



Palo Alto Veterans Institute for Research

Employee Handbook

2017

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Welcome

It is my pleasure to welcome you to the Palo Alto Veterans Institute for Research (PAVIR). PAVIR's mission is:

*Advancing Veteran and public health
through innovative research*

The range of PAVIR research activities is broad and includes special emphasis on cardiovascular medicine, cancer, mental health – including Traumatic Brain Injury (TBI) and Post Traumatic Stress Disorder (PTSD), chronic inflammatory disease, and stem cell/regenerative medicine. Genomic medicine is a major overarching interest in our pursuit of health improvements for Veterans. We believe that advances in genomics will make personalized medicine a reality.

We are pleased that you have decided to join PAVIR and we are confident that you will find PAVIR a dynamic and rewarding place in which to work. As an employee of PAVIR, you are an important member of a team effort. Because our success depends upon the talent, dedication, and engagement of our employees, we are highly selective in choosing new members of our team. We hope that you will find your position with PAVIR rewarding, challenging, and productive.

As a PAVIR employee, you have a unique relationship with the Department of Veterans Affairs (VA). In general, PAVIR employees will work on the premises of the VA Palo Alto Health Care System (VAPAHCS). In order to provide employees with certain protections under the Federal Tort Claims Act (FTCA), PAVIR employees must have an approved Without Compensation (WOC) appointment with VAPAHCS. In this context the WOC appointment establishes PAVIR employees as **Federal employees** immune from suit under certain circumstances, with the Federal government acting as their primary insurer if they are working within the scope of their VA appointment under the supervision of VA-paid personnel. A WOC appointment is a condition of employment at PAVIR and includes but is not limited to the following: background clearance, fingerprinting, TB test, standards of ethical conduct and mandatory training.

We consider it a privilege to be associated with the VAPAHCS and to work collaboratively to create an outstanding research environment. We are pleased you will be joining our staff and look forward to a productive relationship. Please take the time to explore this handbook as well as our websites at www.pavir.org and www.pavir.net.

Kerstin Lynam
Chief Executive Officer (CEO)

Introduction

This Employee Handbook (Handbook) is intended to explain the terms and conditions of employment of all PAVIR employees and supervisors in effect at the time of publication. All previously issued handbooks and any inconsistent policy statements or memoranda are superseded. Written employment agreements between PAVIR and some individuals may override some of the provisions of this handbook, but only when signed by the CEO or Board of Directors.

PAVIR reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this handbook or in any other document, except for the policy of at-will employment. Any written changes to this handbook will be distributed to all employees so employees will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this handbook.

This handbook's at-will employment policy sets forth the entire agreement between you and PAVIR regarding the circumstances under which employment may be terminated. Except for the at-will employment policy, the handbook is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. It is important that all employees read, understand, and follow the provisions of this handbook. If you have any questions concerning your eligibility for a particular benefit or whether a policy or practice applies to you, please submit your specific questions to Human Resources (HR).

Important Employment Policies

At-Will Employment

PAVIR employees are employed on an at-will basis. Employment at-will means that the employment relationship may be terminated, with or without cause and with or without advance notice at any time by the employee or PAVIR. Nothing in this handbook shall limit the right to terminate at-will employment. No manager, supervisor, or employee of PAVIR has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms. Only the CEO of PAVIR has the authority to make any such agreement, which is binding only if it is in writing. Some exceptions to the at-will employment rule may apply to Postdoctoral Fellows who are concurrently appointed by Stanford University.

Nothing in this at-will statement is intended to interfere with an employee's rights to communicate or work with others toward altering the terms and conditions of his or her employment.

Without Compensation (WOC) Appointment

PAVIR employees have a unique relationship with VAPAHCS. PAVIR employees often work side by side with employees of the Department of Veterans Affairs (VA), a Federal employer, as well as with employees of Stanford University (Stanford). PAVIR's collaboration with the VA is authorized by Public Law 111-163, and further delineated through the Veterans Health Administration (VHA) handbook 1200.17. PAVIR employees may perform work at the VA and/or Stanford facilities and may, therefore, be subject to VA/VAPAHCS and/or Stanford work policies as well as PAVIR work policies, some of which may differ from the work policies of PAVIR.

In general, PAVIR employees will work on the premises of VAPAHCS. In order to provide employees with certain protections under the Federal Tort Claims Act (FTCA), PAVIR employees must have an approved Without Compensation (WOC) appointment with VAPAHCS. In this context the WOC appointment establishes PAVIR employees as **Federal employees** immune from suit under certain circumstances, with the Federal government acting as their primary insurer if they are working within the scope of their VA appointment under the supervision of VA-paid personnel. A WOC appointment is a condition of employment at PAVIR and includes but is not limited to the following: background clearance, fingerprinting, TB test, standards of ethical conduct and mandatory training.

As a WOC appointee employees will be issued and required to wear a VAPAHCS identification badge. This badge must be worn at all times while on the VAPAHCS campus. It must be worn above the waist, with the picture photo visible at all times.

Equal Employment Opportunity

PAVIR is an equal opportunity employer and will not discriminate in employment, compensation, promotion, demotion, transfer, training, termination or any other employment benefit based on race, religious creed (which includes religious dress and grooming practices), color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (which includes pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, age, sexual orientation, military or veteran status, or any other consideration made unlawful by federal, state or local laws, ordinances, or regulations. PAVIR also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having

any of those characteristics. PAVIR personnel-related decisions will be based solely on legitimate business-related reasons such as merit, education, job performance, job experience, and other job-specific criteria. Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship. **All such discrimination described above is unlawful.**

PAVIR is committed to compliance with all applicable anti-discrimination laws. This commitment applies to **all** persons involved in PAVIR operations and prohibits unlawful discrimination by any employee of PAVIR, including supervisors and co-workers.

If an employee believes they have been subjected to any form of unlawful discrimination, they should submit a written complaint to their supervisor or the PAVIR Director of HR. The complaint should be specific and should include the names of the individuals involved and the names of any witnesses. If assistance is needed with the complaint, or if the employee prefers to make a complaint in person, we ask that they contact PAVIR's Director of HR. PAVIR will immediately undertake an effective, thorough, and objective investigation and take appropriate corrective action.

If PAVIR determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. PAVIR will not retaliate for filing a complaint and will not knowingly permit retaliation by any other employee, including supervisors or management.

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) and applicable state law requires an employer to provide reasonable accommodations for qualified individuals with disabilities, unless it would cause undue hardship. A reasonable accommodation may include changes in the work environment or in the way a job is performed to enable a person with a disability to enjoy equal employment opportunities.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, PAVIR will attempt to make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the Director of HR and discuss the need for an accommodation. PAVIR will engage in an interactive process with the applicant or employee to identify possible reasonable accommodations, if any, that will help the applicant or employee perform the job. To determine the existence of a disability within the meaning of the ADA, or to determine the feasibility or effectiveness of an accommodation, PAVIR may request medical information or opinions as permitted by the ADA or applicable state law. The employee or applicant has the responsibility to provide such information.

An applicant or employee who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact the Director of HR and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, PAVIR will make the accommodation.

Anti-Harassment

PAVIR expects employees to conduct themselves in a manner that another person or group of persons will not interpret as offensive. PAVIR requires every person to show sound judgment and respect for all other employees. All personnel are responsible for enforcing this policy.

Because PAVIR is committed to providing the optimal work environment to support and conduct research and education advancing Veteran and public health, PAVIR is committed to providing a work environment free of harassment. PAVIR policy prohibits conduct which is disrespectful or unprofessional, as well as harassment based on race, religious creed (which includes religious dress and grooming practices), color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (which includes pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, age, sexual orientation, military or veteran status, or any other consideration made unlawful by federal, state or local laws, ordinances, or regulations. **All such conduct described above violates PAVIR policy.**

PAVIR's anti-harassment policy applies to all persons involved in the operation of PAVIR and prohibits unlawful harassment by any PAVIR employee including supervisors, co-workers and third parties. PAVIR will take all reasonable steps to prevent or eliminate unlawful harassment by non-employees, including collaborators, vendors, customers, and contractors, who have workplace contact with our employees. It also prohibits unlawful harassment based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

Unlawful harassment, unwelcomed verbal, visual, or physical conduct creating an intimidating, offensive, or hostile work environment that interferes with work performance will not be tolerated. A hostile environment occurs when anyone on staff creates intimidating or offensive working conditions, either on or off the work site. Prohibited harassment and disrespectful or unprofessional conduct includes, but is not limited to, the following behavior:

- **Verbal/Written** - Verbal/written comments such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments.
- **Visual** - Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures.
- **Physical** - Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis.
- **Sexual** - Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors.
- **Electronic** - Communication via electronic media of any type which includes any conduct that is prohibited by local, state and/or federal law, or by PAVIR policy.

This policy applies to all phases of employment, including, but not limited to, recruiting, testing, hiring, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training.

If an employee believes that they have been the subject of harassment or other prohibited conduct, the employee should bring the complaint to their own supervisor, the CEO or Director of HR as soon as possible after the incident. Supervisors to whom an employee's complaint was brought, are instructed to report any complaints of misconduct to the PAVIR Director of HR or CEO so PAVIR can take actions to address the complaint. The employee will be asked to provide details of the incident or incidents, names of individuals involved and names of any witnesses. It is best to communicate the complaint in writing, but this is not mandatory. Supervisors will refer all complaints involving harassment or other prohibited conduct to the PAVIR Director of HR. Complaints will be communicated to other parties within the VA or Stanford as necessary. To the greatest extent possible, HR will keep complaints confidential, while allowing the investigation to proceed (meaning information may be revealed on a "need to know" basis). All complaints

will be investigated in a fair, timely, and thorough manner that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.

If PAVIR determines that harassment or other prohibited conduct has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any PAVIR employee determined by PAVIR to be responsible for harassment or other prohibited conduct will be subject to appropriate disciplinary action up to and including termination. A PAVIR representative will advise all concerned parties of the results of the investigation.

PAVIR encourages all employees to **immediately** report any incidents of harassment or other prohibited conduct forbidden by this policy so complaints can be promptly resolved. Employees also should be aware that the Federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate and prosecute complaints of prohibited harassment in employment.

Retaliation

PAVIR prohibits retaliation against any employee because of the employee's opposition to a practice or conduct the employee reasonably believes to be unlawful or because of the employee's lawfully protected participation in an investigation or proceeding. Any retaliatory adverse action because of such opposition or participation may be unlawful and will not be tolerated.

PAVIR will not retaliate against an employee for filing a complaint and will not tolerate or permit retaliation by management, employees, or co-workers. Any form of retaliation, including derogatory comments, against people who make harassment complaints, against witnesses or any other employees who are involved in complaints, is against PAVIR's policy. PAVIR will strictly enforce this policy and will treat retaliatory action as a violation that is subject to the same disciplinary measures, up to and including termination of any employee who retaliates against another employee for engaging in any of these protected activities.

If you believe you have been subjected to unlawful retaliation, please follow the complaint procedure outlined below.

Complaint Procedure — Discrimination, Unlawful Harassment, Retaliation

Employees must report all incidents believed to be unlawful discrimination, harassment, or retaliation, regardless of whether they are the alleged victim, a witness, a bystander, or otherwise. If you believe you have been subjected to any form of such unlawful conduct, or if you have knowledge of such unlawful conduct, submit a complaint, preferably in writing, to your supervisor or the Director of HR. If these individuals are not available, or in the event that you believe that one of these individuals has engaged in inappropriate behavior in violation of these policies, submit a complaint to any other member of the PAVIR Leadership team as posted on pavir.org or any other member of the PAVIR HR department as soon as possible. Supervisors must report any and all conduct of which they are made aware, which violates, or may violate, policies regarding unlawful discrimination, harassment, or retaliation to the PAVIR Director of HR or the PAVIR CEO, as appropriate.

All complaints submitted pursuant to this policy should be made in writing, but they may be done verbally. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. PAVIR encourages all employees to immediately report any incidents of unlawful

discrimination, harassment, and/or retaliation so that complaints can be quickly and fairly resolved. All complaints will be handled as confidentially as possible and information will be disclosed only as it is necessary to complete the investigation and resolve the matter.

Upon notice of such a complaint, PAVIR will attempt to resolve the situation by promptly undertaking an effective, thorough, and objective investigation through the use of qualified personnel and using methods that provide all parties with appropriate due process as defined by applicable rules and regulations. During the investigation, PAVIR will provide regular progress updates, as appropriate, to those directly involved. PAVIR will strive to complete its investigation as efficiently as possible in light of the allegations and will reach any conclusions based on the evidence collected.

If PAVIR determines that unlawful conduct or a violation of applicable policies has occurred, appropriate remedial measures will be taken in accordance with the circumstances involved. Any PAVIR employee determined by PAVIR to be responsible for unlawful discrimination, harassment, and/or retaliation will be subject to appropriate disciplinary action, up to and including termination. Appropriate action will also be taken to deter future conduct.

Retaliation will not be tolerated against any employee who brings a complaint in good faith or who honestly assists in investigating such a complaint, even if the investigation produces insufficient evidence that there has been a violation, or if the charges cannot be proven.

Employees who believe that they have been unlawfully discriminated against, harassed, or retaliated against may also file a complaint with the local office of the California Department of Fair Employment and Housing (“DFEH”) or the Equal Employment Opportunity Commission (“EEOC”). The DFEH and the California Fair Employment and Housing Council (“FEHC”) as well as the EEOC can also order an employer to hire, reinstate, or promote a victim of discrimination, harassment, and/or retaliation or make other changes in PAVIR policies. The address and phone number of the local DFEH and EEOC offices can be found in the government sections of your local telephone directory or online.

Violence Free Workplace

PAVIR has zero tolerance for acts of violence and threats of violence. PAVIR is strongly committed to providing a safe workplace and takes very seriously violence in the workplace. A climate of fear or intimidation will not be tolerated. Threatening or intimidating behaviors, acts of verbal or physical aggression and violence by our employees may be subject to severe discipline or immediate termination.

Possession of non-work related weapons on work premises and at PAVIR-sponsored events shall constitute a threat of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously and will lead to discipline up to and including termination.

A threat includes, but is not limited to, any indication of intent to harm a person or damage PAVIR or VA property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally.

It is every employee’s responsibility to assist in establishing and maintaining a violence-free work environment. Therefore, each employee is expected and encouraged to report any incident which may be threatening to themselves or co-workers or any event which the employee reasonably believe is threatening or violent. Employees may report an incident to any supervisor or manager, or the PAVIR Director of HR.

Drug-Free Workplace

PAVIR is concerned about the use of alcohol, illegal drugs, and controlled substances¹ as it affects the workplace. Use of these substances, whether on or off the job, can detract from an employee's work performance, efficiency, safety, and health. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes PAVIR to the risks of property loss or damage, or injury to other persons. To promote a drug-free workplace this goal, Employees are required to report to work in appropriate mental and physical condition to perform their job in a satisfactory manner.

The following rules and standards of conduct apply to all employees either on work premises or during the workday (including meals and rest periods). Behavior that violates PAVIR drug-free policy includes:

Possession or use of an illegal or controlled substance, or being under the influence of an illegal or controlled substance while on the job;

Driving a vehicle while performing the employee's job while under the influence of alcohol or a controlled substance; and

Distribution, sale, or purchase of an illegal or controlled substance while on the job.

Violation of these rules and standards of conduct will not be tolerated. PAVIR may also bring the matter to the attention of appropriate law enforcement authorities.

In order to enforce this policy, PAVIR reserves the right to conduct searches of PAVIR property or employees and/or their personal property while on PAVIR property or performing PAVIR work, and to implement other measures necessary to deter and detect abuse of this policy. As a result, employees do not have an expectation of privacy in this regard.

PAVIR must keep people who sell or possess controlled substances off work premises in order to keep the controlled substances themselves off the premises.

