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## SECTION 8. Benefits

Saint Mary's College of California

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## Section 8. Benefits

### Authority

Director of Benefits

### Summary

Saint Mary's College views benefits as an integral part of the overall compensation program. The College strives to offer comprehensive as well as competitive benefits programs in order to attract and retain employees. Below are the main headings:

- 8.1 Time Off Work Policies
- 8.2 Eligibility
- 8.3 Holidays (Non-academic)
- 8.4 Vacation Policy
- 8.5 Sick Leave
- 8.6 Other Absences from Work
- 8.7 Medical Leaves of Absence
- 8.8 Lactation Breaks
- 8.9 Paid Family Leave Program (PFL)
- 8.10 Workers' compensation Leave
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- 8.16 Benefit Plans
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- 8.18 Employee Benefits Continuation/Termination
- 8.19 Benefits Required by Law
- 8.20 Voluntary Benefits
- 8.21 Opportunities and Advantages of Working at SMC

## 8.1 Time Off Work Policies

A new employee begins accruing paid time off upon hire, and can use it right away. Saint Mary's policy concerning paid time off (e.g., holidays, sick leave, vacation) is that when an employee is entitled to pay from the College or other sources (state disability insurance, workers' compensation, long-term disability), he/she is not entitled to receive payments greater than he/she would receive if working regular hours.

## 8.2 Eligibility

Full-time staff working 1,950 hours per year or more are entitled to the Saint Mary's College time off programs. Part-time employees working at least 1,040 hours but fewer than 1,950 hours per year are entitled to prorated holidays, vacation and sick leave based on the employee's "Full Time Equivalent" (FTE). Those working fewer than 1,040 hours per year do not accrue paid time off. Consultants, seasonal/temporary employees, on-call employees are not eligible for paid time off.

## 8.3 Holidays (Non-academic)

Paid Holidays are an earned benefit afforded to staff employees and are prorated based on the hours worked per week and months per year. Holidays are only paid if the employee has worked the scheduled day prior to an approved College Holiday and the scheduled day after an approved College Holiday. For the purpose of this benefit vacation and/or sick leave taken prior to or after a Holiday is considered time worked for the payment of the Holiday. The Holiday schedule is drafted by Human Resources taking into account the Academic calendars, is approved by the President with input from the Staff Council and Cabinet on a fiscal year basis and is announced by January 31st annually.

The College understands and appreciates the diverse schedules and accommodations needed to conserve budget and continue the operations necessary for the College to grow and survive, therefore some flexibility in scheduling a work week which contains a Holiday should be discussed with Human Resources.

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Staff employees with a work week schedule less than 37.5 or 40 hours per week will receive a Holiday benefit based on the following prorated schedule (this applies to both exempt and non-exempt employees). Employees working a 10-hour day will receive an 8-hour day benefit.

**Calculation:** hours per week divided by 5 days per week = paid Holiday benefit.

<u>Hours worked per week</u>	<u>Earned hours of Holiday pay</u>
40 hours	8.0 hours
39 hours	7.8 hours
38 hours	7.6 hours
37.5 hours	7.5 hours
37 hours	7.4 hours
36 hours	7.2 hours
35 hours	7.0 hours
34 hours	6.8 hours
33 hours	6.6 hours
32 hours	6.4 hours
31 hours	6.2 hours
30 hours	6.0 hours
29 hours	5.8 hours
28 hours	5.6 hours
27 hours	5.4 hours
26 hours	5.2 hours
25 hours	5.0 hours
24 hours	4.8 hours
23 hours	4.6 hours
22.5 hours	4.5 hours
22 hours	4.4 hours
21 hours	4.2 hours
20 hours	4.0 hours
< 20 hours	<u>not</u> eligible for paid Holiday

**Exceptions:** those working a regular reduced schedule as approved by HR, grandfathered situations, etc.

Supervisors may determine the employees schedule based on Departmental need. If employees are scheduled to work during a Holiday period, in order to accommodate the department needs, overtime rules will apply. Those offices who require 24/7 operation have the ability to adjust some schedules with the approval and coordination with Human Resources (see flexible work schedules). All overtime policies will be adhered to with regard to when employees are required or asked to work on a College Holiday as required by state and federal labor laws.

**8.3.1 Holiday Policy Example**

Employees who works 30 hours per week, 7.5 hours per day for 4 days a week: The supervisor may choose to schedule the employee to work 6 hours per day during the Holiday week or work 3 days at 7.5 hours and the Holiday would be valued at 6 hours plus 1.5 hours vacation.

***For an employee who works 30 hours per week, Monday through Thursday,***

apply this rational. (This schedule can be switched for those who have Mondays off):

Day of the week	Hours worked	Holiday Earned	Vacation	Total
Monday Holiday	0	6	1.5	7.5
Tuesday	7.5	0	0	7.5
Wednesday	7.5	0	0	7.5
Thursday	7.5	0	0	7.5
Friday	0	0	0	0
Total	22.5	6	1.5	30

Another example is to adjust the employee’s total work hours across the span of a work week:

Day of the week	Hours worked	Holiday earned	Total
Monday Holiday	0	6	6
Tuesday	6	0	6
Wednesday	6	0	6
Thursday	6	0	6
Friday	6	0	6
Total	24	6	30

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Allow an eight (8) hour day without the payment of overtime (non-exempt)—with the approval of Human Resources:

Day of the week	Hours worked	Holiday earned	Vacation	Total
Monday	0	6	0	6
Tuesday	8	0	0	8
Wednesday	8	0	0	8
Thursday	8	0	0	8
Friday	0	0	0	0
Total	24	6	0	30

Example *during Thanksgiving* for a non-exempt employee working 30 hours per week with normal day off being Friday:

Day of the week	Hours worked	Holiday earned	Vacation	Total
Monday	6	0	0	6
Tuesday	6	0	0	6
Wednesday Holiday	0	6		6
Thursday Holiday	0	6	0	6
Friday Holiday	0	6	0	6
Total	12	18	0	30

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Another example *during Thanksgiving*. This has budget implications and should be discussed prior to making this arrangement:

Day of the week	Hours worked	Holiday earned	Vacation	Total
Monday	7.5	0	0	7.5
Tuesday	7.5	0	0	7.5
Wednesday Holiday	0	6	0	6
Thursday Holiday	0	6	0	6
Friday Holiday	0	6	0	6
Total	15	18	0	33 – SMC owes employee 3 hours of straight pay

For those working an approved alternative work week schedule (working more than 7.5 or 8 hours per day, 4 days per week), supervisors must work with Human Resources to detail alternatives during a holiday week as required by the Fair Labor Standards Act. Contact Human Resources for more information and guidance.

Taking a day off at another time instead of an approved College Holiday is not permitted under any circumstance. Those working less than 12 months per year are not entitled to Holiday pay for those months they are not actively employed (i.e.: those off in July are not entitled to the July 4th Holiday, those whose scheduled month off is in December are not entitled to Christmas Holidays, etc.)

### 8.4 Vacation Policy

The College provides paid vacation for eligible employees on an accrual basis, beginning the first day of employment. Vacation can be used as soon as it is accrued, with no waiting period, as long as the employee has the required approvals (see below). Staff employees working 1950 hours per year accrue vacation based on the chart below. Vacation hours accrued by employees

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working at least 1040 hours but fewer than 1950 hours per year are prorated based on percentage of hours and months worked. Employees working less than 1040 hours per year do not accrue vacation. Vacation does not accrue during unpaid leaves of absence.

### 8.4.1 Vacation Accrual Rates

#### Accrual Rates for Full Time Non-Exempt Employees (Eligible for overtime: Clerical, Administrative, Maintenance, Service)

Years of Service	Days/ Hours Earned/Yr.	Hours Earned/ Pay Period	Max Accrual Hrs
0 – 3	10 (75.00)	3.13	112.50
4 – 7	15 (112.50)	4.69	168.75
8 – 15	20 (150.00)	6.25	225.00
More than 15	25 (187.50)	7.81	281.25

#### Accrual Rates for Full Time Exempt Employees (Not eligible for overtime)

Years of Service	Days/ Hours Earned/Yr.	Hours Earned/ Pay Period	Max Accrual Hrs
0 – 3	15 (120.00)	5.00	180
4 – 7	20 (160.00)	6.67	240
More than 7	25 (200.00)	8.33	300

### 8.4.2 Vacation Accrual Rules

Employees may accrue vacation up to a maximum of one and one-half times their annual entitlement (See chart above). For example, an employee who is entitled to three (3) weeks

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vacation (15 working days) may accrue vacation of 22.5 days. Once the maximum is reached, the employee no longer accrues vacation until he/she takes vacation and the accrual drops below the maximum. Employees will be paid for accrued unused vacation at termination.

### 8.4.3 Vacation Approvals

Vacation requests are subject to the prior approval of the employee's supervisor or department head. A limited number of vacation days can be taken on short notice to handle unexpected or emergency situations.

An employee who has exceeded his/her vacation accrual and has a negative balance will be considered on unpaid leave of absence, and his/her pay will be reduced as permitted by applicable law.

Taking vacation beyond an accrual is not allowed and pay may be deducted based on applicable laws. Monthly notifications are sent to supervisors making them aware of leave balances. Supervisors are required to monitor leave and approve time off as required by college policy.

