



MONTEREY PENINSULA
College

ADMINISTRATIVE PROCEDURES

AP 7340 Leaves and Vacation: Management, Supervisory, and Confidential Employees

These provisions in this procedure apply to permanent employees not covered under a collective bargaining agreement.

1. Sick Leave

All full-time, regular 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. Sick leave not taken shall be accumulated from year to year.

A. Personal Necessity

An employee may use no more than seven (7) days of absence in any year for personal necessity for any of the following:

- i. Death of a member of the employee's immediate family when additional leave is required beyond that provided under the Bereavement Leave section of this procedure.
- ii. Accident involving the person or property of the employee or a member of the employee's immediate family as described below.
- iii. Illness of a member of the employee's immediate family.
- iv. Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or order made with jurisdiction.
- v. Paternity or adoption related absences.
- vi. 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.

B. 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 below. 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.



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C. Definition of Family Member

“Family member” shall mean:

- i. The employee’s spouse or registered domestic partner.
- ii. The parent, child, son-in-law, daughter-in-law of the employee or the employee’s spouse, or registered domestic partner.
 - a. “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.
 - b. “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.
- iii. The grandparent, grandchild, or sibling of the employee or the employee’s spouse or registered domestic partner.
- iv. Any relative living in the immediate household of the employee.

D. Extended Sick Leave

Each fiscal year, employees shall be credited with a total of one hundred (100) working days of paid sick leave which shall be compensated at not less than 50% of the employee’s regular salary. Such paid leave becomes available only after the employee has exhausted all other paid leaves.

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.

One day of authorized absence is equal to any number of hours in a day that an employee is absent due to an extended illness.

E. Status of Confidential Employee Following Exhaustion of Accident or Illness Leave

- i. If, at the conclusion of all approved leaves of absence, paid or unpaid, the employee is still unable to assume the duties of their position, the employee shall be placed on a reemployment list for a period of thirty-nine (39) months and shall notify the District in writing



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when they are available to assume the duties of their position.

- ii. At any time during the prescribed thirty-nine (39) months, the employee shall be reemployed in the first vacancy in the classification of their previous assignment. Their reemployment will take preference over all other applicants except those laid off for lack of work or funds as provided for under Education Code Section 88117 in which case they shall be ranked according to their proper seniority.
- iii. 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.
- iv. Any employee on a reemployment list may apply for and accept any position vacancy within the District and retain their right to the first opening in the employee's former classification.
- v. Upon the employee's resumption of duties with the District, they shall be fully restored as a permanent employee.

2. 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 its share of the premium costs of the insurance.

An employee is eligible for leave if the employee 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 (as defined above in 1 c)) with a serious health condition; or
- D.** To take medical leave when the employee is unable to work because of a serious



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health condition.

Time taken off work due to pregnancy complications can be counted against the 12 weeks of family and medical leave. Complications due to pregnancy are not covered by CFRA and the leave can be used only following the birth of a child for parental leave. 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.

3. 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, 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.

4. Parental Leave

A. Under CFRA, an employee may take up to 12 weeks of unpaid leave for parental leave. Employees may elect to take this leave concurrently with any available paid leaves. Under Education Code sections 87780.1 and 88196.1, when an employee has exhausted all accumulated sick leave, they may use extended illness leave for the remainder of their 12 week absence. (Note: all available paid leaves must be exhausted before extended illness leave may be used.)

5. Vacation

Vacation should be taken by every employee at least once a year. One of the purposes of vacation is to allow employees to take a break from the workplace and the demands of giving the absolute best to our students in order to recharge and refresh both mentally and physically. All employees are encouraged to take their earned vacation.



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A. Vacation – Confidential/Supervisory Employees

i. Vacation Accrual

- a. Earned vacation shall not be used until completion of the initial six (6) months of employment.
- b. Vacation shall be accrued at the following rates:

| Years of Service | Vacation Hours Accrued Per Month |
|--|----------------------------------|
| 2 full years or less | 10 |
| Beginning of 3 rd year to completion of 4 years | 12 |
| Beginning of 5 th year to completion of 6 years | 13.33 |
| Seven years and more | 14.66 |

- c. Confidential/Supervisory employees who are assigned to regular part-time positions shall be granted vacation leave at the same rate as full-time employees with equal years of service, proportional to the number of hours worked per month and the number of months per academic year in relation to the full-time working schedule, as provided by law. Vacation leave shall continue to be earned during active service and during other authorized leaves with pay.
- d. No vacation will be accrued beyond 44 days.

ii. Vacation Scheduling

- a. Vacation leave shall not be taken before it has been earned. No vacation may be taken until the original probationary period has been completed. An employee leaving the District before the end of the initial probationary period will receive no vacation credit payment.
- b. In order to ensure that employees are not prevented from accruing vacation, either of the following processes may occur:
 - 1. Scheduled Vacation – One of the responsibilities of supervisors is to monitor the vacation time of their direct reports. In cases where a confidential employee will reach their vacation accrual maximum and with at least thirty (30) days of notice, the supervisor may require the employee to schedule vacation time of up to fourteen (14) days. The scheduled vacation time must be in the month the



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employee would have reached their vacation accrual maximum.