Furthermore, the use of prescription drugs and/or over-the-counter drugs may also affect an employee's job performance. Any employee who is using prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting or resuming work.

PAVIR will encourage and reasonably accommodate employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request a treatment or rehabilitation leave. PAVIR is not obligated, however, to continue to employ any employee whose performance of essential job duties is impaired because of drug or alcohol use, nor is PAVIR obligated to re-employ any employee who has participated in treatment and/or rehabilitation if the employee's job performance remains impaired as a result of dependency.

Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not automatically be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect PAVIR's treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

¹ A controlled substance is generally a drug or chemical whose manufacture, possession, or use is regulated by a government. This may include illegal drugs and prescription medications (if the medication is not prescribed to the employee taking the medication or the prescription medicine is negatively impacting the employee's ability to perform.)

Recruitment and Hiring

Recruiting Policy

PAVIR's primary goal when recruiting new employees is to fill vacancies with persons who have the best available skills, abilities, or experience needed to perform the work. Decisions regarding the recruitment, selection, and placement of employees are made on the basis of job-related criteria.

When positions become available, qualified current employees are encouraged and are welcome to apply for the position. As openings occur, notices relating general information about the position are listed on the PAVIR website (www.pavir.org) and on the California Employment Development Department website. The hiring manager of the open position will arrange interviews with qualified candidates who apply.

Immigration Law Applicable to All Employees

PAVIR complies with the Immigration Reform and Control Act of 1986 by employing only U.S. citizens and non-citizens who are authorized to work in the United States. All employees are asked on their first day of work to provide original documents (or acceptable documents) verifying the right to work in the United States and to sign a verification form required by federal law (Form I-9). If an employee cannot verify their right to work in the United States within three (3) days of hire, PAVIR may terminate their employment. In addition, employees may be required to re-verify their right to work in the United States if their initial paperwork expires. Failure to provide this information prior to expiration date may result in termination of employment. PAVIR is an E-Verify employer and it is a condition of employment for all employees to utilize and complete the E-Verify process.

Concurrent VA/PAVIR Employment

It is the policy of PAVIR that employees may only hold concurrent compensated employment with PAVIR and the VA under certain conditions and as specifically authorized in writing by the PAVIR CEO. This policy applies both to VA employees being hired by PAVIR and PAVIR employees seeking VA employment. For all affected employees, there must be timecards for both the VA and PAVIR to document that there is no overlap in time worked for either organization. No Stanford faculty member in the UTL, MCL, Research Line or Clinician Educator Line may be a PAVIR employee; any exception requires the written approval of the CEO.

Employment of Relatives

Relatives of employees may be eligible for employment with PAVIR only if individuals involved do not work in a direct supervisory relationship, or in job positions in which a conflict of interest could arise. PAVIR defines "relatives" as spouses, registered domestic partners, children, siblings, parents, in-laws, and step-relatives. Present employees who marry or become registered domestic partners will be permitted to continue working in the position held only if they do not work in a direct supervisory relationship with one another and are not in positions which appear to or actually create a conflict of interest.

Employee Referral Program

We encourage current employees to recruit new talent for PAVIR. PAVIR will provide a \$100 gift card to current employees who refer qualified candidates who are hired by PAVIR. A "candidate" is anyone who is not currently employed by PAVIR. All current employees are eligible to receive a referral bonus, except employees in the PAVIR HR Department, members of the PAVIR Leadership Team, and managers with the power to make or influence hiring decisions. In addition, supervisory personnel do not qualify for a referral

bonus for identifying a candidate for a position they will supervise.

The referral process will be activated via the PAVIR online application process. The applicant must provide the name of the current PAVIR employee who referred them to the position when they submit their resume.

Referred candidates who are hired must be employed for at least 30 days before the referring employee may be eligible to receive a \$100 gift card. Both the referring employee and the referred candidate must be active employees at the time the gift card is awarded. The value of the gift card will be recorded in the payroll system and taxed as an “imputed income fringe benefit.”

Gift cards are awarded at the discretion of the PAVIR CEO or designee.

General Employment Information

Job Duties

Immediately following the start date of new employees, or reclassification of existing employees, the assigned supervisor will review the employee's job responsibilities and expected performance standards. PAVIR reserves the right, at any time, with or without notice, to alter or change job responsibilities, job title, reassign or transfer job positions, or assign additional job responsibilities.

From time to time employees may be asked to work on special projects, or to assist with other work necessary or important to the operation of their laboratory/clinic, department or PAVIR. Cooperation and assistance in performing such additional work is expected.

Rehire/Bridge Prior Service

PAVIR will review and bridge employees previously employed by PAVIR and/or employees with prior paid service with VA-affiliated non-profits or the VA. The break in service time will be deducted from the employee's original service date for purposes of calculating seniority date and eligibility for other benefits as applicable, except as otherwise required under applicable law. Benefits reinstatement or crediting is determined solely by the applicable Summary Plan Descriptions.

Employment Classification

Employment classifications are based on the nature of the work performed, the number of hours regularly scheduled to work, and the duration of employment. At the time of hire, PAVIR HR will communicate specific employment classification to the employee. During employment with PAVIR, an employee's employment classification may change and will be duly communicated. It is important for employees to understand their employment classification because it may impact eligibility for benefits. Employment classification consists of several designations. Please contact PAVIR HR with any questions.

Fair Labor Standards Act (FLSA) Status

Jobs are designated as either exempt or non-exempt based on federal and state wage and hour laws as defined below:

- **Exempt** – A job is classified as exempt if the job duties are exempt from overtime provisions and in some cases, also not subject to minimum wage regulations in accordance with applicable wage and hour laws. Exempt employees are paid a salary that meets minimum requirements which covers all hours worked. If an employee's job is classified as exempt, the employee is not paid additional compensation or benefits for additional hours worked.
- **Non-exempt** – A job is classified as non-exempt if the job duties are not exempt from overtime provisions of applicable wage and hour laws. Non-exempt employees are required to be paid a minimum wage and overtime at the federal, state, or local prescribed wage rate, whichever is higher. Non-exempt employees are paid an hourly rate and are required to complete and provide accurate records of actual hours worked.

Please review the section on "timekeeping requirements" in the Pay and Hours section of this handbook for more information.

Employment Category

There are two employment categories which are based on regularly scheduled weekly work hours:

- **Full-time** – An employee is considered a “full-time” employee if they are regularly scheduled for and work 30 hours or more per week. Full-time employees are eligible for PAVIR’s benefits package, subject to the terms, conditions, and limitations of each benefit.
- **Part-time** – An employee is considered a “part-time” employee if they are regularly scheduled for and work less than 30 hours per week. Part-time employees will receive all legally mandated benefits (i.e., Social Security and Workers Compensation Insurance), but are only eligible for PAVIR’s other benefit programs except those listed in the Benefits Eligibility table on page 25 and those mandated by applicable law.

Employment Type

- **Regular** – Regular employees are hired to work on a regular schedule.
- **Temporary** – Temporary employees are hired for short-term assignments. Short-term assignments generally are periods of six months or less; however, such assignments may be extended if necessary. Temporary employees are not eligible for employee benefits except those listed in the Benefits Eligibility table on page 25.

Personnel Records

PAVIR employees have a right to inspect and receive a copy of the personnel records PAVIR maintains relating to their performance or to any grievance concerning themselves. Certain documents may be excluded or redacted from an employee’s personnel file by law, and there are legal limitations on the number of requests which can be made.

Any request to inspect or receive a copy of personnel records must be made in writing to the Director of HR. HR may ask the employee to complete a form to formalize the request and the employee may designate a representative to conduct the inspection of the records or receive a copy of the records. Any designated representative must be authorized by the employee in writing to inspect or receive a copy of the records. PAVIR may take reasonable steps to verify the identity of any representative designated by the employee in writing to inspect or receive a copy of the personnel records.

Disclosure of personnel information to outside sources, other than the designated representative, will be limited. However, PAVIR will cooperate with a request from authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required.

Personal Information / HIPAA Privacy

PAVIR is required by law to keep current records of all employees’ names and addresses. Employees are responsible for notifying PAVIR in the event of a name or address change.

PAVIR is respectful of employee privacy. All employee demographic and personal information will be shared only as required in the normal course of business. HR documents containing private information are maintained in secured and locked cabinets. Healthcare enrollment information is maintained in a secure manner. Access to such information is protected and will be shared only as required in the normal course of business.

PAVIR does not provide or receive any private healthcare information through the course of normal work. If any employee voluntarily shares private healthcare information with HR, this information will be kept confidential.

In order to ensure dependable, accurate, and timely delivery of payroll and/or benefits information, we ask that all employees update their personal information (i.e., name, address, e-mail, telephone number, emergency contacts, etc.) via the employee self-service HR portal located at <https://workforcenow.adp.com> when changes occur.

Workplace Privacy

PAVIR reserves the right to use video surveillance in public areas (excluding restrooms, locker rooms, or changing areas). The video surveillance will not include sound recording. Additionally, management may access an employee's work area or business tools such as an employee's assigned work computer and work e-mail account. Employees should not have an expectation of privacy in this regard.

Telecommuting

PAVIR allows telecommuting for PAVIR employees only as outlined in the Board approved telecommuting policy. All routine telecommuting must be documented and authorized through a fully signed, PAVIR telecommuting agreement. All telecommuting must be requested and approved in writing by the PAVIR employee's supervisor. Additional information is posted in PAVIR's Telecommuting Policy posted at pavir.net. In addition, please contact the Director of HR for specific guidelines, eligibility, and procedures.

Open-Door Policy

Suggestions for improving PAVIR are always welcome, and are in many cases part of the general job performance expectations. Employees with a complaint, suggestion, or question about their job, their working conditions, or the treatment they are receiving are strongly encouraged to discuss these with their assigned supervisor first, following these steps:

- As soon as possible, the employee should bring the suggestion or concern to the attention of the immediate supervisor, who will, depending on the circumstances, respond immediately, or investigate and provide a solution or explanation.
- If the concern relates to a problem and the problem persists, employees may describe the issue in writing and present it to the Director of HR, who will investigate and provide a solution or explanation. If employees prefer to make a complaint in person, or if they require assistance with the complaint, employees are encouraged contact the Director of HR. PAVIR asks that the employee brings the matter to the Director of HR as soon as possible after the employee comes to the belief that their immediate supervisor has failed to resolve the problem.
- If the problem is not resolved, employees may present the problem in writing to the CEO, who will attempt to reach a final resolution. If the employee needs assistance with the written complaint, employees are welcome to contact the Director of HR for assistance.
- Any issue relating to conflict of interest or fraud must be reported to the PAVIR CEO.

This procedure cannot guarantee every problem will be resolved to the employee's satisfaction, however, PAVIR values employee observations and it is important to PAVIR that employees feel free to raise issues of concern, in good faith, without the fear of retaliation.

Compliance Audits

External agencies may observe or audit PAVIR from time to time to verify compliance with specific laws and

regulations. In most cases, these agencies will present themselves to the PAVIR Leadership Team prior to conducting their observations or audits.

Some of the auditors assigned to assess PAVIR's compliance may seek a conversation with individual employees. PAVIR conducts its business according to its values which are included in the Values and Employee Conduct section of this handbook and strives to collaborate with the needs of incoming auditors. When asked a question by an auditor or compliance officer, PAVIR employees are expected to respond truthfully. When not sure how to answer the question, or if there is no complete answer at hand, employees are asked to refer the auditor or compliance officer to the employee's laboratory or department supervisor. In addition, employees are always welcome to refer all auditors and inspectors to the PAVIR Core Administration offices.

Pay and Hours

Work Schedule/Tour of Duty

PAVIR is normally open for business between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Supervisors will assign their employees' individual tour of duty at their time of hire. All employees are expected to be at their desks or workstations at the start of their scheduled tour of duty. This includes employees who are telecommuting.

The workweek begins each Sunday at 12:01 a.m. and ends at midnight on Saturday. A workday begins at 12:01 a.m. and ends at midnight.

Employees should work with their supervisor in advance to set their specific tour of duty if it will vary from PAVIR normal work hours. It is PAVIR's goal to be flexible with employees, as long as the needs of PAVIR are met. An employee's work schedule will become part of their payroll record and will be used to calculate an employee's pay including overtime, vacation, sick leave, and holiday pay if eligible for these benefits.

Staffing needs and operational demands may require variations in start and end times, as well as variations in the total hours that may be scheduled each day and week. Whenever possible, supervisors will provide their employees with advance notice of changes to their tour of duty. Exempt employees are expected to work extended hours without compensation when required by their job duties.

Punctuality and Attendance

Employees are expected to report to work as scheduled, on time, and prepared to start work, as well as to remain at work for their entire work schedule, except for meal breaks or when required to leave on authorized PAVIR business. Late arrival, early departure, or other unanticipated and unapproved absences from scheduled hours can be disruptive and must be avoided.

Employees unable to report for work on any particular day must, under all but the most extenuating circumstances, call their supervisor before the start time of their tour of duty for that day. In all cases of absence or tardiness, employees must provide their supervisor with an honest reason or explanation. Employees also must inform their supervisor of the best estimate of the expected duration of any absence or tardiness. Supervisors may also request of the employee unable to report to work what work needs to be covered by someone else to maintain productivity and compliance in the workplace.

Excessive absenteeism or tardiness may be considered a performance issue. If employees fail to report for work without any notification to their supervisor and their absence continues for a period of three days, PAVIR will consider that the employee has voluntarily abandoned or quit PAVIR employment.

Absences protected by local, state and federal law do not count as a violation of this policy.

Non-Exempt Positions

Employees classified in non-exempt positions are paid only for the time actually worked, other than for paid holidays and paid leave taken by eligible employees. If an employee is late or leaves early, they will only be paid for the time actually worked and not the whole tour of duty for that day.

Timekeeping Requirements

Employees are responsible for recording and certifying their attendance, including sick and vacation leave for each pay period via the electronic timecard process on ADP WorkforceNow unless there is an approved mechanism for paper submission.

For all other leaves, please contact the PAVIR Payroll department at payroll@pavir.org for additional information. **Submitting accurate timecards in a timely fashion is a key requirement to ensuring that employees receive correct payment and that grant funds and other funding sources are charged correctly. PAVIR cannot overstate the importance of 100% compliance on timely and accurate timecard submission by all employees. Non-compliance will lead to disciplinary action, up to and including termination.** Non-exempt employees must record their meal break(s), any overtime hours, and time off work (for example, vacation hours, sick hours, etc.) for each pay period via the electronic timecard and are requested to enter this information on ADP WorkforceNow on a daily basis.

Any errors on a timecard should be corrected and reported immediately to the assigned supervisor. Any changes on the timecard must be reviewed and approved by the assigned supervisor. Submitting inaccurate timecards is not permissible.

Paid Rest Periods

All non-exempt employees are entitled to paid 15-minute rest period(s) during their workday. Employees are required to remain on the work premises during their rest period(s) and to return to work promptly at the end of any rest period.

Rest periods are counted as hours worked, and thus, employees are not required to record rest periods on their timecard. Rest periods may not be combined with or added to unpaid meal breaks nor may they be used to start work 15 minutes late or leave 15 minutes early.

Employees will be authorized and permitted one 15-minute rest period for every four hours worked (or major fraction thereof, which is defined as any amount of time over two hours). Employees are not eligible for a rest period if the total daily work time is less than three and one half hours.

Employees are authorized and permitted to take a rest period in the middle of each four-hour work period, but should schedule their rest period with the assigned supervisor.

If an employee works from three and one-half to six hours a day, the employee will be entitled to one 15-minute rest period. If an employee works more than six hours and up to 10 hours a day, the employee will be entitled to two 15-minute rest periods. If the employee works more than 10 hours and up to 14 hours, the employee will be entitled to three 15-minute rest periods.

