voluntarily clocks out for an off-duty meal break later than five (5) hours after the start of their shift or voluntarily takes an on-duty meal break starting later than five (5) hours after the start of their shift, the employee will not be paid a Missed Meal Premium of one extra hour.
- Employees will also not receive a Missed Meal Premium if they miss a meal period or clock out late due to their own error. All missed or delayed meal periods are required

to be reported on the employees' time records as a note that must be approved by the employees' manager.

In accordance with the law, a premium will not be paid if a late clock out, early clock in, or an interrupted or missed break is determined to be voluntary and not due to the business needs of WesternU.

Excused/Unexcused Missed/Late Meals:

Employees are responsible for making sure they are scheduled for and take their meal breaks in a timely manner. Employees who are unable to take their on-duty or off-duty meal breaks at all or on time must enter a note in their time records to obtain approval from their manager. Employees with unexcused missed breaks are subject to disciplinary action, up to and including termination.

Examples of excused incidents that might lead to a missed meal period:

- A client's appointment goes longer than expected and the employee is unable to get a meal.
- An employee is asked to take an employee to the Emergency Room at the time they were to have lunch.
- An emergency or crisis situation that occurs in the facility and staff must remain on duty.

Below is a chart that generally summarizes the number of rest breaks and meal periods provided to employees who work up to fourteen (14) hours under this policy. If an employee works more than fourteen (14) hours, the employee will be provided rest breaks and meal periods consistent with this policy and applicable law:

Hours of Work	Rest Breaks and/or Meal Periods
0 to 3 hours, 29 minutes	No paid rest break and no meal period
3 hours, 30 minutes up to 5.0 hours	One Net 10-minute paid rest break
More than 5.0 hours up to 6.0	One Net 10-minute paid rest break and one 30-minute unpaid meal period (unless first meal period is mutually waived pursuant to this policy)
More than 6.0 hours up to 10.0 hours	Two Net 10-minute paid rest breaks and one 30-minute unpaid meal period
More than 10.0 hours up to 12.0 hours	Three Net 10-minute paid rest breaks and two 30-minute unpaid meal periods (unless second meal period is mutually waived pursuant to this policy)

More than 12.0 hours up to 14.0 hours	Three Net10-minute paid rest breaks and two 30-minute unpaid meal periods
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Confirmation of Accuracy of Time Records:

It is imperative that all employees are paid in full for all time worked, that employees receive all rest and meal periods in accordance with California law and no work is performed off the clock. To assure these requirements are met, all non-exempt employees must review their time records on a bi-weekly basis and confirm in writing that they are complete and accurate. Each employee is required to perform a review of time records upon the final time entry of the pay period and report any inaccuracies. Failure to do so may result in disciplinary action up to and including termination. Please contact the Office of Human Resources or your manager with any questions or concerns you may have.

California Statutory Short-Term Disability Benefits

Western University of Health Sciences also provides statutory short-term disability insurance. This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

California Sick Time Policy

The [Sick Time - California Policy](#) (Policy) provides all California employees sick time with pay in compliance with the provisions of the California Healthy Workplaces, Healthy Families Act of 2014. This Policy should be reviewed in conjunction with the available Leave of Absence policies available to California employees outlined further in Appendix A.

This Policy is established to allow employees to receive pay while taking time off for the employee and/or the employee's care of a family, with a mental or physical illness, injury or health condition, need for medical diagnosis, care, or treatment of mental or physical illness, injury or health condition, or need for preventive medical care, for necessary medical treatment or medically advised rest or leave of absence, and/or any other purpose specified in the California Healthy Workplaces, Healthy Families Act of 2014. This Policy also allows use of paid sick time for an employee who is a victim of domestic violence, sexual assault, or stalking.

Applicability: WesternU provides all employees who work in California 40 hours or 5 days of paid sick time per calendar year if the employee is ineligible to accrue paid sick time. For Oregon-based employees, please see Sick Time – Oregon Policy.

Eligibility: All California employees who work a regular schedule of at least 20 hours per week. For Oregon-based employees, please see [Sick Time – Oregon Policy](#).

Paid Sick Leave Rate: While the California Healthy Workplaces, Healthy Families Act of 2014 mandates that all eligible employees will earn one hour of paid sick leave for every thirty hours

worked, WesternU provides a more generous policy that allows all eligible employees who work a regular schedule of at least 20 hours per week, to accrue paid sick time at 1.4 hours for every 30 hours worked. For employees regularly scheduled to work 40 hours per week, the calculated accrual rate is 2 hours of paid sick leave per every 40 hours worked. Unused sick time at the end of the fiscal year can be carried over to the following fiscal year, subject to the following maximum accrual caps based on years of service:

Years of Service	Maximum Sick Time Accrual
Less than 5 Years (1-59 months)	240 hours (30 days based on an 8-hour day)
5+ Years (60 months plus)	480 hours (60 days based on an 8-hour day)

Under no condition will the accrual cap be less than 48-hours as mandated by the California Healthy Workplaces, Healthy Families Act of 2014.

Implementation: Eligible employees may start using accrued paid sick days after their first day of employment. The first 40 hours or 5 days of sick time used by any employee during the accrual year shall be applied toward compliance with the regulation, and the time shall be paid. If the employee does not have accrued sick time for these first 40 hours or 5 days, WesternU will advance up to 40 hours of sick time pay per calendar year and recover it from future accruals. If additional sick time is needed beyond the first 40 hours annually, sick time and vacation time must be exhausted prior to WesternU advancing an additional 40 hours of sick time. Ineligible employees may start using their 40 hours or 5 days of paid sick time after their first day of employment.

Time Increments: WesternU allows non-exempt employees to use paid sick time in increments of a ¼ hour or more. For exempt employees, the sick time is taken in minimum increments of 2 hours per day.

Notice: Employees can make an oral or written request for paid sick leave and have discretion on how to use the leave within the meaning of the Act. If the need for sick leave is foreseeable, WesternU requests 3 working days advance notice. If the need for sick leave is not foreseeable, notice may be provided to the employee's supervisor as soon as possible. In general, Human Resources and Supervisors may ask for a medical certification for this sick leave that extends beyond 3 days or qualifies for certification under WesternU's Family and Medical Leave Act Policy. A supervisor may require a medical certification for this sick leave that is less than 3 days when the employee demonstrates a pattern of absenteeism.

Denial of Paid Sick Leave: Paid sick leave may be denied after the employee has used 40 hours or 5 days of sick time during the fiscal year when the employee:

- Calls in sick on the same day each year (e.g., start of the hunting season);
- Has a vacation request denied and calls in sick on those days;
- Has an unusual number of sick days on Fridays or Mondays;
- Has no accrued sick time available; or
- Otherwise creates suspicion or shows an unusual pattern of sick time use.

Notice of Available Paid Sick Time: A written notice identifying the amount of available paid sick time shall be provided to all employees on the employee's itemized paystub.

Additional Provisions: Sick time does not accrue when an employee is on a leave of absence. Sick hours are not to be counted toward the computation of overtime. Unused available sick time will not be paid upon termination of employment. However, if the employee is rehired within 12 months from the time of the most recent termination, the unused sick time will be reinstated.

Extraordinary Circumstances Exceptions: In the event of a catastrophic event, such as a massive earthquake, or pandemic, (e.g., COVID-19), WesternU reserves the right to modify, amend, and/or supplement these policies, as permitted under the law. In such instances, WesternU may publish temporary policies that will be adopted and enforced.

Definitions:

- Family Members: Family members are limited to spouse, registered domestic partner, parent or parent-in-law of spouse or registered domestic partner, child, grandparent, grandchild, or sibling.

Additional Provisions: Sick time does not accrue when an employee is on a leave of absence. Sick hours are not counted toward the computation of overtime. Unused accrued sick time will not be paid upon termination of employment. However, if the employee is rehired within six (6) months from the time of the most recent termination, the unused sick time, if not otherwise depleted, will be reinstated.

The following information is the general policy. Due to the varying geographic nature of WesternU's workforce, employees may be subject to additional state policies which may supersede this policy and govern their employment. Employees must review the relevant state addendum provided to them and/or the particular labor law poster sent electronically. In addition, Out-of-state employees should email HROut-of-stateemployees@westernu.edu if they need assistance about how a particular policy or state laws that may apply to them.

California Paid Family Leave Benefits Policy

Employees may be eligible to receive benefits through the California Paid Family Leave (PFL) program, which is administered by the Employment Development Department (EDD), when they take leave to:

- Care for a child, spouse, parent, grandparent, grandchild, sibling, parent-in-law or registered domestic partner, with a serious health condition.
- Bond with a minor child within the first year of the child's birth or placement in connection with foster care or adoption.
- Participate in a qualifying exigency related to the covered active duty or call to covered active duty of the employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States.

These benefits are financed solely through employee contributions to the PFL program. That program is solely responsible for determining if the employee is eligible for such benefits.

If employees need to take time off from work for any of the reasons set forth above, they must advise Western University of Health Sciences, and they will be given information about the EDD's PFL program and how to apply for benefits. Employees also may contact their local EDD Office for further information. Employees should maintain regular contact with the University during the time off work so the University may monitor the employee's return-to-work status. In addition, the employee should contact the University when ready to return to work so the University may determine what positions, if any, are open.

When the employee applies for PFL benefits, the Office of Human Resources will determine if the employee has any accrued but unused vacation and personal days available. If the employee has accrued but unused time available, then the employee will be required to use up to two (2) weeks of such time before becoming eligible for PFL benefits.

Employees taking time off work for any of the reasons set forth above are not a guaranteed job reinstatement unless they qualify for such reinstatement under federal or state family and medical leave laws.

Any time off for Paid Family Leave purposes will run concurrently with other leaves of absence, such as Family and Medical Leave/California Family Rights Act Leave, if applicable. Please see the "Family and Medical Leave" policies in the Handbook and the "California Family Rights Act/ Family and Medical Leave" policies in this supplement for eligibility requirements, if applicable.

California Leaves of Absence Policies

California CFRA/FMLA Leave Policy

Purpose/Objective

The federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) provide eligible employees the opportunity to take unpaid, job-protected leave for certain medical and nonmedical needs for themselves and family members.

Each of these leaves is explained below. The maximum amount of leave available under this policy is:

- Twelve (12) weeks of CFRA leave in a 12-month period, and
- Twenty-six (26) weeks of FMLA leave (where military caregiver leave applies) in a 12-month period, some, or all of which may run concurrently. For more information regarding leave under this policy, employees should contact the Office of Human Resources.

Eligibility

To be eligible for leave under this policy, employees must meet all the following requirements:

1. Have worked at least twelve (12) months for WesternU in the preceding seven (7) years (exceptions apply to the seven-year requirement).
2. Have worked at least 1,250 hours for WesternU over the twelve (12) months preceding the date the leave would commence.
3. FMLA only: Currently work at a location where there are at least fifty (50) employees within seventy-five (75) miles.

All periods of absence from work due to or necessitated by service in the uniformed services are counted as hours worked in determining eligibility.