- 2. Vacation Payout – In the month after a confidential/supervisory employee reaches their maximum accrual, Payroll will automatically reduce the employee’s vacation balance by fourteen (14) days and pay the employee the cash value of the vacation minus any required deductions.

iii. Holidays

Any paid holiday to which an employee would have been entitled had they not been on vacation shall not be charged as a day of vacation.

iv. Illness or Injury Occurring During Vacation

If a confidential/supervisory employee becomes seriously ill or is injured during the scheduled vacation period, they may request that the time be deducted from their earned sick leave and the vacation period be terminated and rescheduled to a later date or be extended.

B. Vacation – Management Employees not on a contract

- i. Vacation shall be accrued at the following rates:

| Years of Service | Vacation Hours Accrued Per Month |
|--|---|
| 2 full years or less | 10 |
| Beginning of 3 rd year to completion of 4 years | 12 |
| Beginning of 5 th year to completion of 6 years | 13.33 |
| Seven years and more | 14.66 |

- ii. Management employees who are assigned to regular part-time positions shall be granted vacation leave at the same rate as full-time employees with equal years of service, proportional to the number of hours worked per month and the number of months per academic year in relation to the full-time working schedule, as provided by law. Vacation leave shall continue to be earned during active service and during other authorized leaves with pay.

C. Vacation – All Management Employees

- i. Conversion of Vacation Hours – When an existing employee moves into a management position, the employee will dispose of their existing vacation balance by choosing one of the following options:



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- a. The employee may choose to receive the value of the vacation in a lump sum at the rate of the previous position, or
- b. The value of the vacation hours will be prorated based on the value of pay at the new position's rate.
- ii. Vacation Accrual – No vacation shall be accrued beyond 44 days.
- iii. Vacation Scheduling – Vacation Leave shall not be taken before it is earned.
- iv. In order to ensure that employees are not prevented from accruing vacation, in the month after a management employee reaches their maximum accrual, Payroll will automatically reduce the employee's vacation balance by fourteen (14) days and pay the employee the cash value of the vacation minus any required deductions.
- v. Holidays
Any paid holiday to which an employee would have been entitled had they not been on vacation shall not be charged as a day of vacation.
- vi. Illness or Injury Occurring During Vacation
If a management employee becomes seriously ill or is injured during the scheduled vacation period, they may request that the time be deducted from their earned sick leave and the vacation period be terminated and rescheduled to a later date or be extended.

6. Bereavement Leave

- A.** Employees shall be entitled to three (3) days of paid leave at their regular rate of pay for an absence due to the death of an immediate family member which occurs within California, 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. For purposes of this procedure, an immediate family member shall be limited to parent, grandparent, or a grandchild of the employee or of the spouse of the employee, and the spouse or domestic partner, son, son-in-law, daughter, daughter-in-law, sibling, brother-in-law, or sister-in-law of the employee or any relative living in the immediate household of the employee,
- B.** Close Friends and Other Relatives
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.



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7. Jury Duty

An employee who has been called for jury duty in the manner provided for by law, or who is ordered to appear as a witness in court other than as a litigant, shall be granted a paid leave of absence. Upon notification of jury duty, it is the obligation of the employee to immediately inform his/her/their immediate supervisor.

No deduction shall be made from salary. Any daily jury or witness fee, exclusive of travel expenses, shall be deposited to the credit of the District. When the court appearance consumes only a portion of the day, the employee shall make reasonable attempts to report back to work.

8. 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 their intent to return at least two weeks before the expiration of the leave when that leave was thirty (30) calendar days or longer.

9. 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.

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.

10. 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,



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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.

See Board Policy 7340 - Leaves

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

Formerly Governing Board Policies 5570 – Management, Supervisory and Confidential Personnel Leaves, 5575 – Management, Supervisory and Confidential Personnel Vacation, and 7341 Leaves and Vacation: Management, Supervisory and Confidential Employees

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