### 8.4.4 Illness during Scheduled Vacation

If an employee becomes ill while on vacation prior to or after, the time may be charged to sick leave instead of vacation. In that event, an employee will be required to present a doctor's certification of the employee's illness to the supervisor and to Human Resources.

## 8.5 Sick Leave

### 8.5.1 Sick Leave Accrual Rate

Employees accrue one (1) paid sick leave day per month of service, for a total of twelve (12) days per year, for absences due to sickness or disability. Part-time employees receive pro-rated sick leave based upon their percentage of full-time. Sick leave accrues from the first day of employment, and can be used without a waiting period.

### **8.5.2 Sick Leave Accrual Rules**

Sick leave may be accrued up to a maximum of 60 working days. However, an employee will not be paid for accumulated unused sick leave under any circumstances, including at termination, resignation or retirement. Negative sick leave balances are not allowed – absent a request that the sick leave should be unpaid, negative sick leave balances will first be applied to any vacation accrual and when vacation is exhausted, pay will be reduced as allowed by law.

### **8.5.3 Sick Leave Approved Use**

Sick leave may be used for a legitimate illness or disability of the employee, including pregnancy, or the illness of a member of the employee’s immediate family (including a registered domestic partner as defined by applicable law), or for doctor/dentist appointments for the employee or his/her family member.

### **8.5.4 Sick Leave Procedures**

If at all possible, the employee should give advance notice to the department supervisor before sick leave days are taken. Otherwise, notification should be given to the employee’s immediate supervisor before 9:00 a.m. of the affected day.

### **8.5.5 Medical Certification**

Employees may be required to provide a doctor’s written certification concerning the need for sick leave and/or to establish the employee’s authorized release to return to work. Employees may be required to provide to their immediate supervisor a note from a certified medical provider for any absence in excess of three (3) consecutive days. An employee who is absent without notice or appropriate excuse for three (3) consecutive working days is deemed to have resigned from his/her employment with the College.

### **8.5.6 Longer Illness or Disability**

Any absence for illness or disability that continues beyond five (5) working days must be reported immediately to Human Resources by the employee and the employee’s immediate supervisor so timely arrangements can be made for state disability payments or leave of absence

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if appropriate. If an employee's illness exceeds accrued sick leave time, he/she may use accrued paid vacation or take unpaid leave. In applicable circumstances, the employee must contact Human Resources to integrate sick leave with other available leaves, e.g., workers' compensation, family medical leave or disability.

### 8.5.7 Other Medical and Pay Issues

If the employee or a member of his/her immediate family has a serious medical condition requiring the employee to take a leave of absence from work, Human Resources must be notified immediately by the employee and his/her immediate supervisor so that appropriate Federal or California leave can be determined. (See FMLA section, below).

See Vacation Policy above to determine benefits and procedures.

## 8.6 Other Absences from Work

### 8.6.1 Bereavement

In the event of a death in an employee's immediate family, an employee may be granted a leave of absence with pay not to exceed five (5) working days, or proration thereof, in a calendar year. Immediate family includes mother, father, spouse, son, daughter, brother, sister, in-laws, grandparent(s), grandchildren, domestic partner as defined by applicable law. If additional time is required, an employee may use accumulated vacation days.

In the case of the death of an employee while employed by Saint Mary's College each case will be taken in its entirety and decisions will be made based on:

- Service
- Family obligations
- Circumstances
- Tuition continuation

### **8.6.2 Kin Care**

California law requires employers who provide sick leave to allow employees to use up to half of their annual sick leave accrual to attend to an ill child, parent, spouse or registered domestic partner. Employers may not count sick leave taken under this policy to care for ill family members as a basis for adverse employment action such as discipline, demotion, discharge or suspension. College policy prohibits retaliation against employees who use sick leave for this purpose.

### **8.6.3 Religious Observances**

From time to time Saint Mary's hosts religious and other celebratory services on campus during regular work periods which may coincide with recognized church holidays and other official College celebrations. Employees who choose to participate in or attend such programs or services will continue to receive pay during such participation and/or attendance. Any employee not attending or participating in such campus activities are expected to be working their normal work hours. Members of religious faiths will be granted a reasonable amount of time off with pay for participation in religious services on recognized religious holidays of their faith, after consultation with the Assistant Vice President of Human Resources or designee.

### **8.6.4 Time Off to Vote**

Because the College has a continuing interest in encouraging responsible citizenship, employees are encouraged to vote in primary, general and presidential elections. To make the voting process more available, employees who do not have sufficient time outside their working hours within which to vote will be allowed to take up to two hours off, with pay, for this purpose. Such time off may be taken only at the beginning or end of the employee's regular working shift. To receive time off for voting, the employee must notify his/her supervisor at least two working days in advance, and must present a valid voter's registration card. When the employee returns from voting, he/she must present a voter's receipt to the supervisor. An employee should substitute this time in order to be paid by using vacation if it interferes with normal work time.

### 8.6.5 Jury Duty

The College recognizes jury duty as a civic obligation and will excuse all summoned employees from work for jury duty in accordance with the following procedures:

1. Within five (5) business days of notification by the court, the employee must give his/her supervisor a copy of the jury summons.
2. To be paid for serving jury duty, the employee must attach a receipt of jury service (available from the court) to their Attendance or Exception Report.
3. Employees performing jury duty per this policy shall receive regular pay for a period not to exceed 30 work days per calendar year. If the jury duty exceeds 30 working days, the employee may use available accrued vacation or may take unpaid leave as allowed by law.
4. When serving on jury duty or responding to a subpoena, when excused by the judge for a recess of any full or half days, employees are expected to be at work.
5. Exempt employees will earn their normal salary for any full week during which they have spent any time serving on jury duty or during which they were subpoenaed to appear in a judicial proceeding.
6. The employee may retain any jury fees.

The College recognizes jury duty as a civic obligation and will excuse all summoned employees from work for jury duty with pay for a period not exceeding four full work weeks in a calendar year. If the jury duty exceed four full work weeks, the employee may take unpaid leave unless the employee has worked for any part of the work week, in which case the leave will be paid leave. The employer may retain any jury fees.

### 8.6.6 Subpoenas to Appear

The College will excuse employees subpoenaed to appear in a judicial proceeding in accordance with the following procedures:

1. Employees must promptly provide their supervisor with a copy of the subpoena, which must also be attached to the employee's semi-monthly attendance report or monthly attendance report.

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2. Employees who are subpoenaed to appear in judicial proceedings directly related to their work duties shall be excused without loss of pay. If the appearance is not work-related, the employee must use accrued vacation, or if insufficient vacation has accrued, will be on unpaid leave as allowed by law. Exempt employees who have worked for any part of the workweek in which they are subpoenaed to appear in a judicial proceeding will earn their normal salary for the full week.
3. The employee may retain any witness fees.

### **8.6.7 Domestic Violence and Sexual Assault Victims**

The College allows victims of domestic violence to take time off for certain purposes which may include obtaining a restraining order; court assistance, seeking medical attention; obtaining services from a domestic shelter, program, or rape crisis center; obtaining psychological counseling; or safety planning. The College will not discriminate or retaliate against an employee because of the employee's being a victim of domestic violence or sexual assault and will reinstate the employee under reasonable guidelines required by law. Any leave for this purpose will be considered strictly confidential.

An employee must give reasonable advance notice of the intention to take time off for any of the above purposes, unless notice is not feasible. This leave is unpaid unless sick leave is warranted or the employee chooses to take accrued vacation.

### **8.6.8 Crime Victims**

An employee is allowed to be absent from work in order to attend judicial proceedings related to a crime if:

- The employee is a victim of crime;
- An immediate family member is a victim of crime;
- The employee is a registered domestic partner of a victim; or
- The victim is the child of the employee's registered domestic partner.

The College will not discriminate or retaliate against any employee because he or she has had need for this leave.

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An employee must give reasonable advance notice of the intention to take leave for this purpose, unless notice is not feasible. Documentation may be required from the court or government agency, the district attorney or prosecuting attorney’s office or an advocate on behalf of the victim. This leave is unpaid unless sick leave is warranted or the employee chooses to take accrued vacation.

### **8.6.9 School Activities**

Employees are entitled to take up to 40 hours off per calendar year to attend activities of a K-12 school or licensed day care facility. This time is unpaid but employees may substitute accrued vacation in order to continue pay. A supervisor may require the employee to show proof of attendance.

### **8.6.10 Volunteer Civil Service**

Unpaid leave of up to 14 days per calendar year is provided for “Emergency rescue personnel”, defined as any person who is an officer, employee, or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, district or other public or municipal corporation or political subdivision of California, or a sheriff’s department, police department or a private fire department, whether that person is a volunteer or partly paid or fully paid, while he or she is actually engaged in providing emergency services or training to provide these services.

### **8.6.11 Uniformed Services Employment and Re-Employment Rights Act (USERRA)**

Anyone who has been absent from work up to five (5) years with certain exceptions, due to “service in the uniformed services” is protected 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.

Employees who have provided advance written or verbal notice (unless prevented by military necessity) of the need for military leave will be reinstated and entitled to all the rights and benefits they would have had if they had remained continuously employed with no break in

service. There are certain exemptions to re-employment that the law provides and the College acknowledges.

If the uniformed service is for 30 or fewer days the College will continue its contribution to the benefit programs; the employee will be responsible for the payment of any applicable dependent charges. For leaves beyond 30 days an employee and their dependents may qualify for an additional 24 or 36 months of coverage under applicable State and Federal COBRA continuation laws.