Conditions Triggering Leave

The FMLA and CFRA have differing definitions of “family member,” and only the FMLA allows employees to take up to twenty-six (26) weeks of leave to provide care for an injured military family member. Because of this, FMLA and CFRA leaves may not always run concurrently. In general, CFRA/FMLA leave may be taken for any of the following reasons:

Reasons for Leave (See related definitions at the end of the policy.)		CFRA	FMLA	Both
To care for or bond with:	An employee’s newborn child or newly place foster or adopted child.			X

	A domestic partner's newborn child or newly placed foster or adopted child.	X		
To care for a family member with a serious health condition who is the employee's:	Spouse, parent, or child under age 18, or age 18 or older who is incapable of self-care.			X
	Spouse, domestic partner, child or registered domestic partner's child of any age, parent, parent-in-law, sibling, grandparent, or grandchild.	X		
The employee's own serious health condition that makes the employee unable to perform his or her job, excluding leave for the medical disability related to pregnancy and birth.				X
As of January 2023, the class of people for whom an employee may take caregiver leave has been expanded to include a "designated person." The law defines this term to include any individual related by blood or whose association with the employee is the equivalent of a family relationship. An employee can identify a designated person at the time the employee requests CFRA leave. The law allows employees to designate only one new person for each twelve-month period. Employees however are entitled to select a different designated person every twelve months.		X		
The employee's own medical disability related to pregnancy and birth.			X	
A qualifying military exigency related to the covered active duty or call to covered active duty of an employee's spouse, parent or child in the United States armed forces.				X
Military caregiver leave for a service member with a serious health condition (defined under "Definitions") who is the employee's spouse, domestic partner, child, parent or next of kin. *			X	

*CFRA leave will run concurrently when the family member, regardless of military status and with the exception of next of kin, meets the standard criteria for a serious health condition.

The 12-Month Measurement Period

WesternU measures the period of twelve (12) months in which leave is taken by a rolling calendar year.

For military caregiver leave, an eligible employee may take up to twenty-six (26) workweeks of leave in a single 12-month period. The single 12-month period begins on the first day leave is taken to care for a covered service member and ends twelve (12) months thereafter, regardless of the method used to determine leave availability for other CFRA/FMLA-qualifying reasons.

Intermittent and Reduced-Schedule Leave

- Eligible employees may take leave in a single block of time, intermittently (in separate blocks of time) or by reducing the normal work schedule.
- Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt WesternU's operations.
- Intermittent leave is permitted in the same increments as provided in WesternU's sick leave policy.

Interaction with Paid Leave

- Depending on the purpose of the leave request, employees may choose (or WesternU may require employees) to use accrued paid leave (such as sick leave, vacation, or paid time off) concurrently with some or all the leave taken under this policy.
- To use paid leave for FMLA/CFRA leave, eligible employees must comply with WesternU's normal procedures (e.g., call-in procedures, advance notice) for the applicable paid-leave policy.
- Employee paid-leave accruals (paid time off, vacation, sick leave) will continue while paid leave is being used during periods of FMLA/CFRA absence and in accordance with those individual policies.
- Employee paid-leave accruals will not continue during unpaid periods of FMLA/CFRA absence or when only disability payments are being received.

Maintenance of Health Benefits

- If employees and/or their families participate in WesternU's group health plan, WesternU will maintain coverage during FMLA/CFRA leave on the same terms as if employees had continued to work.
- If applicable, employees must make arrangements to pay their share of health plan premiums while on leave.
- In some instances, WesternU may recover the premiums it paid to maintain health coverage or other benefits for employees and/or their families while employees were absent.
- Use of FMLA/CFRA leave will not result in the loss of any employment benefit that accrued prior to the start of leave under this policy. Employees should consult the applicable benefit plan document for information regarding eligibility, coverage, and benefits.

Procedures

When seeking leave under this policy, employees must provide the following to the Office of Human Resources:

1. Thirty (30) days' notice of the need to take FMLA/CFRA leave if the need for leave is foreseeable. In the case of unforeseeable leave, notice must be provided as soon as practicable and in compliance with WesternU's normal call-in procedures, absent unusual circumstances.

2. Medical certification supporting the need for leave due to a serious health condition affecting the requesting employee or a covered family member or service member within fifteen (15) calendar days of WesternU's request for the certification (additional time may be permitted in some circumstances). Second or third medical opinions may also be required when allowed.
3. For qualifying exigency leave: Within fifteen (15) days of the request, an employee requesting qualifying exigency leave may be required to provide appropriate supporting documentation in the form of a copy of the covered military member's active duty orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member.
4. An employee must provide periodic reports as deemed appropriate during the leave regarding the employee's status and intent to return to work.
5. A return-to-work release before returning to work if the leave was due to the employee's serious health condition.

Failure to comply with these requirements may result in delay or denial of leave or disciplinary action, up to and including termination. Leave under this policy will be governed by and handled in accordance with CFRA- and FMLA-applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

Employer Responsibilities

- To the extent required by law, WesternU will inform employees whether they are eligible for leave under the FMLA/CFRA.
- Should employees be eligible for FMLA/CFRA leave, WesternU will provide eligible employees with a notice that specifies any additional information required, as well as their rights and responsibilities.
- WesternU will also inform employees if leave will be designated as FMLA/CFRA-protected and, to the extent possible, note the amount of leave counted against employees' leave entitlement. If employees are not eligible for FMLA/CFRA leave, WesternU will provide a reason for the ineligibility.

Job Restoration

Upon returning from FMLA/CFRA leave, employees will typically be restored to their original position or to an equivalent position with equivalent pay, benefits and other employment terms and conditions.

Failure to Return After Leave

- If an employee fails to return to work as scheduled after FMLA/CFRA leave or if an employee exceeds the authorized FMLA/CFRA entitlement, the employee will be subject to WesternU's other applicable leave of absence, accommodation, and attendance policies.

- This may result in termination if the employee has no other WesternU-provided leave available to her or him that applies to the continued absence.
- Likewise, following the conclusion of the FMLA/CFRA leave, WesternU's obligation to maintain the employee's group health plan benefits ends (subject to any applicable COBRA rights).

California Military Caregiver Leave

- Military caregiver leave is designed to allow eligible employees to care for certain family members who have sustained serious injuries or illness while on active duty.
- Within the single 12-month period described above, an eligible employee may take a total of twenty-six (26) weeks of CFRA/FMLA leave, including up to twelve (12) weeks of leave for any other CFRA/FMLA-qualifying reason (i.e., birth or adoption of a child, serious health condition of the employee or close family member, or a qualifying exigency).
- For example, during the single 12-month period, an eligible employee may take up to sixteen (16) weeks of CFRA/FMLA leave to care for a covered service member when combined with up to ten (10) weeks of CFRA/FMLA leave to care for a newborn child.
- Military caregiver leave applies on a per-injury basis for each service member. Consequently, an eligible employee may take separate periods of caregiver leave for each covered service member and/or for each serious injury or illness of the same covered service member.
- A total of no more than twenty-six (26) workweeks of military caregiver leave, however, may be taken within any single 12-month period.

Qualifying Exigency Leave

- Employees who meet the eligibility standards set forth above are eligible to request qualifying exigency leave. Although qualifying exigency leave may be combined with leave for other FMLA-qualifying reasons, under no circumstances may the total leave exceed twelve (12) weeks in any 12-month period (with the exception of military caregiver leave as set forth above).
- Eligible employees may take unpaid qualifying exigency leave to tend to certain exigencies arising out of the duty under a call or order to active duty of a covered military member (i.e., the employee's spouse, child, or parent).
- Up to twelve (12) weeks of qualifying exigency leave is available in any twelve (12) month period, as measured by the same method that governs measurement of other forms of leave within this policy, with the exception of military caregiver leave, which is subject to a maximum of twenty-six (26) weeks of leave in a single 12-month period. The maximum amount of qualifying exigency leaves an employee may use to bond with a military member on short-term, temporary rest and recuperation during deployment is fifteen (15) days.
- Persons who can be ordered to active duty include active and retired members of the armed forces, certain members of the retired Reserve and various other Reserve members, including in the Ready Reserve, Selected Reserve, Individual Ready Reserve,

National Guard, state military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve and Coast Guard Reserve.

- A call to active duty refers to a federal call to active duty, and state calls to active duty are not covered unless under order of the president of the United States pursuant to certain laws.

Qualifying Exigency Leave is available under the following circumstances:

1. **Short-notice deployment:** To address any issue that arises out of short notice (within seven (7) days or less) of an impending call or order to active duty.
2. **Military events and related activities:** To attend any official military ceremony, program or event related to active duty or a call to active-duty status, or to attend certain family-support or assistance programs and informational briefings.
3. **Childcare and school activities:** To arrange for alternative childcare; to provide childcare on an urgent, immediate-need basis; to enroll a child in or transfer a child to a new school or day care facility; or to attend meetings with staff at a school or day care facility.
4. **Financial and legal arrangements:** To make or update various financial or legal arrangements or to act as the covered military member's representative before a federal, state, or local agency in connection with service benefits.
5. **Counseling:** To attend counseling (provided by someone other than a health care provider) for the employee, the covered military member, or a child or dependent, when necessary, as a result of duty under a call or order to active duty.
6. **Temporary rest and recuperation:** To spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to fifteen (15) days of leave for each instance of rest and recuperation.
7. **Post-deployment activities:** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to ninety (90) days following termination of the covered military member's active-duty status. This also encompasses leave to address issues that arise from the death of a covered military member while on active-duty status.
8. **Mutually agreed leave:** Other events that arise from the close family member's call or order to active duty, provided that WesternU and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

Definitions

A *serious health condition* is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider, and either prevents the employee from performing the functions of his or her job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing-treatment requirement includes an incapacity of more than three (3) full calendar days and two (2) visits to a health care provider, or one (1) visit to a health care provider and a continuing regimen of care; an

incapacity caused by a chronic condition or permanent or long-term conditions; or absences due to multiple treatments. Other situations may also meet the definition of “continuing treatment.”

Qualifying exigencies include activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to deployment, rest and recuperation, counseling, parental care, and post-deployment debriefings.

A *covered service member* is either 1) a current service member of the armed forces, including a member of the National Guard or Reserves, with a serious injury or illness incurred in the line of duty for which the service member is undergoing medical treatment, recuperation or therapy; otherwise in outpatient status; or otherwise on the temporary disability retired list; or 2) a covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

A *covered veteran* is an individual who was discharged under conditions other than dishonorable during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. The period between October 28, 2009, and March 8, 2013, is excluded in determining this five-year period.

Next of kin means the nearest blood relative of the service member, other than the service member’s spouse, domestic partner, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave. The definition of “serious injury or illness” for current service members and veterans is distinct from the definition of “serious health condition” for CFRA/FMLA leave. For purposes of this policy, “serious injury or illness” means an injury or illness incurred by the service member in the line of duty while on active duty in the armed forces that may render the service member medically unfit to perform the duties of the service member’s office, grade, rank, or rating or that existed before the beginning of active duty and was aggravated by service while on active-duty.

Designated person is “any individual related by blood or whose association with the employee is the equivalent of a family relationship.” This also includes any person “identified by the employee at the time the employee requests paid sick days.”

