



LONG BEACH CITY COLLEGE

New Employee Informational Packet

- Worker's Compensation Pamphlet
- Medical Provider Network Letter
- Emergency 911 Calls and Confidential School Accident Report
- Confidential School Accident/Incident Report form (view only)
- Accident/Illness Response Flow Chart
- Discrimination is Against the Law
- Discrimination is Prohibited
- Employment Discrimination Based on Disability
- DFEH Sexual Harassment Behaviors
- DFEH Prevent Harassment
- Transgender Rights in the Workplace
- Family Care & Medical Leave and Pregnancy Disability Leave
- Your Rights and Obligations as a Pregnant Employee
- LBCC New Health Insurance Marketplace Coverage Options
- LBCC Administrative Regulations on Computer, Telecommunications

If a Work Injury Occurs

California law guarantees certain benefits to employees who are injured or become ill because of their jobs.

Any job related injury or illness is covered. Types of injuries include, but may not be limited to: strains, sprains, cuts, cumulative or repetitive traumas, fractures, illnesses and aggravations. Some injuries from voluntary, off duty, recreational, social or athletic activity may not be covered. Check with Risk Services or Keenan & Associates if you have any questions.

All work related injuries must be reported to your supervisor immediately. 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 a claim form to you within one working day after learning about your injury.

To make sure you get all your benefits, complete the forms in the Workers' Compensation EMPLOYEE INFORMATION PACKET, and return them to Risk Services as soon as possible.

Medical Care

If it is an emergency, call 911, get the best treatment available. Report the injury to Risk Services 562.938.4038 as soon as possible in order to complete the necessary paperwork.

There are several Non-Emergency Medical Facilities close to the District. When given a medical status report from the doctor, give it to Risk Services and your supervisor immediately.

What are the Benefits?

Medical Care—All medical treatment, without a deductible or dollar limit. For dates of injury on or after 1/1/04 there is a limit of 24 of chiropractic, 24 physical therapy and 24 occupational therapy visits. However this limit does not apply for post-surgical treatments. Costs are paid directly by Keenan & Associates, through your employer's workers' compensation program, so you should never see a bill. If you do receive a bill, contact Risk Services immediately.

If emergency treatment is required, go to the nearest emergency room or contact 911. Keenan & Associates will arrange medical treatment, often by a specialist for the particular injury. Preferred Provider Networks may be utilized for physicians as well as medical care centers.

Effective January 9, 2015, Long Beach Community College District began utilizing a Medical Provider Network (MPN), which is a selected network of Anthem blue Cross healthcare providers to treat workers injured on the job. This MPN is called PRIME Advantage MPN powered by Harbor health Systems with the identification number 2358. You must refer to the MPN name and the MPN identification number whenever you have questions or requests concerning the MPN. It is available from Risk Services and on Business Support Services college forms.

Employees, whose employer offers group health insurance, may pre-designate their personal physician by providing a "workers' compensation: Pre-designation of Personal Physician" form, to Risk Services **prior to the work injury or illness** that is **signed** by your personal physician. Your personal physician must agree **in writing** to be pre-designated and must be your regular primary care physician who previously directed your medical treatment, who retains your medical history and records. You may only pre-designate your primary physician (M.D., D.O.) if their practice is limited to general practice, board-certified or board-eligible internist, family practitioner, pediatrician, obstetrician-gynecologist or a multi-specialty medical group, whose practice is predominantly for non-occupational injuries or illnesses. You will be given an **Occupational Injury Medical Service Order** to take to your physician that includes billing information.

If you have not pre-designated and your employer is using an MPN, you are free to choose an appropriate provider from the MPN list after the first medical visit directed by your employer or Keenan & Associates.

Contact Keenan & Associates if you plan to change physicians at any time.

Payment for Lost Wages—If you are temporarily disabled by a job injury or illness, you will receive tax-free income until your doctor says you are able to return to work. Payments are two-thirds of your average weekly pay, up to a maximum set by state law. Payments are not made for the first three days unless you are hospitalized on an inpatient basis or unable to work more than 14 days.

If the injury or illness results in permanent disability, additional payments will be made after recovery. If the injury results in death, benefits may be paid to surviving eligible dependents.

How to Obtain Additional Information

Contact Risk Services (4038) or Keenan & Associates if you have questions about workers' compensation benefits. You may also contact an Information & Assistance Officer at the State Division of Workers' Compensation. You can consult an attorney. Most attorneys offer one free consultation. If you decide to hire an attorney, his or her fee will be taken out of some of your benefits. For names of workers' compensation attorneys, call the State Bar of California at 415.538.2120. You can get free information from a state Division of Workers' Compensation Information & Assistance Officer. The phone number for the Long Beach office is 562.590.5001. Hear recorded information by calling toll-free 800.736.7401 or visit www.dir.ca.gov.

Return-to-Work Program

A Return-to-Work Program provides temporary light duty for employees on light/modified duty.

ALL FORMS ARE LOCATED UNDER BUSINESS SUPPORT SERVICES – Through College Forms (LBCC Forms)

Long Beach Community College District

Workers' Compensation new hire pamphlet

NOTIFY

Risk Services: Sota Sunleng x4038
T2031 / Mail Code G4
And Supervisor immediately

EMERGENCIES
CALL 911

Non-Emergency Medical Facilities

*Obtain a Treatment Authorization form
from Risk Services x4038*

Immediate Medical Center – 562.633.2273
5203 Lakewood Blvd., Lakewood, CA 90712
24 hours

**MOMS – MemorialCare Medical Group &
Urgent Care** (Los Altos Center)
Occupational Medicine Contact –
833.777.9591
2110 N. Bellflower Blvd, LB, CA 90815
MOMS Hours: M-F 7am-6pm,
Urgent Care Hrs: M-F 9am-9pm S-S 9am-5pm

WORKERS' COMPENSATION FRAUD IS A FELONY

Anyone who knowingly files or assists in the filing of a false workers' compensation claim may be fined up to \$150,000 and sent to prison for up to five years (IC §1871.40)

Workers' Compensation Administrator
Keenan & Associates
PO Box 2707, Torrance, CA 90509
Sr. Examiner – 310.212.0363 x3706

January 9, 2015

Dear New Employee:

Effective January 9, 2015, Long Beach City College District is utilizing a Medical Provider Network (MPN), which is a selected network of Anthem Blue Cross healthcare providers to treat workers injured on the job. This MPN is called PRIME Advantage MPN powered by Harbor Health Systems with the identification number 2358. You must refer to the MPN name and the MPN identification number whenever you have questions or requests concerning the MPN.

If you have pre-designate your personal physician prior to a work injury/illness, you may receive treatment from your pre-designated doctor. If you have not pre-designated your personal physician, you are free to choose an appropriate provider from the PRIME Advantage MPN list, after the first medical visit directed by your employer or Keenan & Associates. The "Complete Written Employee Notification Regarding Medical Provider Network" with regards to the *PRIME Advantage MPN powered by Harbor Health Systems*, can be seen on the Business Support Services College forms site in English and Spanish.

If you have internet access, you may obtain a regional directory or locate a participating provider near you by visiting www.harborsys.com/Keenan, which automatically takes you to the provider locator home page. You have the ability to search by provider name, Tax ID Number (if available), zip code, etc. If you do not have access to a computer access, contact Risk Services.

