

**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.

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

**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 available paid personal or vacation 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)]

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**Note:** For College District contribution to employee insurance during leave, see CKD.

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**Sick Leave**

Full-time benefits-eligible employees shall earn eight hours of paid sick leave per month after an initial 30-day waiting period in accordance with administrative regulations.

Sick leave shall accumulate to a maximum of 96 hours per fiscal year. A maximum of 480 hours of sick leave may be accumulated by a full-time employee during benefits-eligible employment with the College District. A part-time employee, in a benefits-eligible position, shall accrue sick leave on a prorated basis for the number of hours per day he or she normally works. A maximum of 60 days (hours dependent on the number of hours per day normally worked) may be accumulated by a part-time employee during employment with the College District.

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. Donation to a sick leave bank.

Unused accrued sick leave shall be forfeited upon termination or resignation of employment or upon retirement. In the event an employee has received sick leave benefits in excess of days earned to the date of termination, an amount equal to such excess shall be deducted from such employee's final compensation check.

**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 or a member of the employee's immediate family experiences a catastrophic illness or injury and the employee 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;

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

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.

**Family and Medical  
Leave**

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

Twelve-Month  
Period

Combined Leave for  
Spouses

If both spouses are employed by the College District, the College District shall not 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, nor shall the College District limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)]

Intermittent Leave  
for Child Care

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. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity]

Reporting Absences

The human resources office shall establish procedures for the reporting of employee absences. Employees who are in a supervisory position shall ensure compliance with the College District's procedures for reporting absences of employees under their supervision. Failure of an employee to comply with provisions of this policy may be grounds for dismissal/disciplinary action as provided in policy DMAA(LOCAL).

Certification of  
Illness

An employee requesting leave under the provisions of the FMLA must complete an "Application for Family and Medical Leave" and submit it to the human resources office prior to leave. The completed application must state the reason for the leave, must state the requested starting and ending dates of the leave, and must be accompanied by a "Certification of Health-Care Provider" form completed by a health-care provider as defined by the FMLA.

COMPENSATION AND BENEFITS  
LEAVES AND ABSENCES

DEC  
(LOCAL)

	<p>The employee shall provide certification, as required by FMLA regulations, of the need for family and medical leave. [See DECA(LEGAL)]</p>
<p>Fitness-for-Duty Certification</p>	<p>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.</p>
<p>Failure to Return</p>	<p>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]</p> <p>An employee who fails to return from leave on the specified date shall be considered to have voluntarily resigned his or her position.</p>
<p><b>Personal Leave</b></p>	<p>Full-time benefits-eligible employees shall earn up to 16 hours of paid leave per fiscal year to conduct personal business in accordance with administrative regulations. During the first year of employment, personal leave shall be prorated based upon date of hire.</p> <p>Part-time benefits-eligible employees shall earn two days of paid leave, prorated for the number of hours per day the employee normally works, per academic year to conduct personal business in accordance with administrative regulations.</p> <p>Personal leave shall be noncumulative.</p> <p>Unused leave shall not be reimbursable upon separation from employment with the College District.</p>
<p>Request for Personal Leave</p>	<p>The employee shall submit a written request for use of personal leave to the 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.</p>
<p><b>Vacation Leave</b></p>	<p>Full-time, 12-month employees shall earn 80 hours of paid vacation per fiscal year in accordance with administrative regulations.</p> <p>The College District shall make all vacation hours available for use by an eligible employee beginning September 1. If an employee separates from employment with the College District before the</p>

end of his or her contract or employment agreement, the employee's final paycheck shall be reduced for vacation leave the employee used but had not earned as of the date of separation.

Faculty shall not be eligible for vacation benefits. Vacation benefits for part-time employees in ongoing, budgeted positions shall be prorated based on the number of hours normally scheduled each week.

Vacation leave shall accumulate to a maximum of 40 hours to be carried over into the next fiscal year. Ongoing, budgeted, part-time employees may carry over up to the number of hours normally scheduled for one week.

Use of vacation leave shall not exceed two consecutive workweeks except with approval from the appropriate vice president.

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.

Termination

Earned, but unused, vacation shall be paid upon the employee's separation from employment.

**Bereavement Leave**

A benefits-eligible employee shall be granted up to three days of paid bereavement leave upon the death of a member of the employee's immediate family in accordance with administrative regulations. Bereavement leave shall be noncumulative.

**Workers'  
Compensation**

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**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 regarding payment of insurance contribution during employee absences.]

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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.

When an employee is required to appear in a private lawsuit unrelated to his or her College District duties as a plaintiff, a defendant,

or an expert witness, the employee must use personal or vacation leave or take leave without pay for the time absent from his or her job.

**Exhaustion of  
Available Leave**

After an employee has exhausted all paid and unpaid approved leave for which he or she is eligible, with the exception of leave pool days, the College District shall provide the employee written notice at the last known home address that his or her leave has expired. The College District shall inform the employee that he or she has five workdays within which to apply for any other leave for which the employee may be eligible or to notify the College District in writing that the employee is ready, willing, and able to return to work. A medical clearance must be included showing that the employee is physically able to perform the essential functions of his or her position, given reasonable accommodation(s) if necessary.

Individuals receiving workers' compensation benefits who elect not to receive any additional paid leave shall be provided the notice referenced in this section at the expiration of any workers' compensation income benefits.

A contract employee who does not apply for and receive approval for additional leave, and who does not report and document his or her availability and fitness to return to work within the time set forth above, shall resign or be deemed to be in repeated and continued neglect of duties and shall be subject to termination.

Any employee who does not have a contract, who does not apply for and receive approval for additional leave, and who does not report and document his or her availability and fitness to return to work within the time set forth above shall be deemed to have resigned his or her position with the College District effective upon the expiration of the five-workday period set forth above. At the expiration of available paid leave and/or unpaid leave, the College District shall offer COBRA benefits as required by law.