With regard to covered veterans, the serious injury or illness may manifest itself before or after the individual assumed veteran status and is:

1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the armed forces and rendered the service

- member unable to perform the duties of the service member's office, grade, rank, or rating.
2. A physical or mental condition for which the covered veteran has received a VA service-related disability rating of 50 percent or greater, and such rating is based, in whole or in part, on the condition precipitating the need for caregiver leave.
 3. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would absent treatment; or
 4. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

California Pregnancy Disability Leave (PDL) Policy

If you are disabled by pregnancy, childbirth or related medical conditions, you are eligible to take a pregnancy disability leave ("PDL"). If you are affected by pregnancy or a related medical condition, you also are eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if such a transfer is medically advisable and can be reasonably accommodated. Employees disabled by qualifying conditions may also be entitled to other reasonable accommodation were doing so is medically necessary. In addition, if it is medically advisable for you to take intermittent leave or work a reduced leave schedule, WesternU may require you to transfer temporarily to an alternative position with equivalent pay and benefits that can better accommodate recurring periods of leave.

Reasons for Leave. PDL is for any period(s) of actual disability caused by the employee's pregnancy, childbirth, or related medical condition. Time off needed for prenatal or postnatal care; doctor-ordered bed rest; gestational diabetes; pregnancy-induced hypertension; preeclampsia; childbirth; postpartum depression; loss or end of pregnancy; or recovery from childbirth or loss or end of pregnancy are all covered by this PDL policy.

Duration of Leave. An employee is entitled to up to four (4) months of PDL while the employee is disabled by pregnancy, childbirth or related medical condition per pregnancy. PDL does not need to be taken in one continuous period of time but can be taken on an intermittent basis pursuant to the law. For purposes of this policy, "four months" means time off for the number of days the employee would normally work within the four calendar months (one-third of a year, or 17.3 weeks or 122 days), following the commencement date of taking a pregnancy disability leave. For a full-time employee who works five (5) eight-hour days per week, or forty (40) hours per week, "four months" means 88 working and/or paid eight-hour days (693 hours of leave entitlement), based on an average of twenty-two (22) working days per month for 17.3 weeks in four (4) months times forty (40) hours per week. Employees working a part time schedule will have their PDL calculated on a pro-rata basis.

Employee Notice Requirements. To receive a reasonable accommodation, obtain a transfer, or take a PDL, you must provide sufficient notice so WesternU can make appropriate plans – thirty (30) days’ advance notice if the need for the reasonable accommodation, transfer or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable.

Medical Certification. You are required to obtain a certification from your health care provider of your need for pregnancy disability leave or the medical advisability of an accommodation or a transfer. The certification should include:

- 1) A description of the requested reasonable accommodation or transfer.
- 2) A statement describing the medical advisability of the reasonable accommodation or transfer because of pregnancy.
- 3) The date on which the need for reasonable accommodation or transfer became or will become medically advisable and the estimated duration of the reasonable accommodation or transfer.

A medical certification indicating disability necessitating a leave is sufficient if it contains:

- 1) A statement that the employee needs to take pregnancy disability leave because she is disabled by pregnancy, childbirth or a related medical condition.
- 2) The date on which the employee became disabled because of pregnancy; and
- 3) The estimated duration of the leave.

Upon request, The Office of Human Resources will provide a medical certification form for your doctor.

As a condition of your return from PDL, WesternU may require you to obtain a release to return to work from your doctor stating you are able to resume your original job duties with or without a reasonable accommodation.

Leave is Unpaid. PDL leave is unpaid by WesternU. However, at your option, you may use any accrued vacation time or other accrued paid time off as part of your PDL before taking the remainder of your leave on an unpaid basis. We require, however, that you use any available sick leave during your PDL. The use of any paid leave will not extend the duration of your PDL. We encourage you to contact the Employment Development Department (EDD) regarding your eligibility for state disability insurance for the unpaid portion of your leave.

Leave Concurrent with the California Family Rights Act (CFRA). If you are eligible for leave under CFRA your PDL will also be designated as time off under the CFRA. Please refer to the “CFRA Leave” policy in this Addendum for additional information.

Continuation of Health Insurance Benefits. Employees who participate in WesternU’s group health insurance plan will continue to participate in the plan while on PDL under the same terms and conditions as if they were working. Employees should make arrangements with the Office of Human Resources for payment of their share of the insurance premiums.

Return to Work. If you do not return to work on the originally scheduled return date or request in advance an extension of the agreed upon leave with appropriate medical documentation, you may be deemed to have voluntarily terminated your employment with WesternU. Failure to notify WesternU of your ability to return to work when it occurs, or your continued absence from work because your leave must extend beyond the maximum time allowed, may be deemed a voluntary termination of your employment with WesternU, unless you are entitled to a Family and Medical Leave or other leave pursuant to applicable law. Upon your return from PDL, you will be reinstated to your same position in most instances.

Taking a PDL may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and the impact of the leave on your seniority and benefits, please contact your supervisor and the Office of Human Resources.

Request for Additional Time Off. Any request for leave after your disability has ended will be treated as a request for Family and Medical Leave under the California Family Rights Act (CFRA) and the federal Family and Medical Leave Act, if you are eligible for such leave. Please refer to the “Family and Medical Leave” policy in this Handbook for additional information. Employees who are not eligible for leave under the CFRA will have a request for additional leave treated as a request for disability accommodation.

California School-Related Activities Leave Policy

Parents (including in loco parentis), guardians, stepparents, foster parents, or grandparents with school children from kindergarten through Grade 12, or who are attending or of age to attend licensed child daycare facilities, are provided unpaid time up to forty (40) hours in one (1) calendar year for the purpose of either of the following child-related activities:

- 1) To find, enroll, or reenroll the child in a school or with a licensed childcare provider, or to participate in activities of the school or licensed childcare provider of the child.
- 2) To address a childcare provider or school emergency, meaning that the child cannot remain in school or with a childcare provider due to one of the following:
 - a. The school or childcare provider has requested that the child be picked up, or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or childcare provider.
 - b. Behavioral or discipline problems.
 - c. Closure or unexpected unavailability of the school or childcare provider, excluding planned holidays; or
 - d. A natural disaster, including, but not limited to, fire, earthquake, or flood.

The amount of time off for reason #1 cannot exceed eight (8) hours in any calendar month of the year. Prior to taking leave for reason #1 above, an employee must provide reasonable notice of the planned absence to their manager. The employees must give notice to their manager when taking leave for reason #2 above.

If more than one parent of a child is employed by WesternU at the same worksite, leave for the reasons above apply, at any one time, only to the parent who first gives notice to WesternU, such that another parent may take a planned absence simultaneously as to that same child for the reasons above, but only if the employee obtains approval from their manager for the requested time off.

WesternU may require proof of an employee's participation in these activities. Parents, guardians, or grandparents with custody of schoolchildren who have been suspended also are allowed to take unpaid time off to appear at the school pursuant to the school's request. Employees must substitute accrued paid time off during unpaid leave taken under this policy, but this substitution does not extend the length of the leave.

California Domestic Violence/Sexual Assault/Stalking Leave Policy

Victims of domestic violence, sexual assault or stalking may take unpaid time off work for up to twelve (12) weeks in any 12-month period to obtain help from a court, seek medical attention, obtain services from an appropriate shelter, program, or crisis center, obtain psychological counseling, or participate in safety planning, such as permanent or temporary relocation.

Employees are covered as victims and entitled to leave under this policy if they are:

- A victim of stalking, domestic violence, or sexual assault.
- A victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury.
- A person whose immediate family member is deceased as the direct result of a crime.

Western University of Health Sciences may require proof of the employee's participation in these activities. Whenever possible, employees must provide their supervisor with reasonable notice before taking any time off under this policy. Leave under this policy is unpaid, however employees may substitute any accrued paid time off benefits for the unpaid leave provided under this policy. Leave under this policy does not extend the time allowable under the "Family and Medical Leave Act" Policy. No employee will be subject to discrimination or retaliation because of the employee's status as a victim of domestic violence, sexual assault, or stalking. Victims of domestic violence, sexual assault, or stalking may also request other accommodations in the workplace such as implementation of safety measures.

California Crime Victims Leave Policy

Employees who have been victims of serious or violent felonies, as specified under California law, or felonies relating to theft or embezzlement, may take time off work to attend judicial proceedings related to the crime. Employees also may take time off if an immediate family member has been a victim of such crimes and the employee needs to attend judicial proceedings

related to the crime. "Immediate family member" is defined as spouse, registered domestic partner, child, child of registered domestic partner, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

Employees must give their supervisor a copy of the court notice given to the victim of each scheduled proceeding before taking time off unless advance notice to Western University of Health Sciences of the need for time off is not feasible. When advance notice is not feasible, the employee must provide the University with documentation evidencing the judicial proceeding, within a reasonable time after the absence. The documentation may be from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office or the victim/witness office that is advocating on behalf of the victim.

Employees may elect to use accrued paid vacation time, paid sick leave time or other paid time off for the absence. If the employee does not elect to use paid time off, the absence will be unpaid. However, exempt employees will be paid their full salary for any workweek interrupted by the need for time off under this policy.

California Organ and Bone Marrow Donor Leave Policy

Employees who choose to donate organs or bone marrow and have completed ninety (90) days of employment immediately preceding the leave may take up to thirty (30) workdays of paid leave in any twelve (12) consecutive month period for organ donations and up to five (5) workdays of paid leave in any twelve (12) consecutive month period for bone marrow donations.

Employees are required to use up to five (5) days of accrued, unused vacation leave for bone marrow donation and up to two (2) weeks of accrued, vacation leave for organ donation. After that, or if the employee does not have accrued time, WesternU will provide paid leave of up to thirty (30) business days for organ donation and up to five (5) days for bone marrow donation.

Additional unpaid leave of up to thirty (30) business days in a 12-month period may be granted to an employee who has exhausted all available vacation time and is donating an organ.

A written verification that the employee is an organ or bone marrow donor and that there is a medical necessity for the donation is required before such leaves can be approved. Employees must submit this verification and provide as much advance notice as possible prior to taking this leave to their supervisor or the Office of Human Resources. If emergency conditions prevent such notice, employees must notify WesternU as soon as possible after the situation becomes non-emergent.

Leaves taken under this section will not create a break in an employee's continuous service for purposes of seniority or benefit entitlements, including sick leave accrual. Health insurance benefits will continue as prior to the leave. Please make arrangements with WesternU to pay for any usual and customary health insurance premiums before the start of the leave. Upon return from leave, the employee will be reinstated to the same or equivalent position, if available, subject to any exceptions provided by law. Any right to reinstatement terminates if the employee fails to return to work at the end of an approved leave.

California Literacy Education Policy

WesternU wishes to assist employees who require time off to attend an adult literacy program, as required by applicable law. Any employee who needs time off to attend such a program should inform their supervisor. WesternU will attempt to make reasonable accommodations for the employee by providing unpaid time off unless it would cause an undue hardship. WesternU will also attempt to safeguard the privacy of the employee's enrollment in such a program.

California Volunteer Civil Service Leave/ Emergency Service Policy

Employees will be permitted unpaid time off to perform emergency duty as a **volunteer firefighter, reserve peace officer, or emergency rescue personnel**. "Emergency rescue personnel" means 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 this state, or of 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 or fully paid.