If you require additional assistance locating a physician and scheduling an appointment, you can contact the MPN's Medical Access Assistant (MAA). The MAA will assist you in locating a MPN physician(s) of your choice and can assist with scheduling and confirming physician appointments. The MAA is available to assist you Monday through Saturday from 7am-8pm (Pacific) and schedule medical appointments during doctors' normal business hours. Assistance is available in English and Spanish.

The contact information for the Medical Access Assistant is:

Toll Free Telephone Number: (855) 521-7080

Fax Number: (703) 673-0181

Email Address: MPNMAA@harborsys.com

Should you need more information about the MPN contact Cindy Smith in Risk Services (562) 938-4038.

Regards,

Risk Services



IMPORTANT

To: All LBCCD Personnel

From: Marlene Drinkwine

Subject: Emergency 911 Calls and Confidential School Accident Report Forms

On the reverse side of this memo is a Confidential School Accident Report form, to be used when reporting accidents or injuries involving students or visitors. This form must be completed immediately by a college employee who witnesses or has been notified of an accident or injury; the completed form is to be submitted to Risk Services. This form is not intended for use to report Workers' Compensation injuries; those injuries should be reported to Cindy Smith in Risk Services (ext. 4038).

If an injured/ill party needs immediate medical attention, please dial 911 and emergency personnel will respond (the LBCC campus police unit will receive notification simultaneously). Staff should not hesitate to call 911 in the event of an injury or illness, unless it is obvious that the injury/illness does not require an emergency response. LBCC's greatest liability is a delay in calling 911. Our highest priority is getting emergency personnel on site in the shortest amount of time possible. If more than one person is in the area, one person should make the call while a second remains with the injured person. Give the exact campus location of the emergency, describe the emergency, and give your name and phone number. The LBCC campus police unit will direct the paramedics to assist them in reaching the victim quickly. The Student Health Center should also be notified after 911 is called during its normal operating hours at ext. 4210 for LAC, and ext. 3992 for PCC (the nurse on duty will not leave the Student Health Center to go to the injury/illness location).

If the injury is minor and 911 assistance is not needed, call the LBCC campus police unit at ext. 4910 (main LBPD dispatch) and request an "escort" to the Student Health Center for the injured/ill person (during its normal operating hours).

Any equipment, furniture, or other article that may be of interest during an accident investigation, such as a broken chair or desk, etc., should be safeguarded. Contact Risk Services (ext. 4038) to make arrangements to have the article transferred to their office if necessary.

OVER...

CONFIDENTIAL SCHOOL ACCIDENT/INCIDENT REPORT

LONG BEACH COMMUNITY COLLEGE DISTRICT
RISK SERVICES, G4

4901 E. CARSON, LONG BEACH, CA 90808
PH (562) 938-4038 FAX (562) 938-4063

**CONFIDENTIAL - ATTORNEY/CLIENT
WORK PRODUCT PRIVILEGE**

This report is to be completed by school district employees.
This form is a confidential, internal, document; its contents
are not to be shared or copied for any persons who are not
school district employees and/or their legal representatives.
**IN CASE OF SERIOUS INJURIES A TELEPHONE REPORT
IS TO BE MADE IMMEDIATELY**

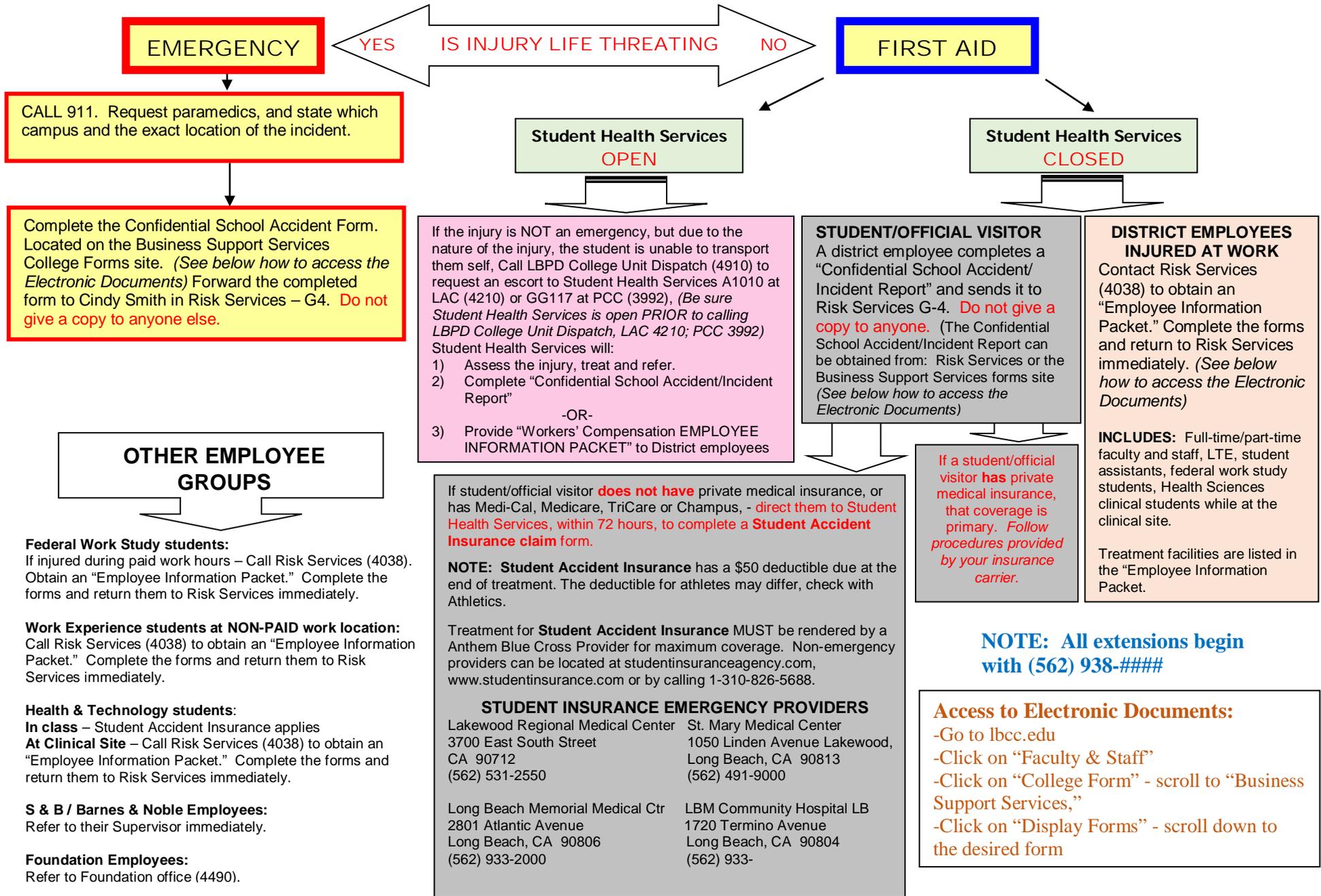
Send completed form to Risk Services – G4

