

GOVERNING BOARD POLICIES

BP 7341 Leaves and Vacation: Management, Supervisory, and Confidential Employees

1. Sick Leave

All full-time management, supervisory, and confidential (MSC) employees shall receive one day of sick leave for each full month of employment. Part-time employees shall earn the proportionate amount of sick leave. If the employee does not take the full amount of leave allowed in any year, the amount not taken shall be accumulated from year to year.

2. Extended Sick Leave

At the beginning of each fiscal year, employees shall be credited with a total of one hundred (100) working days of paid sick leave which shall be compensated by the amount of pay equal to the difference between the employee's pay and the substitute's rate of pay, but shall not be less than 50% of the employee's regular salary. Such paid leave becomes available only after the employee has exhausted all entitlement to regular sick leave.

Not more than one hundred (100) days may be used for the same illness or injury and not more than one hundred (100) days may be used in any one year of employment. The one hundred (100) days run concurrently with current and accrued sick leave, excluding industrial accident leave, all other paid leave, paid holidays, days of paid vacation, and compensation time. This leave shall not accumulate from year to year.

3. Kin Care Leave

California Labor Code allows an employee to use up to one half of their annual accrued sick leave for the diagnosis, care, or treatment of an existing health condition, or preventative care of an employee's family member as described above. This leave may also be used if the employee is a victim of domestic violence, sexual assault, or stalking. Employees shall not be denied, discriminated against or discharged, demoted, or suspended for using or attempting to exercise the right to use this leave.

Definition of Family Member

"Family member" shall mean:

- a. The employee's spouse or registered domestic partner.

- b. The parent, child, son-in-law, daughter in law of the employee or the employee's spouse or registered domestic partner.
 - i. "Parent" means a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee of the employee's spouse or registered domestic partner, or a person who stood in loco parentis to the employee when they were a minor child.

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- ii. "Child" means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis, regardless of the child's age or dependency status.
- c. The grandparent, grandchild, or sibling of the employee or the employee's spouse or registered domestic partner.
- d. Any relative living in the immediate household of the employee.

4. Family and Medical Care Leaves

In accordance with the Federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), the District will provide family and medical care leave for eligible employees. FMLA and CFRA provide eligible employees with 12 weeks of unpaid, job-protected leave per year and required health benefits, including medical, prescription, dental and vision, will be continued. If an employee does not return to work after the leave has been exhausted, the District shall have the right to recover the cost of the its share of the premium costs of the insurance.

An employee is eligible for leave if the unit member has been employed on a full-time basis for at least one (1) year and has been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1, 250 hour requirement does not apply to parental leave under CFRA.

Leave may be taken for the following reasons:

- a. For the birth and care of the newborn child of an employee;
- b. For placement with the employee of a child for adoption or foster care;
- c. To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- d. To take medical leave when the employee is unable to work because of a serious health condition.

Time taken off work due to pregnancy complication can be counted against the 12 weeks of family and medical leave. Complications due to pregnancy is not covered by CFRA and the leave can be used only following the birth of a child for bonding. In circumstances where a leave qualifies for both the FMLA and CFRA leave, the leaves will run concurrently.

Leave may be taken all at once, on a reduced schedule or intermittent leave basis. Under CFRA, employees may be required to take leave in two-week increments.

5. Pregnancy Disability Leave

Employees are eligible for Pregnancy Disability Leave (PDL) under the Department of Fair Employment and Housing. In addition to reasonable accommodations, employees may be provided with up to four months of leave related to PDL. Except in a medical emergency,

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employees are required to submit a medical certification from a health care provider. Employees must give the District 30 days advance notice if the need for the reasonable accommodation, transfer or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable. PDL may be taken all at once, on a reduced schedule or intermittently, all of which will count towards the four month entitlement. PDL and FMLA run concurrently. PDL shall be administered in compliance with state law.

6. Baby Bonding

- a. An employee may take up to 30 days of leave in a school year, less any days of leave authorized pursuant to Education Code Sections 88207, 87781.5 and 87784, in either of the following circumstances:
 - i. A biological parent may use leave pursuant to this section within the first year of his or her infant's birth.
 - ii. A non-biological parent may use leave pursuant to this section within the first year of legally adopting a child.

7. Personal Necessity

An employee may use no more than six (6) days of absence in any year for personal necessity for any of the following:

- a. Death of a member of the employee's immediate family when additional leave is required beyond that provided in **Bereavement** below.
- b. Accident involving the person or property of the employee or a member of his or her immediate family.
- c. Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or order made with jurisdiction.
- d. Paternity or adoption related absences.
- e. Conduct of any personal business, household family matter, which requires the absence of the employee during normal working hours.

Advance notice of at least twenty-four (24) hours shall be required for the use of such leave except for emergencies. Such leave is deducted from annual sick leave earned.