An employee who is a health care provider shall notify WesternU at the time the employee becomes designated as emergency rescue personnel and when the employee is notified about deployment as a result of that designation.

Employees must notify their supervisor as soon as possible when taking time off for volunteer civil service leave.

California Civil Air Patrol Leave Policy

Employees who have been employed for at least ninety (90) days may be provided up to ten (10) days of unpaid leave per year to respond to emergency operational missions of the California Wing of the Civil Air Patrol. While an employee is entitled to up to ten (10) days of leave per year, the leave for a single emergency mission may not exceed three (3) days unless the emergency is extended by the entity in charge of the operation and the extension is approved by WesternU.

When taking time off for this purpose, employees must advise their supervisor as far in advance as possible. After the mission, the employee is expected to return to work for the remainder of their work schedule, if time permits.

California Rehabilitation Leave Policy

Western University of Health Sciences is committed to providing assistance to our employees to overcome substance abuse problems. The University will reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program. This accommodation may include time off without pay or an adjusted work schedule,

provided the accommodation does not impose an undue hardship on the University. Employees may also use accumulated sick days, if applicable, for this purpose. Employees should notify the Office of Human Resources if they need such accommodation. The University will take reasonable steps to safeguard privacy with respect to enrollment in an alcohol or drug rehabilitation program.

California Bereavement Leave Policy

WesternU allows time off, up to a maximum of five (5) nonconsecutive days of leave within three (3) months can be requested by any employee in the event of the death of a traditional family member, defined as, “a spouse or a child, parent, sibling, grandparent, grandchild, domestic partner, or parent-in-law” Additional unpaid time off under this policy may be requested and the company, in its sole discretion, will determine whether to grant this additional time off. The employee should notify his/her supervisor immediately upon the death of a traditional family member for which the employee will request bereavement leave. If an employee has worked thirty (30) or more days within the last twelve (12) months, the employee is eligible for this bereavement leave. Employees are not required to take all their bereavement leave at once. Although the employees’ days off do not have to be consecutive, employers all the bereavement leave must take place within three months of the death of the family member.

Although the law permits bereavement leave to be unpaid, employees will be paid up to two (2) days of their authorized bereavement leave. Employees are permitted to use vacation, personal leave, accrued and available sick leave, or other available compensatory time for the remaining three (3) days. If the employee does not have available compensatory time off, the employee may take the remaining days as unpaid leave. While the law allows employers to require “documentation” of the death of the family member, it permits a wide array of documentary evidence including death certificates, published obituary and more. Employers should therefore be on the side of caution when asking for proof before allowing bereavement leave.

WesternU will not retaliate against any employee who requests or takes bereavement leave. Discrimination or interference with an employee seeking to exercise these new rights is strictly prohibited. Confidentiality relating to bereavement leave will be maintained by WesternU.

California Military Leave Policy

Any employee who, due to “service in the uniformed services,” has been absent from work, is protected by USERRA (Uniformed Services Employment and Re-Employment Rights Act). “Uniformed services” is defined by USERRA to include Army, Navy, Air Force, Marine Corps, Coast Guard (and the Reserves for each of those branches), Army National Guard, Air National Guard, commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

“Service” is defined as duty on a voluntary or involuntary basis, including:

- Active duty.

- Active duty for training.
- Initial active duty for training.
- Inactive duty training.
- Full-Time National Guard duty.
- Absences for examinations to determine fitness for duty; and
- Absences to perform funeral honors duty.

Employees who fall under any of the above-listed positions or conditions and are ordered to report, or those employees who volunteer for the military, may take an unpaid leave of absence for the length of the service required. Employees are required to provide their direct supervisor with advanced written or verbal notice of the need for military leave, unless prevented to do so by military necessity or if providing notice would be impossible or unreasonable. WesternU does not pay employees who are out on military leave. If an employee takes military leave, he or she is entitled to return to work/reinstatement as provided under federal and state laws.

Questions concerning re-employment should be directed to the Office of Human Resources.

California Military Spousal Leave Policy

If an employee works twenty (20) hours per week or more (on average) and has a spouse or domestic partner who has been officially granted leave from deployment to a military conflict, the employee may be entitled to up to ten (10) days' unpaid leave once the employee completes and submits to the Office Human Resources certain required notice and documentation.

California Emergency Duty and Training Leave Policy

WesternU allows volunteer firefighters, reserve peace officers, and other emergency rescue personnel to take unpaid leaves of absence for emergency duty and training.

If an employee is required to report for duty, she/he is expected to provide her/his direct supervisor with notice of the leave of absence, unless prevented to do so by the state of emergency, in which case, notice should be provided as soon as reasonably possible.

Employees who are volunteer firefighters, reserve peace officers, and other emergency rescue personnel are allowed to take temporary leaves of absence, up to fourteen (14) calendar days per year, to engage in fire, law enforcement, or emergency rescue training. These leaves of absence are also unpaid.

California Jury Duty and Witness Leave Policy

A leave of absence for jury duty will be granted to any employee who has been notified to serve. Employees are required to provide reasonable advance notice of the need for jury/witness leave and provide sufficient documentation consisting of the summons and days of service. Employees also are expected to report to work each day or portion of a day they are not performing jury/witness duty.

While there is no California law that requires an employer to pay salary or wages during an employee's jury service, full time non-exempt employees will be paid their regular wages, up to a maximum of ten (10) days per fiscal year while serving as a juror. Part-time non-exempt employees who are regularly scheduled to work twenty (20) hours per week or more are eligible for jury duty pay based on their regularly scheduled number of hours worked.

To receive pay for the time off, employees must attach proof of service to their timecard and submit to the Payroll Department.

Non-exempt employees are expected to call in each day after they are released from jury duty, for the day, and inform their supervisor (or someone designated by their supervisor) what time of day they were released and when they must next report for jury duty. Employees who are expected to return to work if released from jury duty with four (4) or more hours left in their normal workday. WesternU will not require an employee to use vacation leave, sick leave, or annual leave for time spent by the employee in responding to a summons for jury duty. Non-exempt employees however, who have exhausted their ten (10) days per fiscal year of jury duty pay have the option to use their available vacation leave, sick leave, or annual leave if their jury duty is continuing. The use of vacation leave, sick leave, or annual leave is not mandatory and is completely at the discretion of the employee.

In addition, employees returning to work, upon completion of their appearance in court, must provide their direct supervisor with proof of appearance from the court or appropriate law enforcement agency to have the absence classified as an excused absence. Employees who fail to provide advance notice of their court summons or who fail to provide proof of appearance may be subject to disciplinary action, up to and including termination.

If the employee is excused from jury duty on any day, she/he is regularly scheduled to work, the employee should contact her/his direct supervisor to determine if she/he is expected to return to work for the remainder of the day.

Exempt Employees

In no case will the salary of an exempt employee be reduced for any week in which the employee works and misses time to serve on a jury. Exempt employees are paid on a salary basis and receive their usual pay while on jury duty, **up to ten (10) days per fiscal year.**

Exempt employees are expected to show judgment and responsibility by doing what they reasonably can to maintain continuity of operations while they are jurors, for as long as the jury is not sequestered. This may require staying connected with supervisors and subordinates by telephone, taking work home, reporting to work before or after jury duty each day, and/or performing work on weekends. Sequestered jurors who are exempt employees will be paid up to ten (10) days of jury duty pay per fiscal year. Exempt employees, however, who have exhausted their ten (10) days per fiscal year of jury duty pay have the option to use their available vacation leave, sick leave, or annual leave if their jury duty is continuing. The use of vacation leave, sick leave, or annual leave is not mandatory and is completely at the discretion of the employee.

California Time Off to Vote Policy

Because WesternU has a continuing interest in encouraging responsible citizenship, you are urged to vote for candidates of your choice at local, state and national elections either before or after your regular shift. If you do not have sufficient time outside of your working hours to vote, you will be allowed to take up to two (2) hours off with pay for this purpose. Such time off should be taken at the beginning or end of your regular shift, whichever allows for more free time.

If an employee does not have sufficient time outside of working hours to vote in local, statewide, and national elections, she/he may, without loss of pay, take off up to two (2) hours of working time to vote. Such time off must be taken at the beginning or end of the regular working shift, whichever allows more free time for voting and the least time off from scheduled working hours, unless otherwise mutually agreed. When possible, employees requesting time off to vote are expected to give their direct supervisor at least two-days' notice to arrange a voting time. In addition, employees may serve as election officials on Election Day, but the employees will not be compensated for such absences.

No action will be taken against any California employee in any manner for requesting or taking any time off as provided for in this policy.

Appendix B: Oregon Employees

In addition to the policies contained in the Employee Handbook, employees may be subject to state specific policies and procedures, based on the state in which the employee is performing work for WesternU. Therefore, if an employee is authorized to work in the state of Oregon and perform work in Oregon, that employee would also be subject to policies outlined in this document for Oregon employees. If an employee has any question on which policy applies to their employment, please contact the Office of Human Resources.

POLICIES THAT APPLY TO OREGON EMPLOYEES

Oregon Workplace Fairness Policy

Compliance with the Oregon Workplace Fairness Act is achieved through this policy, supplemented by University's EOCR⁸ policy (discrimination, harassment, and retaliation) and the University's [SIM policy](#) (sexual discrimination).

The University prohibits unlawful discrimination and harassment. This policy defines these terms and provides a complaint procedure for employees who believe they have been victims of Prohibited Conduct. The policy applies to all matters related to hiring, firing, transfer, promotion, benefits, compensation, and other terms and conditions of employment.

Discrimination and Workplace Harassment

It is the University's policy to provide a work environment free from unlawful discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, national origin, marital status, age, expunged juvenile record, performance of duty in a uniformed service or physical or mental disability, or any other characteristic protected by local law, regulation, or ordinance.

It is our policy that all employees, customers, clients, contractors, and visitors are entitled to a respectful and productive work environment free from behavior, action, or language that constitutes workplace harassment or discrimination. The "workplace" includes when employees are on University premises, at a University-sponsored off-site event, traveling on behalf of the University, or conducting University business, regardless of location.

The policy prohibits any conduct at work that a reasonable person in the individual's circumstances would consider unwelcome, intimidating, hostile, threatening, violent, abusive, or offensive. It also prohibits employment actions, including hiring, promotion, termination, and compensation decisions, to be taken based on a protected characteristic. This policy also prohibits any form of retaliatory action toward an employee for filing a complaint of discrimination or harassment, or for participation in an investigation of a complaint.

Workplace harassment can be based on national origin, age, sex, race, disability, religion, sexual orientation, gender identity, or gender expression. It may also encompass other forms of unwelcome, hostile, intimidating, threatening, humiliating, or violent behavior that is not necessarily illegal, but still prohibited by this policy.

⁸ The projected publish date of the Equal Opportunity and Civil Rights (EOCR) Policy is July 1, 2024. For current applicable OTIXEO policies please visit <https://www.westernu.edu/otixeo/> or email OTIXEO directly at OTIXEO@westernu.edu.