DATE OF REPORT (Month, Day, Year)		NAME OF SCHOOL: LONG BEACH CITY COLLEGE DISTRICT	
ADDRESS OF SCHOOL (NUMBER, STREET, CITY AND ZIP CODE)			
<input type="checkbox"/> LAC - 4901 EAST CARSON STREET LONG BEACH, CA 90808		<input type="checkbox"/> PCC - 1305 EAST PACIFIC COAST HWY. LONG BEACH, CA 90806	
<input type="checkbox"/> OTHER _____			
NAME OF INJURED PERSON (LAST, FIRST M.I.)		AGE	TELEPHONE NUMBER OF INJURED PERSON ()
STUDENT ID #:	IS INJURED PERSON A MINOR <input type="checkbox"/> NO <input type="checkbox"/> YES		NAME OF PARENT OR LEGAL GUARDIAN
ADDRESS OF PERSON INJURED (NUMBER, STREET, APARTMENT NUMBER, CITY, STATE ZIP CODE)			
WHERE DID ACCIDENT OCCUR (BE SPECIFIC)		BUILDING & ROOM	DATE (M/D/Y) TIME <input type="checkbox"/> AM <input type="checkbox"/> PM
DESCRIBE HOW ACCIDENT OCCURRED (USE FACTS ONLY; EXCLUDE OPINIONS AND/OR ASSUMPTIONS) <i>If you did not witness the accident/incident begin with "Student states."</i>			
FIRST AND LAST NAME OF PERSON IN CHARGE AT TIME OF ACCIDENT		TITLE OF PERSON (TEACHER, VOLUNTEER, ETC.)	WAS HE/SHE PRESENT AT THE TIME? <input type="checkbox"/> NO <input type="checkbox"/> YES
			INJURED VIOLATED SCHOOL RULE? <input type="checkbox"/> NO <input type="checkbox"/> YES
NAME OF WITNESS(ES)		ADDRESS	TELEPHONE NO. () ()
			STATUS (Student/Volunteer, etc.)
APPARENT NATURE OF INJURY (PLEASE CHECK)		INJURED PART OF BODY (PLEASE CHECK)	
<input type="checkbox"/> Abrasion <input type="checkbox"/> Fracture <input type="checkbox"/> Strain/Sprain <input type="checkbox"/> Contusion <input type="checkbox"/> Cut <input type="checkbox"/> Dislocation <input type="checkbox"/> Internal <input type="checkbox"/> Concussion <input type="checkbox"/> Other (Explain) _____		<input type="checkbox"/> Head <input type="checkbox"/> Finger <input type="checkbox"/> Arm <input type="checkbox"/> Abdomen <input type="checkbox"/> Neck <input type="checkbox"/> Eye <input type="checkbox"/> Leg <input type="checkbox"/> Hand <input type="checkbox"/> Back <input type="checkbox"/> Chest <input type="checkbox"/> Face <input type="checkbox"/> Foot <input type="checkbox"/> Other (Explain) _____	
FIRST AID PROCEDURES USED		NAME OF PERSON WHO ADMINISTERED FIRST AID	
DISPOSITION OF INJURED AFTER ACCIDENT <input type="checkbox"/> Home <input type="checkbox"/> Doctor <input type="checkbox"/> Hospital <input type="checkbox"/> CLASS		WHO WAS NOTIFIED	
		RELATIONSHIP TO INJURED	
IF INJURED PUPIL LEFT SCHOOL TO WHOM RELEASED		NAME AND ATTITUDE OF ANYONE CONTACTING SCHOOL	
INSURANCE INFORMATION		NOTE: If student does not have private medical insurance or has Medi-Cal, Medicare, TriCare, or Champus; Student Accident Insurance may be applicable. Refer student to Student Health Services to complete a Student Accident Claim form within 120 days of the injury. Student accident insurance has a \$50 deductible to be paid by the student.	
NAME OF INSURANCE COMPANY (private medical insurance)			
REMARKS			
NAME OF PERSON COMPLETING REPORT		STATUS	TELEPHONE NUMBER OF PERSON ()
ADDRESS OF PERSON (NUMBER, STREET, CITY, STATE AND ZIP CODE)			WAS PERSON AN EYE WITNESS? <input type="checkbox"/> YES <input type="checkbox"/> NO
SIGNATURE OF PERSON APPROVING REPORT		DATE SIGNED	

For your protection California law requires the following to appear on this form. "It is unlawful to: (a) present or cause to be presented any false or fraudulent claim for payment of a loss under a contract of insurance; (b) prepare, make or subscribe any writing with intent to present to use the same, or allow it to be presented or used in support of such claim. Every person who violates any provision of this section is punishable by imprisonment in the State Prison not exceeding 3 years or by fine not exceeding \$1,000 or by both."
MyDocuments/Risk Services

7/2007

ACCIDENT/ILLNESS RESPONSE FLOW CHART



If you have any questions, do not hesitate to contact: **Risk Services – (562) 938-4038, Mail Code G4**
 Student Health Services: LAC – (562) 938-4210, Mail Code R19; PCC – (562) 938-3992, Mail Code PCC



DISCRIMINATION IS AGAINST THE LAW

DISCRIMINATION IN PUBLIC SERVICES AND ACCOMMODATIONS IS PROHIBITED UNDER THE UNRUH CIVIL RIGHTS ACT

The law requires “full and equal accommodations, advantages, facilities, privileges, or services in all business establishments.” Business establishments covered by the law include, but are not limited to:

- Hotels and motels
- Nonprofit organizations
- Restaurants
- Theaters
- Barber shops and beauty salons
- Hospitals
- Housing accommodations
- Local government and public agencies
- Retail establishments

HATE VIOLENCE

Under the Ralph Civil Rights Act, it is against the law for any person to threaten or commit acts of violence against a person or property based on race, color, religion, ancestry, national origin, age, marital status, medical condition, genetic information, disability, sex/gender, gender identity, gender expression, sexual orientation, political affiliation, or position in a labor dispute.

HUMAN TRAFFICKING

Human trafficking is a violation of civil law in addition to being a criminal offense. In 2016, AB 1684 (Stone) gave DFEH authority to receive, investigate, conciliate, mediate, and prosecute civil complaints alleging human trafficking under California Civil Code, § 52.5, the California Trafficking Victims Protection Act.

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM HATE VIOLENCE AND HUMAN TRAFFICKING

FOR MORE INFORMATION

Department of Fair Employment and Housing
Toll Free: (800) 884-1684
TTY: (800) 700-2320
Online: www.dfeh.ca.gov

Also find us on:



If you have a disability that prevents you from submitting a written pre-complaint form on-line, by mail, or email, the DFEH can assist you by scribing your pre-complaint by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an intake appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at contact.center@dfeh.ca.gov.

The DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

Contact the DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or contact.center@dfeh.ca.gov to discuss your preferred format to access our materials or webpages.

CIVIL RIGHTS IN CALIFORNIA

The Department of Fair Employment and Housing (DFEH) enforces California state laws that prohibit harassment and discrimination in employment, housing, and public accommodations and that provide for pregnancy leave and family and personal medical leave. It also accepts and investigates complaints alleging hate violence or threats of hate violence and human trafficking.

