
Note: For College District contribution to employee insurance during leave, see CKD(LOCAL). For additional provisions addressing the Family and Medical Leave Act (FMLA), see DECA(LEGAL).

**Leave
Administration**

The Chancellor or designee shall develop administrative regulations associated with employee leaves and absences and ensure the procedures are used to implement the provisions of this policy.

Definitions

The term “immediate family” is defined as:

Immediate 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 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.

Academic Year

An “academic year” for purposes of earning, use, or recording of leave shall mean the term of an employee’s annual employment as set by the College District for 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

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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 the employee 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.

Leave Proration

*Employed for
Less Than Full
Year*

If an employee separates from employment with the College District before the employee's 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 the employee earned and remains employed with the College District through the employee's 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.

Substitutes

If a faculty member is ill and using sick leave or is away representing the College District, the College District shall pay the substitute. In other cases of absences that are approved by the appropriate vice president for instruction or the Chancellor, the faculty member shall pay the substitute.

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 or Chancellor; or

3. The employee requests FMLA leave for the employee's serious health condition; for a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

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

Sick Leave

Each eligible contract and noncontract employee shall earn eight hours of paid sick leave per month in accordance with administrative regulations. Sick leave accruals shall be spread over the pay periods in which an employee is paid. If an employee is employed less than 12 months in a duty year, the employee's monthly accrual of sick leave shall be less than eight hours (e.g., a nine-month employee earns 72 hours of sick leave for the contract period). Each new employee shall receive credit for sick leave purposes for the employee's first month of employment only if the employee works the first working day of that month.

Sick leave shall accumulate to a maximum of 600 hours.

Sick leave shall only be used after any applicable compensatory time has been exhausted 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.

Each professional, classified, and hourly employee shall report illness and proposed absences to the employee's immediate supervisor and enter leave hours via Self-Service Banner, in accordance with administrative procedures.

Sick leave shall cease upon termination of employment. No compensation or time off shall be provided for unused sick leave.

Faculty Absences and Sick Leave

When a faculty member finds it necessary to be absent for any reason other than illness, the faculty member must secure approval from the appropriate Vice Chancellor. When a faculty member is ill, the faculty member shall report to the faculty member's instructional dean or designee. It is the responsibility of the absent instructor to give teaching instructions to the substitute instructor.

All faculty sick leave shall be reported to the appropriate Vice Chancellor within seven days. A faculty absence for sick leave is recorded as an absence at eight hours per day.

A faculty member working during semesters or terms as an extra assignment beyond the faculty member's regular contract shall be granted leave as defined in the Faculty Manual. Cumulative sick leave earned during the regular academic year may not be applied during the period of summer school teaching or special summer assignment.

Each part-time faculty member shall earn three days of paid sick leave per long semester in which the faculty member teaches in accordance with administrative regulations. These sick leave days may be carried over to the summer semesters but not carried over to subsequent academic years. Each part-time faculty member who only teaches summer sessions shall earn one day of paid sick leave for a summer session. Sick leave days earned in the summer semesters shall not be eligible to be carried over to the following academic year.

**Mental Health Leave
for Peace Officers**

A College District peace officer who experiences a traumatic event in the scope of employment shall be granted a maximum of five days of mental health leave per traumatic event. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The Chancellor shall develop regulations regarding mental health leave that address the following:

1. Circumstances or reasons under which a peace officer may use mental health leave;
2. Procedures for requesting mental health leave and maintaining the anonymity of the requester;
3. The administrator authorized to approve requests for mental health leave; and
4. Other procedures deemed necessary for administering this provision.

**Quarantine Leave for
Peace Officers and
Emergency Medical
Technicians**

A College District peace officer or an emergency medical technician on staff shall be granted quarantine leave when ordered by the local health authority or the person's supervisor to quarantine or isolate due to possible or known exposure to a communicable disease while on duty. Such leave shall be provided in accordance with administrative regulations and shall not be deducted from the employee's pay or leave balance.

The Chancellor shall develop regulations regarding quarantine leave that address the following:

1. Continuation of all employment benefits and compensation for the duration of the leave;
2. Reimbursement for reasonable costs related to the quarantine; and
3. Other procedures deemed necessary for administering this provision.

Family and Medical Leave

FMLA leave shall run concurrently with applicable paid leave.

Twelve-Month Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be measured backward from the date an individual employee's first FMLA leave begins.

Combined Leave for Spouses

When 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, and the College District shall also limit military caregiver leave to a combined total of 26 weeks.

Intermittent or Reduced Schedule Leave

The College District shall 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.

Certification of Leave

When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.

Fitness-for-Duty Certification

In accordance with administrative regulations, when 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.

Personal Leave

Each full-time employee shall earn up to 16 hours of paid leave per fiscal year to conduct personal business in accordance with administrative regulations. Personal leave shall be prorated for employees who begin work after September 1.

Personal leave shall be noncumulative.

No compensation or time off shall be provided for unused personal leave.

Request for Personal Leave

The employee shall submit a written request for use of personal leave to the employee's immediate supervisor or designee in advance in accordance with administrative regulations. In deciding

whether to approve or deny personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, 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.

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.

Alternatively, the faculty member may qualify for development leave as an administrator if the faculty member has had significant administrative duties relating to the operation of the College District for more than four years.

Application

To be granted development leave for the subsequent academic year, a faculty member must apply to the Chancellor 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 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.
5. Any other information deemed appropriate by the Chancellor.

Approval Procedure

A development leave committee shall be elected annually from the general faculty membership on a date determined by the Chancellor 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 Chancellor. After review of the committee's recommendation, the Chancellor 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 Chancellor shall inform the applicants of the final determination by the Board.

Duration and
Compensation

Development 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.

Exception

If the faculty member qualifies for development leave as an administrator, the Board may grant development leave at the faculty member's full, regular salary for one year.

Outside
Employment

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

Return to Work

The faculty member must agree to return to the College District following the conclusion of the development leave to serve for a period 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.

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

A full-time employee shall be granted up to 24 hours of paid bereavement leave upon the death of a member of the employee's immediate family. 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.

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

No Paid Leave
Offset

The College District shall not permit the option for paid leave offset in conjunction with workers' compensation income benefits.

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.

When an employee is required to appear in a private lawsuit, unrelated to the employee's College District duties, as either a plaintiff or a defendant, the employee shall use personal or vacation leave or lose pay for the time absent from the employee's job.

When an employee appears as a paid expert witness in any private lawsuit, the employee shall lose pay for the time absent from the employee's job.