**San Jose State University Research Foundation**

**2019 HR/Payroll Calendar**

**PLEASE NOTE:** New hires must complete new hire forms and E-Verify within 3 days of their hire date. Forms for new hires, assignment changes, and reappointments/extensions must be received and approved by HR prior to any changes becoming effective. No work should begin before submitting appropriate forms to HR.

The timesheet for each pay period must be submitted according to deadline stated below. Late timesheet submission will delay paycheck.

<table>
<thead>
<tr>
<th>MONTH</th>
<th>HOLIDAYS</th>
<th>PERIOD COVERED</th>
<th>HR DOCUMENTATION DUE BY 5:00PM</th>
<th>MAXIMUM NON-EXEMPT HOURS</th>
<th>TIMESHEETS DUE BY 10:00 AM</th>
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For Payroll questions, please call (408) 924-1425 or (408) 924-1455. For HR questions, please call (408) 924-1460 or (408) 924-1308.

**PLEASE NOTE:** Central Office will be closed on Monday, December 31, 2019. This date is not a paid holiday. Benefited employees who are not scheduled to work must use vacation hours if they wish to be paid for December 31, 2019.
San Jose State University Research Foundation

DATE: December 4, 2018

TO: SJSU Research Foundation Employees

FROM: Guadalupe Lechuga, Director, Human Resources

SUBJECT: 2019 HOLIDAY SCHEDULE

This is the official holiday calendar for the San José State University Research Foundation for 2019. Please refer to the Employee Handbook for holiday pay eligibility requirements.

<table>
<thead>
<tr>
<th>DATE</th>
<th>DAY</th>
<th>HOLIDAY</th>
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<tbody>
<tr>
<td>January 1</td>
<td>Tuesday</td>
<td>2019 New Year’s Day</td>
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<tr>
<td>January 21</td>
<td>Monday</td>
<td>Martin Luther King, Jr. Day</td>
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<tr>
<td>April 1</td>
<td>Monday</td>
<td>Cesar Chavez Day Observed</td>
</tr>
<tr>
<td>May 27</td>
<td>Monday</td>
<td>Memorial Day</td>
</tr>
<tr>
<td>July 4</td>
<td>Thursday</td>
<td>Independence Day</td>
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<tr>
<td>September 2</td>
<td>Monday</td>
<td>Labor Day</td>
</tr>
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<td>November 11</td>
<td>Monday</td>
<td>Veterans Day</td>
</tr>
<tr>
<td>November 28</td>
<td>Thursday</td>
<td>Thanksgiving Day</td>
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<td>November 29</td>
<td>Friday</td>
<td>Foundation Holiday</td>
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<tr>
<td>December 25</td>
<td>Wednesday</td>
<td>Christmas Day</td>
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<tr>
<td>December 26</td>
<td>Thursday</td>
<td>Foundation Holiday</td>
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<tr>
<td>December 27</td>
<td>Friday</td>
<td>Foundation Holiday</td>
</tr>
<tr>
<td>December 30</td>
<td>Monday</td>
<td>Foundation Holiday</td>
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<tr>
<td><strong>December 31</strong></td>
<td><strong>Tuesday</strong></td>
<td><strong>Central Office Closure</strong>*</td>
</tr>
<tr>
<td>January 1</td>
<td>Wednesday</td>
<td>2020 New Year’s Day</td>
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</tbody>
</table>

*The Central Office is located at 210 North 4th Street. Central Office services will be closed for business during designated closure days. Designated ‘Central Office Closure’ days are not paid holidays. A benefited employee who does not work and wishes to receive pay for a ‘Central Office Closure’ day must use vacation hours.
How to Use Online Timecard

1. Employee Online Log-In

Go to the link

https://sjs-online.aspgov.com/Finance/Edge/Login/Login.aspx?token=1&ReturnUrl=/finance/edge

Sent out by the Foundation-payroll team to your SJSU email.

All Research Foundation Employee’s Online Reporting Users, Central Office Users, and
Timecard Signers/Reviewers, follow the instructions below:

Log in using the text “SJSUAD\" followed by your nine-digit SJSU Single Sign-On ID
(your SJSU ID number).

Your password is your SJSU Single Sign-On ID password (your SJSU ID password).

2. Timecard Online Tab

When this screen appears, click the “Timecard Online” tab on the top menu bar.

The following screen appears:
3. Enter Your Hours

If you are an hourly employee, enter the number of hours you worked and press "Next" to move the calendar forward to see subsequent work days. If you are an exempt employee, indicate the days when you were out of the office by entering the number "8" in the appropriate date and category space. Press "Next" to move the calendar forward to subsequent work days.

Once this information is entered, select your supervisor's name from the drop-down menu, and then select Submit Time.

If you need assistance, please contact the Research Foundation IT team at:

fdn-it-group@sjsu.edu

4. Paper Timesheet

In the event that you are unable to complete the Online Timecard, please go to our website to download a hardcopy timesheet that must be submitted to our Offices at

210 N. 4th St, 4th floor
San Jose, CA 95112

Timesheet Link: http://www.sjsu.edu/researchfoundation/formsdir/BLANK%20TIMESHEET.pdf

5. Employee Online Editable Information

Using Employee Online, employees are able to view and edit their own information to keep their records up to date and meet their needs. Employee Online allows you to:

- Change and View your Address and Phone Number
- Access your payment information, including W-2 and payment stubs
- Edit your tax withholdings and change your Direct Deposit Accounts
- Change your retirement Contribution Amounts
Effective May 1, 2015, the San Jose State University Research Foundation will be operating under one standardized e-mail format for all its employees in alignment with the San Jose State University initiative. The purpose of having this standardized email format is to ensure that we have one distinct method of conveying all Research Foundation related communication or emergency information in an efficient manner. Every Research Foundation employee will be required to use the standardized e-mail format (@sjsu.edu).

For Research Foundation new hires, this standardized e-mail account will be set up as part of the new hire process. We recognize that some employees may already have preferred, location based, e-mail accounts. These employees can activate their Research Foundation e-mail account and forward any e-mail received to their preferred, location based, e-mail account. If you are already using SJSU Gmail account, no action is required on your part. If you have not activated your SJSU Gmail account, follow the instructions listed below to activate your account using your nine digit SJSUOne identification number. If you do not know your SJSU id number, please contact HR at (408) 924-1308.

To access your SJSU email:

- First-time users, begin by setting your password at SJSUOne Set/Reset Password
- Then, to access your email account, go to SJSU Email (SSO Login)
- To sign in, use your SJSUOne ID and password—the same ID and password you use to access MySJSU and the campus wireless network
- After you login, you will see your email address (in upper right corner of screen) and it will use the format: firstname.lastname@sjsu.edu

We appreciate your support as we launch this new initiative to improve and streamline the Research Foundation communications.

If you have any questions regarding this communication, please contact Human Resources at (408) 924-1308
MEMORANDUM

TO: Principal Investigators and Project or Program Directors
    All Research Foundation Employees

FROM: Guadalupe Lechuga
      Director, Human Resources

DATE: June 10, 2015

RE: Healthy Workplaces, Healthy Families Act of 2014 (AB 1522)
    Sick Leave Policy For Non-Benefited Employees

On September 10, 2014, when Governor Edmund G. Brown signed the Healthy Workplaces, Healthy Families Act of 2014 (AB 1522, the “Act”), California became the second state in the nation to require employers to provide paid sick leave.

This Act applies to the SJSU Research Foundation (“Research Foundation”). The purpose of this communication is to provide Research Foundation employees a brief summary of the Act and of their rights.

Who qualifies for paid sick leave under the Act?

The Act applies to all of the Research Foundation’s employees. However, the Act does not impact benefited employees of the Research Foundation, as there is a Sick Leave policy that exceeds the Act’s requirements in effect for benefited employees.

The Act requires an employer to provide up to 24 hours of paid sick leave to all non-benefited employees, including student, part time and temporary employees who satisfy the following requirements: all non-benefited employees hired on or after January 1, 2015 qualify for paid sick leave by being employed by their employer for at least 30 days within a year in California and by satisfying a 90-day employment period. Per the Act, if an employee is employed for less than 30 days in California and is not employed for at least 90 days by their employer, they are not entitled to paid sick leave.

How much paid sick leave is provided?

While the Act gave employers a number of different options for implementation, the method that the Research Foundation has chosen is: Effective July 1, 2015, all non-benefited employees who qualify for the sick leave benefit pursuant to the Act will be credited with 24 hours of paid sick leave. An employee may then use their sick leave hours immediately following their start date. While the Act allows implementation “waiting” periods, as noted above, the Research Foundation exceeds the Act’s requirements by eliminating “waiting” periods.
Thereafter, on January 1 of each year or on their date of hire, non-benefited employees will be provided 24 hours of paid sick leave, which, again, can be accessed immediately.

There is no carryover of unused sick leave. All sick leave hours under the Act will be zeroed out each calendar year on December 31. Per the Act, sick leave will not be paid out at the end of employment.

**When can sick leave be used?**

Non-benefited employees who qualify for sick leave under the Act can start using their credited sick leave immediately following their start date or July 1, 2015.

Per the Act, the Research Foundation has set a reasonable minimum increment of two hours for the use of paid sick leave. However, each employee may determine how much paid sick leave he/she needs to use, keeping with the minimum usage.

**How can an employee use paid sick leave?**

An employee can use paid sick leave for an existing health condition or preventive care for themselves or a “family member.” A “family member” under the Act is a:

- Child
- Parent
- Spouse or registered domestic partner
- Grandparent
- Grandchild
- Sibling

Paid sick leave may also be used for an employee who is a victim of domestic violence, sexual assault, or stalking.

**When must paid sick leave be provided?**

Paid sick leave will be provided upon an employee’s oral or written request. If the need for paid sick leave is foreseeable, the employee must provide reasonable advance notice. If not, the employee must provide notice as soon as practicable.

**How is paid sick leave paid?**

Sick leave is paid at each employee’s regular or base rate of pay, and is charged to each employee’s salary/wage line and the active account.

**Other**

The Research Foundation will not retaliate against any employee who uses their paid sick leave.

An employee who uses their sick leave pursuant to the Act need not find a replacement for himself/herself for their time off.

===================================================================== Specific information regarding AB 1522, the Sick Leave Act, can be found at the following site: http://www.dir.ca.gov/DLSE/ab1522.html
San José State University Research Foundation

Student Assistant Employment Information

This brochure has been prepared to acquaint you with the San Jose State University Research Foundation (“Research Foundation” or “Foundation”) and provide you with a general summary of procedures and practices that most closely affect your work environment. Please make sure to read all provisions. This brochure highlights only the Research Foundation’s practices and procedures. It is not intended to be a legal document. To preserve its ability to meet its needs under changing conditions, the Research Foundation may modify, augment, delete or revoke all policies at any time. For more detailed information, please contact the Foundation’s Human Resources Department.