DFEH enforces these laws by:

- ① Investigating harassment, discrimination, and denial of leave complaints
- ② Assisting parties to voluntarily resolve complaints involving alleged violations of the laws enforced by DFEH
- ③ Prosecuting violations of the law
- ④ Educating Californians about the laws prohibiting harassment and discrimination by providing written materials and participating in seminars and conferences

FILING A COMPLAINT

If you believe you are a victim of discrimination, hate violence, or human trafficking, you may, within one year of the alleged discrimination, file a complaint with DFEH by contacting DFEH on our website or by phone as described on the back of this brochure. DFEH processes complaints filed by persons with terminal illnesses on a priority basis.

YOU ARE PROTECTED



DISCRIMINATION IS PROHIBITED

The California Fair Employment and Housing Act (FEHA) prohibits harassment and discrimination in employment based on the following:

- Race
- Color
- Religion (includes religious dress and grooming practices)
- Sex/gender (includes pregnancy, childbirth, breastfeeding and/or related medical conditions)
- Gender identity, gender expression
- Sexual orientation
- Marital status
- Medical Condition (genetic characteristics, cancer or a record or history of cancer)
- Military or veteran status
- National origin (includes language use and possession of a driver's license issued to persons unable to prove their presence in the United States is authorized under federal law)
- Ancestry
- Disability (mental and physical, including HIV/AIDS, cancer, and genetic characteristics)
- Genetic information
- Request for family care leave
- Request for leave for an employee's own serious health condition
- Request for Pregnancy Disability Leave
- Retaliation for reporting patient abuse in tax-supported institutions
- Age (over 40)

DISCRIMINATION IS PROHIBITED IN ALL EMPLOYMENT PRACTICES, INCLUDING, BUT NOT LIMITED TO:

- ① *Advertisements*
- ② *Applications, screening, and interviews*
- ③ *Hiring, transferring, promoting, terminating, or separating employees*
- ④ *Working conditions*
- ⑤ *Participation in a training or apprenticeship program, employee organization, or union*

DISCRIMINATION IS PROHIBITED IN ALL ASPECTS OF THE HOUSING BUSINESS, INCLUDING, BUT NOT LIMITED TO:

- ① *Advertisements*
- ② *Mortgage lending and insurance*
- ③ *Application and selection processes*
- ④ *Terms, conditions, and privileges of occupancy, including freedom from harassment*
- ⑤ *Public and private land-use practices, including the existence of restrictive covenants*

Individuals with disabilities are entitled to reasonable accommodation in rules, policies, practices, and services and are also permitted, at their own expense, to reasonably modify their dwelling to ensure full enjoyment of the premises.

As in employment discrimination law, individuals are protected from retaliation for filing complaints.

FEHA also prohibits discrimination in the rental and sale of housing based on the following:

- Race
- Color
- Religion
- Sex
- Gender
- Gender identity
- Gender expression
- Sexual orientation
- Marital status
- National origin (including language use restrictions)
- Ancestry
- Familial status (households with children under age 18, individuals who are pregnant, or who are pending legal custody of a child under age 18)
- Source of income
- Disability (mental and physical, including HIV/AIDS, cancer, and genetic characteristics)
- Genetic information

CALIFORNIA WORKERS ARE:

- Guaranteed reasonable accommodation or leave if disabled because of pregnancy, or if your job would cause undue risk to you or your pregnancy's successful completion (if working for an employer of more than 5 employees)
- Guaranteed leave for the birth or adoption of a child; for the employee's own serious health condition; or to care for a parent, spouse, or child with a serious health condition (if working for an employer of more than 50 employees)
- Protected from harassment because of their sex, race, or any other category covered under the law
- Protected from retaliation for filing a complaint with DFEH, for participating in the investigation of a complaint, or for protesting possible violations of the law
- California workers with disabilities are also entitled to reasonable accommodation when necessary in order to perform the job



EMPLOYMENT DISCRIMINATION BASED ON DISABILITY

COMPLAINTS MUST BE FILED WITHIN ONE
YEAR OF THE LAST ACT OF DISCRIMINATION

FILING A COMPLAINT

THE MISSION OF THE DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING IS TO PROTECT
THE PEOPLE OF CALIFORNIA FROM UNLAWFUL
DISCRIMINATION IN EMPLOYMENT, HOUSING AND
PUBLIC ACCOMMODATIONS, AND FROM THE
PERPETRATION OF ACTS OF HATE VIOLENCE AND
HUMAN TRAFFICKING

Employees or job applicants who believe they have been discriminated against or harassed because of a disability may, within one year of the alleged discrimination, file a complaint with DFEH by contacting DFEH on our website or by phone as described on the back of this brochure. DFEH processes complaints filed by persons with terminal illnesses on a priority basis.

DFEH serves as an objective fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence of discrimination and settlement efforts fail, DFEH may file a lawsuit in civil court on behalf of the complaining party, after a mandatory mediation. If the court finds that discrimination has occurred, it can order remedies such as:

- 1 Damages for emotional distress from each employer or person in violation of the law
- 2 Hiring or reinstatement
- 3 Back pay or promotion
- 4 Changes in the policies or practices of the employer
- 5 Punitive damages
- 6 Reasonable attorney's fees and costs

Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

FOR MORE INFORMATION

Department of Fair Employment and Housing
Toll Free: (800) 884-1684
TTY: (800) 700-2320
Online: www.dfeh.ca.gov

Also find us on:



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The Fair Employment and Housing Act (FEHA), enforced by the California Department of Fair Employment and Housing (DFEH), prohibits employment discrimination and harassment based on a person's disability or perceived disability. In addition, the FEHA prohibits retaliation for exercising a FEHA right, such as filing a complaint about discrimination. The law also requires employers to reasonably accommodate individuals with mental or physical disabilities unless the employer can show that to do so would cause an undue hardship.

The law covers mental or physical disabilities, including HIV/AIDS, regardless of whether the conditions are presently disabling. It also covers medical conditions, which are defined as either cancer or genetic characteristics.

Disability does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance abuse disorders resulting from the current illegal use of drugs.

IN ADDITION TO THE PROTECTIONS OF THE FAIR EMPLOYMENT AND HOUSING ACT, EMPLOYEES WITH DISABILITIES MAY ALSO BE COVERED BY THE CALIFORNIA FAMILY RIGHTS ACT OR THE FEDERAL FAMILY MEDICAL LEAVE ACT

FEHA vs. THE FEDERAL AMERICANS WITH DISABILITIES ACT:



EMPLOYMENT DISCRIMINATION AND HARASSMENT BASED ON A PERSON'S DISABILITY OR PERCEIVED DISABILITY ARE PROHIBITED

CALIFORNIA LAW PROHIBITS DISCRIMINATION BASED UPON AN INDIVIDUAL'S ACTUAL OR PERCEIVED DISABILITY

The FEHA provides broader protection for persons with disabilities than federal law. California employers with five or more employees must follow the FEHA. California also has broader definitions of mental disability, physical disability, and medical condition than does federal law.

Under California law, a disability must only "limit" a major life activity. The disability does not have to involve a "substantial limitation," as under federal law, to be considered a disability. Whether a condition or disability "limits" a major life activity is determined regardless of any mitigating measure, such as medication or prosthesis, unless the mitigating measure itself limits a major life activity.

REASONABLE ACCOMMODATION

An employer is required to interact with an employee to explore all possible means of reasonably accommodating a person prior to rejecting the person for a job or making any employment-related decision. The need for accommodation may arise from a mitigating measure, such as medication taken for the primary disability.

