

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

COMPREHENSIVE
LEAVE PROGRAM

The Board provides a comprehensive program of leave benefits for full-time employees of the College.

ACCRUAL OF LEAVE

Leave hours accrue on the last day of each month. An employee who is in a paid status (at work or on paid leave) on the last day of the month earns leave hours for that month.

REPORTING
ABSENCES

Employee absences are reported through a time and attendance reporting system. Supervisors ensure appropriate documentation and use of leave and take action, as needed, if an employee does not accurately report his or her absences. [See DMAA(LOCAL)]

FAMILY AND MEDICAL
LEAVE

Eligible conditions

For purposes of the Family and Medical Leave Act (FMLA), the following eligible conditions apply.

1. For the birth of a son or daughter, and to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption or foster care. [For the rules regarding leave for, "adoption" and "foster care," see 29 C.F.R. 825.121];
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job;
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status); and
6. To care for a covered servicemember with a serious injury or illness incurred in the line of duty if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.

IMMEDIATE FAMILY

For purposes of this policy, "immediate family" is defined as a dependent son or daughter, including a biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis who is under the age of 18, or someone 18 years or older who is incapable of self-care because of a mental or physical disability; and Spouse.

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.

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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.
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 carried over from prior years plus leave currently available. Any unapproved absences or absences beyond available paid leave shall result in deductions from the employee's pay. An employee's final paycheck shall be reduced for paid leave the employee used, but had not earned, as of the date of separation.
LEAVE PRORATION	Paid leave shall be prorated based on the actual time employed within an academic year.
ORDER OF USE	Earned compensatory time shall be used before any available paid leave. [See DEA] Use of sick leave bank shall be permitted only after all available local leave has been exhausted. When an absent employee is eligible for FMLA leave, the College District shall designate the absence as FMLA leave.
CONCURRENT USE OF 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.
SICK LEAVE	Full-time employees shall earn eight hours of paid sick leave per month in accordance with administrative regulations. Sick leave shall accumulate to a maximum of 720 hours.

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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 (see authorized eligible conditions outlined in FMLA above)
3. Up to three days (24 hours) of accrued sick leave may be used each fiscal year for medical or dental appointments or to help care for an extended family member who is ill. Extended family members include parents, grandparents, adult children, grandchildren, siblings and in-laws, step and foster relationships of the preceding.
4. Family emergency.
5. Birth or placement of a child when taken within the first year after the child's birth, adoption, or foster placement.
6. Contribution to the sick leave bank.

SICK LEAVE BANK

The College District shall establish a sick leave bank to which all full-time employees may contribute up to 24 hours of earned but unused sick leave per year.

A full-time employee 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 District President or designee shall develop regulations for the operation of the sick leave bank that address the following:

1. Procedures to request leave from the sick leave bank;
2. The maximum number of days per academic year a member employee may receive from the sick leave bank;
3. The administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
4. 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).

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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 be measured forward from the date an individual employee's first FMLA leave begins.

COMBINED LEAVE
FOR SPOUSES

If both spouses are employed by the College District, the College District provides a combined total of 12 weeks (in any combination) of FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition. 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 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 employees shall earn 24 hours of paid leave each fiscal year to conduct personal business in accordance with administrative regulations. Personal leave shall be noncumulative.

REQUEST FOR
PERSONAL LEAVE

The employee shall submit a request for use of personal leave in advance in accordance with leave of absence procedures and guidelines. 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

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All full-time, 12-month staff and administrative employees shall earn paid vacation in accordance with the schedule published in administrative regulations.

Upon successful completion of the new employee 90-day (calendar day) probationary period, eligible employees shall receive vacation credit retroactive to the original service date, in accordance with the published vacation plan. Employees who terminate employment prior to completion of the new employee probationary period shall have no accrued vacation credit.

Use of vacation leave shall not exceed 15 consecutive workdays.

Carryover of earned but unused vacation hours shall be permitted within the guidelines established by the District President.

Employees beyond the initial 90-day probationary period, who terminate eligible employment with the College District, shall be paid for the current fiscal year's earned but unused vacation hours and up to a maximum of 80 hours of earned but unused carryover vacation hours from prior fiscal years.

REQUEST FOR
VACATION LEAVE

The employee shall submit a request for use of vacation leave in advance in accordance with leave of absence procedures and guidelines. 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.

SABBATICAL LEAVE

Sabbatical leaves are available to provide College employees with a significant opportunity for professional growth. Sabbatical leaves are granted based on a review and recommendation by the sabbatical committee in response to the published priorities for the year, with subsequent review, recommendation, and consideration by the executive vice president, District President, and the Board. Sabbatical leaves are not granted on the basis of longevity and are not an entitlement.