HISTORY

The Research Foundation is one of the oldest nonprofit corporations in the California State University (CSU) system. The purpose of the Foundation is to advance the welfare of the University, assist in fulfilling its objectives, supplement the programs and activities of the University in appropriate ways and promote and assist the CSU.

GENERAL INFORMATION

Student Assistants are employees working half-time or less (maximum of 20 hours per week and 40 hours per week during summer and intersession) and who are enrolled in and regularly attend classes at either San Jose State University or at another institution of higher education. Students under the age of 18 are required by law to obtain a work permit before an offer of employment can be made and are subject to all appropriate federal and state “child” labor laws.

Employment with the Research Foundation is “at will,” that is, the employee and the Research Foundation are free to terminate the employment relationship at any time, with or without cause, and with or without advance notice. This “at will” employment relationship can only be changed by an express written contract signed by the Chief Operating Officer of the Research Foundation. Unless the employment relationship is subject to such a written contract, the “at will” employment policy is the sole and entire agreement that exists between an employee and the Research Foundation as to the duration of employment and the circumstances under which employment may be terminated, notwithstanding the projected appointment term specified on the Appointment form, the job definition, or the job classification.

Affirmative Action/Equal Opportunity: It is the policy of the Research Foundation to provide equal employment opportunities to all employees and applicants for employment. All employment practices such as recruitment, selection, promotions, and other terms and conditions of employment are administered in a manner designed to ensure that employees and applicants for employment or services are not subjected to discrimination on the basis of age (over 40), race, color, sex, sexual orientation, national origin, ancestry, medical condition (cancer or genetic characteristics), physical or mental disability, marital status, religion, veteran status, or any other consideration made unlawful by applicable federal, state or local laws. The Research Foundation also prohibits harassment of applicants and employees based on any of these protected classifications.

The Research Foundation is committed to providing a work environment free from discrimination and harassment, and where employees are treated with respect and dignity. This policy is in accordance with federal, state and local laws and reaffirms the Research Foundation’s continuing commitment to both the spirit and intent of equal employment opportunity laws and policies. If you have any questions or need assistance or an accommodation in completing this application, please contact Research Foundation HR at (408) 924-1409

Compensation and Time Accounting: Employees are paid on a semi–monthly pay period basis (24 pay periods per year). Work performed from days 1 through and including 15 is paid on the twenty sixth of the month and
work performed from days 16 through and including the last day of the month is paid on the tenth of the following month. Pay advances will be considered and granted only in cases of emergency or personal hardship. In no event will an advance of wages be made for time not already worked.

**FICA Exemption:** All Research Foundation employees participate in FICA withholding. This is a mandatory benefit and withholding is required by law. The following two categories of employees, who are student assistants, are exempt from otherwise mandatory FICA withholding:

- SJSU undergrad students (must carry 6 units minimum, proof is required)
- SJSU grad students (must carry 4 units minimum, proof is required)

In order to qualify for the FICA exemption for each semester (Fall, Winter, Spring, and Summer), you must be enrolled and must be regularly attending classes during that session. If you are not attending classes, you are not eligible to receive the FICA exemption for that period of time. In order to receive the exemption, you must properly document your eligibility by mailing, faxing, or e-mailing to us your **class schedule**.

**Rest Periods:** Research Foundation Student Assistants receive one 15 minute rest period for each four hours worked. Rest periods should be taken around mid-shift. Rest periods should not be taken during the first or last half-hour of the work shift. Rest periods may not be accumulated to be taken at a later time.

**Holidays:** There are normally 13 company holidays per year. The exact schedule is announced at the beginning of each calendar year. Student Assistants do not receive compensation for holidays. Student Assistants who work on a holiday must have the project director/supervisor initial the date on the Payroll timesheet. Compensation for holiday work is normally at straight time, assuming 8 or less total work hours for that day.

**Workers’ Compensation coverage:** The Research Foundation provides workers’ compensation coverage for employees who sustain a work related illness or injury. Occupational injuries or illnesses are covered by the Research Foundation’s Workers’ Compensation Insurance Policy through CSURMA / AOA, and is provided at no cost to the employee. The Workers’ Compensation program is currently administered by Sedgwick CMS. In case of a work related illness or injury, irrespective of how trivial it may appear, it is important that the appropriate supervisor and the Human Resources Department be notified immediately. The Student Assistant will be referred to appropriate medical care (including the SJSU Clinic), and will also be asked to complete the “Employee’s Claim for Compensation Benefits” form which is available in the Human Resources Department. The completed form must be submitted to the Human Resources Department immediately.

**State Disability (SDI):** Research Foundation employees who work in California are automatically covered by SDI. An employee must file a claim with SDI in order to receive benefits. Further information about the program and claim forms may be obtained from the Foundation’s Human Resources Department.

**EMPLOYEE RELATIONS**

The Research Foundation expects each employee to conduct him/herself in a courteous, safe, and professional manner at all times while they are on the company’s premises and/or conducting Research Foundation business, irrespective of location. An employee’s own good judgment, common sense, consideration of your fellow workers, and respect for the safety and efficiency of the organization should govern conduct on the job.

Any behavior by an employee in violation of the policies, rules, and procedures of the Research Foundation, including but not limited to that conduct which may result in harm to the Research Foundation, its reputation, or in potential harm to an employee, or which interferes with the rights of other employees or customers, or conduct considered to be an act of harassment in any form, may subject the violator to appropriate corrective action, up to and including termination of employment.
The degree of discipline for violating the policies, rules, or procedures of the Research Foundation or conducting yourself in a manner otherwise inconsistent with the Research Foundation’s standards of conduct shall remain within the discretion of Research Foundation’s management. Below are some examples:

- Inability to meet performance standards.
- Damaging Foundation or University materials and property.
- Possession, use or sale of liquor, narcotics, hypnotic hallucinogens or other chemical agents in the workplace.
- Insubordination or willful refusal to follow instructions, or perform assigned work as directed by the supervisor.
  Repeated instances of tardiness or absenteeism.
  Altering or falsifying any timekeeping records.

Please note: all Research Foundation employees assigned to work in non-Central office locations, including but not limited to State-owned facilities (examples: MLML; NASA AMES; Fish & Game) are subject to all site owner work rules and regulations, in addition to the Research Foundation’s rules and regulations.

Dress Code – Employees are expected to observe good habits of grooming and personal hygiene. If there are any questions as to what constitutes appropriate attire within a given department, the department supervisor should be consulted initially.

ALCOHOL AND DRUG ABUSE POLICY

The Research Foundation is responsible to provide its employees a safe and healthful work environment. Therefore, the Foundation will not tolerate the use of illegal drugs (including marijuana) or alcohol by employees in the workplace. The Foundation will also not permit any employee to work while impaired from the use of either illegal drugs (including marijuana) or alcohol.

Safety is the responsibility of each employee and is a key priority at the Research Foundation. It is important that each employee contribute to the safe work practices of the Foundation. Occupational injuries are avoidable, and each of us is charged with maintaining an accident and injury-free workplace. Safety is a condition of employment and each employee must assume personal responsibility for themselves and others.

For further information, please contact the Human Resources Department. Contact information is provided below.

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<tr>
<th>Role</th>
<th>Contact Name</th>
<th>Phone Number</th>
<th>Email Address</th>
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</thead>
<tbody>
<tr>
<td>HR Director</td>
<td>Guadalupe Lechuga</td>
<td>(408) 924 - 1410</td>
<td><a href="mailto:lupe.lechuga@sjsu.edu">lupe.lechuga@sjsu.edu</a></td>
</tr>
<tr>
<td>HR Associate Director</td>
<td>Ranjit Kaur</td>
<td>(408) 924 - 1409</td>
<td><a href="mailto:ranjit.kaur@sjsu.edu">ranjit.kaur@sjsu.edu</a></td>
</tr>
<tr>
<td>HR Generalist</td>
<td>Trinidell Thompson</td>
<td>(408) 924 - 1418</td>
<td><a href="mailto:trinidell.thompson@sjsu.edu">trinidell.thompson@sjsu.edu</a></td>
</tr>
<tr>
<td>HR Coordinator</td>
<td>Jocelyne Pena</td>
<td>(408) 924 - 1460</td>
<td><a href="mailto:jocelyne.pena@sjsu.edu">jocelyne.pena@sjsu.edu</a></td>
</tr>
<tr>
<td>HR Coordinator</td>
<td>Myles Reed</td>
<td>(408) 924 - 1308</td>
<td><a href="mailto:myles.reed@sjsu.edu">myles.reed@sjsu.edu</a></td>
</tr>
<tr>
<td>Reception/ Facilities Lead</td>
<td>Angelique Duysings</td>
<td>(408) 924 - 1402</td>
<td><a href="mailto:angelique.duysings@sjsu.edu">angelique.duysings@sjsu.edu</a></td>
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INJURY AND ILLNESS PREVENTION PROGRAM

PURPOSE
To maintain a safe and injury/illness free work force

POLICY
The San Jose State University Research Foundation is firmly committed to maintaining a safe and healthful working environment for employees. California Senate Bill 198 requires the Research Foundation to have a written Injury and Illness Prevention Program. This program is designed to prevent workplace accidents, injuries and illnesses. The SB 198 requirements give primary emphasis to the planning and operation of all Research Foundation activities in order to prevent accidents which may be a source of injury and hardship to the employee and/or a potential source of interrupted operations and unwarranted cost to the Research Foundation.

Good housekeeping is an integral part of any elective safety program. Keeping work areas neat and clean reduces the chance of accidents and injuries. Well organized work areas also increase the ability of employees to perform their jobs efficiently. Every effort will be made to provide adequate training to employees. However, if an employee is ever in doubt about how to perform a job safely, it is their responsibility to ask a qualified person for assistance. Employees are expected to assist management in all phases of accident prevention activities.

RESPONSIBILITY
Program Administrator
The Human Resources Director is the Program Administrator and is responsible for overall implementation and maintenance of the Injury and Illness Prevention Program. The Program Administrator:

- Ensures that managers and supervisors are trained in workplace safety and are familiar with the safety and health hazards to which employees under their immediate direction or control may be exposed, as well as applicable laws, regulation and Research Foundation safety rules and policies;
- Ensures that employees are trained in accordance with this Program;
- Inspects, recognizes and evaluates workplace hazards on a continuous basis;
- Develops methods for abating workplace hazards and ensures that workplace hazards are abated in a timely and effective manner.

Project Directors, Program Managers, and Principle Investigators have the responsibility for the maintenance of a safe working environment. They are responsible for creating and maintaining safe working conditions, requiring safe work practices of all employees and enforcing safety policies and accident control practices for employees and students.

As new employees arrive, they will be trained in safety producers, safe usage of equipment and, where necessary, safe handling of hazardous materials. To aid the project director, program manager, and principle investigator in completing safety training, a new employee safety checklist will be provided by the Program Administrator.
Employee Responsibility

All Research Foundation employees have a responsibility to obey and follow all safety procedures and rules. They are required to wear and use whatever protective equipment and/or, devices necessary for the daily execution of their duties. Employee conformance with safety procedures and rules is a condition of continued employment.