Sexual harassment is a form of workplace harassment and includes, but is not limited to, the following types of conduct:

- Unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature when such conduct is directed toward an individual because of that individual's sex and submission to such conduct is made either explicitly or implicitly a term or condition of employment; or submission to or rejection of such conduct is used as the basis for employment decisions affecting that individual.
- Unwelcome verbal or physical conduct that is sufficiently severe or pervasive to have the purpose or effect of unreasonably interfering with work performance or creating a hostile, intimidating or offensive working environment.

Sexual Assault

Unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

Prohibited Conduct

This policy prohibits conduct based on an individual's protected class status. Although by no means all-inclusive, the following examples represent prohibited behavior:

- Physical harassment, including but not limited to unwelcome physical contact such as touching, impeding, or blocking movement, or any physical interference with work.
- Verbal harassment, including but not limited to disparaging or disrespectful comments, jokes, slurs, innuendoes, teasing, and other sexual talk such as jokes, personal inquiries, persistent unwanted courting, and derogatory insults.
- Nonverbal harassment, including but not limited to suggestive or insulting sounds, obscene gestures, leering or whistling.
- Visual harassment, including but not limited to displays of explicit or offensive calendars, circulation of derogatory content, posters, pictures, drawings, or cartoons that reflect disparagingly upon a class of persons or a particular person; or
- Sexual harassment, as described above, including but not limited to unwelcome sexual advances, requests for favors in exchange for conduct of a sexual nature, submission to unwelcome conduct of a sexual nature in exchange for a term of employment, or other conduct of a sexual nature.

Complaint Procedures – EOCR

The University cannot address discrimination, harassment, or retaliation unless it knows about it. We, therefore, strongly urge the reporting of all incidents of potential discrimination, harassment,

or retaliation, regardless of the potential offender's identity or position. Any employee aware of or experiencing discrimination, harassment or sexual assault in the workplace should report that information immediately to the University. Any such conduct, even a single incident, can be reported under this Policy.

If you have experienced or witnessed conduct that you believe is contrary to WesternU's Policy or have concerns about such matters, you are strongly encouraged to report such behavior to:

your manager or supervisor; or the Associate Vice President of Equal Opportunity and Title IX Coordinator by emailing OTIXEO@westernu.edu or calling (909) 469-7038.

Employees should not feel (and are not) obligated to complain about potential harassment, discrimination, or retaliation with their supervisor or the alleged perpetrator before bringing the matter to the attention of one (1) of the other designated representatives identified above.

Preventing discrimination and harassment is everyone's responsibility. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, WesternU strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that their behavior is unwelcome and requesting that it be discontinued, although that is never required.

Complaint Procedures - SIM

The SIM Policy is intended to promote the safety and the well-being of all members of the WesternU community. However, to address discrimination, harassment, or retaliation, the University must first know about it. We, therefore, strongly urge the reporting of all incidents of potential Prohibited Conduct at the earliest point possible, regardless of the potential offender's identity or position. Any such conduct, even a single incident, can and should be reported. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, WesternU strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

If you have experienced or witnessed conduct that you believe is contrary to the SIM Policy (sexual harassment, sexual assault, dating violence, domestic violence, stalking, and/or retaliation under this policy) or have concerns about such matters, you are strongly encouraged to report such behavior to the OTIXEO by emailing OTIXEO@westernu.edu or calling (909) 469-7038.

WesternU prohibits retaliation against any employee for filing a complaint regarding conduct in violation of this policy. WesternU will not tolerate retaliation against any employee for raising a good faith concern, for providing information related to a concern, or for otherwise cooperating in an investigation of a reported violation of this policy. Any employee who retaliates against anyone involved in an investigation is subject to disciplinary action, up to and including termination.

Retaliation Protections

WesternU's prohibits retaliation against any employee for filing a complaint regarding conduct in violation of this policy. WesternU will not tolerate retaliation against any employee for raising a good faith concern, for providing information related to a concern, or for otherwise cooperating in an investigation of a reported violation of this policy. Any employee who retaliates against anyone involved in an investigation is subject to disciplinary action, up to and including termination.

Under this policy, a **nondisclosure agreement** is any agreement by which one or more parties agree not to discuss or disclose information regarding any complaint of work-related harassment, discrimination, or sexual assault, including the amount or terms of a settlement. A **non-disparagement agreement** is any agreement by which one or more parties agree not to discredit or make negative or disparaging written or oral statements about any other party or the University. A **no-rehire provision** is an agreement that prohibits an employee from seeking reemployment with the University and allows a University to not rehire that individual in the future. The University will not require a former, current, or prospective employee to enter into any agreement if the purpose or effect of the agreement prevents the employee from disclosing or discussing conduct constituting discrimination, harassment, or sexual assault or is in any way contrary to applicable legal requirements.

Time Limitations

Nothing in this policy precludes any person from filing a formal grievance in accordance with a collective bargaining agreement, if applicable, the Bureau of Labor and Industries' Civil Rights Division or the Equal Employment Opportunity Commission. Note that Oregon state law requires that any legal action taken on alleged discriminatory conduct (specifically that prohibited by ORS 659A.030, 659A.082 or 659A.112) commence **no later than five (5) years** after the occurrence of the violation. Other applicable laws may have a shorter time limitation on filing.

Policy References

For more information about definitions of Prohibited Conduct, informal and formal resolution processes, and potential sanctions for policy violations, please review the [Equal Opportunity and Civil Rights Policy \(EOCR\)](#), as well as the [Sexual and Gender-Based Harassment, Interpersonal Violence and Other Sexual Misconduct \(SIM\) Policy and Procedure](#).

Questions

Inquiries can be referred to the OTIXEO directly at OTIXEO@westernu.edu. Additionally reporting and policy information is available at <https://www.westernu.edu/otixeo> or calling (909) 469-7038.

Working Hours, Overtime and Meal and Rest Breaks – Oregon Employees

This policy applies only to non-exempt employees (also referred to as “employee” within this Policy) in Oregon and does not apply to Oregon employees who are considered exempt from overtime within the meaning of the state and federal wage and hour laws. Please refer to the following for the full policy: [Oregon Working Hours, Overtime and Meal and Rest Breaks](#)

Non-exempt employees are those that qualify for overtime pay and are subject to minimum wage requirements. Non-exempt employees do not meet the definition of exempt status.

Wage and Hours: Overtime

Non-exempt employees are eligible for overtime pay. Employees are sometimes asked to work overtime to meet operational needs, deadlines, and emergencies. Employees’ cooperation in performing overtime work is expected. Overtime may not be worked without advance approval by a manager, except in emergency situations.

WesternU does not allow non-exempt employees to work “off the clock,” as all work time must be recorded. Oregon follows the Fair Labor Standards Act (FLSA), Oregon non-exempt employees receive an overtime rate for every hour of worked beyond the standard forty (40) hours per week. In accordance with Oregon overtime law, the University compensates non-exempt eligible employees at an overtime pay rate of 1.5x an employee’s regular pay rate for any time an employee worked over forty (40) hours in a standard work week. It's also important to note that special overtime rules or provisions in Oregon may exist based on an employer's industry or business type.

Calculating Oregon Overtime Compensation

An hourly employee's overtime pay rate is simply the standard pay rate multiplied by 1.5x, or:
Standard Pay Rate multiplied by 1.5x = Overtime Pay Rate

When it comes to determining the standard pay rate of a non-exempt employee, the hourly pay rate must first be calculated using the following method:

Annual Salary divided by 52 weeks = Weekly Pay
then

Weekly Pay divided by 40 hours = Hourly Pay Rate

When calculating an employee's hourly pay rate all forms of compensation must be included, except for the following:

- Expense reimbursements.
- Premium pay for weekends and holidays.
- Discretionary bonuses.

- Gifts for special occasions.
- Oregon Overtime Eligibility.

Overtime Exemptions for Certain Non-Exempt Employees

1. Exemption in Oregon for Undue Hardship for perishable products: Product that may spoil, deteriorate, or undergo other material changes such as crops, meat, and fish.
2. Industries that have specific overtime rules or provisions: canneries, seafood processors manufacturing, agricultural employers, correctional facility, nursing staff, domestic workers The University does not employ workers who come within these exemptions.

Overtime is calculated based on time actually worked per week. Time off for meals, time spent commuting to and from the worksite, and approved time off will not be considered time worked for the purpose of calculating overtime pay. Employees may not waive the mandated overtime payment under any circumstances. Compensatory time in lieu of overtime and flexible work weeks involving overtime are not allowed. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Wage and Hour: Rest Breaks & Meal Periods

All Employees are required to take their rest and meal periods in accordance with Oregon law.

Rest Breaks

For each 8-hour work period non-exempt employees receive these breaks free from work responsibilities:

- Two net 10-minute paid rest breaks
- One net 30-minute unpaid meal break

If your work period is longer or shorter than eight (8) hours, please check with your supervisor. Rest periods are to be taken by an employee approximately in the middle of each four hours (or major part thereof). The rest period may not be added to the usual meal period or deducted from the beginning or end of the work period to reduce the overall length of the total work period. Employees will not be required to stay on the premises, nor will they be required to be on-call during rest periods. They will be relieved of all duties.

Non-exempt employees do not need to obtain approval from or notify their supervisor when taking a rest break. Non-exempt employees are paid for all rest break periods and do not need to clock out when taking a rest break. If any work is performed during a rest break, or if the rest break is interrupted for any work-related reason, the employee is entitled to another uninterrupted paid rest break.

Meal Periods

Meal periods of at least thirty (30) minutes must be provided to non-exempt employees who work six (6) or more hours in one (1) work period. No meal period is required if the work period is less than six (6) hours. Additional meal periods are required to be provided to employees who work fourteen (14) hours or more in a shift. Employees are required to be relieved of all duties during the meal period. Under exceptional circumstances, however, the law allows an employee to perform duties during a meal period. When that happens, the employer must pay the employee for the whole meal period.

If the work period is at least six (6) hours but less than seven (7) hours, the meal period is to be taken after the second hour worked and prior to the commencement of the fifth hour worked. If the work period is more than seven (7) hours, the meal period is to be taken after the third hour worked and prior to the commencement sixth hour worked. Employees will not be required to stay on the premises, nor will they be required to be on-call during meal periods. They will be relieved of all duties.

- When scheduling meal periods, employees should try to anticipate their workflow and deadlines.
- During a meal period, employees are relieved of all duties and should not work during this time. They are free to leave the premises if they wish.
- When taking a meal period, employees should completely stop working for at least thirty (30) minutes.
- Employees are prohibited from working “off the clock” during their meal period.
- Those employees who use a time clock must clock out for their meal periods.
- Employees are required to clock back in and promptly return to work at the end of any meal period.
- Employees who record their time manually must accurately record their meal periods by recording the beginning and end of each work period.
- Time recorded for meal periods is not to be rounded. The exact time a meal break is taken and the exact time a meal break is ended to the minute, must be recorded.
- Unless otherwise directed by their supervisor in writing, employees are not required to get approval from or notify their supervisor when taking a meal period.
- Employees are to immediately notify the Office of Human Resources and/or their supervisor if they believe that they are prevented by the nature of their work from taking a timely and/or complete meal period.