8. Bereavement Leave

- a. Employees shall be entitled to three (3) days of paid leave or five (5) days of paid leave for travel of 300 miles (one-way) or if out of state travel is required for the death of the immediate family member. This leave is not deducted from sick leave.
- b. Extended Family
Bereavement leave of two (2) days per occurrence shall be granted without loss of pay in the event of the death of a sister-in-law or brother-in-law of the employee.
- c. Close Friends and Other Relatives

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Bereavement leave to attend the funeral of a close friend or relative, not a member of the immediate family, may be granted by the District. This leave is not to exceed one half (1/2) day if the funeral is in the District or one (1) day if the funeral is out of the District.

9. Jury Duty

Leave of absence without loss of salary shall be granted to an employee who is officially called for jury duty. Juror's fees, exclusive of mileage, received by the employee shall be submitted to the District. This leave shall not be deducted from any accumulated leave.

10. Military Leave

Employees shall be granted military leave in accordance with state and federal laws.

11. Industrial Accident or Illness Leave

- a. Employees who suffers an injury or illness arising out of and in the course and scope of employment shall be entitled to a paid leave for the first day of absence. The leave shall not exceed sixty (60) working days in any one (1) fiscal year, July 1 through June 30 for any one (1) illness or injury. Allowable periods of absence caused by industrial accident or illness shall not be considered a break in service.
- b. Allowable leave shall not accumulate year to year. If leave overlaps into the next fiscal year, the employee shall be entitled to only that amount of leave, which was not used at the end of the year in which the injury or illness occurred, for the same illness or injury.
- c. Payment for wages lost on any day shall not, when added to an award granted to the employee under the Worker's Compensation (WC) Laws, exceed the normal wages for the day.
- d. Industrial accident or illness leave is to be used in lieu of sick leave benefits. When entitlement to industrial accident or illness leave under this section has been exhausted, all earned sick leave shall be used. Then vacation leave or other paid leave the employee is entitled to may be used. If however, and employee is still receiving temporary disability payments at the time of the exhaustion of benefits under this section, they shall be entitled to use only the amount of available leave when added to the award, provides for a day's pay at the regular rate.
- e. During such leave, the District will pay the employee their regular day's wage, and the employee shall endorse the WC checks to the District. Normal authorized deductions will be deducted from the pay warrant.

During absence due to industrial accident, the employee shall remain in the State of California, or they will inform the Superintendent/President or his designee before leaving.

12. Status of Employee in the Classified Service Following Exhaustion of Accident or Illness Leave

- a. If, at the conclusion of all approved leaves of absence, paid or unpaid, the employee is still unable to assume the duties of his/her position, the employee shall be placed on a

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reemployment list for a period of thirty-nine (39) months and shall notify the District in writing when he/she is available to assume the duties of his/her position.

- b. At any time during the prescribed thirty-nine (39) months, the employee shall be reemployed in the first vacancy in the classification of his/her previous assignment. His/her reemployment will take preference over all other applicants except those laid off for lack of work of funds as provided for under Education Code Section 88117 in which case he/she shall be ranked according to his/her proper seniority.
- c. The District shall have responsibility for notifying employees on the reemployment list of vacancies by first class mail using the most recent address on file. If the employee does not apply within 15 days after the postmarked date on the District's notice, the employee waives any right to reemployment.
- d. Any employee on a reemployment list may apply for and accept any position vacancy within the District and retain his/her right to the first opening in the employee's former classification.
- e. Upon the employee's resumption of duties with the District, he/she shall be fully restored as a permanent employee.

13. General Leaves

An employee may be granted a leave on a paid or unpaid basis at any time at the sole discretion of the Governing Board upon proper application and request by employee through the employee's immediate supervisor. An employee returning from a leave of absence granted under this section of this article shall notify the Office of Human Resources of his/her intent to return at least two weeks before the expiration of the leave when that leave was thirty (30) calendar days or longer.

14. Training and/or Retraining Leave

- a. At the discretion of the district, a classified MSC employee may be granted leave with or without pay not to exceed one (1) year for the purpose of training or retraining.
- b. The Superintendent/President may prescribe the standards of service which permit such leaves.
- c. Any leave of absence granted under this section shall not be considered a break in service.
- d. Employees on leave under this section shall not earn sick leave, vacation, or other benefits provided for in this policy.

15. Administrative and Sabbatical Leaves for Superintendent/President, Vice Presidents and Deans

Generally, it is not possible for administrators to be absent for an academic year, or even for a semester. However, it is desirable that administrators have the opportunity for travel and/or study beyond that which is possible in a one-month vacation.

