
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 College President 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.

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 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.

Medical Certification

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

1. The employee is absent more than five 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 College President; 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 full-time, 12-month employee shall earn one day of paid sick leave per month in accordance with administrative regulations.

Each faculty member shall earn one day of paid sick leave per month and one day of paid sick leave per four weeks of full-time classroom instruction in the summer, in accordance with administrative regulations.

Each support employee who is employed on less than a 12-month basis shall earn a prorata share of paid sick leave.

Temporary and part-time employees shall not be eligible to earn paid sick leave.

Sick leave shall accumulate to a maximum of 90 days.

A current College District employee who at the time of the adoption of this policy has accumulated more than 90 paid sick leave days shall be permitted to retain the accumulated sick leave but shall not earn additional sick leave days until the accumulated leave total drops below 90 days.

An employee shall be eligible to use accrued sick leave upon completion of the employee's first full month of employment.

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.
5. Donation to a sick leave pool.

The College District's human resources office shall be responsible for maintaining sick leave records for eligible employees. An employee who is away from the employee's work area because of illness or injury shall report time away from work. After all available sick leave days have been exhausted, an employee shall have the employee's regular hourly rate deducted for each hour of additional sick leave used.

When an employee who has accumulated the maximum permissible sick leave days is absent for reasons provided in this policy, the number of days shall be subtracted from the number of days accumulated. The employee may then begin to accumulate sick leave days again for the remainder of the year or subsequent years until the employee once again has accumulated the maximum amount of permissible sick leave days.

Sick Leave Pool

An employee, with the exception of part-time or temporary employees, who has exhausted all paid leave as well as applicable compensatory time and who suffers from a catastrophic illness or injury or is absent due to the catastrophic illness or injury of a member of the employee's immediate family may request the establishment of a sick leave pool, to which College District employees may donate sick leave for use by the eligible employee.

The pool shall cease to exist when the employee no longer needs leave for the purpose requested, uses the maximum number of days allowed under a pool, or exhausts all leave days donated to the sick leave pool.

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

1. Procedures to request the establishment of a sick leave pool;
2. The maximum number of days an employee may donate to a sick leave pool;
3. The maximum number of days per academic year an eligible employee may receive from a sick leave pool; and
4. The return of unused days to donors.

Appeal

An employee may appeal a decision regarding the establishment or implementation of the College District's sick leave pool in accordance with DGBA(LOCAL), beginning with the College President or appropriate administrator.

Family and Medical Leave

FMLA leave shall run concurrently with applicable paid leave or compensatory time, as applicable.

Twelve-Month Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be September 1 through August 31.

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. The College District shall limit military caregiver leave to a combined total of 26 weeks.

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.

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.

Vacation Leave

Each 12-month employee shall earn one day of paid vacation per full month of service in accordance with administrative regulations.

Faculty members, student workers, part-time employees, and periodic employees shall not be eligible to earn paid vacation days.

An employee on an unpaid leave of absence shall not earn vacation leave during that period. [See DEC(LOCAL)]

Vacation leave shall accumulate to a maximum of 20 days.

At the time of adoption of this policy, current College District employees who have already accrued more than 20 vacation days shall be allowed to retain and use the accrued days but shall not accrue additional days until the accumulation drops below 20 days.

An employee must have completed two full months of employment with the College District prior to use.

An employee shall not use more vacation days than have already been earned.

An employee who separates from service with the College District with reasonable notice shall be paid for the employee's unused vacation days, to a maximum of 20 days.

Request for
Vacation Leave

The employee shall submit a written request for use of vacation leave to the employee's 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. Use of vacation leave shall not exceed ten consecutive workdays without prior approval from the respective vice president.

Earned compensatory time shall be used before any available vacation leave.

Bereavement Leave

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

If an employee is absent more than three days for a single occurrence, a deduction shall be made for each hour of excessive absence at the employee's regular hourly rate (annual salary divided by 2,080). To avoid such a deduction, an employee may request an additional two days of vacation leave for the death of an immediate family member, beyond the initial three days of bereavement leave.

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.

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.
Payment for Accumulated Leave Upon Separation	<p>The following leave provisions shall apply to sick leave accumulated beginning on the original effective date of this program.</p> <p>An employee who separates from employment with the College District shall be eligible for payment for accumulated sick leave under the following conditions:</p> <ol style="list-style-type: none">1. The employee's separation from employment is voluntary, i.e., the employee is retiring or resigning and is not being discharged or nonrenewed.2. The employee has at least ten years of service with the College District. <p>The employee shall receive payment for each day of accumulated sick leave, to a maximum of 42 days, at the employee's hourly rate at the time of separation from service. If the employee is reemployed with the College District, days for which the employee received payment shall not be available to that employee.</p>
Death Benefit	Upon the death of an employee, one-half of the employee's accumulated sick leave days, not to exceed 42 days, shall be paid to the designated beneficiary at the employee's hourly rate at the time of death. The employee must have been continuously employed by the College District for six months prior to the employee's death.
Faculty Absence from Class	A faculty member who misses class shall be required to notify the employee's divisional dean as soon as possible. An instructor shall not allow a class to meet without supervision and without notification of the absence to the divisional dean.
Military Duty	<p>An employee who is drafted or otherwise called to active duty, or who leaves his or her position for extended active duty in the military service of the United States during a state of war or national emergency, shall be granted a military leave, without pay, for the duration of such war or national emergency.</p> <p>An employee must submit an application for reemployment within 90 days following the termination of the state of war or the national emergency or the employee's discharge from the service, whichever is later.</p> <p>Reinstatement shall be at the rank held at the beginning of military leave, plus any advancement in salary that the faculty member or</p>

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employee would have been granted had the employee been continuously employed and complied with requirements for salary increases.

Any full-time employee of the College District who is a member of the reserve or guard components of Texas or federal military forces shall be granted a short-term leave with pay for up to 15 workdays per federal fiscal year for the completion of annual active military duty.

Under the circumstances of short-term military leave, the employee shall continue to receive compensation from the College District at the employee's normal salary rate. Normal salary rate shall include compensation the employee would have received from the College District for the period, exclusive of payment for overtime hours that might otherwise have been worked.

The time spent on active duty shall not be deducted from the balance of accumulated vacation leave.