An accommodation is reasonable if it does not impose an undue hardship on the employer's business. Reasonable accommodation can include, but is not limited to, changing job duties or work hours, providing leave, relocating the work area, and/or providing mechanical or electrical aids. An employer may obtain help from government agencies and outside experts To determine whether accommodation is possible.

EMPLOYMENT INQUIRIES

The FEHA prohibits employers from either verbally or in writing:

- 1 Requiring any medical or psychological examination or related inquiry of any applicant or employee prior to making an offer of employment
- 2 Inquiring directly or indirectly as to whether an applicant or employee has a mental or physical disability or medical condition
- 3 Inquiring about the nature and severity of a mental or physical disability or medical condition

However, an employer may inquire into the ability of an applicant to perform job-related functions and may respond to an applicant's request either with or without a reasonable accommodation.

Once an employment offer has been made to an applicant, but before the start of duties, an employer may require a medical or psychological examination. However, the examination or inquiry must be job related and consistent with business necessity and all entering employees in the same job classification must be subject to the same examination or inquiry.

An employer may also conduct voluntary medical examinations, including medical histories, as part of an employee health program. This information must be retained separate and apart from employment and personnel records. Employers may not penalize employees for declining to participate in voluntary medical examinations.

INDEPENDENT MEDICAL OPINION

An employer must allow an applicant the opportunity to submit an independent medical opinion if there is a dispute as to whether the person can perform the essential functions of a position with or without reasonable accommodation. Failure to allow the submission of an independent medical opinion may be a separate violation of the law.

DISCRIMINATION

The following two reasons commonly raised by employers are not legally acceptable excuses for discriminating against persons with disabilities:

- Possibility of future harm to the person or to others
- Employing individuals with disabilities will cause an employer's insurance rates to rise

Any employment-related or personnel decision based on either of the following reasons is not discriminatory:

- The person is unable to perform the essential functions of the job and no reasonable accommodation exists that would enable the person to perform the "essential functions" of the job
- The person would create an imminent and substantial danger to self or others by performing the job and no reasonable accommodation exists that would remove or reduce the danger

Please read this information sheet.

LBCCD SEXUAL HARASSMENT POLICY #3031

Harassment on the basis of sex is a violation of an individual's civil rights. Such acts which create an intimidating, hostile or offensive environment or otherwise interfere with the educational environment or work performance are prohibited. Therefore, sexual harassment of students, applicants and employees is unacceptable and will not be tolerated by the Long Beach Community College District. A workplace free of sexual harassment and intimidation shall be maintained. It is the policy of the District to provide an educational, employment, and business environment free of unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct or communications of a sexual nature, as defined and otherwise prohibited by state and federal statutes.

UNDER CALIFORNIA LAW

Harassment due to sex is defined as sexual harassment, gender harassment and harassment due to pregnancy, childbirth or related medical conditions.

1. **VERBAL HARASSMENT**--epithets, derogatory comments or slurs.

Examples: Name-calling, belittling, sexually explicit or degrading words to describe an individual, sexually explicit jokes, comments about an employee's anatomy and/or dress, sexually oriented noises or remarks, questions about a person's sexual practices, use of patronizing terms or remarks, verbal abuse, graphic verbal commentaries about the body.

2. **PHYSICAL HARASSMENT**—assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual.

Examples: Touching, pinching, patting, grabbing, brushing against or poking another employee's body, hazing or initiation that involves a sexual component, requiring an employee to wear sexually suggestive clothing.

3. **VISUAL HARASSMENT**—derogatory posters, cartoons, or drawings.

Examples: Displaying sexual pictures, writings or objects, obscene letters or invitations, staring at an employee's anatomy, leering, sexually oriented gestures, mooning, unwanted love letters or notes.

4. **SEXUAL FAVORS**—Unwanted sexual advances which condition an employment benefit upon an exchange of sexual favors.

Examples: Continued requests for dates, any threat of demotion, termination, etc. if requested sexual favors are not given, making or threatening reprisals after a negative response to sexual advances, propositioning an individual.

Note: It is impossible to define every action or all words that could be interpreted as sexual harassment. The above examples are not intended to be a complete list of objectionable behavior, nor do they always constitute sexual harassment.

UNDER FEDERAL LAW

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

HARASSERS ARE PERSONALLY LIABLE

As an employee, if you are found to have engaged in sexual harassment or if, as a manager, you know about the conduct and condone or ratify it, you may be personally liable for monetary damages.

Should the above occur, LBCCD will **not** pay damages assessed against you personally. In addition, appropriate disciplinary measures (which could include termination) will be taken against any employee who engages in sexual harassment.

HOW TO STOP SEXUAL HARASSMENT

1. **When possible, confront the harasser and ask him/her to stop.**
The harasser may not realize the advances are offensive. Sometimes a simple confrontation will end the situation.
2. **You are strongly encouraged to report sexual harassment. Contact your supervisor or the call the Human Resources Office at extension 4372.**
Sexual harassment or retaliation should be reported in writing or verbally. You may report such activities even though you were not the subject of the harassment.
3. **An investigation will be conducted in a discreet manner, on all reported incidents of sexual harassment and retaliation.**
4. **Appropriate action will be taken.**
Where evidence of sexual harassment or retaliation is found, disciplinary action, up to and including termination, may result.



SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

- 1 *Unwanted sexual advances*
- 2 *Offering employment benefits in exchange for sexual favors*
- 3 *Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters*
- 4 *Derogatory comments, epithets, slurs, or jokes*
- 5 *Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations*
- 6 *Physical touching or assault, as well as impeding or blocking movements*

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with DFEH within one year of the last act of harassment or retaliation. DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. DFEH may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING.

FOR MORE INFORMATION

Department of Fair Employment and Housing
Toll Free: (800) 884-1684
TTY: (800) 700-2320
Online: www.dfeh.ca.gov

Also find us on:



If you have a disability that prevents you from submitting a written pre-complaint form on-line, by mail, or email, the DFEH can assist you by scribing your pre-complaint by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at contact.center@dfeh.ca.gov.

The DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

Contact the DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or contact.center@dfeh.ca.gov to discuss your preferred format to access our materials or webpages.

SEXUAL HARASSMENT

THE FACTS

Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

THERE ARE TWO TYPES OF SEXUAL HARASSMENT

- ① *"Quid pro quo"* (Latin for "this for that") sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.
- ② *"Hostile work environment"* sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interfere with your work performance or create an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. That means that it alters the conditions of your employment and creates an abusive work environment. A single act of harassment may be sufficiently severe to be unlawful.

CIVIL REMEDIES:



ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

- 1 *Damages for emotional distress from each employer or person in violation of the law*
- 2 *Hiring or reinstatement*
- 3 *Back pay or promotion*
- 4 *Changes in the policies or practices of the employer*

EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

- ① Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.
- ② Post a copy of the Department's employment poster entitled "California Law Prohibits Workplace Discrimination and Harassment."
- ③ Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:
 - Be in writing.
 - List all protected groups under the FEHA.
 - Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
 - Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reasonable progress; appropriate options for remedial actions and resolutions; and timely closures.
 - Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of DFEH and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
 - Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources

manager, so that the company can try to resolve the claim internally. Employers with 50 or more employees are required to include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).

- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
 - Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.
- ④ Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:
 - Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
 - Sending the policy via email with an acknowledgment return form.
 - Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
 - Discussing policies upon hire and/or during a new hire orientation session.
 - Using any other method that ensures employees received and understand the policy.
 - ⑤ If the employer's workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.
 - ⑥ In addition, employers who do business in California and employ 50 or more part-time or full-time employees must provide at least two hours of sexual harassment training every two years to each supervisory employee and to all new supervisory employees within six months of their assumption of a supervisory position.



TRANSGENDER RIGHTS IN THE WORKPLACE

WHAT DOES "TRANSGENDER" MEAN?

Transgender is a term used to describe people whose gender identity differs from the sex they were assigned at birth. Gender expression is defined by the law to mean a "person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth." Gender identity and gender expression are protected characteristics under the Fair Employment and Housing Act. That means that employers, housing providers, and businesses may not discriminate against someone because they identify as transgender or gender non-conforming. This includes the perception that someone is transgender or gender non-conforming.

WHAT IS A GENDER TRANSITION?

- 1 "Social transition" involves a process of socially aligning one's gender with the internal sense of self (e.g., changes in name and pronoun, bathroom facility usage, participation in activities like sports teams).
- 2 "Physical transition" refers to medical treatments an individual may undergo to physically align their body with internal sense of self (e.g., hormone therapies or surgical procedures).

A person does not need to complete any particular step in a gender transition in order to be protected by the law. An employer may not condition its treatment or accommodation of a transitioning employee upon completion of a particular step in a gender transition.

FAQ FOR EMPLOYERS

What is an employer allowed to ask? Employers may ask about an employee's employment history, and may ask for personal references, in addition to other non-discriminatory questions. An interviewer should not ask questions designed to detect a person's gender identity, including asking about their marital status, spouse's name, or relation of household members to one another. Employers should not ask questions about a person's body or whether they plan to have surgery.

How do employers implement dress codes and grooming standards? An employer who requires a dress code must enforce it in a non-discriminatory manner. This means that, unless an employer can demonstrate business necessity, each

employee must be allowed to dress in accordance with their gender identity and gender expression. Transgender or gender non-conforming employees may not be held to any different standard of dress or grooming than any other employee.

What are the obligations of employers when it comes to bathrooms, showers, and locker rooms? All employees have a right to safe and appropriate restroom and locker room facilities. This includes the right to use a restroom or locker room that corresponds to the employee's gender identity, regardless of the employee's assigned sex at birth. In addition, where possible, an employer should provide an easily accessible unisex single stall bathroom for use by any employee who desires increased privacy, regardless of the underlying reason. Use of a unisex single stall restroom should always be a matter of choice. No employee should be forced to use one either as a matter of policy or due to harassment in a gender-appropriate facility. Unless exempted by other provisions of state law, all single-user toilet facilities in any business establishment, place of public accommodation, or state or local government agency must be identified as all-gender toilet facilities.

FILING A COMPLAINT

If you believe you are a victim of discrimination you may, within one year of the discrimination, file a complaint of discrimination by contacting DFEH.

If you have a disability that prevents you from submitting a written intake form on-line, by mail, or email, DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice). DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

To schedule an appointment or to discuss your preferred format to access our materials or webpages, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at contact.center@dfeh.ca.gov.

FOR MORE INFORMATION

Department of Fair Employment and Housing
Toll Free: (800) 884-1684 TTY: (800) 700-2320 dfeh.ca.gov

Also find us on:





FAMILY CARE AND MEDICAL LEAVE AND PREGNANCY DISABILITY LEAVE

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, and if we employ 50 or more employees at your worksite or within 75 miles of your worksite, you may have a right to a family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse. If we employ less than 50 employees at your worksite or within 75 miles of your worksite, but at least 20 employees at your worksite or within 75 miles of your worksite, you may have a right to a family care leave for the birth, adoption, or foster care placement of your child under the New Parent Leave Act (NPLA). Similar to CFRA leave, the NPLA leave may be up to 12 workweeks in a 12-month period. While the law provides only unpaid leave, employees may choose or employers may require use of accrued paid leave while taking CFRA leave under certain circumstances and employees may choose to use accrued paid leave while taking NPLA leave.

Even if you are not eligible for CFRA or NPLA leave, if you are disabled by pregnancy, childbirth or a related medical condition, you are entitled to take a pregnancy disability leave of up to four months, depending on your period(s) of actual disability. If you are CFRA- or NPLA-eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA or NPLA leave for reason of the birth of your child. Both leaves contain a guarantee of reinstatement -for pregnancy disability it is to the same position and for CFRA or NPLA it is to the same or a comparable position -at the end of the leave, subject to any defense allowed under the law.

If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you a leave for pregnancy disability or for your own serious health condition. We also may require certification from the health care provider of your child, parent or spouse, who has a serious health condition, before allowing you a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If you are taking a leave for the birth, adoption, or foster care placement of a child, the basic minimum duration of the leave is two weeks, and you must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact **Human Resources at ext. 4372** —



YOUR RIGHTS AND OBLIGATIONS AS A PREGNANT EMPLOYEE

If you are pregnant, have a related medical condition, or are recovering from childbirth, please read this notice.

California law protects employees against discrimination or harassment because of an employee's pregnancy, childbirth or any related medical condition (referred to below as "because of pregnancy"). California law also prohibits employers from denying or interfering with an employee's pregnancy-related employment rights.

YOUR EMPLOYER HAS AN OBLIGATION TO:

- Reasonably accommodate your medical needs related to pregnancy, childbirth or related conditions (such as temporarily modifying your work duties, providing you with a stool or chair, or allowing more frequent breaks);
- Transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy; and
- Provide you with pregnancy disability leave (PDL) of up to four months (the working days you normally would work in one-third of a year or 17 1/3 weeks) and return you to your same job when you are no longer disabled by your pregnancy or, in certain instances, to a comparable job. Taking PDL, however, does not protect you from non-leave related employment actions, such as a layoff.
- Provide a reasonable amount of break time and use of a room or other location in close proximity to the employee's work area to express breast milk in private as set forth in the Labor Code.

FOR PREGNANCY DISABILITY LEAVE:

- PDL is not for an automatic period of time, but for the period of time that you are disabled by pregnancy. Your health care provider determines how much time you will need.
- Once your employer has been informed that you need to take PDL, your employer must guarantee in writing that you can return to work in your same position if you request a written guarantee. Your employer may require you to submit written medical certification from your health care provider substantiating the need for your leave.
- PDL may include, but is not limited to, additional or more frequent breaks, time for prenatal or postnatal medical appointments, doctor-ordered bed rest, severe morning sickness, gestational diabetes, pregnancy-induced hypertension, preeclampsia, recovery from childbirth or loss or end of pregnancy, and/or postpartum depression.
- PDL does not need to be taken all at once but can be taken on an as-needed basis as required by your health care provider, including intermittent leave or a reduced work schedule, all of which counts against your four month entitlement to leave.
- Your leave will be paid or unpaid depending on your employer's policy for other medical leaves. You may also be eligible for state disability insurance or Paid Family Leave (PFL), administered by the California Employment Development Department.
- At your discretion, you can use any vacation or other paid time off during your PDL.