No Working During Rest Breaks and Meal Periods

- Employees are completely relieved of all work duties and responsibilities during their rest breaks and meal periods.
- All rest breaks and meal periods must be taken outside employees’ work areas, such as in a break room. Employees may leave the premises during rest breaks and meal periods.

- Employees should not visit or socialize with employees who are working while taking their rest break or meal period.
- Employees are not expected to remain “on call” or available to respond to messages, monitor radios, telephones, email or other devices during meal periods and rest breaks, even those who are in a sensitive position like security or information technology.
- Employees are required to notify the Office of Human Resources immediately if they believe they are being pressured or coerced by any manager, supervisor, or other employee to forego any portion of a provided rest break or meal period.
- Employees must be compensated for all the time they spend on duty. This includes accounting for all activities. It is a violation of the University’s strict policies for employees to perform work off the clock, at any time.
- All time worked must be recorded, even if it’s only minutes. WesternU requires that you always clock or sign in when you start work and clock or sign out when you end work or when you work variable hours.

Excused/Unexcused Missed/Late Meals

Employees are responsible for making sure they are scheduled for and take their meal breaks in a timely manner. Employees that are unable to take their on-duty or off-duty meal breaks at all or on time must enter a note in their time records to obtain approval from their manager. Employees with unexcused missed breaks are subject to disciplinary action, up to and including termination.

Examples of excused incidents that might lead to a missed meal period:

- A client’s appointment goes longer than expected and the employee is unable to get a meal.
- An employee is asked to take an employee to the Emergency Room at the time they were to take a lunch.
- An emergency or crisis situation occurs in the facility and staff must remain on duty.

Confirmation of Accuracy of Time Records

It is imperative that all employees are paid in full for all time worked, that employees receive all rest and meal periods in accordance with Oregon law and no work is performed off the clock. To assure these requirements are met, all non-exempt employees must review their time records on a bi-weekly basis and confirm in writing that they are complete and accurate. Each employee is required to perform a review of time records upon the final time entry of the pay period and report any inaccuracies. Failure to do so may result in disciplinary action up to and including termination.

Please contact the Office of Human Resources or your manager with any questions or concerns you may have.

Oregon Sick Time Policy

The [Oregon Sick Time \(Policy\)](#) provides all Oregon employees sick time with pay in compliance with the state requirements. This Policy should be reviewed in conjunction with the available Leave of Absence policies also available to Oregon employees outlined below in Appendix B.

Statement: WesternU provides all eligible employees in Oregon sick time with pay in compliance with the provisions of Sections 2-16 of the 2015 Act of the Oregon Revised Statutes, Chapter 653 (2015 Act).

Purpose: To allow eligible Oregon employees to receive pay while taking time off for the employee and/or the employee's care of a family member, with a mental or physical illness, injury or health condition, need for medical diagnosis, care or treatment of mental or physical illness, injury or health condition, or need for preventive medical care, for necessary medical treatment or medically advised rest or leave of absence, and/or any other purpose specified in the 2015 Act.

This policy also allows use of paid sick time for illnesses and other remedies related to domestic violence, sexual assault, harassment, or stalking.

Applicability: This policy applies to all employees in the WesternU campus in Oregon only, wherein the employee's payroll is processed as an Oregon resident. However, this policy does not apply to employees in the Oregon campus who:

- a. Participate in a work training program administered under a state or federal assistance program, and.
- b. Participate in a work-study program that provides students in a secondary or post-secondary educational institution with employment opportunities for financial or vocational training.

Eligibility: All classes and categories of employees who are employed in a campus of WesternU in Oregon as of January 1, 2016 and after are eligible to receive sick time from their date of hire, except for those employees for who this policy does not apply as described above under the section on **Applicability**. Employees who are Post-Doctoral Research Scholars/Fellows are specifically excluded and not eligible under this policy. Please refer to the PTO policy for Post Doctoral Research Scholars/Fellows for personal time-off.

For employees who transfer from an **Eligible Regular Employees** category into a position under the category **All Other Classifications of Employees**, as described below, the employee's accrued and unused sick time at the time of the transfer shall be carried over to the employee's available sick time balance until the accrued sick time is exhausted. If the employee's available sick time is less than 40 hours at the beginning of the fiscal year, additional hours shall be granted to the employee to bring the available sick time to 40 hours for that fiscal year. Thereafter, the employee shall be granted paid sick time as described below under the category **All Other Classifications of Employees**.

Eligible Regular Employees: For eligible regular employees working a regular schedule of at least 20 hours per week, sick time is accrued at the equivalent rate of 1.38462 hours for every 30 hours worked. For employees scheduled to work regularly for 40 hours per week, the calculated accrual rate is 8 hours per month or 96 hours annually. For employees regularly scheduled to work 40 hours per week, unused sick time at the end of the fiscal year are carried over to the following fiscal year, subject to the following maximum accrual cap based on years of service.

Years of Service	Maximum Sick Time Accrual
Less than 5 Years (1-59 months)	240 hours (30 days based on an 8-hour day)
5+ Years (60 months plus)	480 hours (60 days based on an 8-hour day)

The calculated accrual rate and cap is prorated for employees regularly scheduled to work less than 40 hours per week but are regularly scheduled to work at least 20 hours per week, and any unused sick time at the end of the fiscal year are carried over to the following fiscal year.

All Other Classifications of Employees: All other classifications of employees employed as of the start of the fiscal year on July 1, such as, but not limited to, temporary employees, employees who are regularly scheduled to work less than 20 hours per week, and adjunct faculty, are granted 40 hours of sick time for the Fiscal Year, starting July 1 and ending June 30. Employees hired during the fiscal year (before and after July 1) are granted a prorated amount of paid sick time on their date of hire through the end of the fiscal year, based on 40 hours per year. Sick time may be used beginning on the 90th day of employment. The 90 days of employment are not required to be consecutive days. Unused sick time for these classifications of employees do not carry over into the following fiscal year. Under this classification, employees who are rehired within the same fiscal year and who have used the 40 hours of sick time granted to them shall not receive another 40 hours of sick time upon being rehired within the fiscal year. An employee who does not use any or all of the 40 hours of sick time during their period of employment and is rehired within the same fiscal year may use the unused sick time upon rehire, on and after the 90th day of employment. If the employee requires additional time-off beyond 40 hours in the same fiscal year, the time-off is granted at the discretion of the supervisor, and the time-off is unpaid. The employee may provide a healthcare certification for absences of three days or less, but there are no requirements imposed on the employee to provide a certification, unless the illness is due to a contagious condition (See section on Contagious Illnesses) or there is a pattern of abuse of sick time.

Application of the First Forty (40) Hours of Sick Time for Eligible Regular Employees: In compliance with the 2015 Act, the first 40 hours of sick time used by any employee during the fiscal year shall be applied toward compliance with the regulation, and the time shall be paid, as required by law. If the employee does not have accrued sick time for these first 40 hours, the employee shall be advanced sick time pay which will be recovered from future accruals. The employee may provide a healthcare certification for any absence due to illness of 3 consecutive scheduled workdays or less in the fiscal year, but there are no requirements imposed on the employee to provide a certification unless the illness is contagious (See Section on Contagious Illnesses) or there is a pattern of abuse of sick time. Thereafter, all other additional sick time accrued and used by the employee shall be subject to WesternU's Sick Time policy and its requirements.

Use of Paid Sick Time: Sick time may be used for an employees' own illness or the illness of a family member. Please see definition of family member, described below. Sick time can be used for preventive care (physicals, flu shots, etc.) as well as for mental or physical illness, injury or health condition, need for medical diagnosis, medical care, treatment of mental or physical illness, injury or health condition, medically advised rest or leave of absence, and/or any other purpose specified in the 2015 Act. Additionally, sick time can be used by an eligible employee for illnesses and other remedies related to domestic violence, sexual assault, harassment, or stalking.

WesternU Oregon employees may donate their available sick time to another employee, provided the other employee is on an approved leave of absence due to medical reasons and the other employee has exhausted all of their own available sick and vacation time. In addition, the other employee who is receiving the donated sick time must also be an Oregon-based employee and must indicate that they are accepting the donated sick time from another employee or other employees. Any donated sick time received by another employee does not extend the receiving employee's entitlement to FMLA, OFLA and other regulated leaves. Only sick time can be donated. Vacation time cannot be donated. Employees who choose to donate their sick time to another employee must carefully take into consideration their own needs for their own sick time and must recognize that if sick time is exhausted, the employee will not receive any pay due to illness or for reasons sick time use is allowed.

Employees may use sick time in the event of a public health emergency as described in the statute.

Non-exempt employees can use sick time in ¼ hour increments or more for time-off of less than 1 hour. When the time-off due to illness is 1 hour or more in the day, the employee must use sick

time in minimum increments of 1 hour, rounded to the closest ¼ hour. For exempt employees, sick time can be taken in minimum increments of 1 hour per day such that if the exempt employee was off work for a medical appointment or illness for 30 minutes and then took another 30 minutes later in the day for another medical appointment or for illness, the employee must use 1 hour of sick time. Employees who are absent from work due to their own illness, or that of a family member for five consecutive work days or more, or a series of absences that exceed 5 work days for the same medical condition even if the days are not consecutive, must contact the Office of Human Resources to determine if they qualify for a Medical Leave. The supervisor must contact the Office of Human Resources when an employee has been out due to the employee's own illness or that of a family member, or for any reason, by the fifth consecutive work day or the fifth work day in a series of absences for the same medical condition, to determine if the employee should be placed on a leave of absence and to identify the required certifications to facilitate the employee's return to work.

Eligible Regular Employees who accrue sick time may begin using accrued sick time from their date of hire.

All Other Classifications of Employees shall be entitled to use sick time beginning on the 90th day of employment. The 90-days of employment do not need to be consecutive days.

Use of Sick Time Due to a Workplace Injury/Accident/Illness: An employee who is off-work due to a workplace injury, accident, or illness must, use available sick time, as allowed by law, subject to wage and hour regulations for exempt and non-exempt employees. If the time-off is the first 40 hours in the fiscal year, the time-off will be paid using accrued sick time, or sick time pay will be advanced to the employee and recovered from future accruals.

Use of Sick Time During a Leave of Absence: An employee who is off-work due to a leave of absence will be required to use available sick time, and then vacation time, as allowed by law. Please refer to the Family and Medical Leave of Absence Policy for additional information on the use of sick and vacation time during a leave of absence.

Advance Notice to Use Sick Time: If it is necessary to use sick time, the employee must provide their supervisor with reasonable advance notice for foreseeable situations. In general, reasonable "advance notice" is considered to have been given if the employee provided a minimum of 3 working days' advance notice. However, if the time-off is due to a leave of absence and it is foreseeable, employees are expected to provide 10 days' advance notice. Please bear in mind that the earlier the advance notice is provided, the better prepared the department will be in managing the time off. The initial notice can be verbal, but written requests are

preferred. Foreseeable situations include, but are not limited to, preventive care, medical appointments, diagnosis, or treatment. However, if the need for sick time is unforeseeable, the employee must provide notice to their supervisor as soon as possible. If the employee commences sick time without providing prior notice, medical certification must be provided within 15 calendar days after the employer's request for certification. When contacting the supervisor to inform them of taking sick time, the employee is expected to make direct contact with the supervisor. Leaving a voicemail or sending text message or an e-mail may not be sufficient. The employee must verify the preferred method for receiving notice with their immediate supervisor and follow those instructions.