## **8.7 Medical Leaves of Absence**

The absences described below are regulated by Federal and State guidelines, including the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA) and the Pregnancy Disability Leave (PDL). *Each type of leave is described, after which common provisions, requirements and definitions are provided.*

### **8.7.1 Family and Medical Leave Act (FMLA)**

#### **Eligibility**

Employees who have completed at least one (1) year of employment with the College and have worked at least 1250 hours in the twelve (12) months (not necessarily consecutive months) preceding the leave are eligible for a maximum of twelve (12) weeks of unpaid leave in a twelve (12) month period under the following circumstances:

- For reasons of the birth of a child of an employee, the placement of a child with the employee in connection with the adoption or foster care of a child by the employee, or the serious health condition of the employee's child; or
- To care for a parent or a spouse who has a serious medical condition; or
- Because of an employee's own serious health condition which makes the employee unable to perform the functions of his/her position, including leave taken for disability on account of pregnancy, childbirth or related medical conditions.

NOTE: Federal and State of California Family Leave regulations say that unless complications arise, the common cold, the flu, earaches, upset stomachs, minor ulcers, headaches other than migraine, routine dental or orthodontia problems and periodontal disease are not serious health conditions that entitle an employee to family leave.

**Temporary Transfer:** If an employee on a FMLA family/medical leave needs intermittent leave or a reduced work load, the College may temporarily transfer the employee to an alternative position at the transferred employee’s equivalent pay rate and benefits.

### 8.7.2 California Family Rights Act (CFRA)

Provides for twelve (12) weeks of unpaid leave under circumstances similar to FMLA, EXCEPT that it does not provide leave for disabilities related to pregnancy. If an employee takes a leave under FMLA unrelated to pregnancy disability, his/her leave entitlement under CFRA runs concurrently. CFRA may also be used for:

- **Baby Bonding** – This includes birth of a child to an employee, or placement of a child with an employee in connection with the adoption or foster care of the child (see Pregnancy Disability Leave (PDL) and Intermittent Leave, below, for more information on Baby Bonding.)
- **Family care** – This includes care of a child, parent or spouse who has a serious health condition.†
- **Medical leave** – Refers to the employee’s own serious health condition\* that makes the employee either unable to work at all or unable to perform one or more essential functions of the position.

† Definitions can be found in the section below titled “Information, Requirements, Procedures and Definitions Common to Family/Medical Leaves under the Family and Medical Leave Act (FMLA), California Family Rights act (CFRA) and Pregnancy Disability Leave (PDL)”

### 8.7.3 Pregnancy Disability Leave (PDL)

Disabilities due to pregnancy and pregnancy-related conditions are not covered by CFRA but instead are provided for California employees by Pregnancy Disability Leave. Therefore

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employees who are disabled due to pregnancy are permitted rights under PDL in addition to CFRA rights. Once the baby is born, CFRA “baby bonding” leave is applicable for the remainder of the time allowed.

### **Allowable Time**

PDL provides for leave up to four (4) months, which is the equivalent of 88 working days/17 weeks and 3 days/704 working hours (full-time, prorated for part-time). Of the four months, 12 weeks (60 days/480 hours runs concurrently with FMLA.

PDL is available only for periods of actual disability. The employee must be designated as disabled because of pregnancy, childbirth or related medical condition by her treating physician; there is a presumed disability of six (6) weeks when giving birth.

CFRA taken after a FMLA/PDL leave is 12 weeks/60 days/480 hours (full-time, prorated if part-time). CFRA may be taken for purposes of bonding with the baby. No medical certification is required.

The employee may take pregnancy leave on an intermittent basis, as needed, in increments of no less than 3 hours. Alternatively, the employee may use pregnancy leave to facilitate a reduced work schedule prescribed by the employee’s health care provider. Only the amount of leave actually taken will be counted toward the four-month entitlement.

PDL is unpaid. However, the employee must use accrued sick leave during her pregnancy disability leave and may choose to use accrued but unused vacation or other paid leave toward the four months leave. The substitution of paid leave does not extend the total leave entitlement.

Vacation or sick leave will not accrue during the unpaid portion of a pregnancy disability leave. Medical benefits will be continued only if the employee is on a concurrent FMLA leave.

### **8.7.4 Information, Requirements, Procedures and Definitions Common to Family / Medical Leaves under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA) and Pregnancy Disability Leave (PDL)**

1. ***Return to Same or Comparable Job*** – Eligible employees returning from these unpaid leaves have the right to return to the same or a comparable position.

2. ***Pay During Leaves*** – Employees may elect to use any or all of their accrued unused sick leave or vacation during a family/medical leave, but employees on PDL are required to use their accrued unused sick leave.
3. ***Pay Status and Source*** – The College allows substitution of accrued time off and coordination of benefits received by the State of California in order to extend pay to eligible employees. At no time can an employee receive more than 100% of her or his base salary when coordinating benefits received by the College and other entities (SDI, PFL, Workers’ compensation, etc.)
4. ***Benefits During FMLA/CFRA Leaves*** – Under both FMLA and CFRA, eligible employees will be provided with continuation of health benefits as if the employee were at work, up to 12 weeks for each medical leave taken within a 12-month period. Both paid and unpaid leave periods count toward the maximum twelve (12) week benefit. If otherwise entitled, the employee will continue to accrue leave benefits when paid leave is being substituted for unpaid leave, but will not accrue vacation or sick leave during the unpaid portion of the leave.
5. ***Collection of Unpaid Premiums*** – Employees who would normally have a payroll deduction for medical/dental/vision care coverage will be billed for those coverages for any period without pay. The College reserves the right to recover premiums it paid for maintaining an employee’s health coverage if the employee fails to return to work from the medical leave, or to discontinue benefits coverage if the employee has not paid the premiums and the College has notified the employee in writing two times during a three-month period.

During any unpaid period the employee will be billed on a monthly basis for those deductions normally taken through payroll deduction. If these premiums are not paid on a timely basis the College reserves the right to terminate coverage after the 12 week FMLA period and recover the unpaid premiums through collections process.

6. ***Requesting Family/Medical or PDL*** – Employees must give reasonable, advance notice of the desire or need to take family/medical leave or pregnancy disability leave. Employees must notify Human Resources of the need for leave and Human Resources will then coordinate the leave and ensure accurate designation of the type

of leave. Eligible employees must apply for leave by completing the “Request for Leave” form and in the event of a serious health condition of the employee or immediate family member, the “Certification of Health Care Provider” form for each occurrence.

7. ***Medical Certification of Employee’s Own Serious Health Condition*** –An employee requesting family/medical leave because of the employee’s own serious health condition must provide medical verification from a health care provider which includes: (1) date the condition started; (2) how long it is expected to last; and, (3) a statement that, due to the serious health condition, the employee is unable to perform the functions of his/her position. The College may require that the employee obtain subsequent re-certification regarding the employee’s serious health condition if additional leave is required. At any time the College may require, at its expense, an examination by an independent second health care provider. If the opinion of the second provider differs from that of the employee’s health care provider, the College may require, at its expense, a third opinion. The third opinion is final and binding.
8. ***Medical Certification for Family Leave*** – Employees requesting family/medical leave to care for a child, spouse or parent must provide medical certification of the serious health condition of the individual requiring care. The medical certification must state: (1) date the condition started; (2) how long it is expected to last; (3) how much time the medical care provider estimates the employee will be needed to care for the individual requiring care; and, (4) that the condition requires a family member to provide care. The College may require that the employee obtain subsequent re-certification regarding the serious health condition of the child, spouse or parent if additional leave is required.
9. ***Accounting for Use of Leaves*** – Each of these medical leaves must be separately designated on the employee’s attendance report so Human Resources can track and ensure accurate accounting for the leaves.
10. ***Return from Family/Medical Leave or Pregnancy Leave*** – Upon approval of a leave the College will confirm the expected date of the employee’s return and copy the supervisor. The following apply to returns from family/medical leaves or PDL:

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- Any request for an extension of an approved leave must be submitted in writing to Human Resources at least one (1) week prior to the expiration of the current leave.
- Communication from/to the employee regarding the return date.
- Failure to return on the agreed-upon date will be considered a voluntary resignation.
- A written verification of the employee’s ability to resume normal duties is required from the health care provider prior to the employee’s return from a medical leave. Any modifications or restrictions upon return from leave must be detailed and in writing. The College reserves the right to determine if the modifications or restrictions are reasonable (see ADA).
- Upon return from family/medical leave within the allowable time, the employee will be returned to their previous position, or an equivalent position will be made available to them, unless: (1) the job has ceased to exist because of legitimate business reasons unrelated to the leave; or, (2) reinstatement is being sought by any employee who is exempt and among the highest paid ten percent (10%) of College employees, and reinstatement would cause substantial and grievous economic injury to the College.
- If during the approved leave, the child, parent or spouse being cared for no longer needs care, the employee is expected to return to work immediately.