- Your employer may require or you may choose to use any available sick leave during your PDL.
- Your employer is required to continue your group health coverage during your PDL at the same level and under the same conditions that coverage would have been provided if you had continued in employment continuously for the duration of your leave.
- Taking PDL may impact certain of your benefits and your seniority date; please contact your employer for details.
- If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself). For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

NOTICE OBLIGATIONS AS AN EMPLOYEE:

- Give your employer reasonable notice. To receive reasonable accommodation, obtain a transfer, or take PDL, you must give your employer sufficient notice for your employer to make appropriate plans. Sufficient notice means 30 days advance notice if the need for the reasonable accommodation, transfer, or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable.
- Provide a Written Medical Certification from Your Health Care Provider. Except in a medical emergency where there is no time to obtain it, your employer may require you to supply a written medical certification from your health care provider of the medical need for your reasonable accommodation, transfer or PDL. If the need is an emergency or unforeseeable, you must provide this certification within the time frame your employer requests, unless it is not practicable for you to do so under the circumstances despite your diligent, good faith efforts. Your employer must provide at least 15 calendar days for you to submit the certification. See your employer for a copy of a medical certification form to give to your health care provider to complete.
- Please note that if you fail to give your employer reasonable advance notice or, if your employer requires it, written medical certification of your medical need, your employer may be justified in delaying your reasonable accommodation, transfer, or PDL.

ADDITIONAL RIGHTS UNDER CALIFORNIA FAMILY RIGHTS ACT (CFRA) LEAVE:

You also may be entitled to additional rights under the California Family Rights Act of 1993 (CFRA) if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave. This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition (not related to pregnancy) or that of your child, parent or spouse. While the law provides only unpaid leave, employees may choose or employers may require use of accrued paid leave while taking CFRA leave under certain circumstances. For further information on the availability CFRA leave, please review your employer's Notice regarding the availability of CFRA leave.

This notice is a summary of your rights and obligations under the Fair Employment and Housing Act (FEHA). For more information about your rights and obligations as a pregnant employee, contact your employer, visit the Department of Fair Employment and Housing's Web site at www.dfeh.ca.gov, or contact the Department at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or contact.center@dfeh.ca.gov. The text of the FEHA and the regulations interpreting it are available on the Department of Fair Employment and Housing's Web site at www.dfeh.ca.gov.

New Health Insurance Marketplace Coverage Options and Your Health Coverage

PART A: General Information

To assist you as you evaluate options for you and your family, this Notice provides some basic information about the new Health Insurance Marketplace (Marketplace) and employment based health coverage offered by Long Beach City College, 95-2654140.

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.

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 does not meet certain standards. The savings on your premium that you are 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. 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 cost.

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 Long Beach City College, please check your summary plan description or contact:

Evelyn Reed
ereed@lbcc.edu
(562) 938-4531

or

Malu Miranda
mmiranda@lbcc.edu
(562) 938-4465

4901 E. Carson Street, Long Beach, CA 90808

If you are a California resident, please visit www.coveredca.com for more information about coverage offered through The Marketplace. Non-California residents should contact www.HealthCare.gov for additional information.

The Marketplace can help you evaluate your coverage options, including your eligibility for coverage through the Marketplace and its cost. You will also be able to obtain an online application for health insurance coverage and contact information for a Health Insurance Marketplace in your area.

Individual departments/units within the District may define additional conditions of use for information resources under their control. These conditions must be consistent with this overall regulation but may provide additional detail, guidelines and/or restrictions. These guidelines can cover such issues as allowable connect time and disk space, handling of irretrievable mail, responsibility for account approval, and other items related to administering the system.

A computer user who has been authorized to use a password-protected account may be subject to both civil and criminal liability if the user discloses the password or otherwise makes the account available to others without permission of the system administrator. All access to the District's computer resources, including the issuing of passwords, must be approved by a designee of the District.

Computer users of the District's information resources must not access computers, computer software, computer data or information, or networks without proper authorization, or intentionally enable others to do so, regardless of whether the computer, software, data, information, or network in question is owned by the District. Abuse of the networks to which the District belongs or the computers at other sites connected to those networks will be treated as an abuse of District computer privileges.

6006.5 The Vice Presidents shall be responsible for the overall coordination and implementation of regulations relating to the use of technology. Managers, department heads, and/or Deans/Directors will take an active role in assuring that technology users are familiar with these regulations. Computer users must respect the integrity of computer-based information resources.

- A. Illegal copies of copyrighted programs may not be made or used on school equipment.
- B. It is not an infringement for the owner of a copy of a computer software program to make or authorize the making of another copy or adaptation of that computer software program provided:
 - 1. that such a new copy or adaptation is created as an essential step in the utilization of the computer software program in conjunction with a computer and that it is used in no other manner, or
 - 2. that such a new copy is a backup copy and that all such copies are destroyed in the event that the original copy of the computer software program is no longer in the possession of the registered owner.

These guidelines are based on Public Law 96-517, Section 7(b) which amends Section 117 or Title 17, or subsequent laws, of the United States Code.

Computer users must not interfere with the access and use of the District's computers by other computer users. This includes, but is not limited to: the sending of chain letters or excessive messages, either locally or off-campus; printing excess copies of documents, files, data, or programs, running grossly inefficient programs when efficient alternatives are known by the user to be available; unauthorized modification of system facilities, operating systems, or disk partitions; attempting to crash or tie up a District computer or network; and damaging or vandalizing District computing facilities, equipment, software or computer files.

Computer users must not intentionally develop or use programs which disrupt other computer users or which access private or restricted portions of the system, or which damage the software or hardware components of the system. Computer users must ensure that they do not use programs or utilities that interfere with other computer users or that modify normally protected or restricted portions of the system or user accounts. The use of any unauthorized or destructive programs will result in disciplinary action as provided in this regulation, and may further lead to civil or criminal legal proceedings.

Defects (e.g. "loopholes") in computer security systems or knowledge of a special password should not be used to damage computer systems, obtain extra resources, take resources from another user, gain access to systems, or use systems for which proper authorization has not been given. Any defects discovered in system accounting or system security must be reported immediately to the appropriate system administrator so that steps can be taken to investigate and solve the problem.

6006.6 Computer users must respect the rights of other computer users. Attempts to circumvent these mechanisms in order to gain unauthorized access to any system or to another person's information are a violation of District policy and may violate federal, state and local laws.

Unlawful Messages – Computer users may not use electronic communication facilities to send defamatory, fraudulent, harassing, obscene, threatening, or other messages that violate applicable federal, state or other law or District policy, or which constitute the unauthorized release of confidential information.

Information Belonging to Others – Computer users must not intentionally seek or provide information on, obtain copies of, or modify data files,

programs, or passwords belonging to other users, without the permission of those other users.

Rights of Individuals – Computer users must not release any individual’s (student, faculty or staff) personal information to anyone without proper authorization.

User Identification – Computer users shall not send communications or messages anonymously or without accurately identifying the originating account or station.

Political, Personal and Commercial Use – The District is a non-profit, tax-exempt organization and, as such, is subject to specific federal, state and local laws regarding sources of income, political activities, use of property and similar matters.

Political Use – District information and technology resources should not be used for partisan political activities where prohibited by federal, state or other applicable laws.

Personal Use – District information and technology resources should not be used for personal activities unrelated to appropriate District functions, except in a purely incidental manner.

