

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Definitions

The term "immediate family" is defined as:

Family

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee's household at the time of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

Family Emergency

The term "family emergency" shall be limited to disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

Leave Day

A "leave day" for purposes of earning, use, or recording of leave shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.

Catastrophic Illness
or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the College District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

Earning Leave

An employee shall not earn any form of paid leave when he or she is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.

Deductions

Leave Without Pay

The College District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.

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Leave Proration
*Employed for
Less Than Full
Year*

If an employee separates from employment with the College District before his or her last scheduled workday, or begins employment after the first scheduled workday, paid leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last scheduled workday of the academic year, the employee's final paycheck shall be reduced for paid leave the employee used, but had not earned, as of the date of separation.

*Employed for Full
Year*

If an employee uses more paid leave than he or she earned and remains employed with the College District through his or her last scheduled workday, the College District shall deduct the cost of the excess leave days from the employee's pay in accordance with administrative regulations.

Order of Use

Earned compensatory time shall be used before any available paid leave. [See DEA]

**Concurrent Use of
Leave**

When an absent employee is eligible for FMLA leave, the College District shall designate the absence as FMLA leave.

The College District shall require the employee to use paid leave, including compensatory time, concurrently with FMLA leave.

An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as FMLA leave.

Medical Certification

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than three consecutive workdays because of personal illness or illness in the immediate family;
2. The College District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor;
3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or
4. The employee requests FMLA leave for military caregiver purposes.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

Note: For College District contribution to employee insurance during leave, see CKD(LOCAL).

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Sick Leave

All full-time employees shall earn one day of paid sick leave per month of their annual employment contract in accordance with administrative regulations.

Sick leave shall accumulate to a maximum of 90 days.

Sick leave shall only be used for the following:

1. Illness of the employee.
2. Illness of a member of the employee's immediate family.
3. Family emergency.
4. Birth or placement of a child when taken within the first year after the child's birth, adoption, or foster placement.
5. Contribution to the sick leave bank.

Sick Leave Bank

The College District shall establish a sick leave bank that employees may join through contribution of local leave.

Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee experiences a catastrophic illness or injury and has exhausted all paid leave.

If the employee is unable to request leave from the sick leave bank, a member of the employee's family or the employee's supervisor may submit the request.

The College President or designee shall develop regulations for the operation of the sick leave bank that address the following:

1. Membership in the sick leave bank, including the number of days an employee must donate to become a member;
2. Procedures to request leave from the sick leave bank;
3. The maximum number of days per academic year a member employee may receive from the sick leave bank;
4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the sick leave bank.

Appeal

All decisions regarding the sick leave bank may be appealed in accordance with DGBA(LOCAL), beginning with the College President or designee.

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**Family and Medical
Leave**

Twelve-Month
Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall begin on the first scheduled workday of the academic year.

Combined Leave for
Spouses

If both spouses are employed by the College District, the College District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The College District shall limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)]

Intermittent or
Reduced Schedule
Leave

The College District shall not permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]

Certification of
Leave

If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]

Fitness-for-Duty
Certification

If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. If the College District will require certification of the employee's ability to perform essential job functions, the College District shall provide a list of essential job functions to the employee with the FMLA designation notice.

Failure to Return

If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the College District may require reimbursement of premiums paid by the College District during the leave. [See DECA(LEGAL), Recovery of Benefit Cost]

Vacation Leave

Full-time, 12-month employees, except faculty, shall earn eight-tenths of a day times the number of months of service up to ten days of paid vacation leave per year in accordance with administrative regulations.

Clerical, administrative assistants, maintenance, food service, and daycare workers shall earn one vacation day during the month of their birthdays. Scheduling of this day must be approved by the appropriate dean and shall be used in the month received.

Employees may accumulate vacation leave, at year end, up to a maximum of 40 hours. Accumulated vacation leave shall be forfeited unless used by November 30. Any unused vacation leave in excess of this maximum roll-over shall be forfeited on August 31.

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Request for
Vacation Leave

The employee shall submit a written request for use of vacation leave to the immediate supervisor or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny vacation leave, the supervisor or designee shall consider the effect of the employee's absence on the educational program or College District operations.

Development Leave

A faculty member [see definition at DEC(LEGAL) Development Leaves of Absence] may be granted faculty development leave for study, research, writing, field observations, or other suitable purpose. The leave shall be for one academic year at one-half of the faculty member's regular salary or for one-half academic year at full regular salary, unless the faculty member has held an administrative position at the College District for more than four years. In that case, the Board may grant development leave at the faculty member's full, regular salary for one year.

Eligibility

To qualify for development leave, a faculty member must serve at least three consecutive academic years performing full-time academic duty as an instructor or as an assistant, associate, or full professor, or an equivalent rank. The work need not include teaching. The applicant must also agree to return to the College District following the conclusion of the development leave to serve for a period of time equal to the amount of time the faculty member received for development leave and if not, to repay the College District for any benefits paid to or on behalf of the faculty member during the leave period.