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- a. Therefore, at the end of each four years of satisfactory service, administrators may apply to the Governing Board through the Superintendent/President for administrative leave. The administrator will submit a written plan for the leave which will describe the study or travel plan, the objective to be accomplished, and the plan's proposed value to the District. The Superintendent/President will prepare a written endorsement either recommending or not recommending approval and citing reasons for the recommendation. The administrative leave itself will not exceed two months in length. However, an additional month consisting of accumulated study and travel time and/or vacation may be added to the two-month administrative leave.
- b. Such leave will not be granted unless the recipient plans to return to the District. An administrator, when granted such leave, will file a letter assuring repayment of all money received during the two-month administrative leave period if he/she does not return to the District for a period of one year following the leave.
- c. **Administrative Leave**
The demands of administrative assignment will determine the feasibility of approval of such leaves. The duties of the administrator on leave will normally be handled by other administrative personnel in a manner that will not cause any additional expense to the District.
- d. **Sabbatical Leave**
~~Management and supervisory employees~~ Administrators are eligible to apply for regular sabbatical leaves in accordance with Board Policy. If a sabbatical leave is granted, eligibility for administrative leave will commence seven years after completion of the sabbatical leave. Time absent on administrative leave (two months) will not be counted in computing time for sabbatical leave.
- e. **Leave Scheduling**
 - i. To assure administrative continuity and service, administrative leaves and/or sabbatical leaves of administrative employees shall not seriously overlap during the regular school year. The Superintendent/President shall regulate the timing of administrative leaves and sabbatical leaves of administrators.
 - ii. In the event an administrator is recalled from leave due to an institutional emergency, that administrator will be permitted to add the unused leave to a future administrative leave.

16. Leave of Absence for Educational Improvement

- a. **Authorization**
Leaves of absence for educational improvement may be granted by official action of the Governing Board.
- b. **Qualifications**
MSC employees are eligible to apply for leaves of absence for educational improvement.

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c. Duration

Leave of absence may be granted for one (1) semester, one (1) full academic year, or for more than one (1) year if warranted.

d. Purposes

The employee shall submit a letter to the Superintendent/President stating the program that they propose to follow while on leave to meet the purposes of the leave. The employee may accept a fellowship or grant-in-aid designed to promote the accomplishment of the purpose of the leave. Leaves for educational improvement may be for:

- i. Study in residence at an accredited university or college. The course work must be planned to achieve a goal which has been approved by the Superintendent/President.
- ii. Study on a special project or research problem. Such a program may be substituted for the unit requirements of in-residence study if approved in advance by the appropriate administrative Vice President and the Superintendent/President.
- iii. Study through work experience. The specific school or a job offer must be submitted with the proposed program for prior approval by the Superintendent/President.

e. Compensation

Such leaves shall normally be granted without pay. Sick leave and vacation will not accrue. The employee may purchase District insurance at group rates.

f. Return to Service

The employee shall be reinstated in the former, or a comparable position within his/her credentials and/or qualifications upon return to the District.

- i. Upon completion of the leave, and within sixty (60) days of return to duty, the employee shall submit one (1) of the following to the Superintendent/President: transcripts of record of in residence study; written report of study on a special project or research work; written report of work experience plus any evidence of completion of business or industrial schooling.

17. Service as an Elected Officer.

An employee, upon request, shall be granted a leave of absence without loss of compensation for the purpose of enabling the employee to serve as an elected officer of any local community college district public employee organization, or of any statewide or national public employee organization with which the local organization is affiliated.

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The leave shall include, but is not limited to, absence for purposes of attendance by the employee at periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. Compensation during the leave shall include retirement fund contributions required of the community college district as employer. Required retirement contributions shall include the amount necessary to pay any unfunded liability cost for the retirement plan. The employee shall earn full service credit during the leave of absence and shall pay member contributions as prescribed by Section 22901. The maximum amount of the service credit earned shall not exceed 12 years. Any employee who serves as a full-time officer of a public employee organization shall not be eligible for disability benefits under the State Teachers' Retirement System while on the leave of absence.

18. Service as an Elected Member of the Legislature

Permanent employees in an academic position who are elected to the Legislature shall be granted a leave of absence from their duties as employees of the district by the governing board of the district.

During the term of the leave of absence, the employee may be employed by the district to perform less than full-time service, for compensation and upon terms and conditions, as may be mutually agreed upon.

This absence shall not affect in any way the classification of the employee.

Within six months after the term of office of the employee expires, they are entitled to return to the position held at the time of their election, at the salary to which they would have been entitled had they not absented themselves from the service of the district.

Notwithstanding any provision of this code to the contrary, a person employed to take the place of any such employee shall not have any right to the position following the return of the employee to the position.

This section shall apply to any permanent employee who held the office of Member of the Assembly or State Senator on or after January 4, 1965.