Commercial Use – District information and technology resources should not be used for commercial purposes. Electronic communication facilities may not be used to transmit commercial or personal advertisements, solicitations or promotions. Computer users are reminded that the “.cc” and “.edu” domains on the internet have rules restricting or prohibiting commercial use, and users may only conduct activities that are appropriate within those domains.

6006.7 All computer users have the right to be free from any conduct connected with the use of the District’s network and computer resources which discriminates against any person on the basis of race, religious creed, color, national origin, ancestry, gender, sexual orientation, age (over 40), disability, marital status, medical condition or disability or obligations to the National Guard or Reserve Forces of the United States.

No computer user shall use the District’s network and computer resources to transmit any message, create any communication of any kind, or store information which violates any District policy or regulation regarding discrimination or harassment, or which is defamatory or obscene, or which constitutes the unauthorized release of confidential information.

6006.8 Computer users are responsible for maintaining the following items:

- A. An environment in which access to all District computing resources are shared equitably among users. The system administrator of each system sets minimum guidelines within which users must conduct their activities.
- B. An environment conducive to learning:
 - 1. A user who harasses, or makes defamatory remarks, shall bear full responsibility for his or her actions. Further, by using these systems, users agree that individuals who transmit such remarks shall bear sole responsibility for their actions. Users agree that the District's role in managing these systems is only as an information carrier, and that they will never consider transmission through these systems as an endorsement of said transmission by the District.
 - 2. Many of the District computing systems provide access to outside networks, both public and private, which furnish electronic mail, information services, bulletin board, conferences, etc. Users are advised that they may encounter material which may be considered offensive or objectionable in nature or content. Users are further advised that the District does not assume responsibility for the contents of any of these outside networks.
 - 3. The user agrees never to attempt to transmit or cause to be transmitted, any message in which the origination is deliberately misleading (except for those outside services which may conceal identities as part of the service). The user agrees that, in the unlikely event that someone does transmit, or cause to be transmitted, a message that is inconsistent with an environment conducive to learning or with a misleading origination, the person who performed the transmission will be solely accountable for the message, not the District, which is acting solely as the information carrier.
- C. An environment free of illegal or malicious acts.
- D. The user agrees never to use a system to perform an illegal or malicious act. Any attempt to increase the level of access to which a user is authorized, or any attempt to deprive other authorized users of resources or access to any District computer system shall be regarded as malicious, and may be treated as an illegal act.
- E. Users are responsible for backup of their own data.

6006.9 An account assigned to an individual must not be used by others without written permissions from the Deputy Director for Network Services. The assigned individual is responsible for the proper use of the account including proper password protection.

6006.10 Software installation, copies, licenses and ownership:

- A. Computer users must respect copyrights and licenses to software and other on-line information.

Copying – Software protected by copyright may not be copied except as expressly permitted by the owner of the copyright or otherwise permitted by copyright law. Protected software may not be copied into, from, or by any District facility or system, except pursuant to a valid license or as otherwise permitted by copyright law.

Number of Simultaneous Users – The number and distribution of copies must be handled in such a way that the number of simultaneous users in a department does not exceed the number of original copies purchased by that department, unless otherwise stipulated in the purchase contract.

Copyrights – In addition to software, all other copyrighted information (text, images, icons, programs, etc.) retrieved from the computer or network resources must be used in conformance with applicable copyright and other law. Copied material must be properly attributed. Plagiarism of computer information is prohibited in the same way that plagiarism of any other protected work is prohibited.

- B. Only legally purchased software may be used on District-purchased computers. Information systems designated personnel will install District-purchased software on computers provided for faculty and staff use. To prove legal ownership and compliance with copyright restrictions, a copy of the license for faculty-owned or staff-owned software must be sent to IITS.
- C. Departments which have purchased software under a site license agreement must have the license agreement available on site to prove legal ownership and compliance with copyright restrictions or have sent a copy of the license agreement to IITS.

6006.11 Any person detecting the apparent illegal use of software should report the suspected usage to the Associate Vice President of Instructional and Information Technology. The Associate Vice President of Instructional and Information Technology, after ascertaining the extent of such use, will meet with the appropriate dean or manager to discuss how any needed software

can be legally purchased or licensed and the disposition of any illegal software.

An individual's computer use privileges may be suspended immediately upon the discovery of a possible violation of these policies and regulations. Such suspected violation will be confidentially reported to the violator's immediate supervisor in accordance with established disciplinary policies and regulations.

6006.12

The District is committed to the principles of privacy, freedom of speech, and confidentiality attributed to users of electronic communications. The District will strive to protect the privacy of its employees' personal information, their electronic communication, their research, and their communications with students through electronic means. The District will not arbitrarily or capriciously breach the privacy of electronic communications.

However, individuals who use the Long Beach City College technology should be aware that there are circumstances under which the content of such resources may be reviewed, and there are employees who, in the proper course of their work, may see information that was not intended for them. Furthermore, users should be aware that all communications whether electronic or otherwise are subject to review and disclosure outlined by the California Public Records Act, current case law, as well as other Federal and/or State laws and regulations. Therefore, users should exercise extreme caution in using electronic communications to communicate or store information of a confidential or sensitive nature. Portable devices without encryption such as laptop computers and data storage devices are especially susceptible to hacking, theft, or loss and should not be used to store confidential information. When required by law, the District will notify users of unintended disclosure of communications.

The District reserves the right to monitor the use of District computer, telecommunications, and classroom technology resources to assure compliance with Title 5, FERPA regulations, all applicable State and Federal laws, and these regulations. The District will exercise this right only for legitimate District purposes, including but not limited to:

- A. Actions that may be required in response to a lawfully issued court order or subpoena, or as prescribed by statutes, such as the Homeland Security Act, the Patriot Act, or the Electronic Communications Act.
- B. Actions that appear necessary to preserve the integrity and security of the District, or to protect the District from liability.

- C. Actions necessary to resolve District business in a time frame commensurate with normal business functions in the case that an employee has suddenly died, become critically ill, or is terminated.

Users should be advised the computer transmissions and electronically stored information may be discoverable in litigations and it may be possible for information to be retrieved, even if a user has deleted such information.

The California Public Records Act (Government Code Sections 6250 et seq.) includes computer transmissions in the definition of “public record” and nonexempt communications made on the District network and computers must be disclosed if requested by a member of the public.

Dissemination and User Acknowledgement – All users shall be provided copies of these regulations and be directed to familiarize themselves with them. An on-screen message addressing these regulations shall be displayed on District user systems. The message screen shall appear as part of accessing the District network. This message screen acknowledgment shall be in the form as follows:

Computer, Telecommunications and Classroom Technology Use Agreement

I agree to abide by the standards set in Policy 6006 and Administrative Regulations 6006 for the duration of my employment and/or enrollment. I am aware that violations of the policy or administrative regulations may subject me to disciplinary action, including but not limited to revocation of my network access and up to and including prosecution for violation of State, Federal or local law.

6006.13 Appropriate regulations regarding student access to and use of computer, telecommunications, and classroom technology shall be developed, consistent with this policy and administrative regulations, approved by the appropriate vice president or designee and posted in prominent locations within all student-access computer areas and other appropriate locations throughout the college. These regulations shall be reviewed periodically and revised as needed.

Adopted: November 17, 1997
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