Application

To be granted development leave for the subsequent academic year, a faculty member must apply to the College President by March 1 on a signed and dated form created by the administration. The application shall contain:

1. The requested effective date and duration of leave.
2. A description of the specific purpose for which the leave is requested.
3. An explanation as to how the leave is consistent with the mission and purpose of the College District and the benefit of the leave to the College District.
4. An assurance that the faculty member intends to return to the College District following the completion of the development leave to serve for a period of time equal to the amount of time the faculty member received for development leave, if approved, and that, if the faculty member does not return, the employee shall repay the College District for any benefits paid to or on behalf of the employee during the leave period.

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5. Any other information deemed appropriate by the College President.

Approval Procedure A development leave committee shall be elected annually from the general faculty membership on a date determined by the College President to be no later than the application deadline. The committee shall be composed of ten members and shall elect a chair during the first meeting. The chair shall be responsible for scheduling and presiding over each meeting of the committee.

After reviewing the applications for development leave, the committee chair shall forward the committee's recommendation to the College President. After review of the committee's recommendation, the College President shall make a recommendation as to which applications should be granted for consideration at a Board meeting to occur before the end of the spring semester. No more than six percent of the College District's faculty members may be on development leave at any one time.

The College President shall inform the applicants of the final determination by the Board.

Outside Employment A faculty member granted development leave is prohibited from accepting employment with another employer without permission of the Board.

Report Upon returning from development leave, the faculty member must report to the Board in writing regarding whether the purpose of the leave was fulfilled with a description regarding the manner in which it was fulfilled or if it was not fulfilled, the reasons why the leave was not fulfilled.

Bereavement Leave Each employee shall earn 0.333 days of paid bereavement leave for each month of his or her annual employment contract for use upon the death of a member of the employee's immediate family in accordance with administrative regulations. An employee who is eligible for other types of leave may use other paid leave for additional time. Unused bereavement leave shall be noncumulative.

Workers' Compensation

Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the College District's contribution to health insurance. [See CKD(LOCAL) regarding payment of insurance contribution during employee absences.]

An absence due to a work-related injury or illness shall be designated as FMLA leave.

An employee eligible for workers' compensation income benefits may elect in writing to use paid leave.

Court Appearances

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the College District and shall not be deducted from the employee's pay or leave balance.

**Reimbursement of
Leave upon
Retirement**

The following leave provisions shall apply to sick leave earned beginning on the original effective date of this program.

An employee who retires from the College District with 20 or more years of service shall be eligible for reimbursement of sick leave under the following conditions:

1. The employee's retirement from employment is voluntary, i.e., the employee is not being discharged or nonrenewed.
2. The employee provides advance written notice of intent to retire. Contract employees must provide written notice at least 90 days before the last day of employment. Non-contract employees must provide written notice at least two weeks before the last day of employment.

The employee shall be reimbursed for each day of sick leave, to a maximum of 30 days, at a rate established by the Board. If the employee is reemployed with the College District, days for which the employee received payment shall not be available to that employee.

An employee who retires from the College District with at least ten, but less than 20, years of service shall be eligible for reimbursement of sick leave under the following conditions:

1. The employee's retirement from employment is voluntary, i.e., the employee is not being discharged or nonrenewed.
2. The employee provides advance written notice of intent to retire. Contract employees must provide written notice at least 90 days before the last day of employment. Non-contract employees must provide written notice at least two weeks before the last day of employment.

The employee shall be reimbursed 75 percent of one month's salary for 30 or more days of unused sick leave or at a prorated rate if the employee has less than 30 unused sick days. If the employee is reemployed with the College District, days for which the employee received payment shall not be available to that employee.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the academic year following the adoption of the rate change.

Faculty Leave of Absence

An instructor may request a leave of absence by presenting a letter to the administration and the Board requesting a leave of absence without pay. After Board consideration and the administration's recommendation, the faculty member may receive a leave of absence. A leave of absence granted by the College District shall guarantee a faculty member a position upon his or her return, and the leave of absence shall be of benefit to both the faculty member and the College District. The instructor must agree to return at the end of the leave time.

Community Service Leave

Through its programs and services, the College District strives to support the needs of its surrounding communities. The College District further realizes the importance of community service and therefore encourages its employees to be actively involved in community events and with community organizations. To enhance the involvement of its employees with the broader community, the College District endorses the following community service leave provisions.

These provisions outline the guidelines for full-time employees at the College District to take time away from work in order to participate in community service projects or events. A maximum of 16 hours is permitted each year with no carryover for unused hours. In addition, there shall be no payout to employees who do not use the 16 hours. The leave may be used for the services outlined below.

Use

Paid leave is not granted to those individuals participating in community service activities outside of their work schedules. The types of services that qualify for this leave shall be: tutoring and mentoring in schools; blood, bone marrow, and organ donation; any activity associated with a nonprofit organization; and assisting and responding to emergency situations.

Reporting

An employee shall complete the community service leave request form found at DEC(EXHIBIT). The hours used for this leave shall be reported on the employee's absence report for that month.