Any rest period taken beyond 15-minutes is unpaid and must be recorded on the timecard.

Unpaid Meal Breaks

All non-exempt employees must take an uninterrupted meal period of at least 30 minutes each day they work more than 5 hours. The employee will be permitted a reasonable opportunity to take this meal break and will be relieved of all work duty. During the meal break, the employee is free to leave the premises. Employees are expected to return to work promptly at the end of any meal break.

A meal break will be provided before the employee begins their fifth hour of work. For example, if an employee begins work at 8:00 a.m., they must start their meal break by 12:59 p.m., which is before the start of their fifth hour of work. An employee's meal break should be scheduled by the assigned supervisor.

If an employee's total work schedule for the day is more than five hours per day but no more than six hours, the employee may choose to waive the meal break. This cannot be done without the mutual written consent of the employee and the employee's supervisor. If the employee wishes to waive his or her meal break, the employee must complete a waiver form, which is available from PAVIR Payroll Department. If the employee's total work schedule exceeds six hours, the meal break cannot be waived.

A second meal break is required only if an employee's work schedule for the day exceeds 10 hours. If the work schedule exceeds 10 hours, the employee must take a second meal break no later than the start of the employee's 10th hour of work. Please contact PAVIR HR for additional information if this applies to your working environment.

Employees must record the start and end of their meal break on their timecard. All work time must be accurately reported on the timecard.

If for any reason an employee is not provided a meal break in accordance with this policy, or if the employee is in any way discouraged or impeded from taking their meal break or from taking the full amount of time allotted, employees are advised to please immediately notify the Director of HR. If an employee misses a meal break that was provided, or the employee is required to work any portion of a provided meal break, the employee will be required to report to the Director of HR and document the reason for the missed meal break or time worked.

Mandatory Meetings/Training

PAVIR will pay non-exempt employees for their attendance at meetings, lectures, and training programs under the following conditions:

- Attendance is mandatory;
- The meeting, lecture, or training is directly related to the employee's job; and
- The employee who is required to attend such meetings, lectures, or training programs is notified of the necessity for such attendance by his or her supervisor.

Any hours in excess of eight in a day, 40 in a week, or any hours worked on the 7th consecutive day of the workweek will be paid at the appropriate overtime rate, based on the hourly rate in effect at the time the overtime work is being performed.

Non-exempt employees who are required to travel for a mandatory meeting/training will be paid for travel time beyond their normal commute time. Please notify HR in advance of any work related travel to request detailed information applicable to your specific circumstances and obtain the forms to document travel and meeting/training time appropriately.

Calculating Sick, Vacation, and Holiday Hours for Eligible Non-Exempt Work Schedules

Sick hours, vacation hours and holiday hours will be calculated as follows for employees who work more than 30 hours a week and are classified in regular, non-exempt positions:

- **For five day/week, 8 hour/day schedules:** If an employee is absent for a full day, accumulated sick or accrued vacation hours will be deducted in 8 hour increments. For less than full day absences, sick and vacation hours may be taken in 15 minute increments. Holiday hours will be paid in 8 hour increments.
- **For five day/week schedules greater than 30 hours but less than 40 hours a week:** When an employee is scheduled to work on a day that falls on a holiday, the employee will be paid for the number of hours that they are scheduled to work.

Overtime for Non-Exempt

Employees in non-exempt positions may be required to work overtime as necessary. Only actual hours worked in a given workday or workweek will be considered for calculating overtime. All overtime work must be specifically authorized by the assigned supervisor before the overtime work is performed. Overtime must be recorded on ADP WorkforceNow to reflect actual hours worked.

PAVIR provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law as follows:

- All hours **worked** in excess of eight hours in one workday (California only) or 40 hours in one workweek will be treated as overtime;

- Compensation for hours *worked* in excess of 40 for the workweek, or in excess of eight and not more than 12 for the workday, and for the first eight hours on the seventh consecutive day of work in one workweek (California only), shall be paid at a rate one and one-half times the employee's regular rate of pay;
- Compensation for hours *worked* in excess of 12 in one workday and in excess of eight on the seventh consecutive workday in a workweek shall be paid at double the regular rate of pay (California only).

Compensatory Time

Employees classified in non-exempt positions must be paid for all hours worked, at the appropriate regular or overtime rate. Compensatory or "comp" time is not allowed for PAVIR employees.

Lactation Break

PAVIR accommodates lactating employees by providing a reasonable rest period to any employee who desires to express breast milk for an infant child. The rest period shall, if possible, run concurrently with any rest period already provided to the employee. Any rest period provided to express breast milk that does not run concurrently with a rest period already provided to the employee shall be unpaid. PAVIR will make reasonable efforts to provide employees who need a lactation accommodation with the use of a room or other private location which is located close to the employee's work area. Employees with private offices will be required to use their offices to express breast milk. Employees who desire lactation accommodations should contact their supervisor or HR to request accommodations.

Exempt Employees

Timekeeping Requirements

Employees classified in exempt positions are responsible for recording their leave hours for each pay period via the payroll system. Beginning January 1, 2017, employees will need to ensure each pay period that they accurately record vacation leave in four hour increments and any other time off work (i.e., sick time, leave without pay, etc.) in one hour increments, however California domiciled employees are not expected to record sick leave of less than two hours.

Attendance information becomes part of PAVIR records and these records are used to document effort, so it is critical that accurate information is submitted. **Submitting accurate timecards in a timely fashion is a key requirement to ensuring that employees receive correct payment and that grant funds and other funding sources are charged correctly. PAVIR cannot overstate the importance of 100% compliance on timely and accurate timecard submission by all employees. Non-compliance will lead to disciplinary action.**

Deductions for Exempt Employees

Employees who are in positions which are classified as "exempt" regularly receive a predetermined amount of compensation each pay period. This may also include vacation, sick, and holiday pay. Exempt employees will receive full salary for any workweek in which they perform any work, regardless of the number of days or hours worked, subject to the exceptions listed below. Exempt employees may not be paid for any workweek in which they perform no work, depending on PAVIR benefits programs and policies.

No deductions may be made from an employee's salary for time when work is not available, provided the employee is ready, willing, and able to work. Deductions from pay for exempt employees are permissible when any of the following applies:

- The employee is absent from work for personal reasons other than sickness or disability and is not eligible to be covered by accrued paid leave;

- The employee is absent due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing full compensation for salary lost due to illness and the employee has exhausted his or her leave under this policy;
- The employee is absent for jury duty or military duty for a full week and performs no work during the week; or
- The employee works less than a full week during the initial or final week of employment.

In addition, partial day deductions from available accrued vacation or sick leave balances will be made by PAVIR in some predefined situations such as while integrating payments with State Disability or Paid Family Leave (SDI/PFL).

It is PAVIR policy to comply with these salary basis requirements. PAVIR prohibits improper deductions from the salaries of exempt employees and PAVIR does not allow deductions which violate federal or state law.

If an employee believes an improper deduction from their salary has been made, the employee should immediately report this information to their direct supervisor or to the HR department. Reports of improper deductions will be investigated promptly and the employee will be promptly reimbursed if it is determined that an improper deduction has occurred.

Calculating Vacation hours for Eligible Exempt Work Schedules

For employees classified in exempt positions who work more than 30 hours a week, vacation hours will be deducted in four hour increments. This four-hour increment applies independent of any schedule variations.

Compensatory Time

Despite careful planning, changing conditions may require an exempt employee to work long hours, including a weekend or holiday to meet a schedule. Exempt employees are not compensated in any way for this; it is part of what makes their position exempt.

Payment of Wages

PAVIR pays on a semi-monthly basis. The first pay period of the month begins on the 1st of the month, ends on the 15th day of the month, and is paid on the 22nd of the month. The second pay period of the month begins on the 16th of the month, ends on the last day of the month, and is paid on the 7th day of the following month. If a regular payday falls on a weekend or holiday, employees will be paid on the last workday prior to the weekend or holiday.

Deductions from employees' pay can be voluntary or involuntary. Voluntary deductions include health insurance, 401(k) deferrals, and other elected benefits. Involuntary deductions include items such as state and federal taxes, State Disability Insurance, child support, garnishments, etc.

PAVIR offers automatic payroll deposit for employees. Employees may begin and stop automatic payroll deposit at any time via the payroll system. Employees should carefully monitor their payroll deposit statements and notify HR or Payroll department if there are any discrepancies.

PAVIR does not permit advances against paychecks or against unaccrued vacation hours or unaccumulated sick leave hours. In addition, PAVIR does not allow for the "cash out" of accrued but unused vacation or sick leave hours other than a payout of accrued but unused vacation at the end of an employee's employment with PAVIR.

Administrative Pay Corrections

PAVIR takes all reasonable steps to ensure employees receive the correct amount of pay on each paycheck

and employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Payroll Department to ensure that the correction can be made as quickly as possible.

Compensation Philosophy

PAVIR's compensation goal is to attract, motivate, and retain talented employees by paying a competitive rate of salary and rewarding individual performance through the annual salary review process and/or special contribution awards.

PAVIR's compensation and benefits program is designed to be competitive with the relevant external market, fair in comparison to similar positions in the organization, and flexible to meet the needs of our diverse community.

PAVIR's compensation and benefits data is evaluated annually and utilizes benchmark data from other nonprofit organizations of similar size conducting medical research in the geographical area where the work is performed.

All compensation decisions are made based solely on legitimate business-related reasons such as merit, education, job performance, job experience, and other job-specific criteria without regard to race, religious creed (which includes religious dress and grooming practices), color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (which includes pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, age, sexual orientation, military or veteran status, or any other consideration made unlawful by federal, state or local laws, ordinances, or regulations.

Performance Reviews

Eligible employees will receive periodic performance reviews conducted by their supervisor at least annually. The standard performance review period is January 1st – December 31st of each year. Performance reviews are conducted for all regular full-time and part-time PAVIR employees on the payroll as of September 30th of each year who work more than 20 hours a week. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance concerns.

The performance review process provides supervisors and their employees the opportunity to review expectations, provide feedback on job performance, foster employee development and motivate employees to reach their full potential. Employees and Supervisors are strongly encouraged to talk about their job performance and expectations on a frequent, informal basis.

Performance evaluations may review factors such as the quality and quantity of the work an employee performs, their knowledge of the job, their initiative, innovation, process improvement and their ability to work effectively with others. The performance reviews are intended to make the employee aware of their progress and strong areas, areas for improvement, and objectives or goals for future work performance. PAVIR recommends to regularly review PAVIR's core values and the annual performance goals (if applicable), the process through which results can be obtained as well as additional, specific research or administrative performance parameters to guide the performance review.

The performance and salaries for Postdoctoral Fellows are reviewed annually in accordance with Stanford University's policy and procedures.

A supervisor always has the option to conduct a formal off-cycle performance review for other than salary adjustment reasons. Similarly, employees have the option to request a formal or informal off-cycle performance review.

After the review, employees will be asked to sign the performance review to acknowledge it has been

presented and discussed between the employee and the supervisor, and that the employee is aware of its contents. Employees may contest any part of their performance review by addressing their comments separately. This process does not guarantee any changes will be made to the original performance rating. However, the employee's comments will be noted in their personnel file.

Salary Reviews

The salary review process links the performance review to base pay. Based on the overall performance rating and as a way to reward performance, supervisors recommend merit base pay increases following the annual performance review. Merit base pay increases will not be awarded unless a performance review has been completed. PAVIR does not recognize or implement across the board cost of living increases.

Favorable performance evaluations do not guarantee increases in salary or promotions. The decision to award such an increase is dependent upon numerous factors, including the information documented by a formal performance appraisal process, financial factors, and PAVIR's compensation philosophy. Employees hired or promoted between October 1st and December 31st of each year are not eligible to participate in the annual salary review and generally must wait until the next annual performance and salary review cycle.

These annual increases take effect each year with the pay period which begins March 1st.

Special Contribution Awards

A Special Contribution Award may be given at any time during the year when a supervisor wishes to recognize outstanding achievement above and beyond normal job requirements. For example, work done on a special project or performance of a specific function that is significantly different from the employee's current position could be appropriate for this award. These awards are given in rare circumstances and must be initiated by an employee's supervisor.

More than one award for the same achievement is typically not permitted and these awards should not be given in lieu of the salary review. Requests for Special Contribution Awards are reviewed and approved by the CEO. Please contact HR for the Special Contribution Request form.

A Special Contribution Award may not exceed \$3,000. PAVIR does not provide tax indemnification or gross-up payments, i.e., any associated employee taxes are charged to the employee.

Benefits

Benefits Eligibility

Employees are eligible for benefits as shown in the table below:

	Vacation, & Holiday Pay	Sick Pay	Medical/ Dental/ Vision Insurance	Flexible Spending Accounts	Life, AD&D, LTD Insurance	Commuter Benefits	401(K) Retirement Plan	401(K) Profit Sharing (After 1 Year Service)	Employee Assistance
Full-time Regular (30+ hours per week)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Full-time Postdoctoral Fellows (30+ hours per week)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Full-time Temporary (30+ hours per week, Fewer than 6 months)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Part-time Regular (Less than 30 hours per week)		<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Part-time Postdoctoral Fellow (Less than 30 hours per week)	*1 <input checked="" type="checkbox"/>	*1 <input checked="" type="checkbox"/>							<input checked="" type="checkbox"/>
Part-time Temporary (Less than 30 hours per week, fewer than 6 months)		<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

*1 - Prorated rate for sick, holiday and vacation only per terms of Stanford University appointment letter.

Paid Time Off²

Vacation

Eligible employees³ (excluding Postdoctoral Fellows) accrue vacation hours based on hours paid each pay period with a maximum accrual “cap” of 240 hours. The accrual rate is based on length of service, which may be adjusted based on an employee’s creditable prior service. Employees will receive adjusted tenure credit for vacation accrual for prior military service as documented on the original certified copy of their DD-214 form presented to HR. The accrual rate is shown below:

0 – 3 years of service	3 – 15 years of service	15+ years of service
5% accrual rate	7.5% accrual rate	10% accrual rate

Postdoctoral Fellows are provided vacation according to their Stanford Postdoctoral Fellowship appointment letter, at a rate of one day per month with a maximum accrual cap of 96 hours.

Full time PAVIR employees with VAPAHCS PI status (as approved by the R&D Committee or the VA ACOS for Research) become eligible for 7.5% vacation accrual when they cover part of their own salary support through independent and non-monitored, peer-reviewed non-Federal external research funding they secured in their own name.

Full time PAVIR employees with VAPAHCS PI status (as approved by the R&D Committee or the VA ACOS for Research) become eligible for 10% vacation accrual when they cover part of their own salary support through at least one R01 or similar award for a project period of at least four years from a different Federal agency they secured in their own name.

Any full time PAVIR employees with VAPAHCS PI status who do not meet the salary support requirements will accrue vacation time according to the standard vacation accrual policy.

Accrual Rate	Eligibility
5%	<ul style="list-style-type: none"> • Standard rate
7.5%	<ul style="list-style-type: none"> • Standard rate after 3 years of service • Directors • PIs with salary derived from their own non-Federal grants, or Federal grants with a performance period less than four years.
10%	<ul style="list-style-type: none"> • Standard rate after 15 years of service • Directors after 3 years of service • Executives • PIs with salary derived from their own RO1-level Federal grants

Eligible employees begin accruing vacation hours while in “active” status. Active status commences with an

² Please refer to the Pay and Hours section for more information on how sick, vacation and holiday time is calculated.

³ Those employed by PAVIR prior to 1/1/15 who work 20 or more, but less than 30 hours per week are grandfathered in for vacation eligibility.

employee's first day of work and continues thereafter unless broken by a leave of absence without pay or termination of employment. Vacation hours accrue on all **paid** hours in each pay period. Employees earn vacation on any paid hours such as vacation and sick leave. For applicable rules on other leaves, please contact the PAVIR HR department.