Employees are required to immediately report any unsafe condition or hazard that they discover in the workplace to their supervisor or to the Program Administrator. No employee will be disciplined or discharged for reporting any workplace hazard or unsafe condition.

GENERAL SAFETY RULES AND REGULATIONS

- Comply with safety procedure rules and signs.
- Follow instructions. Don’t take chances. If you don’t know, ASK.
- Report unsafe condition to your supervisors immediately.
- Keep area clean and orderly.
- Use, adjust and repair equipment only when authorized.
- Use the right implement and equipment for the task.
- Use prescribed protective equipment.
- When tilling, use proper body mechanics. Know your tilling capacity. Ask for assistance.
- Report all injuries to the SJSU Research Foundation Human Resources office within 24 hours. Get first aid promptly.
- Avoid horseplay. Do not distract others.

COMMUNICATING SAFETY HEALTH ISSUES

The Program Administrator will promote safety within the SJSU Research Foundation at all levels and keep employees informed as to the Research Foundation safety record. Employees will be informed of potentially unsafe condition within the workplace.

SAFETY TRAINING

Training is the key to successful safety program. The Program Administrator will consult with the worker’s compensation safety Representative and other qualified training instructors to arrange or specific training for all employees and will schedule such training through the appropriate area/unit managers. Training will be conducted periodically.

The Human Resources Department will include a comprehensive safety presentation during new employee orientation. The presentation will include videos along with other written handouts and safety materials.

Additional training will be provided whenever an employee is given a new job assignment for which training has not previously been provided; whenever new substances, processes, procedures, or equipment which represent a new hazard are introduced into the workplace; whenever the Research Foundation is made aware of new or previously unrecognized hazard; and as additional training becomes necessary.
HAZARD ASSESSMENT CONTROL
The program Administrator will conduct periodic inspections of the workplace to identify possible workplace hazard. Record of such possible hazard will be maintained and corrective action will take place immediately.

Accident Investigation
After each accident, a thorough investigation will be conducted by the Program Administrator. The immediate cause of the accident will be identified and appropriate action taken to avoid future incidents. If the accident was caused by unsafe working habits, the employee(s) involved will be instructed again on safe, working habits and given special training if warranted.

REPORTING ACCIDENTS
Immediately following an injury or illness on the job, an employee should:

- Seek immediate treatment at the nearest medical facility if it is determined that medical treatment is necessary. The list of preferred providers is included in the packet
- Report the injury to the immediate supervisor, warn others and take necessary precautions to avoid the dangerous condition.

Supervisor and project administrators should take immediate action to:

- Assure that injured employee is provided medical treatment if necessary including first aid.
- Place warning signs of dangerous conditions and/or take necessary steps to ensure the safety of other employees.
- Report the injury to the Director of Human Resources using the supervisor’s report of accident form.

Medical Treatment Procedures
The arrangements have been made to handle any work related injury or illness of the Research Foundation employees with the preferred providers. The list of these preferred providers has been included in the packet.

An employee accident report must be completed by the employee and the supervisor and sent to the Research Foundation HR Department within 24 hours after any accident or illness.

Reporting Unsafe Condition
Each Employee should take responsibility to the report any equipment that appears to be unsafe to operate. The equipment should not be operated until such conditions have been investigated by the Program Administrator and made safe.

Any other hazardous condition in the workplace should also be brought to the attention of the supervisor and/or to the Program Administrator.
1.0 Purpose
The purpose of this policy is to delineate the San José State University Research Foundation’s (“Research Foundation”) policy concerning use and abuse of alcohol and/or illegal drugs or substances (including marijuana), to provide procedural guidelines, and to communicate the consequences of failing to adhere to established policies.

2.0 Responsibility
The Research Foundation executive director, through designated executive-level operations and Human Resources teams, is responsible for ensuring strict compliance with this policy. The director of Human Resources or designee is the designated lead in this endeavor.

3.0 Scope
The following rules and standards of conduct apply to all employees of the Research Foundation, irrespective of employee status, while on Research Foundation property (to include all areas of assignment, irrespective of formal ownership or title, and to include parking lots) and during the course of the work day (including meals and rest periods).

4.0 Definitions
This table provides definitions for special terms, acronyms, and abbreviations used in this policy.

<table>
<thead>
<tr>
<th>Term, Acronym, or Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Drug Free Workplace Act of 1988</td>
<td>Employers who fall under this category must have a policy prohibiting the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs, including marijuana, or controlled substances in the workplace, and must specify what actions will be taken in the event of violations.</td>
</tr>
<tr>
<td>California Drug-Free Workplace Act of 1990</td>
<td>California’s Drug-Free Workplace Act of 1990 is almost identical to the federal act (noted above). This law applies only to businesses contracting with or receiving grants from the California state government. Affected businesses must certify that they do, or will, provide a drug-free workplace before doing business with the state, including a workplace free of marijuana use.</td>
</tr>
<tr>
<td>5.0 Policy</td>
<td></td>
</tr>
<tr>
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<td></td>
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</tbody>
</table>

The Research Foundation maintains a drug free workplace pursuant to its legal obligations, as a recipient of federal contracts and funding, pursuant to the provisions of the Federal Drug Free Workplace Act of 1988. The Foundation also complies with the provisions of California’s Drug-Free Workplace Act of 1990.

As a responsible employer and partner of the San José State University community, the Research Foundation is concerned about employees’ use, sale, or possession of alcohol, illegal drugs, narcotics, or controlled substances, as they affect both the individual and their workplace. The use or possession of alcohol, illegal drugs or controlled substances on the job constitutes a potential danger to the safety and welfare of colleagues and fellow employees, and exposes the Research Foundation to the risks of injury or property loss or damage. Even misuse of prescription drugs and/or over-the-counter drugs can affect an employee’s job performance and may likewise seriously impair the employee’s productive contributions. Use or possession of illegal substances, including marijuana, or alcohol when abused, can seriously detract from an employee’s good judgment, work performance, efficiency, safety, and health, and thus tends to seriously impair the employee’s ability to productively contribute to the company’s objectives.

While the passage of Proposition 64 in California legalized recreational use of marijuana in California, marijuana remains an illegal Schedule I substance under the federal Controlled Substances Act. Both federal and state drug-free workplace acts continue to prohibit use of “controlled substances,” as defined under the federal Controlled Substances Act. Federal and state laws continue to require federal contractor employers such as the Research Foundation to maintain a workplace free from drugs and to certify that the organization is drug-free. Proposition 64 expressly does not change the Research Foundation’s status as a drug-free workplace. Also, Proposition 64 does not change the Research Foundation’s policies prohibiting the use of marijuana or complying with federal law.

### Proposition 64

Proposition 64, also known as the Adult Use of Marijuana Act, which amends the California Health and Safety Code and other California statutes, legalizes the recreational use of marijuana for adults 21 years old and over and establishes a regulatory framework for the sale of marijuana.

The provisions related to legalizing recreational marijuana use took effect November 9, 2016. While the enactment of Proposition 64 legalizes recreational use of marijuana in California, it does not impact workplace drug policies. Employers are still required to comply with applicable federal laws and do not have to change their policies prohibiting marijuana use. Marijuana continues to remain an illegal Schedule I substance under the federal Controlled Substances Act.

As a federal contractor, the Research Foundation continues to be legally obligated, pursuant to the Drug Free Workplace Act, to maintain a workplace free of illegal drugs, including marijuana. Proposition 64 does not impact the Research Foundation’s Drug and Alcohol Policy.
Conduct that violates the Research Foundation’s Drug and Alcohol policy includes the following:

a) Manufacture, use, possession, offer for sale, or being under the influence of illegal drugs, including marijuana, or of alcohol during working hours, including lunch and break periods.

b) Manufacture, use, possession, offer for sale, or being under the influence of illegal drugs, including marijuana, on Research Foundation property at any time. “Research Foundation” property includes all work areas of a Research Foundation’s assignment, irrespective of formal ownership or title.

c) An employee’s conviction on a charge of illegal sale or possession of any controlled substance, including marijuana, while off company property also violates this policy. Such conduct, even though off duty, reflects adversely on the Research Foundation, its business, and its employees, and may also compromise employee safety and welfare.

5.1 Required Notifications

Any employee who is using prescription or over-the-counter drugs that may impair the employee’s ability to safely perform the job, or affect the safety or well-being of others, must notify their manager or supervisor of such use immediately before starting or resuming work, to ensure the safety of their co-workers and of the integrity of the assignments.

Federal law mandates that any employee who has been convicted of any criminal drug statute for a violation occurring in the workplace must notify the company’s Human Resources department no later than five (5) days following the conviction. The Research Foundation is then obligated to notify the government contracting office within ten (10) days of receiving notice that a covered employee has been convicted of a criminal drug violation in the workplace.

5.2 Corrective Action

Violations of these rules and standards of conduct will not be tolerated. An employee who violates any of the terms of this policy is subject to corrective action, at the Research Foundation’s discretion, depending upon seriousness of the infraction, which will include any or all of the following, individually or in combination:

a) Mandatory referral to drug counseling, rehabilitation, and/or Employee Assistance Programs (EAPs).

b) One of these conditions or requirements may be that the employee participate in and successfully complete a formal drug abuse assistance or rehabilitation program that is approved by federal, state or local health agencies, law enforcement or other appropriate agencies. Referral will be made by company representatives and rehabilitation services. Every effort will be made to coordinate this program through employee’s health benefits, as appropriate. The employee is expected to strictly adhere to and abide by all recovery assignments, duties, and tasks, as specified and prescribed by professionals. Failure to strictly abide may lead to termination of employment.

c) Formal corrective action, including a formal written warning, up to and including termination of employment. Formal corrective action will include a statement of
specific conditions for the employee’s continued employment, to be decided at the sole discretion of the Research Foundation.

d) Failure by the employee at any time to strictly adhere to the guidelines and conditions established for continued employment will result in termination of employment. As part of its overall policy enforcement, the Research Foundation reserves the right, among other actions, to conduct searches on company property, including company instrumentalities, or of employees and/or their personal property, and to implement other measures as necessary and appropriate to detect and/or deter abuse of this policy, as determined by circumstances involved. The Research Foundation reserves the right to bring any such related matters to the attention of appropriate law enforcement authorities, including the San Jose State University Police Department, and to partner with them in addressing and resolving issues and concerns.

6.0 Related Policy Information
Not applicable.

7.0 Required Forms
Not applicable.

8.0 References and Related Information
Not applicable.

9.0 Record Retention
All documents and records are maintained in accordance with SJSU Research Foundation Record Retention requirements.