11. ***Definition of “Serious Medical Condition”*** – A “serious health or medical condition” is an illness, injury, impairment or physical or mental condition that involves either:

- Inpatient care (for example, overnight stay) in a hospital, hospice or residential medical care facility; or
- Continuing treatment by, or under the supervision of, a health care provider.  
Continuing treatment may include:
  - Any period of incapacity of more than three (3) consecutive calendar days, plus subsequent treatment;

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- A period of incapacity of more than three consecutive calendar days, plus a subsequent period of incapacity relating to the same condition involving treatment two (2) or more times by a health care provider; and/or may include a regimen of continuing treatment including prescription medication or therapy.
- Disability related to pregnancy (but only for FMLA leave that runs concurrently with PDL);
- Incapacity due to a chronic serious health condition or a permanent or long-term condition for which treatment may not be effective.
- Absences to receive multiple treatments by a health care provider, including recovery from the treatments, such as chemotherapy, radiation, physical therapy for severe arthritis, restorative surgery after an accident and kidney dialysis.

12. ***Intermittent leave*** – May be taken only under the following circumstances:

- In three (3) hour increments and designated on the appropriate attendance report.
- Baby bonding leave must be a minimum duration of two (2) weeks and must conclude within one year of the birth of the child or one year from the date the child was placed in the employee’s home for adoption or foster care.

13. ***Americans with Disabilities Act (ADA)*** – The ADA is a civil rights law that prohibits, under certain circumstances, discrimination based on disability. Disability is defined by the ADA as “a physical or mental impairment that substantially limits a major life activity.” The determination of whether any particular condition is considered a disability is made on a case by case basis.

Saint Mary’s College is committed to providing reasonable accommodations for qualified individuals with disabilities in a fair and equitable manner, and in accordance with applicable federal and state law.

The Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, require the College to provide appropriate employment accommodations to employees

with disabilities unless doing so would create an undue hardship, compromise the health and safety of members of the College community, or fundamentally alter the nature of the College’s employment or mission. As described more fully below, the College engages in an interactive process with the employee to determine disability status and accommodation needs.

When seeking a reasonable accommodation, employees are encouraged to inform their supervisor of the need for an accommodation. Upon receiving an accommodation request, supervisors should engage the employee in an interactive dialogue to clarify the type of accommodation(s) being sought. Before any accommodations are made, managers should contact Human Resources for assistance in determining, among other things:

- whether the employee qualifies as an individual with a disability,
- the essential functions of the employee’s job,
- whether the accommodation(s) being sought is “reasonable” and/or to identify alternative accommodation(s).

As part of the interactive process, HR may ask the employee to provide medical and other documentation to support his/her request for reasonable accommodation. All medical documents will be handled confidentially. After submission of all required documentation, HR will confer with the employee and the employee’s supervisor to discuss the requested accommodation(s), and if necessary, possible alternatives.

## **8.8 Lactation Breaks**

The College will make reasonable efforts to provide an opportunity and a private place (other than a restroom) that is close to the employee’s workstation to express breast milk. Lactation breaks must, if possible, run concurrently with any break time already provided to the employee. Additional break periods used to express milk will be unpaid as allowed by law. When no private place is available close to the employee’s workstation, the employee may express milk at her workstation, so long as she can do so with privacy. (Below is a link to the California Labor Code.)

### **Lactation Accommodation for all California Employees:**

<http://www.cdph.ca.gov/programs/breastfeeding/Documents/MO-MinRequire.pdf>

### **8.9 Paid Family Leave Program (PFL)**

The Paid Family Leave program (PFL), which was enacted into law by the California State Legislature on January 1, 2004, provides partial wage replacement for employees who suffer a wage loss in order to care for a seriously ill family member or for the birth or adoption of a new child. It does not provide additional leave, job protection or reinstatement rights beyond those provided by the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), or any other pre-existing applicable leave entitlement.

For more information, see Section on State Disability Insurance Benefits.

### **8.10 Workers' Compensation Leave**

Employees with a work-related injury or illness are eligible for workers' compensation leave so long as the leave request is accompanied by a written claim and doctor's certification of the need for leave and, if possible, the anticipated return to work date. All employees are eligible immediately upon hire.

Workers' compensation is unpaid leave but an employee may be eligible for temporary disability benefits paid by the carrier. At no time can the employee receive pay from the College in the form of sick leave and/or vacation and temporary disability benefits. They can be coordinated but must be discussed with Human Resources prior to the leave.

Any leave required by injuries or illnesses attributable to verified work-related reasons will run concurrently with applicable FMLA and CFRA leaves defined above. During a workers' compensation leave the College will continue its contributions to the employee's insurance benefits for up to one (1) year; however the employee must also continue to pay his/her share of the premiums and will be billed monthly.

During a workers' compensation leave the College will continue its contribution and benefit levels to employee's insurance programs for the duration of the FMLA period. When the leave is unpaid, the College will bill the employee for any deductions that would normally be deducted

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by payroll. After the 12 week FMLA period the employee will be given the option to continue their insurance benefits at 102% of the monthly premium under the Health Insurance Continuation Plan (HICuP).

The College will endeavor to place an employee in the same or comparable position upon return from a workers' compensation leave. However, when operational or business needs result in the College needing to fill the position, it may do so after the completion of the required 12-week FMLA/CFRA leave, which runs concurrently with workers' compensation leave.

If the employees medical/physical restrictions or modifications are not reasonably accommodated under the Americans with Disabilities Act (ADA) the College will engage in the interactive discussion process to determine whether the employee would be better placed in a open position that the employee is qualified to hold. The College is not required to return an injured worker into the same position if that position could further endanger the employee or cause unreasonable accommodation.

For reporting procedures and requirements, please refer to Workers' compensation in Section 9.

### **8.11 Personal Leave of Absence without Pay**

Employees may request up to six (6) month's personal leave of absence without pay. Employees must make written application for personal leave at least one (1) month in advance of the requested leave, and the request must be approved by the employee's supervisor before it is forwarded to Human Resources. The Assistant Vice President of Human Resources or her/his designee will review each request, consult with the employee's department, and grant or deny the leave at his/her discretion.

An employee on a personal leave of absence must provide written notice to Human Resources no less than 30 days before his/her expected return to work date. The employee's failure to return on the agreed date will be treated by the College as a voluntary resignation. The College cannot guarantee that the employee's prior position will be available upon return from a personal leave of absence, but when possible within business needs will attempt to place the employee in the same or a similar position.

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Employees must use all accrued vacation during a personal leave. The use of paid leave during a personal leave of absence for personal leave does not extend the total duration of the approved personal leave. Paid vacation and sick leave will not accrue during the leave.

Other leaves of absence (including PDL, CFRA/FMLA, or workers' compensation leave) which the employee takes or is eligible to take will count against the maximum amount of personal leave available. For example, if an employee with a non-industrial disability takes twelve (12) weeks of CFRA/FMLA leave prior to requesting a personal leave, the total amount of CFRA/FMLA and personal leave combined may not exceed six (6) months. In addition, no employee may take more than six (6) months of personal leave in any five (5) year period, measured from the date on which the first personal leave of absence commenced.

During a personal leave of absence without pay, the College will cease making contributions to the employee's insurance benefits programs and retirement programs. The employee may continue participation in these programs during the leave, at the employee's sole expense, to the extent permitted by the benefit plan contracts or documents.

Personal leave will not be considered as a break in service and the employee will retain the same anniversary date, but those portions of a personal leave of absence without pay be counted as time worked for salary purposes.

### **8.12 Compassionate Leave Donation Program**

The Compassionate Leave Donation Program is a voluntary plan which allows staff members to donate sick leave to a leave donation pool to assist other employees who themselves are experiencing a serious illness or who are the primary caregiver for a seriously ill family member.

#### **8.12.1 Eligibility – Recipients**

- Must be employed in full-time staff position for at least one year.
- Must have used all of their own accrued sick and vacation hours.
- Must use donated time for own serious illness or to care for seriously ill immediate family members.

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- Must be in good employment standing with the College as determined by the Assistant Vice President of Human Resources or her/his designee
- Must complete application form and medical certification form.
- May receive a maximum of 80 hours of donated leave per calendar year.
- Will be paid at their current pay rate.
- If receiving income from California State Disability Insurance (SDI), will have benefits coordinated to the extent allowable by law.
- May not be receiving benefits from the College’s Long-Term Disability Plan.

### 8.12.2 Guidelines – Donors

A staff member donating sick leave hours must adhere to the following guidelines:

- Donations are limited to a maximum of 40 hours of sick leave per calendar year.
- Donations must be in increments of 7.5 hours or 8 hours, whichever is applicable.
- Donors must maintain a minimum of 90 hours in their sick leave balance.
- Donors must complete and sign a donation form authorizing Human Resources to deduct hours from their sick leave balance and donate them to the pool.
- Donations of sick leave, if made within 30 days of an employee’s final date of employment at the College, will not be effective.

### 8.12.3 Procedures

A request for compassionate leave donation must be initiated by the staff member in need. The employee must submit a Request for Leave form available in Human Resources, plus a completed Certification of Health Care Provider form used for Family Medical Leave requests, which must include a statement of the employee’s inability to work due to their own serious health condition or the need to be a primary caregiver for an immediate family member, the diagnosis and prognosis, including the anticipated return date.

Donated sick leave hours not used by the recipient for his/her current need will be returned to the pool.

#### 8.12.4 Definitions

***Serious Health Condition*** – A physical or mental condition that requires inpatient care or continuous treatment by a health care provider.

***Immediate family member*** – Staff member’s spouse, son, daughter or parent (as defined by Family/Medical Leave Policy), or registered domestic partner.