We encourage employees to use vacation hours in the year they are accrued. If unable to use accrued vacation hours within the calendar year, employees can carry unused hours forward to the next calendar year. At any time throughout the year when the total amount of unused vacation hours reaches 240 hours (the "cap"), the employee will not accrue any additional vacation hours until they've used vacation hours bringing the accrual balance below the cap, at which point the employee will begin to accrue vacation again. The vacation cap for Postdoctorates is 96 hours.

Vacation schedules must be coordinated with and approved by the assigned supervisor in advance. Supervisors have the authority to not approve vacation requests. For personal travel, PAVIR advises to first seek supervisor approval prior to making firm travel plans and commitments. PAVIR work schedules, as applied to any specific laboratory, clinic, or departments, determine permissible vacation periods. This means that employees may need to defer or otherwise adjust plans accordingly.

Non-exempt employees may use accrued vacation hours in 15 minute increments. Vacation hours are paid at the employee's regular rate at the time the vacation hours are taken. Vacation hours are not used in calculating overtime hours.

For employees classified in exempt positions who work more than 30 hours a week, employees have the option to use sick leave and vacation hours for FMLA/CFRA/PDL leave.

Effective January 1, 2017, exempt employees vacation time will be deducted in four hour increments. This four-hour increment applies independent of any schedule variations.

An employee whose employment terminates or is reclassified to an ineligible classification will be paid out for accrued unused vacation hours.

Sick Leave

PAVIR has enacted this policy in accordance with the California Healthy Workplaces, Healthy Families Act to provide paid sick leave to eligible employees. All employees (including part-time and temporary) who work for PAVIR more than 30 days within a year in California are allotted paid sick leave as set forth in this policy. There are three different eligibility categories for paid sick leave benefits:

- Full-time, regular employees⁴ who are not postdoctoral fellows accumulate sick leave at a rate of 5% of the hours paid each pay period (i.e., four hours of sick leave for every 80 hours worked) with a cap at 500 hours. Effective May 1, 2016 Employees who previously accrued more than 500 hours will not accrue any additional paid sick leave until their balance falls below the 500-hour cap.
- Postdoctoral Fellows are provided sick leave according to their Stanford Postdoctoral Fellowship appointment letter, at a rate of 15 days per year with a cap of 120 hours.
- Effective July 1, 2015, part-time and temporary employees who work more than 30 days in a calendar year in California are eligible to accumulate sick leave at a rate of 3.33% of the hours paid each pay period (i.e., one hour of paid sick leave for every 30 hours worked) with a cap at 48 hours.

⁴ Employees who were employed by PAVIR prior to 1/1/15 and who work more than 20 and less than 30 hours per week are grandfathered in for sick leave eligibility.

Once the sick leave cap is reached, no further sick hours will accumulate until some sick hours are used. PAVIR does not pay employees in lieu of unused sick leave upon termination.

Sick leave is a form of insurance that employees accumulate in order to provide a cushion for incapacitation due to illness. Eligible employees may use their accrued paid sick leave to take paid time off for the diagnosis, care, or treatment of an existing health condition of, or preventative care for, the employee or the employee's family member. For purposes of this policy, "family member" means a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling of the employee. "Child" means a biological child, a foster child, an adopted child, a step-child, a child of a registered domestic partner, a legal ward, or a child of a person standing in loco parentis. "Parent" means a biological, foster, or adoptive parent, a step-parent, or a legal guardian of the employee or the employee's spouse or registered domestic partner. "Spouse" means a legal spouse, as defined by California law. Employees may also use their paid sick leave to take time off from work for reasons related to domestic violence, stalking, or sexual assault.

Employees must provide reasonable advance notification, orally or in writing, of the need to use paid sick leave if foreseeable. If the need to use paid sick leave is not foreseeable, the employee must provide notice as soon as practicable. In most cases, for foreseeable needs, reasonable advance notice means at least 48 hours. Sick leave is **not** for "personal" absences. Time off for medical and dental appointments will be treated as sick leave. PAVIR will not tolerate abuse or misuse of an employee's sick leave privilege.

Non-exempt employees may use accumulated sick hours in 15 minute increments. Sick hours are paid at the employee's regular rate at the time the sick leave is taken. Sick hours are not used in calculating overtime hours.

Exempt employees are not expected to use sick leave for sick leave absences of less than two hours; additional sick leave may be taken in increments of one hour. For example, if you are exempt and miss one hour and 59 minutes, you do not have to use sick leave. If you are out for two hours and 15 minutes, you must take two hours of sick leave. If you are out for three hours and 40 minutes, you must take three hours of sick leave.

There may be exceptions to this full day increment for exempt employees who are on FMLA/CFRA/PDL leave.

PAVIR prohibits discrimination or retaliation against employees for using their paid sick leave.

Sick leave that has accumulated but has not been used is not paid out to an employee upon termination. Accrued but unused sick leave will be reinstated if an employee is re-hired within one year of separation.

Kin Care

Eligible employees may use up to one-half of their yearly accumulated sick leave hours for the purpose of attending to the illness of a child, parent, spouse, registered domestic partner or child of the employee's registered domestic partner.

Holidays

PAVIR observes the following Federal holidays each year:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

PAVIR follows the Federal holiday schedule, including those days declared as holidays by the President. When a holiday falls on a Saturday or Sunday, the holiday is usually observed on Monday (if the holiday falls

on Sunday) or Friday (if the holiday falls on Saturday). However, PAVIR may grant another day off in lieu of closing. Holiday observance will be announced in advance.

To be eligible for holiday pay, the employee must be in an active status and regularly scheduled to work on the day on which the holiday is observed.

Employees in non-exempt positions who are required to work on a paid scheduled holiday will receive straight time pay in addition to their holiday pay.

Paid leave for holidays will not be counted as hours worked for the purpose of calculating overtime.

Employees in exempt positions who work on a paid holiday do not receive additional pay and cannot select another day to replace a worked holiday.

Health Benefits

Full-time (30 hours per week or more) employees are eligible for PAVIR's health benefit plans, which include medical, dental, and vision. Eligible employees can elect coverage for: employee only; employee plus spouse/domestic partner; employee plus dependent children; or employee plus family. Benefits coverage starts on the first of the month following the employee's date of hire. For employees hired on the first of a month, benefits coverage starts immediately.

Employees must enroll within 30 days of their qualifying event (i.e., eligibility date). Employees can modify their health benefit elections each year during open enrollment or if they experience a qualifying event. Stanford post-doctoral employees hired on the 1st of the month may select between PAVIR and Stanford benefits. Stanford post-doctoral employees not hired on the 1st of the month must select Stanford benefits.

Contribution toward the employee's benefit coverage, if any, will be deducted from the employee's paycheck each pay period. In the event of an increase in medical insurance premium rates, employees will be required to contribute to the cost of increased premiums to retain coverage.

Details about medical insurance coverage are available from the HR department.

Additional Benefits

Full-time employees may be eligible for the following additional benefits (pending eligibility requirements):

- Flexible Spending Accounts
- Life/Accidental Death & Dismemberment Insurance
- Short Term and Long Term Disability Insurances
- Commuter Benefits

All employees are eligible to participate in the Employee Assistance Program.

All employees, excluding Postdoctoral Fellows, are eligible to participate in the 401(k) retirement plan. PAVIR currently sets a default Employee paid 401 (k) contribution at 6% for all new hires. Also, PAVIR matches the employee contribution up to a maximum of 6% after the employee reaches their first employment anniversary. In addition, PAVIR contributes a profit sharing amount of 3% of eligible earnings after the employee's first employment anniversary. This can be changed at any time. For information, please contact the PAVIR HR or Payroll department. For eligibility of participation in the PAVIR paid 401 (k) matching or profit sharing plan, please contact HR.

For more information about your benefits, please refer to the annual Benefits Summary provided by PAVIR HR.

Mandated Benefits

Disability Insurance and Paid Family Leave

Each employee contributes to California's state disability insurance programs through payroll taxes. Disability insurance is mandated by the California Unemployment Insurance Code and administered by the Employment Development Department. Disability insurance is payable when an employee cannot work due to illness or injury not caused by employment at PAVIR.

An additional tax funds the state's Paid Family Leave program and provides partial wage replacement for absences related to the care of a family member or bonding with a new child.

Specific rules and regulations governing disability and paid family leave are available from PAVIR HR.

Unemployment Compensation

After PAVIR employment ends and depending on the circumstances, the past PAVIR employee may be eligible for unemployment insurance, a weekly benefit provided while out of work. For more information on filing a claim, please contact HR.

Social Security

Social Security is an important part of every employee's retirement benefit. Employees will see deductions on their paycheck for FICA (Federal Insurance Contributions Act) taxes also known as Social Security and Medicare. PAVIR pays a matching contribution to each employee's Social Security taxes.

Workers' Compensation

PAVIR, in accordance with state law, and at no cost to the employee, provides insurance coverage for employees in the event of work-related injury or illness while employed by PAVIR.

The workers' compensation benefits provided to injured employees may include:

- Medical care;
- Wage replacement; and
- Assistance to help qualified injured employees return to suitable employment.

COBRA

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) provides employees eligible for medical benefits and their qualified beneficiaries the opportunity to pay for continued health coverage when a "qualifying event" would normally result in the loss of eligibility. Some examples of common qualifying events are:

- Resignation
- Termination of employment
- Death of an employee
- Reduction in an employee's hours
- Leave of absence beyond twelve weeks
- An employee's divorce or legal separation
- Dependent child no longer meeting eligibility requirements.

Leaves of Absence

Family/Medical Leave and Pregnancy Disability Leave

State and Federal laws provide job protection for eligible employees for certain types of leave. California Family Rights Act, or CFRA (state law) and Family and Medical Leave Act, or FMLA (federal law) provide up to 12 workweeks of job protected unpaid family/medical leave within a 12-month period, and up to 26 weeks of leave for an employee who is the spouse, son, daughter, parent, or next of kin for a covered military service member who requires care under the following conditions:

- The employee has more than 12 months of service. If the leave is for FMLA only, the 12 months of service must have accumulated within the previous seven years. There is no such cap under CFRA;
- The employee has worked at least 1,250 hours during the previous 12-month period immediately preceding the commencement of leave; and
- The employee is employed at a work site where there are 50 or more employees within a 75-mile radius.

The state of California also provides four months of unpaid, job protected, Pregnancy Disability Leave (PDL) upon the employee's date of hire if the employee is employed at a worksite where there are five or more employees. PDL can be used for any time the eligible employee is disabled due to pregnancy, childbirth, or a related medical condition.

Depending on the reason for leave, these leaves may run concurrently and are not cumulative.

Calculating Weeks for Leave

FMLA and CFRA provide "twelve weeks" of time off; twelve weeks is the equivalent of 12 normally scheduled workweeks. For eligible employees working more or less than five days a week or working alternative work schedules, the number of working days constituting 12 weeks is calculated on a pro rata or proportional basis.

- For a full-time employee working five, eight-hour days per week, 12 workweeks means 60 working eight-hour days of leave entitlement.
- For an employee working half-time, 12 workweeks can mean 30 eight-hour days, 60 four-hour days or 12 workweeks of whatever is the employee's normal half-time work schedule.
- For an employee who normally works six eight-hour days, 12 workweeks means 72 working eight-hour days of leave entitlement.
- If an employee takes leave on an intermittent or reduced work schedule, only the amount of leave actually used can be counted toward the 12 weeks of leave. For example, if an employee needs physical therapy which requires him/her to be absent from work two hours per week, only those two hours can be charged against the employee's family and medical leave entitlement.

In addition, FMLA provides 26 weeks, 130 days, or 1040 hours of time off to care for an ill or injured covered military service member.

PDL provides four months of time off, which is defined as the number of days the employee would normally work within four calendar months, one third of a year, 693 hours, or 17 1/3 weeks. Of this, 12 weeks, 60 days, or 480 hours will run concurrently with FMLA if the employee meets FMLA eligibility. Actual PDL time is based on actual periods of disability. The employee must be designated as disabled due to pregnancy,

childbirth, or related medical condition by her treating physician.

To the extent permitted by applicable law, employees may take FMLA/CFRA/PDL leave intermittently (i.e., in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee's child, parent, spouse, registered domestic partner, or of the employee, and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is 15 minutes. Intermittent leave may also be taken for baby bonding under certain circumstances. Please consult with HR for additional information.

Calculating 12 Month Period

PAVIR calculates the 12-month period using a rolling 12-month period measured backward from the date an employee uses any FMLA/CFRA leave. Each time an employee takes family and medical leave, the remaining leave entitlement is any balance of the 12 workweeks not used during the immediately preceding 12 months.

- **Example:** The employee uses four workweeks beginning February 1, 2015, four workweeks beginning June 1, 2015, and four workweeks beginning December 1, 2015. The employee is not able to take additional FMLA/CFRA leave until February 1, 2016, at which time the employee will be eligible to take four weeks of FMLA/CFRA leave again. The next time the employee will be eligible for more leave is June 1, 2016, when up to four weeks of FMLA/CFRA leave is available again.

Under most circumstances, leave under federal and state law will run at the same time and the eligible employee will be entitled to a total of 12 weeks of family and medical leave in the designated 12-month period.

For leave to care for a covered service member, the 12-month period begins on the first day of the leave, regardless of how the 12-month period is calculated for other leaves. Leave to care for a covered service member is for a maximum of 26 workweeks during a 12-month period.

Qualifying Reasons for Leave

An employee can take leave under several different circumstances. In some instances, CFRA, FMLA and PDL run concurrently:

- Family Care (FMLA/CFRA)
- Medical Care for the Employee (FMLA/CFRA)
- Medical Care for the Employee's Pregnancy Related Disability (FMLA/PDL)
- Baby Bonding (FMLA/CFRA)
- Leave for a Qualifying Exigency (FMLA)
- Military Caregiver Leave (FMLA)

Family Care (FMLA/CFRA)

FMLA and CFRA run concurrently and both allow leave for the purpose of caring for a family member with a serious health condition. FMLA and CFRA allow up to 12 weeks of unpaid leave to care for an eligible family member, which is defined as a parent, spouse, child or domestic partner.

The following procedures shall apply when an employee requests family leave to care for an eligible family member:

1. Employees are asked to contact the Director of HR as soon as they become aware of the need for family/medical leave.

If the leave is based on a planned medical treatment for a serious health condition of the family member, the employee must notify PAVIR at least 30 days before the leave is to begin. The employee must consult with their supervisor regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of PAVIR.

If the employee cannot provide 30 days' notice, PAVIR must be informed as soon as is practical.

2. Employee must provide certification from the health care provider stating:
 - o Date of commencement of the serious health condition;
 - o Probable duration of the condition;
 - o Estimated amount of time for care by the health care provider; and
 - o Confirmation that the serious health condition warrants the participation of the employee.

If the employee does not provide medical certification in a timely manner to substantiate the need for medical leave PAVIR may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered family and medical leave and the leave will not be considered protected time off.

Medical Care for the Employee (FMLA/CFRA)

Both FMLA and CFRA run concurrently and allow for up to 12 weeks of unpaid leave for the employee's own serious health condition, which is defined as an employee's own serious health condition which makes the employee either unable to work at all or unable to perform one or more essential functions of his/her job.

The following procedures shall apply when an employee requests a medical leave for their own serious health condition:

1. The employee must contact the Director of HR as soon as they become aware of the need for medical leave.

If the leave is based on the expected birth or planned medical treatment for a serious health condition, the employee must notify PAVIR at least 30 days before the leave is to begin. The employee must consult with their supervisor regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of PAVIR.

If the employee cannot provide 30 days' notice, PAVIR must be informed as soon as is practical.