<table>
<thead>
<tr>
<th>Record</th>
<th>Retention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug and Alcohol Policy</td>
<td>This document is effective until further revised or updated. Outdated or revised documents will be maintained in accordance with Research Foundation Record Retention requirements. The Research Foundation will maintain the signed original and electronic copies of the approved policy and all updates and replacements.</td>
</tr>
</tbody>
</table>
1.0 Purpose
SJSU Research Foundation (Research Foundation) is an equal opportunity employer and, in accordance with applicable law, is committed to providing a work environment that is free of unlawful discrimination, harassment, and retaliation for its employees, applicants for employment, individuals providing services in the workplace pursuant to a contract, unpaid interns, volunteers, and others involved in its operations. This document is intended to further these goals by providing information about Research Foundation’s policies prohibiting unlawful discrimination, harassment, retaliation, Title IX violations (sexual misconduct, dating and domestic violence, and stalking) and describes the procedure for addressing such conduct by employees and third parties.

2.0 Responsibility
Any Research Foundation employee or any other third party who knows or has reason to know of allegations or acts that violate this policy should promptly inform their area or department manager, director, or senior director of Human Resources or his/her designee. Research Foundation Human Resources will be responsible for the implementation of and compliance with this policy. In instances where concerns or complaints involve Human Resources department staff, those concerns or complaints may be directed to the executive director of the organization or his or her designee.

3.0 Scope
The Research Foundation’s Discrimination, Harassment, and Retaliation Prevention Policy applies to all persons involved in the operation of the Research Foundation. In keeping with this commitment, this policy prohibits all such unlawful conduct directed at Research Foundation employees, applicants, individuals providing services in the workplace pursuant to a contract, unpaid interns, volunteers, and others involved in its operations by managers, supervisors, co-workers, or others. It also prohibits unlawful harassment of students by individuals associated with the Research Foundation, including teachers, coaches, counselors and peer advisors. Visitors to and workers employed by the San José State University, by other auxiliaries, or by other public or private organizations engaged in business with the Research Foundation are expected to comply with this policy.

4.0 Definitions
This table provides definitions for special terms, acronyms, and abbreviations used in this policy.
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<tr>
<td>Adverse Action</td>
<td>Means an employment action that has a substantial and material adverse effect on the complainant’s employment or ability to participate in the Research Foundation program or activity. Examples of Adverse Actions include termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit. Minor or trivial actions or conduct, not reasonably likely to do more than anger or upset a complainant, does not constitute an adverse action.</td>
</tr>
<tr>
<td>Complainant</td>
<td>An individual who is eligible to file a complaint to report a violation of this policy. It also includes any person who is reported to have experienced a violation of this policy in cases where some other person has made a report on that person’s behalf. A complainant may also be referred to as a party to the complaint.</td>
</tr>
<tr>
<td>Protected Status</td>
<td>Includes actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition (cancer and genetic characteristics), genetic information, marital status (including registered domestic partnership status), sex, gender, gender identity, gender expression, age, sexual orientation, pregnancy (including childbirth, lactation and related medical conditions), military and veteran status or any other status protected by federal, state or local laws.</td>
</tr>
<tr>
<td>Third Party</td>
<td>Means a person other than an employee. Examples include employees of CSU, volunteers, independent contractors, visitors, vendors, and their employees, employees of other auxiliaries, applicants, students, unpaid interns and volunteers.</td>
</tr>
</tbody>
</table>

5.0 Policy

The Research Foundation is committed to maintaining an inclusive community that values diversity and fosters tolerance and mutual respect. The Research Foundation provides equal opportunity for all persons regardless of their actual or perceived protected status, including their actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition (cancer and genetic characteristics), genetic information, marital status (including registered domestic partnership status), sex, gender, gender identity, gender expression, age, sexual orientation, pregnancy (including childbirth, lactation and related medical conditions), military and veteran status or any other status protected by federal, state or local laws. This policy extends to all employment practices, including recruitment, hiring, promotion, training, compensation, benefits, transfer, separation, and other terms, conditions, or privileges of employment. It also includes accommodations, advantages, facilities, privileges and services for all members of the organization.

The Research Foundation prohibits harassment of any kind, including sexual harassment, sexual misconduct, dating and domestic violence, stalking, and bullying. Such behavior violates Research Foundation policy and may also violate state or federal law.
5.1 Prohibited Conduct
Conduct prohibited by this policy, includes, but is not limited to:

- Discrimination, including harassment, because of any protected status
- Retaliation against an individual for exercising his or her rights under this policy or rights under federal or state law, opposing discrimination or harassment because of a protected status, or for participating in any manner in any related investigation or proceeding
- Dating and domestic violence, and stalking
- Sexual misconduct of any kind, which includes sexual activity engaged in without affirmative consent
- Employees from entering into a consensual dating/sexual relationship with any employee, student, unpaid intern, or volunteer, over whom s/he exercises direct or otherwise significant administrative, evaluative, or supervisory authority
- Any other conduct that violates federal or state laws prohibiting discrimination, harassment, or retaliation.

5.2 Discrimination
The Research Foundation strives to be free of all forms of unlawful discrimination, including unlawful harassment, because of a protected status. It is Research Foundation policy that no person shall be excluded from participation in, or be denied the benefits of, any Research Foundation program or activity because of any protected status. Discrimination means adverse action taken against an employee or third party by the Research Foundation because of the individual’s inclusion in a protected status.

5.3 Harassment
The Research Foundation is committed to providing a work environment that is free of unlawful harassment. Unlawful harassment means unwelcome conduct because of an individual’s protected status. This may occur where:

- Submission to, or rejection of, the conduct is made a term or condition of an individual’s employment or education
- Submission to or rejection of the conduct by the individual is used as the basis or threatened to be used as the basis for employment or educational decisions affecting the individual
- The conduct is sufficiently severe or pervasive that its effect, whether or not intended, could be considered by a reasonable person, and is in fact considered by the complainant as intimidating, hostile or offensive work or education environment

Unlawful harassment includes, but is not limited to, verbal harassment (e.g. epithets, derogatory comments, or slurs), physical harassment (e.g. assault, impeding or blocking movement or any physical interference with normal work or movement), and visual forms of harassment (e.g. derogatory posters, cartoons, drawings, symbols, or gestures).

Employee should not confuse unlawful harassment with job related supervision. Supervisors have the right and responsibility to define the job that they want an employee to perform, as well as the manner in which an employee must perform that job. Close supervision of an
employee (including, but not limited to, counseling and warnings about job performance, inappropriate conduct, or other performance issues) is not considered to be an example of unlawful harassment.

5.4 Sexual Harassment
The Research Foundation prohibits unlawful sexual harassment of all persons involved in its operations including employees, applicants for employment, individuals providing services in the workplace pursuant to a contract, unpaid interns or volunteers by anyone involved in the Research Foundation’s operations including supervisory and non-supervisory employees and third parties, such as vendors. Examples of unlawful sexual harassment prohibited by this policy include, but are not limited to the following:

- Unwanted sexual advances
- Offer(s) of an employment benefit (such as a raise, promotion or assistance with one’s career) in exchange for sexual favors, or threatening an employment detriment (such as termination, demotion or disciplinary action) for an employee’s failure to engage in sexual activity
- Visual conduct, such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons or posters
- Verbal sexual advances, propositions, requests, or comments
- Transmission of sexually related text-messages, videos or messages via social media
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual’s body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes or invitations
- Physical conduct, such as touching, assault, or impeding or blocking movement
- Physical or verbal abuse concerning an individual’s actual sex or the perception of the individual’s sex
- Verbal abuse concerning a person’s characteristics such as vocal pitch, facial hair or the size or shape of a person’s body, including remarks that a male is too feminine or a woman is too masculine

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Additionally, under California law, employees may be held personally liable for sexually harassing conduct that violates the California Fair Employment and Housing Act (FEHA).

5.5 Sexual Misconduct
All sexual activity between individuals involved in the operations of the Research Foundation must be based on affirmative consent. Engaging in any sexual activity without first obtaining affirmative consent to the specific activity constitutes sexual misconduct and is a violation of this policy, whether or not the conduct violates any civil or criminal law.

Sexual misconduct is a form of sexual harassment and may create a hostile work environment that adversely affects access to or participation in the Research Foundation programs and activities. The Research Foundation prohibits all such conduct whether or not it also amounts to sexual harassment.
Sexual activity includes but is not limited to kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex.

Affirmative consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean affirmative consent, nor does silence mean affirmative consent. Affirmative consent must be voluntary, and given without coercion, force, threats, or intimidation.

The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of affirmative consent. A request for someone to use a condom or birth control does not, in and of itself, constitute affirmative consent.

Affirmative consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

Affirmative consent cannot be given by a person who is incapacitated. A person is incapacitated if she or he lacks the physical and/or mental ability to make informed, rational decisions.

Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person’s decision-making ability, awareness of consequences, and ability to make informed judgments. A person’s own intoxication or incapacitation from drugs or alcohol does not diminish that person’s responsibility to obtain affirmative consent before engaging in sexual activity.

A person with a medical or mental disability may also lack the capacity to give consent.

Sexual activity with a minor (a person under 18 years old) is not and cannot be consensual.

It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the other person knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:

- The person was asleep or unconscious
- The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature, or extent of the sexual activity
- The person was unable to communicate due to a mental or physical condition

It shall not be a valid excuse that the other person believed that the person consented to the sexual activity under either of the following circumstances:

- The respondent's belief in affirmative consent arose from the intoxication or recklessness of the respondent
- The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented
5.6 Consensual Relationships
Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. While sexual and/or romantic relationships between members of the Research Foundation community may begin as consensual, they may evolve into situations that lead to discrimination, harassment, retaliation, sexual misconduct, dating or domestic violence, or stalking subject to this policy.

A Research Foundation employee shall not enter into a consensual relationship with an employee over whom she or he exercises or influences direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. In the event such a relationship already exists prior to the effective date of this policy, the Research Foundation will develop a procedure to reassign such authority to avoid violations of this policy.

5.7 Dating and Domestic Violence, and Stalking
The Research Foundation prohibits dating and domestic violence and stalking. Dating violence is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim.

Domestic violence is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the respondent has a child or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law.

Abuse means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself or another. Abuse does not include non-physical, emotional distress or injury.

Stalking means engaging in a repeated course of conduct directed at a specific person (when based on gender or sex) that would cause a person to fear for his or her safety or another’s safety or to suffer substantial emotional distress. Course of conduct includes, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, or means follows, monitors, threatens or communicates to or about a person, or interferes with a person’s property.

5.8 Retaliation
Retaliation against a person for exercising any rights under this policy or for opposing discrimination or harassment because of a protected status, sexual misconduct, dating or domestic violence, or stalking, or for participating in any manner in any policy-related investigation or proceeding is prohibited. Retaliation means an adverse action has been taken against the person because she or he has or is believed to have:

- Filed or participated in the making of a complaint to a federal or state enforcement or administrative agency, or the Research Foundation, for conduct that violates this policy
- Participated in or cooperated with an internal investigation, federal or state enforcement agency that is conducting an investigation of the Research Foundation regarding alleged unlawful activity
- Testified as a party, witness or accused regarding alleged unlawful activity
Discrimination, Harassment, and Retaliation Prevention Policy

- Provided informal notice to the Research Foundation regarding alleged unlawful activity

Retaliation is itself a violation of this policy and is a serious offense. Complaints regarding allegation of reprisal should be immediately brought to the attention of Research Foundation Human Resources. Complaints alleging retaliation can also be brought to the Research Foundation’s Executive Director.