### 8.13 Confidentiality of Medical Information (COMIA)

California’s Confidentiality of Medical Information Act (COMIA) protects the confidentiality of individually identifiable medical information created by health care providers. COMIA also sets forth limited circumstances in which release of such information to specified entities or individuals is permissible. Employers are prohibited from using or disclosing oral or written medical information pertaining to their employees without a written authorization from the affected employee. To be valid, such authorizations must comply with standards set forth in COMIA which require in part that the authorization be handwritten by the employee/patient who signs it or in typeface no smaller than eight-point type; clearly separated from any other language on the same page; signed only to release medical information and for no other purpose; and signed and dated by the employee/patient. The release may be cancelled or modified at any time, effective upon written notice to the employer.

Medical records protected under COMIA may include:

- a physician’s report
- lab results from a drug test
- family and medical leave request forms if the forms disclose the nature of the employee’s illness
- information about the employee’s disabilities which the College is accommodating under State or Federal disabilities laws
- Workers’ compensation records

To protect confidentiality of employee medical records, the College must maintain a separate file for each employee for information protected by privacy laws. Access to such information is restricted and will be granted only to those with a legitimate business or educational need to

know (e.g., for administering employee benefit plans or in relation to a workers' compensation claim) or when disclosure is compelled by judicial process.

## **8.14 Registered Domestic Partners**

In the administration of benefits programs, the insurer or College may require proof that the domestic partnership is registered with the State of California on the same basis as the College requires proof of a marriage or the dissolution of a marriage.

## **8.15 Insurance Benefits – Introduction and Eligibility**

The College strives to offer competitive programs in order to attract and retain employees.

### **8.15.1 Responsibilities**

The Director of Benefits under the direction of the College's Assistant Vice President of Human Resources is responsible for the HR department's implementation of all benefit policies and programs. Coverage is automatic only for benefits required by law (e.g., Social Security, Medicare, Workers' compensation, State unemployment insurance and State Disability), as well as for the College's Emeriti and TIAA/CREF Retirement programs. Each employee is responsible for enrolling in a timely fashion in all other benefit programs for which the employee is eligible.

### **8.15.2 Information and Forms**

Employees should consult Human Resources for details of any benefit provided by the College. Booklets, brochures, enrollment forms, claim forms and other information related to benefits are available in Human Resources, and many forms and descriptions are available on the Human Resources website.

### **8.15.3 When Benefits Begin**

Coverage for benefits with 30-day eligibility requirements (e.g., medical, dental vision, life and long-term disability plans), begins on the first day of the month after completion of 30 days. All

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appropriate enrollment forms must be completed within the first 30 days of employment. There is no pay in lieu of any benefit.

### 8.15.4 Staff Benefits Eligibility

Benefit Plan	Full time benefits eligible: 1,560 – 2,080 hours per year	Part time benefits eligible: 1,040 – 1,559 hours per year	Fewer than 1,040 hours per year (incl. temporary & on-call employees)
Medical	X	Prorated	None
Dental	X	Prorated	None
Vision	X	Prorated	None
Life	X	None	None
Long-Term Disability	X	None	None
Employee Assistance Program (EAP)	X	X	None
TIAA-CREF Retirement	X	X	None
Emeriti Program	X and age 40	X and age 40	None
Worker's Comp	X	X	X
Unemployment	X	X	X
State Disability	X	X	X
Social Security	X	X	X
Medicare	X	X	X

### 8.16 Benefit Plans

A summary of insurance benefits provided by Saint Mary's College is provided below. *This summary is brief and should not be relied upon as a complete description of each plans provisions and limitations.* For more detail, please contact the Human Resources office and request summary plan descriptions or other plan documents that provide more comprehensive information. The College also provides monthly Benefit Orientations at which employees receive a binder of current plan information.

### **8.16.1 Health, Dental and Vision**

The College offers comprehensive health, dental and vision programs with several plan designs and carriers, including Kaiser Permanente, United Healthcare, Delta Dental plans and Vision Service Plan (VSP). Health plans may have more than one choice of co-pay levels. The plans to be offered and the employees' premium co-pays options are established each fall and are typically communicated in November prior to the December open enrollment. Benefits are typically in effect for the calendar year. Premium co-payments vary depending on plan choices, whether coverage is for employee only, employee plus spouse or 1st dependent, or family (employee plus two or more dependents). Employees can select different levels for different types of coverage, e.g. if spouse or registered domestic partner has his/her own medical plan, the employee can elect employee-only for medical, and employee plus one for dental and vision. Employee-paid premium costs are paid automatically through pre-tax payroll deductions.

### **8.16.2 Long-Term Disability (LTD)**

The College provides long-term disability coverage for those scheduled to work 1560 hours per year or more. The plan provides partial protection for eligible employees against loss of income during prolonged periods of disability. Under the plan, benefits are payable to an employee who is totally or partially disabled from any cause, beginning after 90 days of continuous disability. The benefit is 60% of the employee's salary at disability up to \$10,000 per month. Determination of benefit eligibility/payment is made by the carrier.

### **8.16.3 Term Life Insurance**

The College provides term life insurance for those working 1560 hours per year or more. The basic coverage equals one time the employee's annual base salary, to a maximum annual limit. Coverage begins on the first day of the month following 30 days of employment. The full cost of this coverage is paid by the College. Staff may also purchase additional amounts of group life coverage for themselves, their spouses or their children at rates determined by the carrier. At termination, the employee has the option of converting this benefit to individual coverage, under the terms of the policy offered by the College's insurance carrier.

Included with this group policy are:

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- **Accidental Death and Dismemberment Insurance** – In the event of accidental death or dismemberment, benefits will be payable based upon a schedule determined by the carrier.
- **Travel Related Assistance** – Travel related assistance is provided when traveling at least 100 miles away from home for either business or pleasure. Services include coordination of hospital admission, interpreter services and legal referrals.

### 8.16.4 Employee Assistance Program (EAP)

This is a free, confidential counseling and referral service for employees who work 1560 hours per year or more, their dependents and retirees. The EAP can assist with a variety of problems and issues including marriage, family and child counseling; stressful conditions; job performance; substance abuse; debt management; elder care and legal assistance. This Saint Mary's College benefit plan provides up to eight (8) confidential counseling sessions each calendar year by a licensed professional near the employee's home or work. An employee not eligible for the Employee Assistance Program benefit can confidentially request EAP coverage on an exception basis by contacting the Director of Benefits, the Director of Employee Relations & Compensation, or the Assistant Vice President of Human Resources or designee. For more information on the Employee Assistance Program (EAP), pick up a brochure at the HR office.

### 8.16.5 Benefits Enrollment

Employees must enroll in applicable benefits within the first 30 days of eligibility by completing the appropriate carrier enrollment forms. The College will make every effort to notify the employee of eligibility of benefits after the first 30 days, but it is the responsibility of each employee to complete the required forms in a timely manner. The Human Resources staff is available to answer questions related to benefits.

- **Open Enrollment** – Employees who wish to make changes to their benefit programs may do so during the open enrollment period in the fall for an effective date of January 1st of the following year. Changes include adding or switching health or dental coverage, enrolling in voluntary benefit programs or adding dependents not enrolled in the first 30 days. Employees may delete dependent coverage at any time

by completing the appropriate carrier form. The Open Enrollment Period is announced annually and is available online at [GaelXpress](#).

- **Life events** – Employees who experience a life event (i.e. birth, marriage, adoption, death, divorce or loss of a spouse’s employment) may make changes during the year, but must do so within 30 days of the qualifying event. Those wishing to enroll spouses, domestic partners or dependents at times other than open enrollment will be required to prove loss of insurance coverage.

### **8.16.6 Tuition Waiver Benefit**

After one year of employment, current full-time employees and their eligible dependents are eligible to take advantage of attendance at most Saint Mary’s College courses, with reduced or fully-waived tuition, subject to certain limitations summarized in this section, and described more fully in the Tuition Waiver Policy available in Human Resources and on the HR website. Part-time staff working 1040 hours per year to 1560 hours per year are eligible for prorated tuition remission based on the direct proportion to the amount of time worked/approved during the fiscal year.

#### **8.16.6.1 Requirements and Limitations**

A partial list of tuition waiver requirements and limitations applicable to employee, spouse and children of employees includes:

- Employees must have completed one (1) year of full time employment with the College to be eligible for tuition waiver for themselves, spouses or eligible children.
- An applicant for tuition waiver must meet the normal application and admissions requirements of the College and of the academic program for which application is being made.
- Courses not eligible for tuition waiver include inter-institutional or contract programs, courses in doctoral programs, coursework at other institutions. Participation in Jan Term classes requires the written consent of the Assistant Vice President of Human Resources or designee.

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- Tuition waiver for any one student, including dependents of current employees and the child of a brother or sister of a Christian Brother, may be received for a maximum of four (4) academic years and may be applied only to courses undertaken in a single degree or certificate program.
- If an employee terminates or is terminated from employment, any prorated tuition will be billed from the date of termination until the end of the semester.
- With the exception of Families Enrolling Four Children and Catholic school teachers, all tuition waiver benefits must be approved by Saint Mary's Human Resources department. For more information on tuition waiver for Families Enrolling Four Children, for Catholic School Teachers, for Near Relatives of Christian Brothers and for Christian Brothers' Formation Personnel, see full policy available in Human Resources or on the HR website.
- Application for a waiver shall be made to Human Resources at the time of application for admission to the College is made. Renewal applications shall be made to Human Resources on or before the deadline set by Human Resources for such applications, and prior to each term for which a tuition waiver is requested.
- This plan may be revoked or modified by the Board of Trustees of the College, effective for current or future participants and commencing with the academic year immediately following the date of such revocation or modification.
- The tuition waiver is for tuition only and will not waive course fees (for lab materials, travel, books, retreats, etc.), mandatory fees (student body fee, health insurance, etc.) or any room and board fees.
- In the event of a death or disability of an eligible employee the tuition waiver program shall remain operative for the eligible children and spouse/domestic partner for up to four years.