2. The employee must provide certification of the need for leave from their health care provider within 15 days of the request for medical leave, unless it is not practicable to do so. The certification should state:
 - o Date of commencement of the serious health condition;
 - o Probable duration of the condition; and
 - o Inability of the employee to work at all or perform any one or more of the essential functions of his/her position because of the serious health condition.

PAVIR may require, at its expense, a second opinion from a health care provider which PAVIR chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by PAVIR.

If the second opinion differs from the first opinion PAVIR may require, at its expense, the employee to obtain the opinion of a third health care provider designated or approved jointly by PAVIR and the

employee. The opinion of the third health care provider shall be considered final and binding on PAVIR and the employee.

3. The employee must provide recertification from the health care provider if additional leave is required. (For example, if an employee initially needs two weeks of medical leave, but following the two weeks needs additional intermittent leave, a new medical certification will be requested and required.)

If the employee does not provide medical certification in a timely manner to substantiate the need for medical leave, PAVIR may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered family and medical leave and the leave will not be considered protected time off.

4. The employee must provide certification by their health care provider that they are fit to return to work, with or without the need for an accommodation⁵.

Failure to provide certification by the health care provider of the employee's fitness to return to work will result in denial of reinstatement for the employee until the certificate is obtained.

Medical Care for the Employee's Pregnancy Related Disability (FMLA/PDL)

Pregnancy related disabilities are covered as serious health conditions under FMLA and PDL, but not under CFRA. FMLA and PDL run concurrently and allow eligible employees who take time off for pregnancy related disability up to a maximum total of 17 1/3 weeks of unpaid leave (FMLA maximum leave is 12 weeks). Once the pregnant employee is no longer disabled or once the employee has exhausted PDL and has given birth she may apply for leave under the CFRA, for purposes of baby bonding.

The duration of pregnancy disability leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months of unpaid leave. Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of 15 minutes.

If intermittent leave or leave on a reduced work schedule is medically advisable, the employee may, in some instances, be required to transfer temporarily to an available alternative position which meets the employee's needs. The alternative position need not consist of equivalent duties, but must have the equivalent rate of pay and benefits. The employee must be qualified for the position and the position must better accommodate the employee's leave requirements than her regular job. Transfer to an alternative position can include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule.

Any female employee planning to take pregnancy related disability leave should advise the HR department as early as possible. The employee should make an appointment with the Director of HR to discuss the following conditions:

1. Contact the Director of HR as soon as the employee determines the need for pregnancy disability leave.

The employee must inform PAVIR when a pregnancy disability leave is expected to begin and how long it will likely last. The employee must consult with the Director of HR regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of PAVIR. Any such scheduling is subject to the approval of the employee's health care provider.

⁵ HR will work with employees who request an accommodation through the Reasonable Accommodation Process.

PAVIR will reasonably accommodate medical needs related to pregnancy, childbirth, or related conditions or temporarily transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of an employee's pregnancy.

If the need for a leave, reasonable accommodation, or transfer is foreseeable, the employee must provide reasonable advance notice at least 30 days before the pregnancy disability leave or transfer is to begin. If 30 days' advance notice is not possible, notice must be given as soon as practical. Failure to give reasonable advance notice may result in delay of approved leave, reasonable accommodation, or transfer.

2. Provide certification of the need for leave, accommodation, or transfer from the employee's health care provider within 15 days of the request for pregnancy related disability leave.

Pregnancy leave usually begins when ordered by the employee's physician.

Failure to provide certification may, in some circumstances, delay approved PDL leave, reasonable accommodation or transfer. The certification indicating the need for disability leave should contain:

- A statement that the employee needs to take pregnancy disability leave because the employee is disabled by pregnancy, childbirth or related medical condition.
 - The date on which the employee became/will become disabled due to pregnancy;
 - The probable duration of the period or periods of disability; and
 - If the employee needs a reasonable accommodation or transfer, a medical certification is sufficient if it contains all of the following:
 - a description of the requested reasonable accommodation or transfer
 - a statement that describes the medical advisability of the reasonable accommodation or transfer because of pregnancy; and
 - the date on which the need for reasonable accommodation or transfer became/will become medically advisable and the estimated duration of the reasonable accommodation or transfer.
3. Provide certification by the employee's health care provider that she is fit to return to her job, with or without the need for an accommodation⁶.

Failure to provide certification by the health care provider of the employee's fitness to return to work will result in denial of reinstatement for the employee until the certificate is obtained.

Baby Bonding (FMLA/CFRA)

FMLA and CFRA generally run concurrently and both allow eligible employees to take unpaid leave of up to 12 weeks for the purposes of bonding with a newborn, an adopted child, or a child placed in foster care with an employee. An employee who has exhausted FMLA/PDL for her pregnancy related disability may be entitled to an additional 12 weeks of unpaid CFRA baby bonding leave.

To the extent permitted by applicable law, employees may take FMLA/CFRA leave intermittently (i.e., in blocks of time, or by reducing their normal weekly or daily work schedule) for baby bonding. Please consult with HR for additional information.

When both parents are employed by PAVIR and request simultaneous leave for the birth or placement for adoption or foster care of a child, PAVIR will not grant more than a total of 12 workweeks of leave for this

⁶ HR will work with employees who request an accommodation through the Reasonable Accommodation Process.

reason.

All leave for baby bonding must conclude within one year of the birth of the child or one year from the date the child was placed with the employee for adoption or foster care.

Leave for a Qualifying Exigency (FMLA)

FMLA allows for 12 weeks of unpaid leave in a 12-month period because of any “qualifying exigency” arising out of the foreign deployment of the employee’s spouse, child or parent. Qualifying exigency leave is only covered under FMLA, but not under CFRA. This may lead to additional leave entitlements under California law.

In order for the employee to be eligible to take the leave, the employee’s spouse, child or parent must be a member of the Armed Forces (including the National Guard and Reserves), and the service member must be on covered active duty status, called to covered active duty status or notified of an impending call, or order to covered active duty.

The type of events which are considered “qualifying exigencies” for which an employee may take FMLA leave, include the following:

- Short notice deployment – a period of up to seven calendar days may be taken to address any issue arising from a short-notice deployment (i.e., deployment with seven or less days of notice);
- Military events and related activities – including official events, or family support, or informational briefings;
- Childcare and school related activities – including arranging for alternative childcare, providing childcare on an urgent basis, enrolling or transferring schools or day care, attending school, or daycare meetings;
- Parental care activities – time needed to care for a military member’s parent who is incapable of self-care, such as arranging for alternative care and providing care on an immediate basis;
- Rest and recuperation – eligible employees may take up to fifteen calendar days of unpaid leave to spend time with a covered military member on short-term, temporary, rest and recuperation leave;
- Post-deployment activities – military sponsored arrival or reintegration briefings (within 90 days of end of covered active duty) and to address issues relating to death of a service member;
- Additional activities – such as financial and legal arrangements, counseling, and any other event that the employee and employer agree is a qualifying exigency.

The following procedures shall apply when an employee requests qualifying exigency leave:

1. Contact the Director of HR as soon as the employee becomes aware of the need for qualifying exigency leave.
2. As soon as possible and practical, specify the date of commencement for the leave and the probable duration.

Military Caregiver Leave (FMLA)

FMLA also provides eligible employees up to 26 weeks per single 12-month period to care for an ill or injured covered service member with a serious injury or illness who is a spouse, child, parent, or next of kin. The first 12 weeks of time runs concurrently with CFRA if the injured service member is a spouse, parent, or child of the employee. It does not run concurrently with CFRA if the service member is next of kin. This

may lead to additional leave entitlements under California law.

A covered service member, for whom employees can take up to 26 weeks of FMLA, is either:

- A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, therapy, is an outpatient, or is on the temporary disability retired list, for a serious injury or illness.
- A veteran of the Armed Forces (including a member of the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged is not a covered service member.

The following procedures shall apply when an employee requests military caregiver leave to care for an eligible spouse, child, parent, or next of kin:

1. Contact the Director of HR as soon as the employee realizes the need for military caregiver leave.

If the employee cannot provide 30 days' notice, PAVIR must be informed as soon as is practical.

2. Provide certification from the service member's health care provider stating:
 - Date of commencement of the serious health condition;
 - Probable duration of the condition;
 - Estimated amount of time for care by the health care provider; and
 - Confirmation that the serious health condition warrants the participation of the employee.

Wage Replacement Benefits

State Disability Insurance (SDI) – Employees who are absent due to their own disability may be eligible for SDI benefits which are funded through payroll deductions and coordinated through the Employment Development Department (EDD). Employees do not need to be eligible for FMLA/CFRA/PDL in order to receive this benefit. The SDI program does not provide employees with a right to a leave of absence; it is limited to a state-mandated wage replacement benefit.

SDI provides limited compensation for a limited amount of time after an unpaid seven day waiting period while an employee is disabled.

SDI benefits do not replace 100% of an employee's wages. Employees can "supplement" their SDI benefits with their own accrued vacation hours and/or accumulated sick leave hours in order to be paid up to their normal per pay period wages. This integrated pay cannot exceed what the employee would normally be paid if not on disability leave.

- **Paid Family Leave (PFL)** – Employees who are on a leave of absence for baby bonding or to care for a family member may be eligible for PFL wage replacement benefits which are funded through payroll deductions and coordinated through the EDD. Employees do not need to be eligible for FMLA/CFRA in order to receive this benefit. The PFL program does not provide employees with a right to a leave of absence; it is limited to a state-mandated wage replacement benefit.
- PFL provides limited compensation for up to six weeks after an unpaid seven day waiting period when an employee needs to take leave from work to care for a parent, parent-in-law, child, spouse, registered domestic partner, sibling, grandparent, or grandchild who is seriously ill, or for a working parent who wants time to bond with his or her newborn, foster child or newly adopted child.

- PFL benefits do not replace 100% of an employee's wages. Employees can "supplement" their PFL benefits with their own accrued vacation hours and/or accumulated sick leave hours in order to be paid up to their normal per pay period wages. This integrated pay cannot exceed what the employee would normally be paid if not on paid family leave.

Health and Benefit Eligibility

An employee taking FMLA/CFRA will be allowed to continue participating in any health and welfare benefit plans in which they were enrolled before the first day of the leave for a maximum of 12 workweeks, or 26 workweeks if the leave is to care for a covered service member at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. Employees on pregnancy disability leave (PDL) will be allowed to continue to participate in health and welfare benefit plans for up to a maximum of four months while on pregnancy disability leave (if such insurance was provided before the leave was taken) on the same terms as if the employee had continued in employment.

PAVIR will continue to make the same premium contribution as if the employee had continued working and the employee will need to continue to fund their portion of the benefit premium(s). If the employee fails to return to work following FMLA/CFRA/PDL leave, PAVIR may recover from an employee premiums paid on their behalf to maintain health coverage under certain circumstances as permitted under applicable law.

Payment for the employee portion of premiums is to be made by the first of each month to the Palo Alto Veterans Institute for Research, PO Box V-38, Palo Alto, CA 94304.

Reinstatement

Under most circumstances, an employee eligible for a protected leave will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. For example, if an employee on FMLA/CFRA/PDL leave would have been laid off had they not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee's use of FMLA/CFRA/PDL leave will not result in the loss of any employment benefit that the employee earned before using such leave.

Reinstatement after FMLA/CFRA leave may be denied to certain salaried "key" employees under the following conditions:

- An employee requesting reinstatement was among the highest-paid 10 percent of employees employed within 75 miles of the work site at which the employee worked at the time of the leave request;
- The refusal to reinstate is necessary because reinstatement would cause substantial and grievous economic injury to PAVIR's operations;
- The employee is notified of PAVIR's intent to refuse reinstatement at the time PAVIR determines the refusal is necessary; and
- If leave has already begun and PAVIR gives the employee a reasonable opportunity to return to work following the notice described previously.

For additional information about eligibility for reinstatement from FMLA/CFRA/PDL leave, contact the Director of HR.

Inactive Status

Employees who are on any type of leave of absence, work-related or non-work-related, that exceeds any protected state or federal leave of absence will be placed on inactive status. Employees who are not protected by a state or federal leave of absence nor on an approved LOA or PLOA who have not worked any hours in

3 consecutive months are considered inactive and may be terminated from payroll and allowed to keep their WOC. In such cases the employee may be rehired if a later need arises. This does not apply to employees who are on Stanford contract.

Time Accrual

Employees will continue to accrue vacation hours or accumulate sick leave hours while on a paid leave of absence paid by PAVIR and if eligible until their status is reclassified to an inactive status.

Extended Medical Leave

If an employee is not eligible for job protected family/medical leave, a medical leave of absence may be granted for non-work-related medical disabilities with a doctor's written certificate of disability. In addition, extended medical disability leaves (i.e., leaves that exceed federal and state mandates) will also be considered on a case-by-case basis, consistent with PAVIR's obligations under federal and state disability laws.

Employees should request any leave in writing as far in advance as possible. If granted a medical leave, or an extension to a medical leave, the employee may use their accumulated sick leave hours or accrued vacation hours.

A medical leave begins on the first day the employee's health care provider certifies that the employee is unable to work. The HR department can supply the employee with a form for the employee's health care provider to complete, showing the date they were disabled and the estimated date they will be able to return to work. A medical leave ends when the employee's health care provider certifies that the employee is able to return to work, with or without a request for an accommodation.

If an employee has health benefits and requests an extended non-work related medical leave which is not covered under a state or federal leave plan (i.e., FMLA/CFRA/PDL) the following conditions will apply to their benefit coverage:

- Benefit coverage continues as if they were an active employee for 30 days;
- After 30 days, coverage continues until the end of the month in which the 30th day occurs;
- At that time the employee will be offered coverage under COBRA which provides for continuation of health coverage protection to the employee and their dependents due to the employment change effecting eligibility for employer health coverage.

If returning from an unprotected, non-work-related extended medical leave, the employee's return to work will depend on job openings existing at the time of the scheduled return. PAVIR makes no guarantees of reinstatement, and the employee's return will depend on their qualifications for existing openings.

Personal Leave

A personal leave of absence without pay may be granted at the discretion of PAVIR. Requests for personal leave should be limited to unusual circumstances requiring an absence of longer than one week. Approved personal absences of shorter duration are not normally treated as leaves, but rather as excused absences without pay.

Any leave taken under this provision that qualifies as leave under FMLA/CFRA will be counted as family/medical leave and charged to the employee's entitlement of 12 workweeks of family/medical leave in a 12-month period.

If the employee has medical benefits and request a personal unpaid leave of absence that is not covered under a state or federal leave plan (i.e., FMLA/CFRA) the following conditions will apply to benefit coverage:

- Benefit coverage continues as if the employee was an active employee for 30 days;

- After 30 days, coverage continues until the end of the month in which the 30th day occurs;
- At that time the employee will be offered coverage under COBRA which provides continuation of health coverage protection to the employee and their dependents due to the employment change effecting eligibility for employer health coverage.

If returning from an unprotected personal leave of absence, the employee's return to work will depend on job openings existing at the time of their scheduled return. PAVIR makes no guarantees of reinstatement, and the employee's return will depend on their qualifications for existing openings.

Additional Leave

Bereavement Leave

PAVIR grants three days of paid leave to regular full-time employees⁷ in the event of the death of the employee's current spouse, registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son-, or daughter-in-law. An additional five days of accumulated sick leave may be used to assist in arranging or attending the funeral. The employee's supervisor may approve additional unpaid time off, or the employee may choose to use vacation leave if available, and if approved by the assigned supervisor. The employee must designate bereavement leave on their timecard.

Military Leave

Employees who wish to serve in the military and take unpaid military leave should contact the Director of HR for information about their rights before and after such leave. Employees are entitled to reinstatement upon completion of military service, provided the employee returns or applies for reinstatement within the time allowed by law.

Military Spouse Leave

Qualified employees are eligible for up to 10 days of unpaid leave when their spouse or registered domestic partner is on leave from military deployment. A qualified employee is one who regularly works more than 20 hours per week and whose spouse or registered domestic partner is a member of the Armed Forces, National Guard, or Reserves and is on leave from deployment during a period of military conflict.