Sabbatical leave may be granted, upon application, for study, research, writing, field observations, or other suitable purposes such as completing a degree, improving skills, and maintaining currency in the employee's discipline or field.

Eligible employees [see definition at DEC(LEGAL) DEVELOPMENT LEAVES OF ABSENCE] may apply for a sabbatical upon completion of five years of continuous full-time service. Six years of continuous full-time service must be completed before a sabbatical can commence.

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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. Failure to return for all or part of the one- (1) year period will make the person liable for the return of all, or part, of the sabbatical stipend in proportion to the percent of time not completed.

An otherwise eligible employee who has received a sabbatical leave within the past five years, whose position is funded by an external grant or contract, or who is in his or her last year of full-time employment with the College is ineligible for sabbatical leave.

The vice president of human resources and the chair of the sabbatical leave committee are available to answer questions concerning the sabbatical leave policy and procedures.

BEREAVEMENT LEAVE

A full-time benefits-eligible employee shall be granted up to 40 hours of paid bereavement leave upon the death of an employee's spouse, child, parent, or other person who occupies a position of similar importance in the employee's family in accordance with administrative regulations.

A full-time benefits-eligible employee shall be granted up to 24 hours of paid bereavement leave upon the death of other family members of the employee to include siblings, grandparents, grandchildren, parents-in-law, and siblings-in-law, or other person who occupies a position of similar importance in the employee's family in accordance with administrative regulations, including an employee's step and foster relationships of the above.

Bereavement leave shall be noncumulative.

CRITICAL ILLNESS
LEAVE

DEFINITION

"Critical illness" is defined as a life-threatening condition.

BENEFIT

A full-time employee shall be granted up to 24 hours of paid critical illness leave for absences associated with the critical illness of an immediate family member or other family members of the employee to include siblings, grandparents, grandchildren, parents-in-law, and siblings-in-law, or other person who occupies a position of similar importance in the employee's family, in accordance with administrative regulations.

Critical illness leave shall be noncumulative.

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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.

EXTRAORDINARY
CIRCUMSTANCES

Up to 40 hours of leave without pay may be granted to an employee for extraordinary circumstances that cannot be addressed within the paid leave benefits provided by the College District, in accordance with administrative procedures and guidelines for faculty and staff. An employee who has been employed more than 12 months may request leave without pay of up to 720 hours after he or she has exhausted all eligible leave, including paid, unpaid, and FMLA leave for his or her own serious health condition or that of an immediate family member, to include the spouse or dependent child(ren) of the employee. Upon return from the leave of absence, the employee will be eligible for the same or similar position, upon release from his or her physician, if applicable, consistent with the College District's procedures and guidelines for faculty and staff.

EMPLOYEES NOT
ELIGIBLE FOR FMLA

A full-time employee who has not yet worked the required 12 months and 1250 hours to qualify for FMLA leave may take a maximum of 160 hours of leave without pay for his or her own serious health condition or for the serious health condition of the employee's spouse and dependent children of the employee.

EXPIRATION OF
AVAILABLE LEAVE AND
ATTENDANCE POLICY

When an employee is close to using all earned paid and unpaid approved leave, the College will send a letter to the employee at the home address on file explaining that his or her leave is almost exhausted and the notification requirements for returning to work. If the employee's absence is due to his or her own medical condition, the employee must present a written medical clearance form, a health-care professional who verifies the employee is able to perform the essential functions of his or her position, and a description of any requested job-related accommodations provided by the deadline to the College District.

[See DMAA]

If an employee is not medically released to return to work, with or without reasonable accommodations, when all available paid and

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unpaid leave has been exhausted, the employee's employment with the College District will end, absent a request by the employee for a reasonable accommodation. Communications with the employee shall be consistent with administrative procedures and guidelines.

VOTING IN PUBLIC
ELECTIONS

An employee is expected to vote before or after his or her scheduled working hours unless voting at a polling location on a College campus. In the rare instance that this is not possible, the employee may request prior approval from his or her supervisor for time off, not to exceed two hours, to vote.

COURT
APPEARANCES

Absences due to compliance with a valid subpoena for College District-related business 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.

Absences due to compliance with a valid subpoena for personal business shall be deducted from the employee's personal leave or vacation leave or result in loss of pay at the employee's daily rate for each day of work missed.

OTHER ABSENCES
AND LEAVE WITHOUT
PAY

Any other absences or granted leaves of absence will result in an appropriate deduction from pay or deduction from eligible leave balances, consistent with the College District's procedures and guidelines for faculty and staff.