### **8.16.6.2 Job-Related Courses for Eligible Employees**

A 50% tuition reduction will be granted for eligible Saint Mary's courses that are clearly job-related, that will substantially benefit the College by increasing the employee's skills in his/her current job. Tuition for job-related coursework will be charged to the employee's department.

The determination of what constitutes job-related course work will be made by Human Resources in consultation with the direct supervisor with final approval by the Vice President of Finance and may be made on a course by course basis.

#### **8.16.6.3 Spouses/Registered Domestic Partners and Non-Job Related Courses**

After one year of full-time employment, full-time benefits-eligible employees and their spouses or registered domestic partners may take up to one Saint Mary's College course per semester, quarter or term with 100% of tuition waived. Graduate level courses are considered a taxable fringe benefit to the employee and will be taxed based on current federal and state laws. For employees wishing to take courses during normal work times the approval of their supervisor is required prior to registering for classes.

#### **8.16.6.4 Requirements Specific to Children of Employees**

Undergraduate full tuition waiver is granted for the sons and daughters of full-time benefits-eligible staff and faculty members currently employed, provided such employees have completed one (1) year of full time employment with the College, with the following restrictions and obligations:

- The student(s) must be dependents for tax purposes, must have matriculated before reaching age 25, and must have met the normal admission requirements of the College and academic program to which they are applying.
- Each child receiving tuition waiver is subject to all rules and policies applicable to students of the College generally.
- Subject to continued good standing of such child as a student at the College, a waiver granted under this plan shall, upon application of such child, be renewed annually for a maximum of four (4) academic years and may be applied only to courses undertaken in a single degree or certificate program.
- Any child who receives full tuition waiver benefits may not receive additional financial assistance from Saint Mary's College in the form of academic scholarships or athletic grants.

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- Graduate level Tuition waived is considered a taxable benefit and will be taxed based on current federal laws. Employees are encouraged to carefully review the taxable benefit implications with regard to their overall compensation. Questions concerning taxable benefits should be directed to the Director of Benefits or to the College’s Payroll Manager.

### 8.16.7 Tuition Exchange Program

#### 8.16.7.1 Tuition Exchange Program Description

This program provides a national scholarship exchange program for dependents of eligible employees with over 500 participating institutions throughout the United States and the United Kingdom. Approximately 3,000 students receive scholarships annually.

Colleges and universities participating in this program have agreed to waive tuition for eligible dependents from other member institutions. The primary obligation of a member institution is to maintain a balance between “exports” (students applying for admission to a partner institution) and “imports” (students applying to Saint Mary’s).

All students must seek admission to the partner institution and meet any applicable admission requirements.

Since the number of export scholarships is limited each year, Saint Mary’s College has prioritized the award of export scholarships based on years of employment at the College. There is a minimum years of employment eligibility threshold for faculty and staff that matches the typical time necessary for tenure track faculty members to achieve tenure. There is also a prioritization of awards based on the faculty or staff member with the longest continuous employment at the College that is followed by an alternating prioritization of awards between faculty and staff members. The alternating prioritization of awards helps to assure that staff, who typically have fewer years of continuous service to the College than faculty, will have a reasonable chance of receiving an export scholarship.

#### **8.16.7.2 Tuition Exchange Program Eligible Employees**

All full-time faculty, currently teaching six (6) or more courses per academic year and staff, working 30 or more hours per week, 12 months per year, and who have completed seven (7) years of employment.

#### **8.16.7.3 Tuition Exchange Program Eligible Dependents**

Sons and daughters of eligible employees who are considered by the Internal Revenue Service to be legal dependents, and who have enrolled in or have applied to member institutions prior to attaining age 25. Verification of dependent status is required. Participation in this program is in lieu of eligibility for enrollment at Saint Mary's College.

#### **8.16.7.4 Tuition Exchange Program Scholarship**

Two (2) exports are allowed per academic year for a total of eight (8) exports after an initial four-year phase-in period. This total amount of export scholarships may be decreased if there are not enough offsetting import scholarships.

A tuition waiver for up to four (4) years of full-time undergraduate degree study, provided the student maintains continuing eligibility. Room, board and fees are normally NOT included in the scholarships offered by the host institution. Those institutions with very high tuition rates are allowed to award less than full tuition. Most institutions will reduce their scholarship by the amount of other grants available to the student.

Excluded from scholarship are part-time study, graduate study, study in a non-degree program and study for a second undergraduate degree.

#### **8.16.7.5 Tuition Exchange Program Application**

Application for the Tuition Exchange Program does not guarantee acceptance to a member institution or insure a scholarship. By October 1st of each academic year the College will be able to determine the number of Tuition Exchange Scholarships available based on the current number of imports and exports and the continuing eligibility of dependents enrolled the previous year. Applicants must complete the "Application for Tuition Exchange Scholarship" form and return it to Human Resources not later than October 31st.

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Human Resources will verify and determine eligibility and inform the employee/parent of the dependents' priority by November 15th, based on the following procedure:

**Process** – If the number of applicants is equal to or less than the number of scholarships (2 per academic year) all applicants will be given the opportunity to apply to a partner institution. If the number of applicants exceeds the allowed number of exports, applicants will be selected as follows:

- First priority will be given to the student applicant whose employee/parent has the longest continuous full-time employment at Saint Mary's College.
- If more than one employee/parent have the same continuous years of full-time service, ranking will be based on the date of submission of the application to Human Resources or, in the event of a tie, a drawing.
- If the employee/parent with the first priority is a faculty member, the second priority will be given to the staff applicant with the longest continuous years of full-time service. Likewise, if the employee/parent with the first priority is a staff member, the second priority will be given to the faculty member with the longest continuous years of full-time service. The next orders of priority will rotate sequentially between faculty and staff members by length of continuous years of full-time service.

Applicants who are not selected will be placed on a list as alternates in priority order based on the sequencing described above. Alternates who are not selected but choose to enroll in a partner institution on their own may reapply for Tuition Exchange the next academic year. In the event that a recipient fails to earn admission to a partner institution, chooses to enroll in a non-tuition exchange institution or otherwise forfeits the right to receive the scholarship (i.e. resignation of parent, ineligible dependent status, etc.) alternates will be selected in the priority order listed above.

Awardees must inform Human Resources no later than April 15th that they have been accepted and have enrolled in a host institution. Scholarship winners who fail to meet this requirement will forfeit their awards to an alternate on the waiting list.

#### **8.16.7.6 Tuition Exchange Program Continuing Eligibility**

Students will receive up to eight (8) semesters of tuition. Continued participation depends upon yearly re-certification. Accordingly each recipient MUST:

- Submit a transcript of their academic records to Human Resources within one month of the end of their academic year, AND
- Complete a “Scholarship Renewal” form and submit it to Human Resources no later than August 1st.

Human Resources will verify and notify the employee/parent of the dependent’s continuing eligibility. HR and the host institution must be notified immediately if the awardee takes a leave of absence or otherwise interrupts enrollment.

### **8.17 Benefits Related to Retirement**

#### **8.17.1 TIAA-CREF Retirement Plan**

The College offers through TIAA/CREF the opportunity to participate in a defined contribution plan as well as a tax deferred annuity plan. Please refer to the plan documents and summary plan descriptions available in the HR office and on the HR website.

#### **8.17.2 Emeriti Retirement Health Solutions (Emeriti)**

The Emeriti Retiree Health Plan for Saint Mary’s College of California is designed to help eligible employees pay for medical expenses after employment with College ends, beginning at age 55, in a tax-advantaged manner. It is also designed to provide eligible retirees with access to affordable nation-wide health insurance coverage beginning at age 65 throughout retirement. This program is being offered by the College through Emeriti Retiree Health Solutions (Emeriti), a collaborative arrangement of more than 50 institutions of higher education.

- **Contributions** – Under the program, the College contributes a flat dollar amount to an Employer Contribution Account for each benefits-eligible employee age 40 and older for up to a maximum of 25 years. Employees age 21 and older can also make after-tax contributions of any amount to an Employee After-Tax Contribution

Account, as part of planning for medical costs in retirement. Employee contributions are immediately vested and contributions by the College are vested after five (5) years of continuous service. Employees can direct the investment in both accounts (the “Health Accounts”) through the plan’s administrator TIAA/CREF.

- ***Benefits Available in Retirement*** – Upon retirement (defined as age 55 or older and 5 years or more of continuous service), the Health Accounts can be used to reimburse eligible medical expenses, which include but are not limited to the cost of medical, dental, vision and long term care insurance premiums. Emeriti also provides access to a nation-wide health insurance plan with choice of coverage level and at group rates to Medicare-eligible employees at age 65, as well as to eligible dependents through Aetna. A participating employee who ceases employment prior to achieving five (5) years continuous service may still use, if he/she has made contributions to, an Employee After-Tax Contribution Account to receive uninsured reimbursement benefits upon attaining age 55. However, the contributions made by the College will be forfeited if the 5 year vesting period has not been met.
- ***Eligibility*** – An eligible employee hired prior to July 1, 2007 who:
  - retires on or after July 1, 2007,
  - has completed fifteen (15) or more years of full-time continuous service at the College as defined by the plan description,
  - has attained age fifty-five (55) at retirement, and
  - made the written election to participate in the program prior to July 1, 2007shall receive transitional support if the balance of the Employer contribution account for the employee, calculated at the time of retirement, is not at least equal to the projected 5 year contribution (see below). The amount of transitional support will be the amount necessary (if any) to bring the balance of the account equal to the projected 5 year cost.

