

YOUR RIGHTS UNDER USERRA

The Uniformed Services Employment And Reemployment Rights Act

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military services. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

Reemployment Rights

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ✓ you ensure that your employer receives advance written or verbal notice of your service;
- ✓ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ✓ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ✓ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

Right To Be Free From Discrimination And Retaliation

If you:

- ✓ are past or present member of the uniformed service;
- ✓ have applied for membership in the uniformed service; or
- ✓ are obligated to serve in the uniformed service;

then an employer may not deny you any of the following because of this status:

- ✓ initial employment;
- ✓ reemployment;
- ✓ retention in employment;
- ✓ promotion; or
- ✓ any benefit of employment.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

Health Insurance Protection

- ✓ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ✓ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

Enforcement

- ✓ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ✓ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.
- ✓ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, depending on the employer, for representation.
- ✓ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. This notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.pdf>. Federal law requires employers to notify employees of their rights under USERRA and employers may meet this requirement by displaying this notice where they customarily place notices for employees. This notification handout is intended to supplement the USERRA notice poster to ensure multi-level compliance.

VETS
U.S. Department of Labor
1-866-487-2365

ESGR
EMPLOYER SUPPORT OF
THE GUARD AND RESERVE
1-800-336-4590

Paid Family Leave Insurance Program

With Paid Family Leave you can afford to be there when you need to be

There are times in the life of every working person when they need to care for a loved one. Maybe it's a working mother who needs more time to bond with and care for a newborn. Maybe it's an employee who needs to care for a parent, child, spouse, or domestic partner who is seriously ill or unable to care for themselves. California's new Paid Family Leave law was created for times like these.

A program that benefits you and your family

Paid Family Leave insurance benefits are based on past quarterly earnings and range from a minimum of \$50 to a maximum of \$728 per week for up to six weeks for claims beginning July 1, 2004. For claims commencing in 2005, the maximum weekly benefit amount will be \$840.

Paid Family Leave for California employees

Paid Family Leave insurance does not provide job protection or return rights. Your job **may** be protected if your employer is subject to the federal Family Medical Leave Act and the California Family Rights Act. You must notify your employer of your reason for taking leave in a manner consistent with your company's leave policy.

To qualify for Paid Family Leave compensation, you must meet the following requirements:

- Be covered by State Disability Insurance (SDI) (or a voluntary plan in lieu of SDI) and have earned at least \$300 from which deductions were withheld
- Complete your claim forms accurately, completely, truthfully, and timely
- Supply medical information that supports your claim that the care recipient is in need of your care
- Provide documentation to support a claim for bonding with a new child
- Use up to two weeks of any earned but unused vacation leave if required by your employer
- Serve a 7-day unpaid waiting period before benefits begin

You may not be eligible for benefits if:

- You receive State Disability Insurance, Unemployment Compensation Insurance, or Workers' Compensation
- You are not working or looking for work at the time you begin your family leave
- You are not suffering a loss of wages
- The need for care is not supported by the certificate of a treating physician or practitioner
- You are in custody due to conviction of a crime

You are entitled to:

- Know the reason and basis for any decision that affects your benefits
- Appeal any decision about your eligibility for benefits and appear before a California Unemployment Insurance Appeal Board administrative law judge
- Privacy — Information about your claim will be kept confidential except for the purposes allowed by law

Fast facts about Paid Family Leave

- Provides benefits but does not provide job protection or return rights
- Provides workers some compensation to care for parents, children, spouses, and domestic partners or to bond with a new child
- Covers all employees who are covered by SDI (or a voluntary plan in lieu of SDI)
- Offers up to 6 weeks of benefits in a 12-month period
- Provides benefits of approximately 55% of lost wages
- Payroll deductions begin Jan. 1, 2004
- Benefits begin July 1, 2004
- Administered by the Employment Development Department

A special law for special times

With Paid Family Leave insurance, California is leading the nation as the first state to make it easier for employees to balance the demands of workplace and family care needs at home. If you have any questions or feel you are in need of and eligible for these benefits, contact us today.

1-877-BE-THERE (English)

1-877-379-3819 (Español)

1-800-563-2441 (TTY)

For more information, visit:

www.edd.ca.gov



P.O. Box 997017

Sacramento, CA 95799-7017

EDD is an equal opportunity employer/program. Special requests for alternate formats need to be made by calling 1-877-BE-THERE.

This pamphlet is for general information only and does not have the force and effect of law, rule or regulation.