If you are eligible for such leave, please submit a written request for leave to Human Resources within two business days of receiving official notice that your spouse or registered domestic partner will be on leave from deployment. You will also be required to provide written documentation certifying that your spouse or registered domestic partner will be on leave from deployment.

Non-exempt employees must use accrued vacation time in order to receive compensation for this time off. If no vacation time is available, the employee may take this time off without pay. An exempt employee is required to charge any absence of four or more hours under this policy to his or her vacation bank, if any. Otherwise, exempt employees will be compensated to the extent required by applicable law.

Jury Duty

PAVIR encourages employees to serve on jury duty when called. The employee should notify their supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received.

Employees must provide written verification from the court clerk of performance of jury service in order to receive Jury Duty pay. Regular full-time employees classified in non-exempt positions will receive full pay while serving up to 5 days of jury duty. Exempt employees will receive full salary unless they are absent for a

⁷ Employees who are employed by PAVIR prior to 1/1/15 who work 20-29 hours per week are grandfathered in for bereavement leave eligibility.

full week and perform no work. If work time remains after any day of jury selection or jury duty, the employee will be expected to return to work for the remainder of their work schedule.

Employees may retain any mileage allowance or other fee paid by the court for jury services.

Witness Duty

Employees will be granted unpaid leave to appear in court as a witness. Employees should notify their supervisor as soon as they receive a subpoena so the supervisor can make arrangements to accommodate their absence. The employee is expected to return to work whenever the court schedule permits.

Time Off to Vote

PAVIR encourages all employees to vote. Non-exempt employees are eligible for two hours paid leave for all federal, state, city, and county elections. For appropriate timecard coding, please contact payroll. Most polling facilities for elections for public office are scheduled to accommodate working voters. PAVIR therefore requests that employees schedule their voting before or after their work shift. An employee who expects a conflict, however, should notify his or her supervisor in advance so that schedules can be adjusted if necessary.

Religious Holiday Leave

Employees may observe a religious holiday without pay provided that work schedules can be accommodated without undue hardship to the department or laboratory and provided the time off is charged to vacation or is without pay.

Domestic Violence, Sexual Assault and Stalking Leave / Leave for Treatment

Employees who are victims of domestic violence, sexual assault or stalking are eligible to take time off related to domestic violence, sexual assault and stalking, and may not be retaliated against for taking such time off from work to address these crimes. PAVIR employees may also request leave if they are involved in a judicial action, such as obtaining restraining orders, or appearing in court to obtain relief to ensure their health, safety, or welfare, or that of their child.

Employees may use accrued sick leave to seek medical attention for injuries caused by domestic violence, sexual assault or stalking.

Employees who are victims of domestic violence, sexual assault or stalking are eligible for unpaid leave for any of the following:

- To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault or stalking;
- To obtain psychological counseling related to experiencing domestic violence, sexual assault or stalking;
- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault or stalking, including temporary or permanent relocation.

Employees should provide notice and certification of their need to take leave under this policy to the Director of HR. Certification may be sufficiently provided by any of the following:

- A police report indicating that the employee is a victim of domestic violence, sexual assault or stalking;
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault or stalking, or other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence, sexual assault or stalking

victim advocate, health-care provider, or counselor that the employee is undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault or stalking.

PAVIR will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision. Employees may use accrued vacation or sick leave for purposes of leave provided under this provision.

Crime Victims' Leave

An employee who is the victim of a crime, or who has an immediate family member who is the victim of a crime, can take unpaid time off to attend judicial proceedings. This policy applies to employees who must be absent from work in order to attend judicial proceedings related to a crime, if the employee is:

- A victim of a crime
- An immediate family member of a victim
- A registered domestic partner of a victim
- The child of a registered domestic partner of a victim

The employee must provide the employer a copy of the notice of each scheduled proceeding for which the employee is required to attend that is provided to the victim by the agency responsible for providing notice. Documentation may come from any of the following:

- The court or government agency setting the hearing
- The district attorney or prosecuting attorney's office
- The victim/witness office that is advocating on behalf of the victim

The duration of leave provided under this policy is whatever time is required by the legal proceeding to the extent required by applicable law. This time can be verified by the employer through copies of court or other acceptable legal documents showing the employee's requirement to be present.

Employees may not be penalized for using this leave.

Organ and Bone Marrow Donor Leave

Employees who are donors for organ or bone marrow may take paid time off as follows:

- Employees may take up to 30 business days of leave in any one-year period for the purpose of donating an organ to another person. The one-year period is calculated from the date the employee begins their leave. PAVIR requires employees taking leave of two weeks or more for organ donation to use two weeks of accrued but unused sick leave, and/or vacation.
- Employees may take up to five business days of leave in any one-year period for the purpose of donating bone marrow to another person. The one-year period is calculated from the date the employee begins their leave. PAVIR requires that employees taking paid leave for bone marrow donation use accrued but unused sick leave, and/or vacation.

Once a donor has exhausted the required paid sick, and/or vacation leave, the employee will be paid for the remaining leave of absence, if additional leave is needed, up to the maximum stated in the applicable law. If the donor does not have the required sick, and/or vacation leave, the uncovered remaining balance must be covered by unpaid leave.

During the leave for organ/bone marrow donors, PAVIR will continue to provide and pay for any group health plan benefits the employee was enrolled in prior to the leave of absence and the employee will be required to contribute their portion of the premium.

Employees who wish to take a leave of absence to donate an organ or bone marrow will be required to provide written verification of the need for leave, including confirmation that the employee is an organ or bone marrow donor and there is a medical necessity for the donation of the organ or bone marrow.

Civil Air Patrol Leave

No employee with more than 90 days of service shall be disciplined for taking time off to perform emergency duty as a volunteer in the California Civil Air Patrol. If an employee is a Civil Air Patrol volunteer, the employee should alert their supervisor that they may have to take time off for emergency duty. When taking time off for emergency duty, the employee is asked to please alert their supervisor before doing so, giving as much advance notice as possible.

Up to 15 days of unpaid leave for duty may be taken each year. However, leave for a single emergency mission cannot exceed three days, unless the emergency is extended by the entity in charge of the operation and the extension of leave is approved by PAVIR.

School Activities

Employees are encouraged to participate in the activities of their child(ren). This unpaid absence is subject to all of the following conditions:

- Parents or guardians may take time off for child-related activities;
- The time off for child-related activity participation cannot exceed eight hours in any calendar month, or a total of 40 hours each school year;
- Employees planning to take time off for child-related activities must provide as much advance notice as possible to their supervisor;
- If both parents are employed by PAVIR, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by his or her supervisor;
- Employees classified in non-exempt positions must use accrued vacation hours in order to receive compensation for this time off, if the employee does not have accrued vacation hours available the time off will be unpaid, and
- Employees must provide their supervisor with documentation from the school verifying that the employee participated in a school activity on the day of the absence for that purpose.

Suspension

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor as soon as possible before leaving work. In agreement with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

Emergency Duty/Training Leave

In California, no employee shall receive discipline for taking time off to perform emergency duty/training as a volunteer firefighter, reserve peace officer, or emergency rescue personnel. If you are participating in this kind of emergency duty, please alert your supervisor so that he or she may be aware of the fact that you may have to take unpaid time off for emergency duty/training. In the event that you need to take time off for emergency duty/training, please alert your supervisor before doing so whenever possible. Time off for emergency training may not exceed 14 days per calendar year.

Emergency Duty/Training Leave is unpaid. You may choose to use your accrued vacation if you wish to receive compensation for this time off, but you are not required to do so.

If you feel you have been treated unfairly as a result of taking or requesting Emergency Duty/Training Leave, you should contact your supervisor, the PAVIR HR department, or CEO.

Adult Literacy Leave

Pursuant to California law, PAVIR will reasonably accommodate any eligible employee who seeks to enroll in an adult literacy education program, provided that the accommodation does not impose an undue hardship on PAVIR. PAVIR does not provide paid time off for participation in an adult literacy education. However, you may utilize accrued vacation if you want compensation for this time off. If you do not have accrued vacation available, you will be permitted to take the time off without pay.

Alcohol and Drug Rehabilitation Leave

Pursuant to California law, PAVIR will reasonably accommodate any eligible employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, provided that the accommodation does not impose an undue hardship on PAVIR. PAVIR does not provide paid time off for participation in an alcohol or drug rehabilitation program. However, you may utilize accrued vacation if you want compensation for this time off. If you do not have accrued vacation available, you will be permitted to take the time off without pay.

This policy in no way restricts PAVIR's right to discipline an employee, up to and including termination of employment, for violation of the PAVIR's Drug-Free Workplace policy.

Property and Information

Property and Information

Lockers, furniture, desks, computers, electronic communications, and electronic information are not employee property and must be maintained according to PAVIR rules and regulations. For purposes of these policies, the following definitions apply:

- “Computers” are defined to include desktop computers, laptops, handheld devices (including but not limited to iPhones, smart phones, iPads, and other electronic tablets and cell phones), computer or data processing software/hardware, and servers.
- “Electronic communications” includes e-mail, text messages, telephones, cell phones and other handheld devices (such as cell phones, or smart phones or writing tablets or iPads), fax machines, hotspots, and online services including the Internet.
- “Electronic information” is any information created by an employee using computers or any means of electronic communication, including but not limited to, data, messages, website structure or content, multimedia data, and files.

All property used while conducting PAVIR work must be maintained, kept clean, and care should be taken to prevent loss and/or damage. All available property is for the purpose of conducting PAVIR business and is to be used for work-related purposes. Employees must obtain prior authorization from their direct supervisor before any property made available to the employee may be removed from the premises.

All electronic communications using PAVIR resources also remain the sole property of PAVIR and are to be used for PAVIR business. For example, e-mail messages are considered PAVIR records. PAVIR voice mail and/or e-mail including texting, pagers, and e-mail are to be used for business purposes.

For security reasons, employees should not leave personal belongings of value in the workplace. Terminated employees should remove any personal items at the time they leave PAVIR. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee’s termination.

Employees using VA equipment and with access to VA information are required to familiarize themselves with additional VA rules which may apply to the use of VA property.

Monitoring of Property and Information

PAVIR reserves the right to inspect all PAVIR property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee’s presence. PAVIR computers and all electronic communications and electronic information are subject to monitoring and no one should expect privacy regarding such use. PAVIR reserves the right to access, review, and monitor electronic files, information, messages, text messages, e-mail, Internet history, browser-based webmail systems, and other digital archives and to access, review, and monitor the use of computers, software, and electronic communications to ensure no misuse or violation of PAVIR policy or any law occurs. E-mail may be monitored by PAVIR and there should be no expectation of privacy. Employees are advised to assume that e-mail may be accessed, forwarded, read or heard by someone other than the intended recipient, even if marked as “private.”

Employee use of a password does not affect PAVIR’s ownership of the electronic information or ability to monitor the information. PAVIR may periodically need to assign and/or change passwords and personal codes for voice mail, e-mail, etc., and may override an employee’s password for any reason. These communication technologies and related storage media and databases are to be used only for PAVIR business and they remain the property of PAVIR.

Employees are not permitted to access the electronic communications of other employees or third parties unless it is part of their job duties and they are directed to do so by PAVIR management.

Additional VA or other privacy rules may apply and will be considered by PAVIR management.

Prohibited Use of Property / Information

All existing PAVIR policies apply to employee use of computers, electronic communications, electronic information, and the Internet. This includes policies which deal with misuse of PAVIR assets or resources. It is a violation of PAVIR policy to use computers, electronic communications, and electronic information in the following manner:

- To transmit information which is discriminatory, harassing, or obscene;
- To take any action which constitutes copyright or trademark infringement;
- To take any action which violates software licensing rules;
- To take any action which is illegal or is against PAVIR policy;
- To communicate confidential or sensitive information or trade secrets; or
- To display any kind of sexually explicit multimedia content, message, or document.

This description of prohibited usage is not exhaustive and it is within the discretion of PAVIR to determine if there has been a violation of this policy. Employees engaging in prohibited use will be subject to discipline and/or immediate termination.

This policy is not intended to limit the ability of employees to discuss with other employees the terms and conditions of their employment.

Confidentiality and Proprietary Information

This section refers to entrusted knowledge and/or data that is derived from, processed, stored or transmitted at, from, or to PAVIR through study, experience, or instruction. Such knowledge and/or data includes, but is not limited to that which PAVIR or VAPAHCS has taken reasonable measures to protect confidentially from unauthorized entities or individuals. Some examples include but are not limited to material and information related to, or associated with, the mission and business of PAVIR such as financial, personnel, vendor, sponsor, research, or research participant data and records or proprietary information developed by PAVIR or VAPAHCS, not otherwise available to the public. PAVIR has a Board approved policy on nondisclosure titled “NDA Policy and Agreement for PAVIR Employees”, posted in the policy section of www.pavir.net. This policy applies to all PAVIR employees. New employees will be provided a copy of this policy and shall be required to execute a nondisclosure agreement (see at the end of this Handbook, page 60) as part of their orientation process within 15 days of hiring.

Confidential Information is defined as information of any kind, nature, or description concerning any matters affecting or relating to PAVIR employees’ services as further described below.

PAVIR employees are required to maintain the confidentiality of information obtained in the performance of their duties. There are three main categories of confidential information that PAVIR employees will encounter:

- 1) *VA Confidential Information.* – VA is subject to various laws regarding confidentiality, including but not limited to the Privacy Act, the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), the Freedom of Information Act, and 38 U.S.C. §§5701, 5705, and 7332. VA may only use or disclose Confidential Information consistent with applicable legal authority. Examples of

VA Confidential Information include Individually Identifiable Information contained in VA patient files, VA data, VA research and VA employee records including but not limited to licensure and credentialing.

- 2) *Third Party Confidential Information.* – Confidential Information obtained from federal or nonfederal sponsors and research collaborators in the context of potential and actual collaborative research and/or education. This information includes, but is not limited to, trade secrets, commercial, financial information, protocols and data.
- 3) *PAVIR Confidential Information.* – Confidential information of PAVIR, such as budget, personnel, and information pertaining to internal business operations matters. Except as required in connection with PAVIR employment, employees shall not disclose to any third party, whether via computer, telecommunications, technology or otherwise, or use any confidential or sensitive information or trade secret of PAVIR, or such information of third parties with whom PAVIR may directly or indirectly have an obligation of confidentiality, without the prior written consent of the CEO unless and until such information becomes a matter of public knowledge through no fault of the employee.

ALL PAVIR employees hold a VA Without Compensation appointment and are subject to various laws regarding confidentiality, including but not limited to the Privacy Act, Freedom of Information Act, 38 U.S.C. §§5701, 5705, and 7332. VA WOC employees may only use or disclose confidential information consistent with applicable authorities. Requests for disclosure of confidential information will be handled in accordance with 5 U.S.C. §552, E.O. 12600, and 38 C.F.R. 1.554a. VA employees, including all PAVIR employees with a VA WOC appointment, are bound by 18 U.S.C. § 1905, known as the Federal Trade Secrets Act, to not disclose confidential and proprietary information disclosed to them in the conduct of their official duties. Additionally, the Economic Espionage Act of 1996, 18 U.S.C. §§ 1831-1839, makes the theft or misappropriation of a trade secret by VA employees a federal crime.

Nothing in this section is intended to conflict with applicable VA, VAPAHCS, Stanford, or federal and state rules or regulations. In the potential case that VA, VAPAHCS or Stanford policies regarding proprietary information and intellectual property are stricter than PAVIR's policies, the policies of VA, VAPAHCS or Stanford will supersede this section.