5.9 Reasonable Accommodations

The Research Foundation will provide reasonable accommodations to qualified individuals with a disability in accordance with federal and state guidelines, unless to do so would cause undue business hardship. Reasonable accommodations will be determined by Research Foundation Human Resources following an interactive process with those involved to identify the nature and extent of the restrictions and the appropriate accommodation. More information on reasonable accommodation can be found at: https://www.eeoc.gov/policy/docs/accommodation.html.

5.10 Training

All employees will receive training on how to prevent discrimination, harassment, retaliation, sexual misconduct, dating and domestic violence, and stalking and to encourage reporting of such conduct. Supervisory employees will go through two hours of interactive sexual harassment training within six months of the employee’s assignment to a supervisory position and every two years thereafter as required by California law.

6.0 Complaint Procedure

Employees, applicants, interns, volunteers, and students who believe that he or she has been harassed, discriminated against, or subjected to retaliation in violation of the foregoing policies, or who is aware of such behavior against others should report all incidents of harassment, discrimination or retaliation. An individual is not required to wait for the conduct to be repeated or to worsen before making a report. Any incident of unlawful harassment, discrimination or retaliation by any Research Foundation employee or any other person, should be reported promptly to the employee’s supervisor or manager and/or to Human Resources. An employee, intern, volunteer, or student may contact Human Resources directly and is not required to complain first to his or her supervisor. Supervisors and managers who receive complaints of misconduct must immediately report such complaints to Human Resources.

All complaints of unlawful discrimination, harassment, and retaliation are taken seriously, and are promptly and objectively investigated. If the Research Foundation begins an investigation, it will endeavor to keep the investigation confidential to the extent possible, including the names of complaining employees and witnesses. An investigation may include interviews of individuals who might have information pertaining to the alleged conduct.

When the investigation has been completed, the Research Foundation will communicate the summary of the investigation to the complainant, to the alleged accused and, if appropriate, to others who are directly involved. If a complaint of a violation of this policy is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken. Both the rights of the alleged accused and the complainant will be considered in any investigation and subsequent action.
7.0 Required Forms
This table contains a list of forms and special tools referenced in this document.

<table>
<thead>
<tr>
<th>Form</th>
<th>Description of Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaint Form</td>
<td>This form may be used to file a claim.</td>
</tr>
<tr>
<td>Acknowledgement and Receipt of Discrimination, Harassment,</td>
<td>This form must be submitted to HR after reviewing the policy</td>
</tr>
<tr>
<td>and Retaliation Prevention Policy</td>
<td></td>
</tr>
</tbody>
</table>

8.0 References and Related Information
In addition to the Research Foundation’s internal complaint procedure, employees may also contact either Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH) to report unlawful discrimination, harassment, and retaliation. The EEOC and the DFEH serve as neutral fact-finders and will attempt to assist the parties to voluntarily resolve their disputes. They will accept and investigate charges of unlawful discrimination or harassment at no charge to the complaining party. For more information, please go to:

Equal Employment Opportunity Commission (EEOC) [https://www.eeoc.gov/](https://www.eeoc.gov/)
California Department of Fair Employment & Housing (DFEH) [http://www.dfeh.ca.gov/](http://www.dfeh.ca.gov/)

If CSU employees are involved CSU Executive Order 1096 may apply. It can be accessed at [https://www.calstate.edu/eo/EO-1096-rev-6-23-15.html](https://www.calstate.edu/eo/EO-1096-rev-6-23-15.html).

9.0 Record Retention
All documents and records are maintained in accordance with SJSU Research Foundation Record Retention requirements.

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</tbody>
</table>
New Hire Notice -- Injuries Caused By Work

What does workers’ compensation cover?

You may be entitled to workers’ compensation benefits if you are injured or become ill because of your job. Workers’ compensation covers most work-related physical or mental injuries and illnesses. An injury or illness can be caused by one event (such as hurting your back in a fall) or by repeated exposures such as hurting your wrist from doing the same motion over and over). Generally, independent contractors, and volunteers who receive no compensation are not covered by workers’ compensation benefits. Injuries resulting from off duty recreational, social, or athletic activities, unless condoned or sponsored by your employer, are generally not covered.

Benefits:

Workers’ compensation benefits include: Medical care, temporary disability, permanent disability, supplemental job displacement voucher, and death benefits

Medical Care:

You are entitled to medical care that is reasonably required to cure or relieve you from the effects of your work-related injury. Medical care may include doctor visits, hospital services, physical therapy, lab tests, x-rays, and medicines that are reasonably necessary to treat your injury. Providers should never bill you directly for work-related injuries. There is a limit on some medical services. Your employer is required to provide you with a claim form within one business day of learning about your injury. It is extremely important that you complete the “Employee” section of the claim form as your employer is required to authorize medical care within one working day after you file the form. If additional care is necessary after the initial treatment, the claims administrator will authorize any care that is appropriate for your injury, including the referral to specialists.

Your Primary Treating Physician (PTP):

This is the doctor with overall responsibility for treating your injury or illness. The primary treating physician determines what type of treatment you need and when you may return to work. A multispecialty medical group of licensed doctors and osteopathy can be designated as personal physicians. If your employer or your employer’s insurer does not have a Medical Provider Network, you may be able to change your treating physician to your personal chiropractor or acupuncturist following a work-related injury or illness by making a request to the claims administrator. Chiropractors may not continue as the primary treating physician after 24 visits. If specialists, diagnostics, etc. are needed in your case, this physician will be responsible for making the referrals. If you name your personal physician before your injury, you may see him or her for treatment in certain circumstances. Otherwise, your employer has the right to select the physician who will treat you for the first 30 days. You may be able to switch to a doctor of your choice after 30 days. Special rules apply if your employer offers a Health Care Organization (HCO) or has a medical provider network.

You should receive information from your employer if you are covered by an HCO or MPN. Contact your employer for more information.

Treatment by your personal physician:

You may be treated by your personal physician if you notify your employer prior to your injury. A personal physician includes a medical group of licensed doctors of medicine or osteopathy. Please have your physician complete the attached form and return to your employer. The following requirements must be met:

1. You must have group health coverage from any source for non-industrial illnesses and injuries.
2. Your personal physician must agree in advance to treat you for any work injuries or illnesses
3. Your physician must be your regular physician and surgeon.
4. Your physician has previously directed your medical treatment and retains your records, including your medical history.

What happens if your employer disputes your injury?

State law requires employers to authorize medical care within one working day of receiving a DWC 1 claim form. Your employer may be liable for as much as $10,000 in medical care until your claim is accepted or denied.

Medical Provider Networks:

Your employer may be using a MPN, which is a selected network of health care providers to provide treatment to workers injured on the job. If your employer is using a MPN, a MPN notice should be posted next to this poster to explain how to use the MPN. If you have predesignated your personal physician prior to your work injury, then you may receive treatment from your predesignated doctor. If you have not predesignated and your employer is using a MPN, you are free to choose an appropriate provider from the MPN list after the first medical visit directed by the employer. If you are treating with a non-MPN doctor for an existing injury, you may be required to change to a doctor within the MPN.

What if my employer has a Medical Provider Network?

If your employer has Medical Provider Network additional information can be obtained by reviewing the full employee notification which is required to be posted in close proximity to the workers’ compensation poster.

What if my employer does not have a Medical Provider Network?

If your employer does not have a Medical Provider Network, you may be able to change your treating physician to your personal chiropractor or acupuncturist following a work-related injury or illness within 30 days of reporting your injury. Chiropractors may not continue as
the primary treating physician after 24 visits. You may use the attached Notice of Personal Chiropractor or Personal Acupuncturist form to notify your employer of this change.

Emergency Medical Care:
If you need emergency care, call 911 for help immediately from the hospital, ambulance, fire department or police department.

First Aid:
If you need first aid treatment, contact your employer. If you have more than a simple first aid injury, you will need to ask your employer for a claim form.

Temporary Disability (TD) Benefits:
You may be entitled to payments if you lose wages while recovering. Your temporary disability rate is calculated by multiplying your average weekly wage by two thirds. The first 3 days of disability are not payable under California law unless there is hospitalization at the time of injury or the disability exceeds 14 days. If your physician returns you to work on a modified basis, you may be entitled to wage loss. This is generally calculated by multiplying the difference between your average weekly wage and your earnings during modified duties times two thirds. This is subject to the benefit minimums and maximums set by the California Legislature. Temporary disability benefits are payable within 14 days of the date of injury or knowledge of the injury. Subsequent payments are due every 14 days. For injuries occurring on or after 1/1/08, no more than 104 weeks of temporary disability are payable within 5 years from the date of injury. For longer term conditions (hepatitis B & C, amputations, severe burns, HIV, high velocity eye injuries, chemical burns to the eyes, pulmonary fibrosis, and chronic lung disease) no more than 240 weeks within five years from the date of injury are payable. You may be eligible for state disability benefits from the Employment Development Department (EDD) if TD benefits are stopped, delayed, or denied. There are time limits so contact EDD for more information.

Permanent Disability (PD) Benefits:
You may be entitled to payments if your physician says your injury has limited your ability to work. The permanent disability rate is calculated by multiplying your average weekly wage by two thirds, subject to statutory minimums and maximums. The amount of permanent disability or impairment may depend on your doctor’s opinion, as well as your age, occupation type of injury and date of injury. If you have permanent disability or your claims examiner suspects you have permanent disability, a letter will be sent to you explaining your benefits, including the estimate or total value of permanent disability, weekly payment amount, how the benefit was calculated, and all of your related rights under the California Labor Code, including your right to object to the report upon which the determination is being based. Permanent Disability benefits are payable within 14 days of the last payment of temporary disability benefit or after you physician indicates there is permanent disability. The benefit is payable every fourteen days. Permanent Disability benefits are not payable until your claim is finalized if your employer offered a job upon termination of temporary disability benefits.

Supplemental Job Displacement Benefit:
You may be entitled to a nontransferable voucher payable to a state approved school. To qualify, your injury must result in a permanent impairment and your employer is unable to offer modified or alternative work within 60 days of receipt of a report asserting that all medical conditions have reached maximum medical improvement. If your employer does not offer a modified or alternate job within 60 days of determination of maximum medical improvement, you may chose to receive a nontransferable voucher to use at a state accredited school for education-related retraining or skill replacement. If you qualify for the supplemental job displacement benefit, your claims examiner will provide a voucher for up to $6,000.00.