Prohibited retaliation includes but is not limited to:

- demotion;
- suspension;
- failure to hire or consider for hire;
- failure to give equal consideration in making employment decisions;
- failure to make impartial employment recommendations; and
- adversely affecting working conditions or otherwise denying any employment benefit to an individual.

Additional Information

The Department of Fair Employment and Housing (DFEH) is the state agency that resolves complaints of unlawful discrimination, including sexual harassment. After a complaint is filed, the DFEH has one year to investigate the complaint.

The Fair Employment and Housing Commission (FEHC), headquartered in San Francisco, decides cases prosecuted by the DFEH at the state level. To contact the DFEH, consult your local telephone directory under State Government Offices or ask directory assistance for the number of Department of Fair Employment and Housing headquarters in Sacramento or write to Department of Fair Employment and Housing, 2014 T Street, Suite 210, Sacramento, CA 95814-6824.

The Equal Employment Opportunity Commission (EEOC) is the federal agency that resolves sexual harassment claims. To contact the commission, consult directory assistance for Washington, D.C., or write to Equal Employment Opportunity Commission, 1801 L Street, NW, Washington, D.C., 20507.

If they find a complaint is justified, state and federal agencies have the power to order, among other actions, that the wronged party be hired, given back pay, promoted, reinstated or granted damages for emotional distress. The agencies also may issue a "cease and desist" order to prevent further unlawful activity and order the violator to pay large fines.

Sexual Harassment Complaint Procedure

This company has a policy against harassment due to sex, which includes sexual harassment, gender harassment and harassment due to pregnancy, childbirth or related medical conditions. If you are harassed, confront the harasser and ask him/her to stop. If you are unable to confront the harasser or are unsuccessful in doing so, report your complaint immediately as follows:

File your complaint with your supervisor (or with another supervisor if the complaint is against your immediate supervisor), the personnel administrator or the president.

Make your complaint in writing, if possible. Include any relevant details, names of the people involved and the names of any witnesses.

The company will investigate your complaint thoroughly. If the company finds that harassment has occurred, disciplinary action will be taken against the harasser.

The company will act upon your complaint promptly. A representative of the company will tell you the outcome of the investigation.

There will be no retaliation against you for filing a complaint.

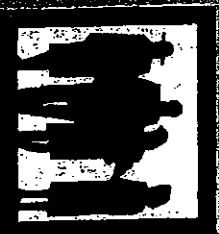
If you have any questions, contact your personnel administrator.

S E X U A L

H A R A S S M E N T

H U R T S

E V E R Y O N E



Notice to all Staff

Sexual harassment is prohibited by this company and is against the law.

Every employee and independent contractor should be aware of:

- what sexual harassment is;
- what steps to take if harassment occurs; and
- state law prohibiting retaliation for reporting sexual harassment.

Please read this information sheet. If you have any questions or concerns about it, contact your supervisor, personnel department representative or your investigative officer for further information.

What is Sexual Harassment?

Although many people think of sexual harassment as involving a male boss and a female employee, not all sexual harassment is done by males. Sexual harassment often involves co-workers, other employees of the company or other persons doing business with or for the company. It's against the law for females to sexually harass males or other females, and for males to harass other males or females.

California Law

California law defines harassment, due to sex 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.

It is impossible to define every action or all words that could be interpreted as sexual harassment. The examples listed above, along with the state definition of sexual harassment, are not meant to be a complete list of objectionable behavior nor do they always constitute sexual harassment.

Federal Law

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

If you, as an employee, are found to have engaged in sexual harassment, or if you as a manager know

about the conduct and condone or ratify it, you may be personally liable for monetary damages. This company will not pay damages assessed against you personally.

In addition, the company will take appropriate disciplinary measures — termination is one possible action — 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 or behavior are offensive. When it is appropriate and sensible, you may want to tell the harasser the behavior or advances are unwelcome and must stop. Sometimes a simple confrontation will end the situation.

2. **You are strongly encouraged to report sexual harassment.** Contact your supervisor, personnel department representative or other person designated by the company as investigative officers for sexual harassment.

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.**

The company will investigate, in a discreet manner, 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.

Protection Against Retaliation

Company policy and California state law forbid retaliation against any employee who opposes sexual harassment, files a complaint, testifies, assists or participates in any manner in an investigation, proceeding or hearing conducted by the company, the Department of Fair Employment and Housing or the Fair Employment and Housing Commission.