Sponsored Research Information

The policy above includes that PAVIR employees and the Principal Investigators (PIs) working on PAVIR administered studies will not disclose VAPAHCS or sponsor's confidential information to any person, except the sub-investigators, members of the PAVIR Institutional Review Board (IRB) of record (i.e., Stanford's IRB), and VAPAHCS Research and Development Committee, or as required to the Food and Drug Administration, without the prior written consent of the sponsor, VAPAHCS, or PAVIR, as applicable.

However, PAVIR may disclose the sponsor's and PI's names, total funded amount, and a general non-confidential title of the study without the sponsor's consent to VAPAHCS and in any government report required of PAVIR. PAVIR, its employees, and the PIs must also agree to take all reasonable precautions to prevent disclosure of sponsor's confidential information to a third party.

The provisions of this section do not apply to any information which, upon receiving notice of such required disclosure to permit sponsor to oppose same by appropriate legal action:

- Were known to PAVIR, its employees, or the PI prior to receiving that information either directly or indirectly from the sponsor; or
- Is generally known to the public or which becomes generally known to the public through no act or omission on the part of PAVIR, its employees, or the PI; or

- Is disclosed to PAVIR, its employees, or the PI at any time by a third party who had a legal right to disclose it; or
- Is needed for purposes of treating a patient who participated in the study; or
- Is required by law, regulation, governmental or judicial order, or subpoena to be disclosed, provided PAVIR and/or PI shall notify VAPAHCS or sponsor immediately.

Inventions

PAVIR employees who are directly involved in the conduct of VA research and for all associated intellectual property, Federal law determines the management and disposition of intellectual property. Any information, invention or discovery, innovation, suggestion, idea, communication and report (whether patentable or not) (collectively “Invention”), conceived, reduced to practice, made or developed by PAVIR employees using resources provided by the VA as a result of conducting the Study, are controlled by Federal law (35 U.S.C. §§ 102 & 200-212, 37 C.F.R. Part 501, and 38 C.F.R. §§ 1.650- 1.663). Such Invention resulting from a Study shall be disclosed to the VAPAHCS. Additional rules, regulations, and disclosure requirements of the associated research project sponsor may apply, including disclosure to the Stanford University Office of Technology Licensing. PAVIR employees are strongly encouraged to check with their laboratory or department supervisor or Principal Investigator for additional information.

Copyrighted Materials

Many materials used by PAVIR employees in the course of their work are protected by copyright laws: computer software, models, medical and professional journals and books are a few, but not necessarily an exhaustive list of examples. Materials such as presentation slides and training manuals produced by outside consultants or contractors may also be copyrighted. Reproducing or distributing copyrighted materials without the permission of the copyright owner may be a violation of the copyright laws. Computer programs are protected under the copyright laws and may not be copied unless the owner of the copyright has specifically granted permission to do so. If employees have any questions about reproducing material which may be protected by another’s copyright, contact the CEO, who may in turn refer the matter to PAVIR’s legal counsel.

Research Results and Other Project Information

Employees are not allowed to disclose or share in any form research results or other project information pertaining to their PAVIR paid work for VA approved projects, or for work conducted in the preparation of a VA approved project. For any questions concerning what data, results, or processes are to be handled as confidential information, employees must check with their PI.

Computer and Internet Use

PAVIR employees have access to computers, electronic communications, electronic information, and information technology resources, including the Internet, to help them perform their job. Generally, these resources are to be used for business related purposes.

PAVIR recognizes occasional personal use of these PAVIR resources and property may occur during working time. PAVIR allows such occasional personal use as long as the usage does not interfere with the employee’s work performance, take away from work time, consume supplies, impact other users, affect the servers or computer systems, tie up printers or other shared resources, or violate any PAVIR policy, including policies against harassment, discrimination, and disclosure of confidential or trade secret information. All policies relating to monitoring usage of PAVIR property apply. PAVIR reserves the right to adjust this policy on a case by case basis as it deems appropriate. **Please note that your computer and internet use may be**

monitored by PAVIR and there should be no expectation of privacy.

If an employee's computer and Internet access is provided by the VA, the employee is advised to please seek additional information from their supervisor to learn about other applicable rules and regulations.

PAVIR Email

Effective 1/1/2016, all new PAVIR employees are provided a PAVIR email account. This email account is to be used primarily for business purposes. **Please note that your email may be monitored by PAVIR and there should be no expectation of privacy.** You should also be aware that your email may be accessed, forwarded, or read by someone other than the intended recipient, even if it is marked as "private."

Your use of a password does not affect PAVIR's ownership of the electronic information or ability to monitor the information. PAVIR may periodically need to assign and/or change passwords and personal codes for voice mail, email, etc. and may override your password for any reason. These communication technologies and related storage media and databases are to be used primarily for PAVIR business and they remain the property of PAVIR.

Computer Password Security

Passwords are assigned to authenticate a user's identity, to protect network users, and to provide security. It is the responsibility of each systems user to protect and to keep private any and all passwords issued to them by PAVIR, VAPAHCS, Stanford, or through any other channels in the conduct of PAVIR work.

Individual users are responsible for maintaining the security of their accounts. This includes, but is not limited to, locking their workstations when leaving their desks and logging off the system when leaving each day after their tour of duty.

The possession or collection of passwords, or other secure identification information belonging to other PAVIR employees, collaborators, and colleagues with whom the employee works in the furtherance of PAVIR work is prohibited.

Computer facilities have tangible value. Consequently, attempts to circumvent accounting systems or to use the computer accounts of others will be treated as forms of attempted theft. As a systems user, each employee is responsible for all actions and functions performed on their account(s). Suspected password compromise must be immediately reported to the assigned supervisor.

Violations of security and confidentiality rules may lead to disciplinary action up to dismissal.

Social Media

Scope

In light of the explosive growth and popularity of social media technology in today's society, PAVIR has developed the following policy to establish rules and guidelines regarding the appropriate use of social media by employees. This policy applies to situations when you: (1) make a post to a social media platform that is related to PAVIR; (2) engage in social media activities during working hours; (3) use PAVIR equipment or resources while engaging in social media activities; (4) use your PAVIR email address to make a post to a social media platform; (5) post in a manner that reveals your affiliation with PAVIR; or (6) create or use a PAVIR-affiliated social media account.

For the purposes of this policy, the phrase "social media" refers to the use of a website or other electronic application to connect with other people, including, but not limited to, Facebook, Twitter, Pinterest, LinkedIn, YouTube, and MySpace, as well as related web-based media, such as blogs, wikis, and any other

form of user-generated media or web-based discussion forums. Social media may be accessed through a variety of electronic devices, including computers, cell phones, smart phones, PDAs, tablets, and other similar devices.

This policy is intended to supplement, not replace, PAVIR's other policies, rules, and standards of conduct. For example, PAVIR policies on confidentiality, use of PAVIR equipment, professionalism, employee references and background checks, workplace violence, unlawful harassment, and other rules of conduct are not affected by this policy.

You are required to comply with all PAVIR policies whenever your social media activities may involve or implicate PAVIR in any way, including, but not limited to, the policies contained in this Handbook.

Standards of Conduct

You are required to comply with the following rules and guidelines when participating in social media activities that are governed by this policy:

- Comply with the law at all times. Do not post any information or engage in any social media activity that may violate applicable local, state, or federal laws or regulations.
- Do not engage in any discriminatory, harassing, or retaliatory behavior in violation of PAVIR policy.
- Respect copyright, fair use, and financial disclosure rules and regulations. Identify all copyrighted or borrowed material with proper citations and/or links.
- Maintain the confidentiality of PAVIR's trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how, and technology. Do not post internal reports, policies, procedures, or other internal business-related confidential communications. This prohibition applies both during and after your employment with PAVIR.
- While it is acceptable to engage in limited and incidental social media activities at work, such social media activities may not interfere with your job duties or responsibilities. Do not use your PAVIR-authorized email address to register on social media websites, blogs, or other online tools utilized for personal use.
- Be knowledgeable about and comply with the PAVIR's or VA's background check procedures. Do not "research" job candidates on the Internet or social media websites without prior approval from Human Resources.
- Be knowledgeable about and comply with the PAVIR's reference policy. Do not provide employment references for current or former employees, regardless of the substance of such comments, without prior approval from Human Resources.
- Do not post anything that is knowingly false or misleading about PAVIR, fellow employees, collaborators, patients, study participants, suppliers, or other people who visit the VAPAHCS or work on behalf of the VAPAHCS or PAVIR, if you know such information is false. When posting information about the PAVIR, fellow employees, collaborators, patients, study participants, suppliers, or other people who visit the VAPAHCS or work on behalf of the VAPAHCS of PAVIR, please make every effort to verify the accuracy of your posts.
- Do not represent yourself as a spokesperson for PAVIR unless authorized to do so.
- Personal postings may not be associated with a PAVIR issued email address
- Never be false or misleading with respect to your professional credentials.

Discipline

Any unlawful, inappropriate, or unprofessional communications may become a performance issue. Any PAVIR-affiliated social media created and/or used in violation of this policy may become a performance issue.

Retaliation Is Prohibited

PAVIR prohibits retaliation against any employee for reporting a possible violation of this policy or for cooperating in an investigation of a potential violation of this policy. Any employee who retaliates against another employee for reporting a possible violation of this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Questions

In the event you have any questions about whether a particular social media activity may involve or implicate PAVIR, or may violate this policy, please contact the CEO or the Director of HR.

Social media is in a state of constant evolution, and PAVIR recognizes that there will likely be events or issues that are not addressed in these guidelines. Thus, each PAVIR employee is responsible for using good judgment and seeking guidance, clarification, or authorization before engaging in social media activities that may implicate this policy.

Employee-Owned Devices

PAVIR recognizes occasional use of the employee's own phones and computers (including hand held devices), and electronic communications may occur at work. PAVIR allows such occasional personal use as long as the usage does not interfere with the employee's work performance, take away from work time, or violate any PAVIR policy.

If an employee-owned device is needed in order to perform work, please notify HR.

Off-Duty Use of Facilities

Employees are prohibited from remaining on PAVIR premises or making use of work facilities while not on duty. Employees are expressly prohibited from using work facilities, PAVIR property, or PAVIR equipment for personal use while off-duty.

Parking

Employees must comply with VAPAHCS parking guidelines. Employees may not use parking areas specifically designated for patients, visitors, or vendors. PAVIR is not responsible for any loss or damage to employee vehicles or contents while parked on VAPAHCS property.

Parking areas may be monitored with video or other surveillance. This surveillance system is in no way intended to provide employees with personal security.

Values and Employee Conduct

Values

PAVIR is aware of its responsibility to uphold the highest standards of professional conduct and practice in relation to its research and research administration activities. The PAVIR Code of Ethics presents standards of behavior to which employees should aspire and is based on our CREDO, which represent our five key values.

PAVIR trusts that its Code of Ethics will be a source of support and confidence to PAVIR's research community, including sponsors, donors, employees and collaborators, and is a source of reassurance to those who participate in our research projects. These ethics will apply to all PAVIR employees and consultants who engage in research administered by PAVIR.

Creativity and Innovation

- Challenge yourself to constantly ask “how can this be done better?”
- Implement new technology, ideas, and processes to better embrace our purpose
- Respect the process, but dare to embrace innovation

Ethical Standards

- Respect the needs for privacy and security, including record retention, in accordance with the law
- Conduct yourself with integrity and respect, as well as sensitivity to people's needs
- Address discrimination, untruthful presentation of data/work performance, or libel with supervisors and/or Human Resources
- Give credit to others as appropriate in proportion to the professional contribution that they have made

Excellence – Results

- Develop your professional standing and keep current with new relevant knowledge and new developments through the reading of relevant literature, peer consultation, and continuing education activities
- Communicate knowledge, experience and views while clearly differentiating facts, opinions, habits, and ideas
- Be the colleague with whom you want to work

Compliance

- Engage only in approved and compliant research and education activities
- Respect compliance parameters stemming from Federal and State law, as well as funding agencies and project specific regulations

Financial Stewardship

- Act as a steward of PAVIR's funds, entrusted to us by our sponsors
- Reimburse and ask for reimbursement of only allowable and reasonable expenses

- Seek balance between cost of materials and services, labor, and time

Confidentiality

Each employee is responsible for safeguarding the confidential information obtained during employment.

In the course of work, employees may have access to confidential information regarding PAVIR, its suppliers, its vendors, or colleagues and collaborators. Employees have a responsibility to prevent revealing or divulging any such information unless it is necessary to do so in the performance of the employee's duties. Access to confidential information should be on a "need-to-know" basis and must be authorized by the assigned supervisor. Any breach of this policy will not be tolerated and will result in disciplinary action, and may include legal action may be taken by PAVIR.

For employees with access to VA and patient information, additional rules apply, including without limitation the Health Insurance Portability and Accountability Act (HIPAA). Employees are strongly encouraged to check with their supervisor and/or PI for more information and guidance.

Conflict of Interest/Ethics

PAVIR employees are expected to conduct business according to the highest ethical standards of conduct, avoid situations which could lead to a conflict of interest, and devote their best efforts to the interests of PAVIR.

All employees must avoid situations involving actual conflicts of interest. It would be impossible to specify every action which might create a conflict of interest, but those that most frequently present problems are described below:

- **Outside Employment/Directorship/Political Office** – In general, outside employment is not allowed when it prevents employees from fully performing work they were hired by PAVIR to perform, involves organizations which are conducting or seeking to do business with PAVIR (including actual or potential vendors), or violates provisions of law or PAVIR's policies or rules. From time to time, PAVIR may require employees to work beyond their normally scheduled hours. In cases of conflict with outside employment, obligations to PAVIR must be given priority.
- **Personal/Romantic Involvement** – Personal or romantic involvement with a vendor, sponsor or subordinate employee in their immediate work group may create an actual or potential conflict of interest. Involvement could impair an employee's ability to exercise good judgment on behalf of PAVIR. Supervisor-subordinate romantic or personal relationships also can lead to supervisory problems, possible claims of sexual harassment, and morale problems.
- **Personal/Financial Influence/Interest in Other Business** – An employee and their immediate family may not own or hold any significant interest in a vendor or supplier of PAVIR, except where such ownership or interest consists of securities in a publicly owned company and the securities are regularly traded on the open market. Employees should not maintain personal, business, or financial relationships with a vendor where the employee has control or influence over PAVIR's relationship with that vendor.
- **Acceptance of Gifts** – PAVIR employees may not solicit or accept gifts of more than \$25 in value at any given time, or \$50 per year, including entertainment or other benefits from potential and actual customers, suppliers or competitors except for institutional fundraising. Employees should take special care to avoid even the impression of a conflict of interest.

Gifts offered or received at any time that are more than minimal or token value shall not be accepted and shall be returned to the sender with an explanatory note or letter.

A conflict may also exist where an employee obtains a non-financial benefit or advantage that the employee would not have obtained absent their relationship with PAVIR. Examples include, but are not limited to:

- **Improper Use of PAVIR Name/Equipment** – Employees may not use PAVIR’s name, property, or equipment for personal gain.
- **Conducting Personal Business** – Employees are to conduct PAVIR business while at work. Employees may not conduct personal business or business for another employer during their scheduled working hours.
- **Unauthorized Sharing of Confidential Information** – Employees may not use information learned on the job for personal or familial benefit. This includes the use of PAVIR databases or financial information.
- **Preferential Treatment** – An interested party seeks to obtain preferential treatment by PAVIR or recognition for themselves or another interested party.

In addition, PAVIR employees are expected to adhere to the VAPAHCS Conflict of Interest disclosure requirements for all PAVIR administered research projects.

PAVIR’s policies on Conflict of Interest and Objectivity in Research are posted on the PAVIR website at www.pavir.net.

Every employee has a responsibility to ask questions if they have any doubts about the ethical implications of any given situation or proposed conduct, and a responsibility to report any concerns about any business/research/education practices within PAVIR to the Director of HR or the CEO. This includes real or suspected fraud or other violations of ethics. No employee of PAVIR has any authority to act contrary to the provisions of this policy, or to authorize, direct, or condone any act in violation of this Conflict of Interest Policy.