Those hired after July 1, 2007 will be automatically enrolled in the Emeriti Health Retirement Solutions Plan upon attainment of age 40 and will continue the contribution for 25 years or upon termination or retirement. Those hired after July 1, 2007 and have

already attained age 40 the College will begin a contribution immediately and will continue contributions for 25 years or upon termination or retirement.

**Calculation for transitional benefit:**

Those who qualify for the transitional benefit will receive an amount equal to the College's employee only monthly contribution for health and dental benefits on the date immediately prior to the retirement date, multiplied by a factor of 73.22 minus the plan balance held in the employer VEBA accounts at the time of calculation. This lump sum distribution will be processed with the final paycheck and transmitted with the closest payroll transmission date but within 30 days of retirement. Those hired after July 1, 2007 will not be eligible for transitional support at retirement. In order to receive the transitional retirement benefit the employee must have retired and met the qualifications noted above.

- **For More Information** – This is a brief summary of the Emeriti Retiree Health Plan. The Summary Plan Description (SPD) provides a more detailed description of the plan and you may request a copy from the Human Resources Department. The HR department has other information on this Plan, plus general information about Emeriti is available at [www.emeritihealth.org](http://www.emeritihealth.org). This Handbook, the various websites and brochures and the SPD are only to provide you with general information about the Emeriti Retiree Health Plan; in the event of a conflict between the Handbook, the SPD or other descriptive sources and the Plan document, the Plan document will control.

**8.17.3 Five Year Retirement Medical Benefit**

If *not* enrolled in the Emeriti Retirement Health Solutions program (Emeriti), employees hired prior to July 1, 2007 may be eligible to receive limited health and dental benefits for up to five (5) years after full retirement at the same premium rates as similarly-situated active employees. Employees hired or re-hired on or after July 1, 2007 are automatically enrolled in the Emeriti program and are not eligible for the Five Year Retirement Medical Benefit.

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- **Eligibility** – To be eligible for the Retirement Medical Benefit, the employee at time employment ends must be at least 55 years of age, have completed 15 years of service, and be covered under the College’s health and dental programs at the time of retirement.
- **Benefit** – For eligible employees, the College will continue to pay the current applicable active single health and dental premium (which changes each year) for up to five (5) years based on the current benefit level rates. Once a retiree attains age 65, he/she will be required to enroll in a Medicare Supplement Program, and any premium charges above the allotted active employee rates paid by the retiree, billed on a monthly basis and will be terminated for non payment.

### 8.17.4 Social Security/Medicare

All employees (excluding student workers during the academic year) are required to contribute to Social Security and Medicare which are designed to provide retirement payments as well as medical, disability and survivor benefits in retirement. The College also contributes an amount for each employee; the level of employee and College contributions are determined by federal law. Prior to retirement, employees should contact their local Social Security Administration office to receive a detailed benefit illustration.

### 8.17.5 Supplemental Retirement Annuities

Voluntary additional contributions, known as Supplemental Retirement Annuities, can be made on a tax-deferred basis. Although the College permits the voluntary selection of alternative carriers for employee contributions, it will not contribute to any carrier except TIAA-CREF.

## 8.18 Employee Benefits Continuation/Termination

### 8.18.1 When Benefits End

Employee benefits mandated by law (Social Security, Workers’ compensation, State Disability Insurance (“SDI”) and State Unemployment Insurance (“SUI”) cease when employment terminates, as do TIAA, as do TIAA-CREF contributions and any other voluntary benefits such

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as tuition waiver, tuition exchange and voluntary life insurance. Health, dental, vision, life, Long Term Disability (“LTD”) and Employee Assistance Program (“EAP”) coverages terminate the last day of the month in which the covered employee’s employment terminates, unless the employee qualifies for continuation of those benefits.

### **8.18.2 Health Benefits Continuation Plan**

The College’s Health Insurance Continuation Plan (HICuP) (similar to COBRA) allows employees, spouses and dependents to continue medical, dental, vision and EAP benefits when certain qualifying events occur, including termination of employment, reduction of hours, death of the employee, divorce or legal separation, retirement, or loss of dependent status. In most instances, benefits may be continued for 36 months. Premiums are paid entirely by the person(s) covered, including a 2% administration fee payable to the company administering the College’s Continuation Plan. Employees, spouses and dependents must be covered under one of the College’s programs at the time of the qualifying event to be eligible for continuing coverage. Employees terminating employment will receive a letter which describes the plan from the College’s administrator.

### **8.18.3 Employees Receiving Long Term Disability**

Employees who are receiving benefits under the long-term disability program will receive benefits such as medical, dental, vision and EAP for a period of six (6) months after long-term disability benefits begin. Employees will be responsible for the costs for any applicable dependent health coverage for the entire period of disability. When this benefit offered, it is expected that the employee will pay the normal deductions and if payment is not made in a timely manner the College can discontinue all benefit coverage. After six (6) months, employees on disability will be eligible to continue health benefits under the continuation program described above up to the maximum allowable time. If an employee is not eligible for Long Term Disability payments, the employee can continue their benefits as described in the paragraph above.

## **8.19 Benefits Required by Law**

### **8.19.1 Workers' Compensation**

All employees (excluding consultants/independent contractors and Christian Brothers) are covered by workers' compensation insurance for work-related injuries or illnesses, as required by law, at no cost to the employee. The coverage is effective on the first day of employment. Benefits may include payment for eligible expenses related to an injury or illness, weekly payments to supplement lost wages or permanent disability benefits. An injured worker may also be eligible for vocational rehabilitation benefits, which include retraining for or placement into an alternative occupation. The cost is paid by the College. For more information on the Workers' compensation Program, see the Director of Benefits in Human Resources.

### **8.19.2 Unemployment Insurance (UI)**

All employees (excluding student workers during the academic year, Christian Brothers and consultant/independent contractors) are eligible to apply for State Unemployment Insurance (SUI), and may receive Unemployment payments depending on the reason(s) for unemployment. The employee is responsible for submitting a claim to the State Employment Development Department (EDD). The cost of Unemployment Insurance is paid by the College. This is a reimbursable program that is paid by the College when claims are filed, not the State.

### **8.19.3 State Disability Insurance (SDI)**

All employees (excluding student workers during the academic year, Christian Brothers and consultant/independent contractors) are covered by State Disability Insurance (SDI). This insurance is payable when the employee is unable to work because of a non-work related accident or illness. The State of California annually determines both the contribution rate and the payment rates for eligible employees. Unemployment and Disability benefits cannot be paid for the same period. State Disability Insurance provides limited income during short-term disabilities (up to 52 weeks) and is funded by employees through payroll deduction.

Because SDI benefits do not entirely replace wages that are not earned during a covered absence, employees may coordinate the benefits provided under the State Disability Insurance program

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with accrued vacation and sick leave in order to maximize these benefits. Contact Human Resources for details on benefit coordination.

### **8.19.4 Paid Family Leave Program (PFL)**

The Paid Family Leave program (PFL), enacted into law by the California State Legislature on January 1, 2004, provides partial wage replacement for employees who suffer a wage loss in order to care for a seriously ill family member or for the birth or adoption of a new child. It does not provide additional leave, job protection or reinstatement rights beyond those provided by the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), or any other pre-existing applicable leave entitlement.

PFL benefits may be paid for a maximum of six (6) weeks within a 12-month period, following a mandatory seven (7) day waiting period. The 12-month period is measured from the first day the employee first establishes a valid claim for PFL benefits. Benefits received from PFL will be coordinated with an employee's accrued time off benefits. An employee may use accrued unused sick leave or vacation during the mandatory seven (7) day waiting period and supplement their PFL benefits with any remaining accrued leave. At no time can an employee receive more than 100% of his/her regular compensation.

Employees wishing to receive pay under this program must apply to the State of California for these benefits. For more information, contact Human Resources.

### **8.19.5 FICA/Medicare**

All employees (excluding student workers during the academic year, Christian Brothers and consultant/independent contractors) are required by law to contribute FICA and Medicare with a matching contribution from the College. These mandated programs provide income and benefits to those age 65 and older.

## **8.20 Voluntary Benefits**

The College offers several discounted or reduced rate programs in which employees can participate at their own expense. Enrollment for these programs is available only during open enrollment.

### **8.20.1 Reimbursement Accounts**

Eligible employees (those working at least 1040 hours per year *and paid 12 months per year, excluding students*) may participate in health and/or dependent care reimbursement accounts to, in effect, pay for eligible expenses with non-taxed dollars. To participate, employees estimate their predicted out-of-pocket medical and dependent care expenses for the upcoming year, and submit a Reimbursement Account enrollment form (available from HR and the HR website) no later than December 31 for the following calendar year. The annual amount(s) are deducted in equal pre-tax amounts throughout the following year.