Return to Work Fund
If your injury results in permanent impairment and it is determined that the amount awarded is disproportionately low in comparison to your loss of earnings, you may be entitled to additional compensation. A fund was established to supplement permanent impairment benefits under specific circumstances. This fund is administered by the Division of Workers Compensation. Your examiner can assist in directing you to the correct resource to determine eligibility.

Death Benefits:
Death benefits are paid to dependents of a worker who dies from a work-related injury or illness. The benefit is calculated and paid in the same manner as temporary disability. This benefit is paid at a minimum rate of $224 per week. The death benefit rates are set by state law and the amount depends upon the number of dependents. If dependent minor children are involved, death benefits are payable at least until the youngest child reaches majority age. Burial expenses are also provided under this benefit.

Report Your Injury:
Report the injury immediately to your supervisor or to:

Employer representative: Guadalupe Lechuga
Phone number: 408-924-1410

Don’t delay. There are time limits. If you wait too long, you may lose your right to benefits. Your employer is required to provide you a claim form within one working day after learning about your injury. Within one working day after you file a claim form, your employer shall authorize the provision of all treatment, consistent with the applicable treating guidelines, for your alleged injury and shall be liable for up to ten thousand dollars ($10,000) in treatment until the claim is accepted or rejected. Until the date the claim is accepted or rejected, liability for medical treatment shall be limited to ten thousand dollars ($ 10,000). If your claim is denied, you have the right to appeal the decision within one year of the date of injury.
**Discrimination:**

It is illegal for your employer to punish or fire you for having a work injury or illness, for filing a claim, or testifying in another person's workers' compensation case. If proven, you may receive lost wages, job reinstatement, increased benefits, and costs and expenses up to limits set by the state.

**Questions?**

If you have questions, see your employer or the claims examiner who handles workers' compensation claims for your employer.

**Claims Administrator:**

Sedgwick Claims Management Services, Inc.

Address: _P.O.Box 14479_

City: _Lexington_  State: _KY_  Zip: _40512_

Phone: _916-851-8058_

The employer is insured for workers' compensation by:

--- CSURMA/AORMA

**How do I locate information regarding my employer’s current workers’ compensation carrier?**

For information regarding your employer’s workers’ compensation carrier, please visit the below website.

[https://www.caworkcompcoverage.com](https://www.caworkcompcoverage.com)

If the workers’ compensation policy has expired, contact a Labor Commissioner at the Division of Labor Standards Enforcement - their number can be found in your local White Pages under California State Government, Department of Industrial Relations.

You can get free information from a State Division of Workers’ Compensation Information & Assistance Officer.

The nearest Information & Assistance Officer is at:

Address: ________________________________

City: __________________ Phone: ______________

Hear recorded information and a list of local offices by calling toll-free (800) 736-7401.

Learn more online: www.dir.ca.gov.

**False claims and false denials:**

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers’ compensation benefits or payments is guilty of a felony and may be fined and imprisoned.
PREDESIGNATION OF PERSONAL PHYSICIAN

In the event you sustain an injury or illness related to your employment, you may be treated for such injury or illness by your personal medical doctor (M.D.) or doctor of osteopathic medicine (D.O.) if:

On the date of your work injury you have health coverage for injuries and illnesses that are not work related;

The doctor is your regular physician, who shall be either a physician who has limited his or her practice of medicine to general practice or who is a board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist, or family practitioner, and has previously directed your medical treatment, and retains your medical records;

Your "personal physician" may be a medical group if it is a single corporation or partnership composed of licensed doctors of medicine or osteopathy, which operates an integrated multispecialty medical group providing comprehensive medical services predominantly for non-occupational illnesses and injuries;

Prior to the injury your doctor agrees to treat you for work injuries or illnesses;

Prior to the injury you provided your employer the following in writing: (1) notice that you want your personal doctor to treat you for a work-related injury or illness, and (2) your personal doctor’s name and business address.

You may use this form to notify your employer if you wish to have your personal medical doctor or a doctor of osteopathic medicine treat you for a work-related injury or illness and the above requirements are met.

NOTICE OF PREDESIGNATION OF PERSONAL PHYSICIAN Employee:

Complete this section.

TO: (name of employer). If I have a work-related injury or illness, I choose to be treated by:

(name of doctor) (M.D., D.O.)

(street address, city, state, ZIP)        (telephone number)

Employee Name (please print): ___________________________________________________

Employee’s Address: ___________________________________________________________

Name of Insurance Company, Plan, or Fund providing health coverage for nonoccupational injuries or illnesses:_______________________________________________________

Employee’s Signature: ___________________________________________________ Date: ______

Physician: I agree to this pre-designation:

Signature: _______________________________________________________________ Date: ______

(physician or designated employee of the physician)

The physician is not required to sign this form, however, if the physician or designated employee of the physician does not sign, other documentation of the physician’s agreement to be predesignated will be required pursuant to Title 8, California Code of Regulations, section 9780.1 (a)(3).
NOTICE OF PERSONAL CHIROPRACTOR OR PERSONAL ACUPUNCTURIST

If your employer or your employer’s insurer does not have a Medical Provider Network, you may be able to change your treating physician to your personal chiropractor or acupuncturist following a work-related injury or illness. In order to be eligible to make this change, you must give your employer the name and business address of a personal chiropractor or acupuncturist in writing prior to the injury or illness. Your claims administrator generally has the right to select your treating physician within the first 30 days after your employer knows of your injury or illness. After your claims administrator has initiated your treatment with another doctor during this period, you may then, upon request, have your treatment transferred to your personal chiropractor or acupuncturist. Chiropractors may not continue as the primary treating physician after 24 visits.

Note: If your date of injury is January 1, 2004 or later, a chiropractor cannot be your treating physician after you have received 24 chiropractic visits unless your employer has authorized additional visits in writing. The term “chiropractic visit” means any chiropractic office visit, regardless of whether the services performed involve chiropractic manipulation or are limited to evaluation and management. Once you have received 24 visits, if you still require medical treatment, you will have to select a new physician who is not a chiropractor. This prohibition shall not apply to visits for postsurgical physical medicine visits prescribed by a surgeon, or physician designated by the surgeon, under the postsurgical component of the Division of Workers’ Compensation’s Medical Treatment Utilization Schedule.

You may use this form to notify your employer of your personal chiropractor or acupuncturist.

Your Chiropractor or Acupuncturist’s Information:

(name of chiropractor or acupuncturist)

(street address, city, state, ZIP)

(telephone number)

Employee Name (please print): ________________________________________________________________

Employee’s Address: ________________________________________________________________

Employee’s Signature: ___________________________________________ Date: ___________
TO: Research Foundation Employees  
FROM: Human Resources Office  
SUBJECT: Work Related Injuries or Illnesses

The following is a listing of preferred Providers that can attend to work-related injuries or illnesses of Foundation employees. In an emergency, please call 911.

### MONTEREY AND SANTA CRUZ COUNTIES

<table>
<thead>
<tr>
<th>Doctors on Duty – Marina</th>
<th>Doctors on Duty – Monterey</th>
<th>Doctors on Duty – Salinas Urgent Care</th>
</tr>
</thead>
<tbody>
<tr>
<td>3130 Del Monte Blvd</td>
<td>501 Lighthouse Ave</td>
<td>558 Abbott Street Suite A</td>
</tr>
<tr>
<td>Marina, CA 93933</td>
<td>Monterey, CA 93940</td>
<td>Salinas, CA 93901</td>
</tr>
<tr>
<td>Phone: (831) 883-3330</td>
<td>Phone: (831) 649-0770</td>
<td>Phone: (831) 755-7880</td>
</tr>
<tr>
<td>Fax: (831) 883-3335</td>
<td>Fax: (831) 649-0142</td>
<td>Fax: (831) 755-7886</td>
</tr>
<tr>
<td>Monday – Friday 8 a.m. to 6 p.m.</td>
<td>Monday – Saturday 8 a.m. to 8 p.m.</td>
<td>Monday – Friday 8 a.m. to 6 p.m.</td>
</tr>
<tr>
<td>Saturday 8 a.m. to 3 p.m.</td>
<td>Sunday 8 a.m. to 6 p.m.</td>
<td>Closed Saturday &amp; Sunday</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Doctors on Duty – Salinas South Main</th>
<th>Doctors on Duty – Santa Cruz</th>
<th>Doctors on Duty – Seaside</th>
</tr>
</thead>
<tbody>
<tr>
<td>1212 South Main Street</td>
<td>615 Ocean Ave</td>
<td>1513 Fremont Blvd Suite E1</td>
</tr>
<tr>
<td>Salinas, CA 93901</td>
<td>Santa Cruz</td>
<td>Seaside</td>
</tr>
<tr>
<td>Phone: (831) 422-7777</td>
<td>Phone: (831) 425-7991</td>
<td>Phone: (831) 899-1910</td>
</tr>
<tr>
<td>Fax: (831) 422-0136</td>
<td>Fax: (831) 425-7346</td>
<td>Fax: (831) 393-9483</td>
</tr>
<tr>
<td>Monday – Sunday 8 a.m. to 8 p.m.</td>
<td>Monday – Friday 8 a.m. to 8 p.m.</td>
<td>Monday – Friday 8 a.m. to 6 p.m.</td>
</tr>
<tr>
<td></td>
<td>Saturday &amp; Sunday 8:30 a.m. to 3 p.m.</td>
<td>Saturday 8 a.m. to 3 p.m.</td>
</tr>
</tbody>
</table>

| Doctors on Duty – Watsonville | \n|-------------------------------|\n| 1505 Main Street              |\n| Watsonville, CA 95076         |\n| Phone: (831) 722-1444         |\n| Fax: (831) 722-4414           |\n| Monday – Friday 8 a.m. to 8 p.m. | Saturday & Sunday 8 a.m. to 5 p.m. |

### SANTA CLARA COUNTY

<table>
<thead>
<tr>
<th>NovaCare Clinic Samaritan</th>
<th>Samaritan Medical Care Center</th>
<th>U.S. Health Works-Santa Clara</th>
</tr>
</thead>
<tbody>
<tr>
<td>2577 Samaritan Dr. Ste. 760 San Jose, CA 95124</td>
<td>554 Blossom Hill Road San Jose, CA 95123</td>
<td>2011 South Monterey Road San Jose, CA 95112</td>
</tr>
<tr>
<td>(408) 358-1074 hrs: 7:30-5:30 M-F language, Spanish</td>
<td>(408) 281-2772 hrs: 8-5 M-F language, Spanish</td>
<td>(408) 288-3800 hrs: 8-5 M-F language, Spanish/Tagalog</td>
</tr>
</tbody>
</table>