Situations Sick-Time May Be Denied: Requests for sick-time may be denied under certain circumstances. However, requests for sick time-off will not be denied for a legally protected purpose such as the Family and Medical Leave Act (FMLA), the Oregon Family Leave Act (OFLA) or the Americans with Disabilities Act and its Amendment Act (ADA & ADAAA). Below is an illustrative, but non-exhaustive, list of circumstances under which a sick time request may be denied:

Takes the day off before or after a holiday;

Calls in sick on the same days each year (perhaps during a state festival or opening weekend of fishing season);

Has a vacation request denied and calls in sick on those days;

Has an unusual number of sick days on Friday's or Monday's;

Has excessive unscheduled absences;

Has no accrued sick time available or

Otherwise creates suspicion or shows an unusual pattern of sick time use.

Medical Certifications: If the time-off is not due to a contagious condition, the employee will be asked to provide a healthcare provider's note for absences of more than three consecutive scheduled workdays. However, the requirement to provide a healthcare provider's certification depends on the circumstances. There may be occasions when the employee's health problem can resolve itself without intervention from a health professional (such as cold, flu, foodborne illness, occasional headaches, stomach cramps) and/or the supervisor is aware of the employee's health condition. In those cases, the supervisor may waive the requirement for a health certification. However, an employee suspected of abusing sick time, including engaging in a pattern of abuse, may be required to provide certification from a health care provider for **any** absence regardless of whether or not the employee has used sick time for more than three consecutive scheduled

workdays. “Pattern of abuse” includes but is not limited to repeated use of unscheduled sick time on or adjacent to weekends, holidays, vacations days or paydays and the examples listed above in the section on **Situations Sick Time May Be Denied**. Supervisors/Managers/Directors must use appropriate discretionary judgment to determine if the employee needs to submit a certification or not. At the same time, providing a health certification is **not** a guarantee that the absence is automatically excused. An employee who has excessive absences but is not on an approved leave of absence and has not had time-off granted as accommodation for a disability is subject to discipline for excessive unscheduled absences. The supervisor is ultimately responsible for authorizing the use of paid or unpaid sick time and signing off on each of their employees' timesheets. The supervisor must apply the same standard for requiring medical certification uniformly and consistently with all members of their work group.

Any medical certification should only verify that the employee was under the care of the healthcare provider for the day or days the employee claimed sick time. If the employee needs to be off-work for a period exceeding five working days, the certification should provide an indication of how much time the employee will need to be off-work and when the employee can return to work. The certification should **not** contain medical information, symptoms, a diagnosis, or any regimen of continuing treatment such as the use of specialized equipment.

All medical certifications must be forwarded **only** to the Office of Human Resources.

WesternU shall pay any reasonable costs to obtain the required medical certification, including lost wages.

The employee's supervisor must provide a copy of timesheets with absences due to illness of five or more consecutive workdays, or a series of absences that exceed 5 workdays for the same medical condition even if the days are not consecutive, to the Office of Human Resources, along with the medical certification or an explanation from the supervisor for the absences.

Contagious Illnesses: If the employee has or had a contagious condition or an illness that presents a threat to the health or safety of the employee and/or other individuals at work, a certification from the employee's healthcare provider will be required prior to the employee's return-to-work to ensure the employee is not contagious, or identify any reasonable workplace modifications that may be needed to protect the health and safety of the employee and/or others.

A medical certification will be required for these cases even if the employee has only used 3 days or less of sick time.

Contacting the Healthcare Provider: If there are any questions about any health certification provided by the employee, the employee's immediate supervisor cannot and is not allowed to contact the healthcare provider. Instead, the supervisor must notify and provide a copy of the health certification to the Office of Human Resources. Only staff of the Office of Human Resources are allowed to contact the healthcare provider.

Employee Pay: Sick time is paid at the normal rate during regular hours of work. Payment for sick time taken by an employee shall be no later than the payday for the next regular payroll period after the sick time was taken. Employees cannot take sick time off without pay as long as sick time is available, as allowed by law.

The first 40 hours of sick time used by the employee in the fiscal year is automatically with pay. If the first 40 hours of sick time pay needs to be advanced to the employee, the amount of sick time shall be recovered from future accrued sick time.

Non-Exempt Employees: After the first 40 hours of paid sick time used in the fiscal year, and the employee is not on an authorized leave of absence, a non-exempt exempt employee who has depleted (zero or negative balance) all available sick time may take time-off without pay if the employee receives approval for the time-off from their supervisor. The sick hours must be entered in the "Sick Hours" column of the timesheet. The non-exempt employee may use available vacation time by entering a "Note" on the timesheet to use vacation hours if sick time has been depleted. The timesheet with the "Note" must be submitted on time for processing the pay period. When the sick time has been depleted and there is no "Note" on the timesheet to use vacation hours, the sick time is without pay, by default. When both sick and vacation time are depleted, the sick time is without pay.

Exempt Employees: After the first 40 hours of paid sick time used in the fiscal year, and the employee is not on an authorized leave of absence, an exempt employee who has exhausted all available sick time may take time-off without pay only if they did not perform any work for an entire workweek. If an exempt employee has exhausted all available sick time but has performed some work during the workweek, the exempt employee shall automatically be paid using available vacation time in minimum increments of 1 hour for the time the employee did not work, in order to pay the exempt employee's full weekly salary. When both sick and vacation time are depleted (zero or negative balance), sick time for full days are without pay.

Notice of Available Sick Time: A written notice identifying the amount of available paid sick time shall be provided to all employees on the employee's itemized paystub. Employees may obtain information on their sick time balances (carried forward, accrued, used, and available) on the University's intranet self-service (Ban-web) program.

Provisions Under the Law: In compliance with applicable regulations, the following provisions shall apply to this policy:

1. The employer may not deny, interfere with, restrain or fail to pay for sick time to which an employee is entitled under the applicable sections of the 2015 Act.
2. The employee may not be terminated, discriminated, or retaliated against for:
 - a. Inquiring about the provisions of the applicable sections of the 2015 Act;
 - b. Using or requesting the use of available paid sick time;
 - c. Taking sick time under the applicable sections of the 2015 Act;
 - d. Participating in any manner in an investigation, proceeding or hearing related to the applicable provisions of the 2015 Act; and
 - e. Invoking any provisions of the 2015 Act.
3. Absences covered under the applicable sections of the 2015 Act shall not be applied to an absence control policy that may lead to or result in an adverse employment action against the employee.
4. The employee cannot be required to locate a replacement worker to cover the days an employee plans to use or uses sick time.
5. The employee cannot be required to work an alternate shift to make up for the use of sick time.
6. Complaints for violations of applicable sections of the 2015 Act may be filed with the Commissioner of the Bureau of Labor and Industries or a civil action may be filed as provided in the applicable Oregon Revised Statutes.

Additional Provisions: Sick time does not accrue when an employee is on a leave of absence. Sick hours are not to be counted toward the computation of overtime. Unused available sick time will not be paid upon termination of employment. However, if the employee is rehired within 12 months from the time of the most recent termination, the unused sick time which was not paid at termination will be reinstated.

Extraordinary Circumstances Exceptions: In the event of a catastrophic event, such as a massive earthquake, or pandemic, (e.g., COVID-19), WesternU reserves the right to modify, amend, and/or supplement these policies, as permitted under the law. In such instances, WesternU may publish temporary policies that will be adopted and enforced.

Definitions:

Family Members: Defined under ORS 659A.150 as spouse of an employee, the biological, adoptive or foster parent or child of the employee, the grandparent or grandchild of the employee, a parent-in-law of the employee or a person with whom the employee was or is in a relationship of in loco parentis.

Legislation:

ORS Chapter 653, Sections 2 – 16

Oregon Paid Sick Leave Policy

WesternU provides its employees with sick leave in accordance with applicable Oregon law and regulation. In the event of any conflict between this policy and applicable law, the law will be followed.

Eligible Employees

Employees who are employed at least ninety (90) calendar days and have worked at least two hundred forty (240) hours in a year are eligible to use sick leave. For purposes of sick leave, the year is defined as a calendar year (January 1st through December 31st).

Applicability

This policy applies to all employees in the WesternU campus in Oregon only, wherein the employee's payroll is processed as an Oregon resident.

This policy does not apply to employees in the Oregon campus who:

- a. Participate in a work training program administered under a state or federal assistance program, and,
- b. Participate in a work-study program that provides students in a secondary or post-secondary educational institution with employment opportunities for financial or vocational training.

Sick Time Accrual

Employees will be credited with one (1) hour of sick leave for each thirty (30) hours worked with a maximum accrual of forty (40) hours per year. Up to forty (40) hours of unused sick leave may be carried over into a subsequent year, and the total accrual amount will be limited to eighty (80) hours.

Qualifying Absence

Sick time may be used for the following reasons:

- For an employee's personal, mental, or physical illness, including pregnancy, childbirth, and routine medical and dental appointments.
- To care for a family member with an illness, injury, or medical appointment.
- If the employee's place of business closes for a public health emergency, or to care for a child whose school or daycare closes for a similar reason.
- To care for a family member whose presence in the community would jeopardize the health of others.
- If the employee is excluded from work by law due to health reasons; or
- For certain reasons related to domestic violence, harassment, sexual assault, or stalking.

For the purpose of sick leave, "family member" is defined to include the spouse or domestic partner of the employee, the biological, adoptive, or foster parent or child of the employee, the grandparent or grandchild of the employee, a parent-in-law of the employee or a person with whom the employee was or is in a relationship in *loco parentis*.

Use of Sick Time

Sick time may be used for qualifying absences in increments of one (1) hour and may be used to cover all or part of a shift. When using sick time, employees will be paid at the rate the employee would have earned had they not been absent; however, employees will not be paid for commissions, shift differentials, or overtime.

Accrued but not used sick time will not be paid to the employee upon termination, resignation, retirement, or other separation of employment. An employee rehired within six (6) months of separation is entitled to use previously accrued sick time immediately upon re-employment.

Employee Notice

For planned sick leave, the employee must notify his or her supervisor and the Office of Human Resources at least ten (10) days prior to the date the leave will commence, or as soon as practicable. Employees must make reasonable efforts to schedule planned sick leave in a manner that does not unduly disrupt operations and should attempt not to schedule sick leave during peak work hours, when work is time-sensitive, or when mandatory meetings are scheduled.

When sick leave is unforeseeable, the employee must verbally notify his or her supervisor of the need for sick leave before the start of the scheduled work shift or as soon as practicable and must submit a written or electronic notice to the Office of Human Resources within three (3) days of returning to work.

WesternU may deny sick leave if the employee fails to provide notice as stated in this policy or fails to reasonably attempt to schedule sick leave in a manner that does not unduly disrupt operations.