19. Catastrophic Illness and Injury Leave

a. Catastrophic Illness and Injury Benefit

On a case-by-case basis, any MSC group member may donate accumulated and unused eligible leave credits to another MSC group member when that member suffers from a catastrophic illness or injury.

b. Definitions

- i. "Catastrophic illness or injury" means an illness that is expected to incapacitate the MSC employee for an extended period of time, and taking such extended time off from work creates a financial hardship for the MSC employee because they have exhausted all of their sick leave and other paid time off.

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- ii. “Eligible leave credits” means personal necessity and/or sick leave accrued to the donating member.

- c. Eligibility
Leave credits may be donated to an MSC group member if all of the following requirements are met:
 - i. The MSC employee who is suffering from a catastrophic illness or injury requests that eligible credits be donated and provides written verification of catastrophic illness or injury as required by the District.

 - ii. The District determines that the MSC group member is unable to work due to the member’s catastrophic illness or injury.

 - iii. The member has exhausted all accrued paid leave credits.

- d. Requesting Donations
 - i. A member who wishes to receive the catastrophic illness benefit must request in writing to the District that sick leave donations be solicited on his or her behalf. The request must have attached written verification of the catastrophic illness or injury.

 - ii. Donations will be solicited by an announcement on behalf of the specifically named individual who meets the requirements for this benefit.

- e. Limitations on Participation
 - i. By written notice to the District any MSC employee may donate up to a maximum of five days of their eligible leave credits. Donors and donations shall be confidential. The employee must donate a minimum of one day of leave credit. A minimum number of 15 days of accumulated sick leave must be held and subsequently maintained by the employee before a donation can be made.

 - ii. The maximum amount of time that donated leave credits may be used by the recipient employee shall not exceed one hundred eighty (180) workdays.

 - iii. Transfer of eligible leave credit is irrevocable.

 - iv. An employee who receives paid leave pursuant to this section shall use any leave credits that he or she continues to accrue on a monthly basis prior to receiving paid leave pursuant to this catastrophic illness or injury benefit.

 - v. An employee may take advantage of this benefit only once every five years, counting back from the last day of leave.

20. Vacation

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a. Accrual Schedule

	1-2 Years of Service	3-4 Years of Service	5-6 Years of Service	7+ Years of Service
First Month	10 hours	12 hours	13.33 hours	14.63 hours
Subsequent Months	10 hours	12 hours	13.33 hours	14.67 hours

b. Purpose of Vacation

The purpose of vacation is to enable each employee, annually, to return to their work mentally and physically refreshed and is to be taken during the year in which it is earned.

c. Limitation on Accrual

- i. Effective on June 30, 1996, each employee's balance of accrued and unused vacation will be frozen and preserved as a vested benefit. This balance can be used for vacation, or the employee will be compensated for the remaining balance at the time of termination.
- ii. Effective July 1, 1996, employees will begin to accrue vacation again, starting at a zero balance. They will continue to accrue through March 31, 2000. Vacation taken since July 1, 1996, will be deducted from the new accrued balance, and from the balance accrued prior to July 1, 1996, if necessary.
- iii. Effective April 1, 2000, the maximum vacation accrual will be 44 days. No vacation will be earned or accrued if the employee has a balance of 44 days. If, however, the balance as of March 31, 2000, exceeds 44 days, that amount will become the capped amount for that employee, and no additional vacation will be accrued until the balance drops below 44 days.

Administrators

- d. The purpose of vacation is to enable each employee, annually, to return to his/her work mentally and physically refreshed and is to be taken during the year in which earned.
- e. Employees hired prior to July 1, 1992 shall be entitled to take twenty-two days of vacation each year with pay, which shall be accrued at the rate of 1.83 days per month. Vacation accumulated prior to December 1, 1993 shall be considered a vested right, shall not be forfeited and, shall be paid, if not taken.
- f. Employees hired on or after July 1, 1992 shall be entitled to take twenty-two days of vacation each year with pay, which shall be accrued at the rate of 1.83 days per month. With prior written authorization from the employee's immediate supervisor, vacation may be carried over a 12-month period following the year in which the vacation is

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earned, provided that no employee shall be entitled to have more than 44 days of vacation accrued. No vacation will be earned by the employee at any time when the employee has already accumulated 44 days of vacation. Thereafter, vacation shall be earned only when accumulated vacation time is less than 44 days.

Formerly Board Policies 5570 Leaves and 5575 Vacation.

References: Education Code Sections 87035, 87036, 87045, 87700, 87701, 87762 et. seq., 88190 et. seq., and 88210; Government Code Section 12945; Labor Code Sections 233 and 246; Family and Medical Leave Act; California Family Rights Act; Fair Employment and Housing Act; Uniformed Services Employment and Reemployment Relief Act.

Adopted: March 10, 1982 for 5570 Leaves; May 10, 1989 for 5575 Vacation

Revised and Adopted: May 10, 1989 and December 20, 2005 for 5570 Leaves; May 10 1989 for Vacation