A violation of this policy will be treated as misconduct and could result in immediate termination.

Request by Third Parties for PAVIR Information

Employees may be approached for interviews or comments by the news media or a third party. Only contact people designated by the CEO may comment to news reporters on PAVIR policy or events relevant to PAVIR.

This policy does not limit an employee’s right to discuss the terms and conditions of his or her employment or to try to improve these conditions.

Business Conduct

The manner in which employees conduct themselves should create a favorable and lasting impression of PAVIR. The continued success of PAVIR depends on the quality, integrity, expertise, and professionalism of PAVIR employees.

All employees should present themselves in a professional and efficient manner, including in written communications. Employees should provide prompt, accurate, and courteous attention and a helpful and meaningful response to co-workers and others needing assistance. Individuals who visit PAVIR must always be treated with respect, tact, and courtesy.

Dress Code and Grooming Standards

As a representative of PAVIR, it is expected that each employee presents a professional and well-groomed appearance at all times. Employees are expected to wear clothing appropriate for the type of work they are performing. Clothing should be neat, clean, and tasteful. Employees must avoid clothing that can create a safety hazard. Employee's supervisors may issue more specific guidelines, especially regarding safety, with HR approval.

Neat and tidy grooming and personal cleanliness is expected of all employees. Clothing should be clean and free from odor. In addition, employees are asked to exercise moderation when using perfumes, colognes, and hair spray, as there are individuals who have allergies and sensitivities to certain chemicals and scents.

Reasonable accommodation will be made for employees per PAVIR's EEO policy.

Off-Duty Conduct

While PAVIR does not seek to interfere with the off-duty and personal conduct of its employees, off-duty conduct by an employee that directly conflicts with PAVIR's essential business interests and disrupts business operations may lead to disciplinary action.

Political Activity

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

Employees must not, through their own actions, speech, contributions, or written communication, mislead others to believe that PAVIR officially endorses or opposes any candidates for political office. Notwithstanding the above, PAVIR employees are entitled to their own personal position.

PAVIR will not discriminate against employees based on their lawful political activity engaged in outside of work.

Solicitation and Distribution of Literature

No employee shall solicit or promote support for any cause or organization, or distribute or circulate any written or printed material in work areas at any time or during his or her working time, or during the working time of the employee or employees at whom such activity is directed.

Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose in PAVIR work areas.

All employees are expected to comply strictly with these rules. Any employee who is in doubt concerning the application of these rules should consult with their supervisor or PAVIR HR.

Prohibited Conduct

The following conduct is prohibited and will not be tolerated by PAVIR. This list of prohibited conduct is illustrative only; other types of conduct that threaten security, personal safety, employee welfare, and PAVIR operations may also be prohibited and will result in disciplinary action up to and including termination.

- Falsifying employment records, employment information, or other PAVIR records (note that employment information includes Social Security Numbers and any other documents used to verify identity and ability to work in the United States.)
- Inefficient or careless performance of job responsibilities or inability to perform job duties satisfactorily.
- Recording work time of another employee or allowing any other employee to record the employee's work time, or falsifying any timecard or leave report, either the employee's own or another employee's.
- Theft and deliberate or careless damage or destruction of any PAVIR property, or the property of any employee, collaborator, vendor or customer.
- Removing or borrowing PAVIR property without prior authorization.
- Unauthorized use or misuse of PAVIR equipment, time, materials, or facilities.
- Recording audio or video in work areas designated as secure or without permission.
- Provoking a fight or fighting during working hours or on work property.
- Participating in horseplay or practical jokes on PAVIR time or on work premises.
- Carrying firearms or any other dangerous weapons on work premises at any time.
- Engaging in criminal conduct whether or not related to job performance.
- Causing, creating, or participating in a disruption of any kind during working hours.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management.
- Using abusive, threatening or intimidating language at any time on work premises.
- Unreported absence of three consecutive scheduled workdays, unless otherwise allowed by applicable law.
- Failing to obtain permission to leave work for any reason during normal working hours.
- Failing to observe working schedules, including rest and meal breaks.
- Failing to provide a physician's certificate when requested and required to do so.
- Sleeping or malingering on the job.
- Working overtime without prior authorization or refusing to work assigned overtime.
- Violating any safety, health, security, or PAVIR policy, rule, procedure, or violation of PAVIR's drug-free policy or VA/Stanford policies, if applicable.
- Committing a fraudulent act or a breach of trust under any circumstances.
- Committing of or involvement in any act of unlawful harassment of another individual.
- Failing to promptly report work-related injury or illness.

This statement of prohibited conduct does not alter PAVIR's policy of at-will employment. Either the employee or PAVIR remain free to terminate the employment relationship at any time, with or without reason or advance notice.

Health, Safety, and Security

Safety and Accident Prevention

It is PAVIR's goal to provide a safe and healthy work environment. Meeting this goal, however, depends upon the safety consciousness and cooperation of everyone. PAVIR asks all employees to observe the following safety rules:

- Learn the job and how to be safe in the work place.
- Wear required Personal Protective Equipment when performing the job.
- Use necessary safety equipment properly.
- Use common sense in the performance of assigned duties to avoid creating unsafe working conditions.
- Become familiar with the emergency exits of the work location.
- Learn the location of fire extinguishers and the nature of any duties assigned in case of fire.
- Report all unsafe or potentially hazardous conditions to management.
- Use proper lifting techniques and get help when needed.
- If the employee's job involves driving, they must maintain current automobile insurance, wear a seat belt, avoid tailgating, and not use a cell phone to talk or text while operating the vehicle.
- Report all injuries to the assigned supervisor immediately. In compliance with California law and to promote the concept of a safe workplace, the PAVIR maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives.

PAVIR's employees enjoy the protections associated with a Without Compensation appointment with the VA Palo Alto Health Care System. Furthermore, PAVIR employees conduct their work in space provided by VA. To promote the concept of a safe workplace, PAVIR will follow the guidance provided by VA in regards to their Injury and Illness Prevention Program.

Computer Work Station Ergonomics

PAVIR strives to provide an ergonomically safe workstation for all employees, but each employee is also responsible for working at their computer with ergonomic safety in mind. Employees are asked to follow the following ergonomic practices, including while telecommuting:

- Adjust the height of their chair and work surface to a level that is comfortable. The chair height should allow for the feet to be flat on the floor and the thighs to be parallel to the floor.
- Position the monitor so the top of the screen is at the same level or slightly below the eyes.
- Adjust the keyboard height so the upper arms are relaxed at the sides, wrists and hands are straight, and forearms are parallel to the floor.
- Avoid long reaches and move frequently accessed items so they are within easy reach.
- Avoid tilting/turning your head for extended periods of time.
- Take periodic rest breaks to stretch and redirect eye focus.

Reporting Workplace Accidents

Employees must immediately report all accidents, injuries, potential safety hazards, safety suggestions, and health and safety related issues to their supervisor and PAVIR HR. If someone is injured, the employee should contact the local worksite emergency resources or outside emergency response agencies (911), if needed.

PAVIR HR (hr@pavir.org) and VA Research Administration (x65419) must be contacted within 24 hours of a workplace accident or injury. An Employee's Claim for Worker's Compensation Form (DWC-1) must be completed in all cases in which an injury requiring medical attention has occurred. If an injury does not require medical attention, the supervisor must still contact HR and state that the injury is just a **Report Only** in case medical treatment is needed in the future and to ensure that any existing safety hazards are corrected.

Federal Occupational Safety and Health Administration (OSHA) law requires PAVIR keeps records of all illnesses and accidents which occur at the workplace. The California State Workers' Compensation Act also requires that employees report any workplace illness or injury, no matter the severity. If employees fail to report an injury, they may jeopardize their right to collect workers' compensation payments as well as health benefits. OSHA also provides for employees' right to know about any health hazards that might be present on the job. Employees are encouraged to contact their supervisor or HR with questions or concerns, or for more information.

PAVIR or its insurer will not be liable for payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

Smoking

In keeping with PAVIR's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace. This policy covers the smoking of any tobacco product and the use of oral tobacco products, "spit" tobacco, e-cigarettes, and vaporizers and it applies to both employees and non-employee visitors, collaborators, contractors and consultants of PAVIR.

Emergency Measures

At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt PAVIR operations. In extreme cases, these circumstances may require PAVIR to close the office. If weather conditions prevent an employee from safely traveling to work, the employee should contact their supervisor immediately.

Guests and Visitors

Visits from friends and family are to be kept to a minimum, in order to preserve a safe and appropriate work environment. It is important that the impression left with PAVIR visitors is that of a professional organization with the highest standards of conduct.

Housekeeping

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

Security

PAVIR has developed guidelines to help maintain a secure workplace. PAVIR is asking employees to

participate in maintaining a secure workplace:

- Be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits, and service areas.
- Report any suspicious persons or activities to VA security personnel. In case of an emergency, dial extension 65500. For non-emergency needs, such as being locked out of an office, dial extension 65891.
- Secure the desk or office at the end of the tour of duty.
- When called away from the assigned work area for an extended length of time, do not leave valuable and/or personal articles in or around the assigned workstation that may be accessible. Always log off when leaving your work area to keep computer based information secure.
- Notify the supervisor when unknown persons are acting in a suspicious manner in or around the facilities, or when keys, security passes, or identification badges are missing.

The security of facilities as well as the welfare of employees depends upon the alertness and sensitivity of every individual to potential security risks.

Termination

Employment Termination

Since employment with PAVIR is at-will, both the employee and PAVIR have the right to terminate employment, at any time, with or without cause, and with or without advance notice. The two most common circumstances under which employment is terminated are:

- Voluntary employment termination initiated by the employee.
- Involuntary employment termination initiated by PAVIR.

If an employee wishes to terminate their employment with PAVIR, the employee should submit a resignation letter indicating the reason for leaving via email to their supervisor and HR.

Exit Interviews

PAVIR HR will generally schedule exit interviews at the time of termination. The exit interview will provide an opportunity to discuss such issues as employee benefits, return of PAVIR property, and the WOC termination process. Suggestions, complaints, and questions can also be discussed confidentially.

Return of Property

All PAVIR-owned property, including all PAVIR information in whatever form, credit cards, VA keys, uniforms, and identification badges must be returned immediately upon termination of employment. PAVIR reserves the right to take all action deemed appropriate to recover or protect its property.

Final Pay

Employees will receive their final pay in accordance with applicable law. Upon termination of employment, employees will be paid for their actual hours worked in the pay period and for all accrued but unused vacation hours.

Continuation of Health Coverage

Federal law generally requires employers with 20 or more employees to give employees, spouses and dependent children the right to continue group health benefits for limited periods of time under certain circumstances, such as voluntary or some types of involuntary job loss, reduction in hours worked, death, divorce, and other life events. Under federal law, employees ordinarily may continue their health coverage for up to 18 months when their employment is terminated. Applicable state law may provide additional coverage. Employees are encouraged to refer to the applicable sections of the benefits section of this handbook.

Employee References

Employment information regarding the past or present employees of PAVIR is confidential and should not be communicated by PAVIR to anyone who does not have a legitimate interest in the information. Therefore, all employment reference inquiries regarding past or present employees must be directed to the Director of HR. No one other than the Director of HR is authorized to respond to such requests.

By policy, PAVIR discloses only the dates of employment and the title of the last position held of former employees. If an employee authorizes the disclosure in writing, PAVIR will also inform prospective employers of the amount of salary or wage an employee last earned.

VA Non Profit Corporation (NPC) Non-Disclosure Agreement Confirmation

FOR GOOD CONSIDERATION, and in consideration of being employed by the **Palo Alto Veterans Institute for Research (PAVIR)**, a nonprofit corporation created under state law of California to serve as a flexible funding mechanism for VA approved research and education pursuant to 38 U.S.C. §§ 7361-7366, the undersigned employee hereby agrees and acknowledges the following:

1. During the course of my employment, there may be information disclosed to me that may be considered confidential information. This information includes, but is not limited to:

A. VA patient and employee information, including but not limited to: personnel files, credentialing and licensure files, VA research or other records protected by the Privacy Act (5 U.S.C. § 552a), the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), or other federal laws, such as 38 U.S.C. §§ 5701, 5705, and 7332.

B. Trade secrets, commercial, financial and other confidential information from third parties, such as for-profit and nonprofit business entities, academic affiliates, public and private foundations, and government agencies, obtained during discussions or engagements in collaborative research with VA. Other confidential information may consist of but not necessarily be limited to:

(1) Technical information: Methods, processes, formulae, compositions, systems, techniques, inventions, machines, computer programs and research projects.

(2) Business information: Customer lists, pricing data, sources of supply, financial data and marketing, production, or merchandising systems or plans.

C. PAVIR's internal information of a confidential nature, such as budget, personnel, and information related to internal business operations matters, etc.

2. During or at any time after the termination of my employment with PAVIR, I shall not use for myself or others, or disclose to others, any confidential information of VA, external third party, or PAVIR in violation of this agreement.

3. PAVIR reserves the right to take disciplinary action, up to and including termination, for my violations of this agreement.

4. I am not under any preexisting obligations inconsistent with the provisions of this Agreement.

5. Upon the termination of my employment from PAVIR:

A. I shall return all documents and property obtained by me in the performance of my duties to PAVIR. I further agree that I shall not retain copies, notes, or abstracts of the foregoing, unless specifically allowed by VA rules and regulations. Investigators who are employed by the NPC are

encouraged to check with their local VA Research Services for applicable rules and regulations.

B. PAVIR may notify any future or prospective employer or third party of the existence of this agreement, and shall be entitled to all remedies including injunctive relief for any breach.

6. All PAVIR employees hold a VA Without Compensation appointment and are also subject to various laws regarding confidentiality, including but not limited to the Privacy Act, Freedom of Information Act, 38 U.S.C. §§5701, 5705, and 7332. VA employees may only use or disclose confidential information consistent with applicable authorities. Requests for disclosure of confidential information will be handled in accordance with 5 U.S.C. §552, E.O. 12600, and 38 C.F.R. 1.554a. Additionally, VA employees, including PAVIR employees who hold a WOC appointment, are bound by 18 U.S.C. § 1905, known as the Federal Trade Secrets Act, to not disclose confidential and proprietary information disclosed to them in the conduct of their official duties. Additionally, the Economic Espionage Act of 1996 makes the theft or misappropriation of a trade secret by VA employees a federal crime. 18 U.S.C. §§ 1831-1839.

7. This agreement shall be binding upon me, my personal representatives, and any successors in interest, and shall inure to the benefit of PAVIR NPC, its successors and assigns.

Signed this _____ day of _____ 20 _____

PAVIR Employee Signature

PAVIR Employee Printed Name

Confirmation of Employee Handbook Receipt

I have received my copy of PAVIR's employee handbook. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the handbook.

I understand and agree that nothing in the employee handbook creates or is intended to create a promise or representation of continued employment and that employment at PAVIR is employment at-will. Employment may be terminated at the will of either PAVIR or me. My signature certifies that I understand that the foregoing agreement on at-will status is the sole and entire agreement between PAVIR and me concerning the duration of my employment and the circumstances under which my employment may be terminated. It supersedes all prior agreements, understandings, and representations concerning my employment with PAVIR.

I understand that except for employment at-will status, any and all policies or practices can be changed at any time by PAVIR and that PAVIR reserves the right to change my hours, wages, and working conditions at any time. I understand and agree that no Principal Investigator, supervisor, or representative of PAVIR has authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will; only the CEO and the PAVIR Board of Directors have the authority to make any such agreement and then only in writing, signed by the CEO or a representative of the PAVIR Board of Directors.

Employee Signature: _____

Employee Printed Name: _____

Date: _____