Employee Documentation

If an employee uses more than three (3) consecutive days of sick leave or exhibits a pattern of abusing sick leave, WesternU may request reasonable documentation verifying the employee is out for a qualifying reason. WesternU may deny the use of sick time for an absence until the employee provides the requested documentation.

Upon Termination

At the time of an employee's termination, unused sick leave will not be paid. If an employee returns to employment with WesternU within one hundred eighty (180) days of termination, the employee's accrued sick leave at the time of termination will be restored and the employee may begin using the sick time at the time of rehire.

Interaction with Other Leave

An employee's use of sick time may run concurrently with other leave under the state and federal law. An employee may not use paid sick time while receiving worker's compensation benefits.

Prohibition and Discrimination

No employee will suffer discrimination or retaliation for requesting, using, or complaining that they are not receiving sick time as required by the WesternU. Employees may file a complaint with the Bureau of Labor and Industries if they feel sick leave has been denied or if they believe they have suffered retaliation for requesting or taking sick time. Employees are also encouraged to bring any concerns to the Office of Human Resources about the use of sick time or possible retaliation.

For more information, please contact the Office of Human Resources.

Oregon Nursing Employees Workplace Policy

This University will accommodate hourly, salaried, and part-time employees who need to express breastmilk until the child for whom they are expressing milk is 18 months of age. Employees are encouraged to take breaks for the expression of milk at the same time as their regular rest and meal periods if feasible, as those time periods are compensated. Time taken to express breastmilk that does not overlap with another paid break will not be compensated. Nursing mothers who need to express breastmilk will be provided with an appropriate location to express breastmilk in private. That means a place other than a public restroom reasonably close to the employee's workstation, where an employee may express breastmilk, concealed from view

and without intrusion. If an onsite refrigerator is not available for personal use, employees will be allowed to bring a cooler or other insulated container to store the expressed breastmilk.

Although not always possible University staff will do its best to see to it the frequency, timing, and length of the lactation breaks can be scheduled to coincide with needs of the employees.

Oregon Domestic Violence, Harassment, Sexual Assault or Stalking Policy

Employees who are victims of domestic violence, harassment, sexual assault or stalking or whose minor child or dependent is a victim may be eligible for a reasonable amount of leave for the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent.
2. To seek medical treatment for or to recover from injuries caused by domestic violence or sexual assault, or harassment or stalking.
3. To obtain, or to assist a minor child or dependent, in obtaining, counseling from a licensed mental health professional.
4. To obtain services from a victim services provider for the eligible employee or the employee's minor child or dependent; and
5. To relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee's minor child or dependent.

The Office of Human Resources may request certification for the need for leave in certain circumstances.

To request a leave, contact the Office of Human Resources. Employees may also request a reasonable safety accommodation under this policy. To continue income and benefits while on this protected leave, employees may use any leave they have accrued.

Oregon Family Leave Act (OFLA)

The Oregon Family Leave Act (OFLA) provides up to a total of twelve (12) weeks* of protected leave per year for any of these reasons:

- Parental leave (either parent can take time off for the birth, adoption, or foster placement of a child). *If you use the full twelve (12) weeks as parental, you can also take twelve (12) more weeks for sick child leave only.
- Serious health condition (your own, or to care for a spouse, parent, parent-in-law, child, grandparent or grandchild, same-sex domestic partner or parent or child of a same-sex domestic partner). This is a greatly expanded list of "family members" compared to FMLA.

- Pregnancy disability leave (before or after birth of child or for prenatal care). *You can take up to twelve (12) weeks of pregnancy disability leave in addition to the twelve (12) weeks for any reason listed here, including additional pregnancy disability leave.
- Sick child leave (for your child with an illness or injury that requires home care but is not serious). You can also take OFLA protected time if your child's school or childcare provider is closed due to a statewide public health emergency, such as the coronavirus pandemic school closures.⁹
- Military family leave (if your spouse or same sex domestic partner is a service member who has been called to active duty or is on leave from active duty).
- Bereavement leave (up to 2 weeks of leave after the death of a family member).

The University will provide the same health insurance benefits as when you are working. When you come back you will be returned to your former job or a similar position if your old job no longer exists.

Eligibility

To be eligible to take this time off, you must have worked an average of at least twenty-five (25) hours per week for six (6) months (180 days) beforehand for the University. Termination, layoff, or removal from the schedule of up to 180 days will not be counted against you in determining your eligibility. Also, during a public health emergency, you may become eligible after thirty (30) days if you work at least twenty-five (25) hours a week in the thirty (30) days before taking leave.

Job Protection:

WesternU will return you to your former job or to an equivalent job if the former position no longer exists.

Amount of Leave

Employees are entitled to twelve (12) weeks within any one-year period. That exhausts the FMLA leave entitlement except for military caregivers leave, which can extend to twenty-six (26) weeks in one leave year.

Under OFLA, an employee may take up to twenty (12) weeks of pregnancy disability leave in addition to the twelve (12) weeks available for any OFLA purpose.

Either parent who has taken a full twelve (12) weeks of parental leave (e.g., to care for a newborn, newly adopted child or newly placed foster child) is also entitled to take up to an additional twelve (12) weeks of sick child leave to care for a child with a non-serious health

⁹ Sick child leave allows employees care for their child who has an illness or injury that is not a "serious health condition" but requires them to stay home. Sick child leave is also available when you need to care for your child because their school or childcare provider is closed in connection with a declared public health emergency like the COVID-19 pandemic. NOTE: Additional sick child leave is also automatically available to employees who use 12 weeks of OFLA parental leave.

condition requiring home care or to care for a child whose school or daycare is closed due to a public health emergency.

Employee Notice

You are required to give written notice up to thirty (30) days in advance of the leave unless it is impracticable to do so, or if the leave is taken for an emergency.

Am I paid for this leave?

While there is no requirement that family leave time is paid by the employer, employees are allowed to use any existing accrued paid leave, including sick leave, vacation leave or any paid leave offered in lieu of vacation leave. Paid family leave benefits, known as Paid Leave Oregon, is available through the State of Oregon for Oregon employees. Oregon employees can apply for this benefit by going to the Paid Leave Oregon website. This is a complicated area and employees should consult with the Office of Human Resources concerning any questions that arise.

Oregon Veterans Leave Policy

Any veteran who served on active duty a minimum of six (6) months and received an honorable discharge, served on active duty, and received a disability rating, or served on active duty in a combat zone, may request an unpaid day off for Veterans' Day. The request for time off must be submitted at least twenty-one (21) days in advance of Veterans' Day.

Oregon Crime Victims Leave Policy

Any employee who is the victim of a crime will be granted reasonable time off to attend related criminal proceedings unless the leave creates an undue hardship. Any leave taken will be unpaid, but the employee may substitute any available paid time off during the leave. Any request for crime victim leave should be made with reasonable advance notice.

Eligible employees must give reasonable notice to their supervisor and/or the Office of Human Resources, of the intention to take leave. To verify the need for leave, the employee must provide a copy of the notice of scheduled criminal proceedings received from a court, district attorney, or law enforcement agency.

Oregon Bone Marrow Donor Leave Policy

Any employee who averages twenty (20) hours per workweek may be granted leave equal to the amount of any paid leave accrued or up to forty (40) hours, whichever is less, to undergo a medical procedure to donate bone marrow. Additional leave may be granted at WesternU's discretion. WesternU may request medical verification from the relevant healthcare provider.

Oregon Service in State Legislature Leave Policy

In compliance with Oregon law, an employee will be granted job protected leave to perform service in the state legislature. Any employee who takes this leave must return to work within the guidelines set out in the applicable statute.

Oregon Search and Rescue Operations Policy

Upon proper request, employees will be granted leave as search and rescue volunteers if accepted to participate by the Sheriff. The leave will last until the employee is released from the search and rescue operations. Upon return to work, the employee will be returned to his or her prior position or one that is equivalent. The leave will be unpaid.

Oregon Jury Duty Policy

A leave of absence for jury duty will be granted to any employee who has been notified to serve. Employees are required to provide reasonable advance notice of the need for jury/witness leave and provide sufficient documentation consisting of the summons and days of service. Employees also are expected to report to work each day or portion of a day they are not performing jury/witness duty. While there is no Oregon law that requires an employer to pay salary or wages during an employee's jury service, full time non-exempt employees will be paid their regular wages, up to a maximum of ten (10) days per fiscal year while serving as a juror. Part-time non-exempt employees who are regularly scheduled to work twenty (20) hours per week or more are eligible for jury duty pay based on their regularly scheduled number of hours worked. To receive pay for the time off, employees must attach proof of service to their timecard and submit it to the Payroll Department.

Non-exempt employees are expected to call in each day after they are released from jury duty for the day and inform their supervisor (or someone designated by their supervisor) what time of day they were released and when they must next report for jury duty. . Employees who are expected to return to work if released from jury duty with four (4) or more hours left in their normal workday. WesternU will not require an employee to use vacation leave, sick leave, or annual leave for time spent by the employee in responding to a summons for jury duty. Non-exempt employees however, who have exhausted their ten (10) days per fiscal year of jury duty pay have the option to use their available vacation leave, sick leave, or annual leave if their jury duty is continuing. The use of vacation leave, sick leave, or annual leave is not mandatory and is completely at the discretion of the employee.

In addition, employees returning to work, upon completion of their appearance in court, must provide their direct supervisor with proof of appearance from the court or appropriate law enforcement agency to have the absence classified as an excused absence. Employees who fail to provide advance notice of their court summons or who fail to provide proof of appearance may be subject to disciplinary action, up to and including termination.

If the employee is excused from jury duty on any day, she/he is regularly scheduled to work, the employee should contact her/his direct supervisor to determine if she/he is expected to return to work for the remainder of the day.

Exempt Employees

In no case will the salary of an exempt employee be reduced for any week in which the employee works and misses time to serve on a jury. Exempt employees are paid on a salary basis and receive their usual pay while on jury duty, **up to ten (10) days per fiscal year.**

Exempt employees are expected to show judgment and responsibility by doing what they reasonably can to maintain continuity of operations while they are jurors, for as long as the jury is not sequestered. This may require staying connected with supervisors and subordinates by telephone, taking work home, reporting to work before or after jury duty each day, and/or performing work on weekends. Sequestered jurors who are exempt employees will be paid up to ten (10) days of jury duty pay per fiscal year. Exempt employees, however, who have exhausted their ten (10) days per fiscal year of jury duty pay have the option to use their available vacation leave, sick leave, or annual leave if their jury duty is continuing. The use of vacation leave, sick leave, or annual leave is not mandatory and is completely at the discretion of the employee.

Appendix C: Employees Outside of California and Oregon

The University has a few employees who perform work while residing in states outside of California and Oregon and are referred to as out-of-state (OOS) employees. In addition to the policies outlined in the Employee Handbook, OOS employees must refer to the state addendums provided to and reviewed with them at the time of hire. These addendums must be consulted together with the policies and procedures in this Handbook. It is best that the OOS employees consult with their respective supervisor and the Office of Human Resources when interpreting which policies or procedures apply. Supervisors of out-of-state (OOS) employees and OOS employees should email HROut-of-stateemployees@westernu.edu if they need assistance or have questions about how a particular policy or state law might apply to them.