Participating employees submit documented qualified expenses to HR during the year, and receive reimbursement checks for eligible expenses. Claims for eligible expenses during a calendar year must be submitted for reimbursement by no later than March 31 of the following year. NOTE: per IRS regulations, any funds that remain in the account after the March 31 deadline will be forfeited, and any changes to these programs can only be made if qualified “life events” occur.

### **8.20.2 Accident Insurance**

Accident insurance is available which covers a wide range of injuries. The benefits are designed to help pay for high out-of-pocket costs that may not be covered by traditional health insurance, for covered accidents that occur off the job. Depending on the plan chosen, Accident insurance may include coverage for on-job accidents. Accident insurance is available to the employee and family members.

### **8.20.3 Interest-Sensitive Whole Life Insurance**

Interest-Sensitive Whole Life Insurance is designed to provide death benefits to your beneficiaries if you pass away, and also can build cash value that you can utilize while you are still alive.

### **8.20.4 Critical Illness Insurance**

Critical Illness Insurance Plan is designed to help cover out-of-pocket expenses you or your family may incur following the diagnosis of some critical illnesses, such as heart attack, stroke,

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major organ transplant, permanent paralysis, end-stage renal (kidney) failure and coronary and artery bypass surgery. Out of pocket expenses can include alternative treatments, rehabilitation, deductibles and co-payments.

### **8.20.5 Optional Term Life Insurance**

Employees may purchase term life insurance beyond the College-paid one times annual salary, in increments of \$10,000 up to \$300,000. The rates are set by the carrier and are dependent on information such as the age of the individual to be covered.

### **8.20.6 Automobile and Homeowners Insurance**

Coverage for auto and homeowners insurance can be purchased at discounted rates.

### **8.20.7 Credit Union Membership**

Credit Union membership opportunities are available through the College.

### **8.20.8 Tax Sheltered Annuities**

While the College will only direct its retirement contribution to the TIAA/CREF program, employees may contribute to any entity that offers tax sheltered annuities or retirement savings programs. Employees are responsible for procuring the product and completing any necessary agreements. Interested employees must coordinate this through the Saint Mary's Director of Benefits.

### **8.20.9 Pre-Paid Legal Services**

This program provides confidential access to legal services through a selected and monitored legal service network. Services include unlimited consultations, letter and phone call on your behalf, review of documents, representation for moving traffic violations, IRS audits, trial defense services and access to an attorney 24 hours a day, 7 days a week in the event either you or a family member is arrested or detained.

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Employees join by filling out a membership application, available from Human Resources, at any time during the year. Coverage includes the employee, spouse or registered domestic partner, children up to the age of 21 if unmarried and living at home, or up to age 23 if full-time college students. The employee pays for the coverage, but the monthly charge can be paid through payroll deduction.

### **8.21 Opportunities and Advantages of Working at Saint Mary's College**

Beyond the beautiful setting, manicured grounds, areas for reflection and abundant wildlife, working at Saint Mary's College offers additional advantages and opportunities to serve. Note: most of the following programs require a staff ID, which can be obtained through the Business Office after completing forms available in Human Resources.

#### **8.21.1 Athletic Events**

College employees are encouraged to attend athletics competitions and events on campus; admission to Saint Mary's College sponsored intercollegiate athletics events is generally either free or offered at reduced prices (based upon availability). Postseason competitions or events sponsored by outside agencies are generally not included. Valid Staff I.D.'s are required for most campus events. Employees can purchase additional tickets for family and friends in advance through the SMC Athletic Ticket Office.

#### **8.21.2 Fitness Classes and Facilities**

The College has provided subsidies for Yoga and Pilates classes. Participants pay a fee that is determined by instructor cost and size of classes. For information regarding classes in session, watch the Campus Bulletin and email. The Office of Mission and Ministry offers off-campus local weekend meditation retreats.

Recreational facilities and equipment are available to all staff. Policies and procedures for equipment check out, availability restrictions, and potential fees are determined by the Athletic and Recreational Sports department.

### 8.21.3 Gael Flex

Saint Mary’s College and Sodexo created the “Gael Flex” program to be the ultimate compliment to the university experience. The Saint Mary’s ID card can be used for dining on campus, but we realize that employees want more. So we partnered with favorite off-campus merchants to give the ultimate flexibility, variety and value employees deserve.

#### Use Your “Gael Flex” Account On and Off Campus and Get More:

- ***Spending Power***
  - Accepted at Café Louis and Oliver Hall and off campus at select merchants
  - Special on and off-campus discounts and promotions, when available
- ***Flexibility/Freedom***
  - Flexibility to eat when and where you want
  - Easy to budget, track and add money
  - Allows for on- and off-campus usage
- ***Security***
  - Safer than cash or credit cards
  - Parent peace-of-mind
- ***Convenience***
  - One card for everything you need
  - Your Saint Mary’s ID does it all

### 8.21.4 Library

Library services and collections are available to all College staff. We support both your work-related information needs and provide materials for your pleasure reading. With our extensive collections and borrowing agreements with other institutions, we can get you anything you need. To get started, please either drop by the Library, phone us at x4624, or email us at [askalib@stmary-ca.edu](mailto:askalib@stmary-ca.edu). We also provide research advice by appointment to Saint Mary’s College staff.

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Come to the Circulation Desk to check out the staff reserve Community Collection of books that are currently the “hot topic” of our academic community’s conversations and find out more about our Family Borrower’s Card.

### **8.21.5 Saint Mary’s College Museum of Art**

Beautiful donated and College-owned art is on rotating display at the Saint Mary’s College Museum of Art on campus. The museum has special shows and events, and has a small but excellent gift shop. Original paintings and other works of art are also on display in buildings and offices across campus.

### **8.21.6 Staff Council**

The Staff Council provides input to College policies and changes affecting staff employees, and coordinates staff employee events on campus. The Staff Council consists of members elected through voting by staff employees.

### **8.21.7 College Committee on Inclusive Excellence (CCIE)**

#### **Role of CCIE**

The Committee on Inclusive Excellence will review, recommend, and facilitate the implementation of policies, programs, and practices that advance inclusive excellence at Saint Mary’s College.

Primary activities:

- articulate and promote the educational imperative for inclusive excellence;
- advise and review the development of institutional, unit, and school diversity and inclusion goals;
- develop and support strategies that improve the recruitment and retention of
- underrepresented students, staff, and faculty;

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- sponsor and coordinate opportunities for the development of cultural competence; and, support initiatives that advance the knowledge, practice, and recognition of inclusive excellence.

### **CCIE Membership**

- One faculty member from the Committee and the Provost (co-chairs)
- Vice President for College Communications
- Vice President for Mission
- Vice Provost for Student Life
- Assistant Vice President of Human Resources
- Assistant Vice President and Controller
- Chair of Staff Council
- Chair of Academic Senate
- Dean of Students
- Dean of Admissions
- Director of Athletics
- Director of High Potential Program
- Director of Institutional Research
- Director of Intercultural Center
- Faculty member, School of Economics and Business Administration
- Faculty member, Kalmanovitz School of Education
- Faculty member, School of Liberal Arts
- Faculty member, School of Science
- Graduate and Professional Studies student representative
- Undergraduate student representatives (2)
- Office of Academic Advising and Achievement representative

## **CCIE Meetings**

The Co-Chairs of the Committee call meetings as needed.

### **8.21.8 Campus Athletic and Recreational Sports Committee (CARSC)**

The Campus Athletics and Recreational Sports Committee provides guidance for intercollegiate athletics, club sports, intramurals, and recreational sports programs of the College. It is the responsibility of the committee to review the broad range of matters pertaining to these programs and to offer recommendations to the Director of Athletics and the President of the College. More specifically, the committee will serve as an objective check and balance entity to evaluate compliance policies, procedures and review summaries of academic performance and violation.

### **8.21.9 Educational and Cultural and Events**

Most events that occur on campus are offered to faculty and staff at either discounted or free rates, including noon talks by faculty, films, and visiting leaders in social justice. Most events are scheduled during “Community Time” a mid-day period on Wednesdays during which no classes are scheduled.

### **8.21.10 Mission-Related Events and Service**

There are many opportunities to learn more about the mission of the College, including monthly “Soup and Substance” noon discussion of a Lasallian reading with students, staff and faculty, the Lasallian Leadership Institute programs, the Buttimer Institute Lasallian studies program, the Lasallian Social Justice Institute, and immersion programs in El Paso, Chicago, San Francisco, India and Sri Lanka. The College also celebrates the Mass of the Holy Spirit, Welcome Mass for the community, the annual Convocation, and celebrations of our Catholic and Lasallian tradition.

### **8.21.11 International Programs**

Staff, faculty and Brothers can attend a Saint Mary’s summer study abroad program with tuition waiver once the minimum number of ten (10) students has enrolled. For more information contact the Center for International Programs on extension 4352.

### **8.21.12 Discounts**

Several discounts are offered to College employees, including:

- 10% discount at the College bookstore
- Discount in Hearst Art Museum gift shop
- Theme park discounts are available in Human Resources
- Sprint T-Mobile and Verizon personal telephone plan discounts
- Some retailers have discounted electronic equipment and software prices for college employees and students

### **8.21.13 Moraga School District Enrollment Policy**

A pupil whose parent or legal guardian is employed within the boundaries of the Moraga School District is considered to have complied with residency requirements (AB 2071). Admission to Moraga schools, however, is determined by the School District. Saint Mary's has no role and is not involved in the processing of any application. Interested employees should inquire directly with the local school district.