

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.

Recording Leave shall be recorded as follows:

1. For faculty, leave shall be recorded in half-day increments, even if a substitute is not employed.
2. For positions for which a substitute is not normally required, leave shall be recorded on a quarter-hour basis.
3. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.

Order of Use Earned compensatory time shall be used before any available personal or vacation leave. [See DEA]

Use of sick leave bank days shall be permitted only after all available leave has been exhausted.

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, with the exception of 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).

Sick Leave

Full-time, benefits-eligible employees shall earn eight hours of paid sick leave per month in accordance with administrative regulations.

Sick leave shall accumulate to a maximum of 480 hours.

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 for use by eligible full-time employees.

Leave contributed to the bank shall be solely for the use of eligible employees. An eligible employee 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. Participation in the sick leave bank;
2. Procedures to request leave from the sick leave bank;

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

3. The maximum number of hours per academic year an eligible 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 begin on the first workday of the fiscal year.

Twelve-Month
Period

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 may 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]

Personal Leave

Full-time, benefits-eligible employees in 12-month positions shall be permitted to use 24 hours of paid leave per academic year to

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

conduct personal business in accordance with administrative regulations.

Personal leave shall be noncumulative.

Request for
Personal Leave

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.

Vacation Leave

A full-time, 12-month employee shall earn vacation leave based on the number of completed years of service by September 1 of each year, in accordance with the following:

1– 5 years	80 hours/year	6.66 hours/month
6–10 years	88 hours/year	7.33 hours/month
11–15 years	96 hours/year	8.00 hours/month
16–20 years	104 hours/year	8.67 hours/month
21 or more years	120 hours/year	10.0 hours/month

Accrual of earned vacation leave shall occur on the 15th of the month. Therefore, a new employee who begins on or before the 15th of a month, or an employee who terminates on or after the 15th of a month, shall accrue vacation leave for the month.

All eligible employees shall begin accruing vacation hours during the initial 90-day new employee probationary period. An employee shall only take vacation leave after successful completion of the initial 90-day new employee probationary period. An employee who terminates employment prior to completion of the new employee probationary period shall not receive accrued vacation leave credit.

An employee shall be allowed to carryover no more than 120 hours of earned, but unused, vacation leave from one fiscal year to the next. No exceptions to the carryover maximum shall be allowed.

Request for
Vacation Leave

To schedule vacation leave, an employee shall submit a written request to his or her immediate supervisor or designee at least two weeks in advance in accordance with administrative regulations. Supervisors shall allow employees to request vacation up to one year in advance on a first-come basis. In deciding whether to ap-

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

prove 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.

Special Vacation
Circumstances

The following special vacation circumstances shall apply:

1. Employees paid by grant funds: In the event a grant is not renewed or a grant employee is terminated toward the end of a grant year, the payment of unused earned vacation leave shall be contingent upon available funds.
2. Maintenance, food services, and dorm personnel vacations: Supervisors shall preschedule employees around Christmas and spring breaks to ensure that work scheduling and tasks may be accomplished without negatively impacting operational requirements and planning.

Payment Upon
Separation of
Employment

An employee who separates from employment with the College District shall be eligible for payment of unused accrued vacation leave under the following conditions:

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 provides two weeks' advance written notice of intent to separate from employment.

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. 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 the

first Monday in December in the year preceding the academic year in which the leave is requested 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.
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.

**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.

**Unpaid Leave of
Absence**

An employee may apply for a leave of absence without pay or benefits for a duration of no more than one calendar year to pursue academic interests including paid association with another academic institution, a foundation, or a commercial or business entity. An employee granted a leave of absence shall have the expectation of at least a one-year contract at the same level and under the same conditions as that of the contract held at the beginning of the leave at the College District. An employee who decides not to return to the College District at the end of the leave of absence shall give at least 90 days' notice. An employee requesting a leave of absence shall follow the same procedures as one who applies for development leave.