Rev Date: 03/09/2012
<table>
<thead>
<tr>
<th>SANTA CLARA COUNTY CONT’D</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NovaCare Clinic San Jose</strong></td>
</tr>
<tr>
<td>636 E. Santa Clara Street</td>
</tr>
<tr>
<td>San Jose, CA 95112</td>
</tr>
<tr>
<td>(408) 275-9094</td>
</tr>
<tr>
<td>hrs: 7:30-4:30 M-F</td>
</tr>
<tr>
<td>language, Spanish/Vietnamese</td>
</tr>
<tr>
<td><strong>Doctors on Duty</strong></td>
</tr>
<tr>
<td>1910 N. Capitol Ave.</td>
</tr>
<tr>
<td>San Jose, CA 95132</td>
</tr>
<tr>
<td>(408) 942-0333</td>
</tr>
<tr>
<td>hrs: 8-9 7 days/week</td>
</tr>
<tr>
<td>language, Spanish</td>
</tr>
<tr>
<td><strong>Saratoga Medical Clinic</strong></td>
</tr>
<tr>
<td>1060 Saratoga Ave.</td>
</tr>
<tr>
<td>San Jose, CA 95129</td>
</tr>
<tr>
<td>(408) 243-6911</td>
</tr>
<tr>
<td>hrs: 9-9 M-F</td>
</tr>
<tr>
<td>language, Spanish</td>
</tr>
</tbody>
</table>

| **HealthSouth Med Clinic** |
| 673 E. Brokaw Road        |
| San Jose, CA 95112        |
| (408) 436-1888            |
| hrs: 7-7 M-F              |
| language, Spanish         |
| **HealthSouth Med Clinic** |
| 2737 Walsh Ave.           |
| Santa Clara, CA 95051     |
| (408) 727-1900            |
| hrs: 7-7 M-F & 9-5 Sat    |
| language, Spanish         |

| **U.S Healthworks Milpitas** |
| 1717 South Main Street      |
| Milpitas, CA 95035          |
| (408) 957-5700              |
| hrs: 7-7 M-F                |
| language, Spanish /Vietnamese |
| **Palo Alto Medical Clinic** |
| 920 Bryant Street           |
| Palo Alto, CA 94301         |
| (415) 853-2959              |
| hrs: 7-9 7 days/ week       |
| language, Spanish /Vietnamese |

| **U.S Healthworks Sunnyvale** |
| 1197 East Arques Ave        |
| Sunnyvale, CA 94086         |
| (408) 773-9000              |
| hrs: 7-7 M-F                |
| language, Spanish /Vietnamese |
| **Camino Medical Group**     |
| 325 North Mathilda Ave.     |
| Sunnyvale, CA 94086         |
| (408) 733-4380              |
| hrs: 7:30- 5 M-T, TH 9-5 Wed & 7:30-4 Fri |
| **NovaCare Clinic Cupertino** |
| 20289 Stevens Creek Blvd.   |
| Cupertino, CA 95015         |
| (408) 996-8656              |
| hrs: 8-8 7 days/ week       |
| language, Spanish /Vietnamese |

| **South Valley Health Center** |
| 9460 No Name Uno, Ste 230    |
| Gilroy, CA 95020             |
| (408) 842-1544               |
| hrs: 8-5 M-F                 |
| language, Spanish            |

| **Sequoia Health Center**    |
| 633 Veterans Blvd.           |
| Redwood City, CA 94062       |
| (415) 364-1565               |
| hrs: 8-5 M-F                 |
| language, Spanish            |

| **Fremont Urgent Care Center** |
| 39500 Fremont Blvd.           |
| Fremont, CA 94538             |
| (510) 51-5500                 |
| hrs: 8-8 M-F, 9-5 Sat& Sun    |
| language, Spanish             |

--SAN MATEO COUNTY ALAMEDA COUNTY--

| **Sequoia Health Center**    |
| 633 Veterans Blvd.           |
| Redwood City, CA 94062       |
| (415) 364-1565               |
| hrs: 8-5 M-F                 |
| language, Spanish            |

| **Fremont Urgent Care Center** |
| 39500 Fremont Blvd.           |
| Fremont, CA 94538             |
| (510) 51-5500                 |
| hrs: 8-8 M-F, 9-5 Sat& Sun    |
| language, Spanish             |

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**Report the Illness or Injury to Research Foundation Human Resources as soon as possible.**  
Call either Lupe Lechuga (408-924-1410) or Ranjit Kaur (408-924-1409).

**During Clinic Hours:** Telephone the medical group you have chosen to inform them that a Foundation employee is in route.

**During Off Hours:** Telephone the medical group you have chosen to inform them that a Foundation employee is in route. Necessary follow up will be handled during normal office hours.

**An Employee Accident Report (FP5)** must be completed by the Employee’s supervisor within 24 hours and sent to the Foundation Human Resources office after any accident or illness requiring treatment.

Rev Date: 03/09/2012
MEMORANDUM

DATE: February 12, 2013

TO: All Research Foundation Staff and Faculty Employees

FROM: Jerri Carmo, Interim Chief Operating Officer

RE: Mandatory Reporting of Child Abuse and Neglect
    Executive Order 1083

On September 24, 2012, the Governor signed into law amendments to the California Child Abuse and Neglect Reporting Act ("CANRA"), Penal Code §§ 11164-11174.3. The law is intended to protect children from abuse and neglect.

In response to the new law, the Chancellor of the California State University issued Executive Order 1083, providing direction in implementing CANRA. In summary, Executive Order 1083 does the following:

- Establishes who is a mandated reporter within the CSU;
- Identifies the responsibilities of mandated reporters;
- Provides forms and training resources for mandated reporters;
- Identifies information that must be included on job postings/position announcements and job descriptions;
- Requires each campus to designate a Mandated Reporting Coordinator; and
- Specifies the responsibilities of the campus Mandated Reporting Coordinator.

Effective January 1, 2013, pursuant to the terms of the new law, every CSU employee became a mandated reporter for suspected child abuse or neglect. While SJSU Research Foundation employees are not CSU employees, because of our close association with San Jose State University, the SJSU Research Foundation will comply with the tenets of the new legislation as well. Only volunteers at the Research Foundation are exempt from this new law.

Instructions to SJSU Research Foundation employees who are also SJSU employees:
The Research Foundation will work with SJSU's Reporting Coordinator to certify that all required documents are on file. You have already received a request from SJSU to submit your acknowledgement of Mandated Reporter status, and no further action is necessary.
Instructions to SJSU Research Foundation employees:
To comply with the Executive Order, each Research Foundation employee must:

1) Complete the attached Acknowledgment of Mandated Reporter Status and Legal Duty to Report Abuse and Neglect form and submit it to the SJSU Research Foundation’s Human Resources department no later than March 1, 2013. This form can be located at http://www.calstate.edu/eo/EO-1083.pdf, Attachment “A” (2 pages).

2) An online training course is being developed in accordance with the directives of the Executive Order. Once it is available, each employee must complete that as well. We will provide more information about how to do that once the course is available.

In the meantime, we request that you review the following information outlined in the Executive Order (please refer to the following link:  http://www.calstate.edu/eo/EO-1083.pdf  )

Section II: When Reporting is Required
Section III: Abuse That Must be Reported
Section IV: What is Not Child Abuse
Section VI: Outlines the procedures for making a report and identifies Form SS 8572 (Suspected Child Abuse Report, http://ag.ca.gov/childabuse/pdf/ss_8572.pdf) as the appropriate form to complete and submit once the incident has been reported.

Going forward, all position descriptions and job announcements will include language that indicates the incumbent is a mandated reporter. Existing positions descriptions do not need to be updated.

If you have any questions regarding this information, please feel free to call Cheree Aguilar, Senior Director of Human Resources, at 408-924-1505, or cheree.aguilar@sjsu.edu.

References:

EXECUTIVE ORDER 1083
ATTACHMENT A

ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS
AND LEGAL DUTY TO REPORT CHILD ABUSE AND NEGLECT

California law requires certain people to report known or suspected child abuse or neglect. For purposes of Executive Order 1083, which implements California law, you are such a person, known in the law as a “mandated reporter.” The law requires that you, as a mandated reporter, sign this statement that you know your legal reporting obligations, summarized below, and will comply with them.

The definition of mandated reporter (Penal Code § 11165.7), along with the law describing your reporting obligations (Penal Code § 11166) and the law describing the content of reports and the confidentiality of those who report (Penal Code § 11167) is provided in Attachment C to CSU Executive Order 1083. The Executive Order and all its attachments are available at http://calstate.edu/eo/EO-1083.html.

WHEN REPORTING ABUSE IS REQUIRED

As a mandated reporter, whenever in your professional capacity or within the scope of your employment you have knowledge of or observe a person under the age of 18 years whom you know or reasonably suspect has been the victim of child abuse or neglect, you must report the suspected incident (Penal Code § 11166).

MANDATED REPORTING COORDINATOR

Each campus has a Mandated Reporting Coordinator (Coordinator), who is available to assist you and other mandated reporters in performing their duties. Your Coordinator is Cheree Aguilar, who can be reached at cheree.aguilar@sjsu.edu and 408.924.1505. The Coordinator can help with identifying whether there is a reasonable suspicion that abuse has occurred and how to report it, as well as provide you with appropriate resources.

PROCEDURE FOR REPORTING

To make a report, you must use the following procedure:

- **Immediately, or as soon as practically possible**, contact the campus police by telephone.
- **Within 36 hours of receiving the information concerning the incident** prepare a written report using the form provided in Attachment D and send, fax or electronically transmit the report to the campus police (Penal Code § 11166).

The Coordinator can help you fill out the incident form.

The CSU encourages, but does not require, mandated reporters to also report suspected child abuse or neglect to their supervisors. Reporting to a supervisor, a coworker, or other person shall not be a substitute for making a mandated report to the agencies listed above.

ABUSE THAT MUST BE REPORTED

**Physical injury** inflicted by other than accidental means on a child (Penal Code § 11165.6).

**Sexual abuse** meaning sexual assault or sexual exploitation of a child (Penal Code § 11165.1).

**Neglect** meaning the negligent treatment or maltreatment of a child by a parent or caretaker under circumstances indicating harm or threatened harm to the child’s health or welfare (Penal Code § 11165.2).

**Willful harming or injuring or endangering a child** meaning a situation in which any person inflicts, or willfully causes or permits a child to suffer, unjustifiable physical pain or mental suffering, or causes or permits a child to be placed in a situation in which the child or child’s health is endangered (Penal Code § 11165.3).
Unlawful corporal punishment or injury willfully inflicted upon a child and resulting in a traumatic condition (Penal Code § 11165.4).

WHAT IS NOT CHILD ABUSE?
The law does not consider the following child abuse for reporting purposes:

- Corporal punishment that is not cruel or inhumane or does not result in a traumatic condition
- Injuries caused by two children fighting during a mutual altercation (Penal Code § 11165.4)
- An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment (Penal Code § 11165.6)
- Reasonable and necessary force used by public school officials to quell a disturbance threatening physical injury to person or damage to property (Penal Code § 11165.4)
- Voluntary sexual conduct between minors
- Not receiving medical treatment for religious reasons (Penal Code § 1165.2(b))
- An informed and appropriate medical decision made by a parent or guardian after consultation with a physician who has examined the child (Penal Code § 11165.2(b))

IMMUNITY AND CONFIDENTIALITY OF REPORTER
No mandated reporter shall be civilly or criminally liable for any report required or authorized by law (Penal Code § 11172(a)). The identity of a mandated reporter who makes a report, and the report itself, is confidential and disclosed only among appropriate agencies (Penal Code §§ 11167(d)(1)).

PENALTY FOR FAILURE TO REPORT ABUSE
A mandated reporter who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail, a fine of $1,000, or both. Any mandated reporter who willfully fails to report abuse or neglect, or any administrator or supervisor who impedes or inhibits a report of abuse, where that abuse results in death or great bodily injury, shall be punished by up to one year in jail, a fine of $5,000, or both.
PART A: General Information

When key parts of the health care law take effect in 2014, there will be a new way to buy health insurance: the Health Insurance Marketplace. To assist you as you evaluate options for you and your family, this notice provides some basic information about the new Marketplace and employment-based health coverage offered by your employer.

What is the Health Insurance Marketplace?

The Marketplace is designed to help you find health insurance that meets your needs and fits your budget. The Marketplace offers "one-stop shopping" to find and compare private health insurance options. You may also be eligible for a new kind of tax credit that lowers your monthly premium right away. Open enrollment for health insurance coverage through the Marketplace begins in October 2013 for coverage starting as early as January 1, 2014.

Can I Save Money on my Health Insurance Premiums in the Marketplace?

You may qualify to save money and lower your monthly premium, but only if your employer does not offer coverage, or offers coverage that doesn’t meet certain standards. The savings on your premium that you’re eligible for depends on your household income.

Does Employer Health Coverage Affect Eligibility for Premium Savings through the Marketplace?

Yes. If you have an offer of health coverage from your employer that meets certain standards, you will not be eligible for a tax credit through the Marketplace and may wish to enroll in your employer’s health plan. However, you may be eligible for a tax credit that lowers your monthly premium, or a reduction in certain cost-sharing if your employer does not offer coverage to you at all or does not offer coverage that meets certain standards. If the cost of a plan from your employer that would cover you (and not any other members of your family) is more than 9.5% of your household income for the year, or if the coverage your employer provides does not meet the "minimum value" standard set by the Affordable Care Act, you may be eligible for a tax credit.¹

Note: If you purchase a health plan through the Marketplace instead of accepting health coverage offered by your employer, then you may lose the employer contribution (if any) to the employer-offered coverage. Also, this employer contribution—as well as your employee contribution to employer-offered coverage— is often excluded from income for Federal and State income tax purposes. Your payments for coverage through the Marketplace are made on an after-tax basis.

How Can I Get More Information?

For more information about your coverage offered by your employer, please check your summary plan description or contact Ranjit Kaur at 408-924-1409 or by email at ranjit.kaur@sjsu.edu.

The Marketplace can help you evaluate your coverage options, including your eligibility for coverage through the Marketplace and its cost. Please visit HealthCare.gov or www.coveredca.com for more information, including an online application for health insurance coverage and contact information for a Health Insurance Marketplace in your area. You can also contact customer service at 1–800–300–1506.

¹ An employer-sponsored health plan meets the "minimum value standard" if the plan’s share of the total allowed benefit costs covered by the plan is no less than 60 percent of such costs.
PART B: Information About Health Coverage Offered by Your Employer

This section contains information about any health coverage offered by your employer. If you decide to complete an application for coverage in the Marketplace, you will be asked to provide this information. This information is numbered to correspond to the Marketplace application.

<table>
<thead>
<tr>
<th>3. Employer name</th>
<th>4. Employer Identification Number (EIN)</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Jose State University Research Foundation</td>
<td>946017638</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Employer address</th>
<th>6. Employer phone number</th>
</tr>
</thead>
<tbody>
<tr>
<td>210 N. Fourth St, 4th Floor</td>
<td>408-924-1400</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7. City</th>
<th>8. State</th>
<th>9. ZIP code</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Jose</td>
<td>CA</td>
<td>95112</td>
</tr>
</tbody>
</table>

10. Who can we contact about employee health coverage at this job?

Ranjit Kaur

11. Phone number (if different from above) 12. Email address

408–924–1409 ranjit.kaur@sjsu.edu

Here is some basic information about health coverage offered by this employer:

- As your employer, we offer a health plan to:
  - ☑ All employees. Eligible employees are:

- Some employees. Eligible employees are:
  - Employees classified as benefits eligible

- With respect to dependents:
  - ☑ We do offer coverage. Eligible dependents are:
    - Spouse
    - Registered domestic partner
    - Children (natural, adopted, domestic partner’s, or step) up to age 26
    - Children, up to age 26, if the employee or annuitant has assumed a parent–child relationship and is considered the primary care parent
    - Certified disabled dependent children age 26 and older
  - ☑ We do not offer coverage.

If checked, this coverage meets the minimum value standard, and the cost of this coverage to you is intended to be affordable, based on employee wages.

** Even if your employer intends your coverage to be affordable, you may still be eligible for a premium discount through the Marketplace. The Marketplace will use your household income, along with other factors, to determine whether you may be eligible for a premium discount. If, for example, your wages vary from week to week (perhaps you are an hourly employee or you work on a commission basis), if you are newly employed mid-year, or if you have other income losses, you may still qualify for a premium discount.

If you decide to shop for coverage in the Marketplace, HealthCare.gov will guide you through the process. Here’s the employer information you’ll enter when you visit HealthCare.gov to find out if you can get a tax credit to lower your monthly premiums.
The information below corresponds to the Marketplace Employer Coverage Tool. Completing this section is optional for employers, but will help ensure employees understand their coverage choices.

13. **Is the employee currently eligible for coverage offered by this employer, or will the employee be eligible in the next 3 months?**

   - [ ] Yes (Continue)
     13a. If the employee is not eligible today, including as a result of a waiting or probationary period, when is the employee eligible for coverage? (Continue)
   - [x] No (STOP and return this form to employee)

14. Does the employer offer a health plan that meets the minimum value standard*?

   - [ ] Yes (Go to question 15)
   - [ ] No (STOP and return form to employee)

15. For the lowest-cost plan that meets the minimum value standard* **offered only to the employee** (don't include family plans): If the employer has wellness programs, provide the premium that the employee would pay if he/she received the maximum discount for any tobacco cessation programs, and didn't receive any other discounts based on wellness programs.

   a. How much would the employee have to pay in premiums for this plan? $

If the plan year will end soon and you know that the health plans offered will change, go to question 16. If you don't know, STOP and return form to employee.

16. What change will the employer make for the new plan year?

   - [ ] Employer won't offer health coverage
   - [ ] Employer will start offering health coverage to employees or change the premium for the lowest-cost plan available only to the employee that meets the minimum value standard.* (Premium should reflect the discount for wellness programs. See question 15.)

   a. How much would the employee have to pay in premiums for this plan? $

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* An employer-sponsored health plan meets the "minimum value standard" if the plan’s share of the total allowed benefit costs covered by the plan is no less than 60 percent of such costs (Section 36B(c)(2)(C)(ii) of the Internal Revenue Code of 1986)
Information Technology Services Mission:
We are a cohesive group of IT professionals working collaboratively as a trusted and respected partner in the campus community to advance the University’s mission.

Our Services:
We provide effective, efficient computing infrastructure and integrated technology services to maximize user collaboration while protecting university information resources.

Our Commitment:
We commit to providing technologies, services and resources that support an innovative, engaged learning community and enhance student success at SJSU.

Our Community:
We ask our customers about their needs, listen to their concerns, and deliver innovative solutions. We strive to make technology easier for people to use.

Our Excellence:
We believe that technology enriches the educational process. It transcends geographical and cultural boundaries to provide greater learning and teamwork experiences.

Our Goal:
We seek to become and be known as innovation leaders in using technology to enhance learning and the educational process, in support of student success.

Important Security Information

Information Security Standards - Minimum requirements to implement the Information Security Program. Vulnerability Assessment and Management is the latest publication.

Responsible Use Policy - The principal concern of this policy is the effective and efficient use of information technology resources. All users must abide by this policy.

Information Security Awareness Training - San Jose State University provides a brief online introduction to computer security issues. These tutorials take approximately 30 minutes to complete and provides some essential information about computer security and campus policy.

For more information please visit security.sjsu.edu.
**What does the Information Security Office do?**

The Information Security Office is focused on ensuring the confidentiality, integrity and availability of SJSU’s information assets. Maintaining the safety of information assets is vital to the educational, research and operational mission of SJSU. This is the place for you to find the tools and information to protect yourself, your computer, and help prevent the unauthorized access to or use of information.

The Information Security Office oversees SJSU’s efforts to:

- Protect information assets and to comply with information-related laws, regulations and policies
- Promote quality and integrity of information security throughout the university
- Build a culture of information security

**Important Information Security Reminders**

In today’s world, everyone is responsible for Information Security. New threats are appearing every day and our daily lives are growing more interconnected. Information Security is now important no matter where you are or what device you are using. IT Services wants to remind you about several things you can do to help stay safe and secure.

- **Get Antivirus Protection**: Protecting your devices for viruses is a full time job. Antivirus isn’t just for Windows PC’s anymore; viruses exist for all makes and models! Visit SJSU Antivirus for links and information about all the latest virus trends. Better yet, it is the place where you can download Sophos Endpoint Protection for your Windows, Mac and Linux machines for free!
- **Look for the Lock**: In today’s world ‘spoofing’—or making a malicious web page appear to be the real deal—is all too commonplace. The Lock icon in your web browser’s address bar means that the site you are visiting is who they say they are. Never put a user name or password into a web page that does not have the lock.
- **Think Before you Click**: If you’re asked for your personal information (your name, your address or your password), take a careful look before proceeding. Are words misspelled? Is the URL in the address bar slightly off (for example, gmail.com vs. gmial.com)? Is the lock missing from your address bar? Chances are you are on a malicious site!
- **Keep your Passwords Safe**: Don’t write down your passwords. Don’t use the same password for all systems. Change your passwords regularly. Use long passwords. Don’t use passwords that can be figured out by looking at your Facebook page. Use a Password Vault application; there are dozens of secure products available today.
- **Back up your important files**: No system is completely secure. It is important to have your files backed up and stored in a safe place, just in case.
- **Report lost, stolen or missing equipment**: Not only do we need to report this to University Police department but the Information Security Officer needs to know when any San Jose State University owned equipment goes missing, is lost or stolen.

**How to report a Security Breach?**

Act Immediately

Breaches are a serious matter and must be handled following a strict protocol.

If you know or suspect a breach has occurred involving sensitive information, it is important to contact the Information Security Office immediately.

The Information Security Office will help you:
- Identify and contain the breach
- Understand the laws and regulations regarding required reporting
- Assist you in adjusting your procedures to avoid future issues

**How to Contact the Information Security Office**

- E-mail: security@sjsu.edu
- Phone: 408-924-1530
- Website: security.sjsu.edu