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 District President or designee will develop procedures associated with employee leaves and absences and ensure the procedures are used to implement the provisions of this policy.

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

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
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 service member.

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 a spouse.

**Family Emergency**

The term “family emergency” will 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 will mean the number of hours per day equivalent to the employee’s usual assignment.

**Academic Year**

An “academic year” as used in this policy will mean the term of the employee's assignment during the College District's Academic Calendar adopted by the Board each year. For purposes of an employee's entitlement to FMLA leave, the 12-month period will be measured forward from the date an individual employee's first FMLA leave begins, regardless of the academic year.

**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. A catastrophic illness or injury is one that is expected to incapacitate the employee for an extended period of time (usually longer than five days) and that requires inpatient care in a hospital, hospice, or residential medical facility, or a regimen of continuing treatment of the employee by a health-care provider that requires absences from work for treatment. Catastrophic leave is only available for those employees who have exhausted all leave time earned by those employees. Such conditions typically require prolonged inpatient hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth will be considered catastrophic if they meet the requirements of this paragraph. The College District may require a second or third medical opinion, at its cost, to confirm that the illness or injury qualifies for catastrophic leave.

**Earning Leave**

An employee will not earn any form of paid leave when the employee is in unpaid status. An employee using full or proportionate paid leave will be considered to be in paid status.

**Deductions**

The College District will 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 will result in deductions from the employee’s pay. An employee’s final paycheck will be reduced for paid leave the employee used, but had not earned, as of the date of separation.
Leave Proration

Paid leave will be prorated based on the actual time employed within an academic year.

Medical Certification

An employee will 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; or

2. The College District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or District 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 will be made by a healthcare provider as defined by the FMLA. [See DECA(LEGAL)]

Order of Use

For leave approved under this policy, the College District adopts the following order of use:

1. Earned compensatory time will be used before any available paid leave. [See DEA]

2. Use of leave under the sick leave bank will be permitted only after all available local or other leave has been exhausted.

3. When an employee is approved for FMLA leave, the College District will require the employee to use available paid leave, including, but not limited to, sick time, vacation time, or compensatory time.

Concurrent Use of Leave

When an absent employee is eligible for FMLA leave, the College District will designate the absence as FMLA leave.

The College District will 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 will be designated as FMLA leave.
Sick Leave

Each full-time employee will earn eight hours of paid sick leave per month in accordance with administrative procedures. Sick leave will accumulate to a maximum of 720 hours. Sick leave will 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 [see Immediate Family, above].
3. Up to three days (24 hours) of accrued sick leave 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, and 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 for Adjunct Faculty

The College District will offer paid sick leave to adjunct faculty members under this policy to provide pay continuity as a result of illness-related absences of the adjunct faculty member. Adjunct faculty are eligible to receive the equivalent of one week of paid sick leave per course each semester they are employed. Adjunct faculty who have been diagnosed with COVID-19 are eligible for one additional week under this policy. Paid sick leave for adjunct faculty members is granted on a per-semester basis and does not accrue.

Sick Leave Bank

The College District will 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 as defined in this policy and has exhausted all paid leave and any applicable compensatory time.
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.

**Eligibility**

Only full-time benefits-eligible employees may apply for use of the sick leave bank.

Eligible employees may only draw from the sick leave bank for a single diagnosis code for a period not to exceed the maximum allowable hours consistent with plan operating procedures.

The District President or designee will develop procedures 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**

An employee may appeal a decision regarding the sick leave bank in accordance with DGBA(LOCAL).

**Family and Medical Leave**

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

**Twelve-Month Period**

**Combined Leave for Spouses**

When 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 will limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)]

**Intermittent or Reduced Schedule Leave**

The College District will 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**

When an employee requests leave, the employee will provide certification, in accordance with required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]
In accordance with administrative procedures, when an employee takes FMLA leave due to the employee’s own serious health condition, the employee will 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 will provide a list of essential job functions to the employee, with the FMLA designation notice.

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]

Each employee who has been employed in a benefits-eligible position for at least 12 months is eligible to use ten days of paid parental leave at the time of the birth or adoption of a child. Parental leave must be coordinated with the employee’s concurrent leave under the FMLA and is available for use from the time of birth or placement of the child only. Parental leave must be used while the employee is on the related FMLA leave and does not accrue or remain available for use at a later date. Adjunct faculty, part-time employees, and employees on leave without pay status are not eligible for paid parental leave as outlined in this policy but may be eligible for unpaid FMLA leave.

Each full-time employee will earn 24 hours of paid leave each fiscal year to conduct personal business in accordance with administrative regulations. Personal leave will be noncumulative.

The employee will 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 will not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee will, however, consider the effect of the employee’s absence on the educational program or College District operations.

Each full-time, 12-month staff and administrative employees will earn paid vacation in accordance with the schedule published in administrative procedures. Upon successful completion of the new employee 90-day (calendar day) probationary period, each eligible employee will 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 will have no accrued vacation credit.
Use of vacation leave will not exceed 15 consecutive workdays.

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

If sufficient funds are available in the Board-approved budget or from other appropriate funding sources, the District President may authorize a payment of up to 160 hours of an employee’s earned but unused vacation leave hours. This payment would be in lieu of time off when an employee is not permitted or able to take requested vacation leave due to workload, special projects, or critical needs of the college, as designated by the District President.

If sufficient funds are not available, the request must be submitted to the Board for consideration to allocate the needed funds from appropriate reserve accounts.

An annual report of any authorized payments to employees under this sub-section of the policy will be presented to the Board as an information item following the fiscal year end.

Employees beyond the initial 90-day probationary period, who terminate eligible employment with the College District, will 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.

The employee will 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 will consider the effect of the employee’s absence on the educational program or College District operations.

Sabbatical leaves are available to provide College District 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, seniority 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 or otherwise as specified in administrative procedures.
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.

The leave will 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-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 District is ineligible for sabbatical leave.

The chief human resources officer 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 will 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 will 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 will be noncumulative.

**Critical Illness Leave**

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

- **Benefit**
  A full-time employee will 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 will be noncumulative.

**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 will be designated as FMLA leave.

**No Paid Leave Offset**

The College District will not permit the option of a worker eligible for paid leave offset in conjunction with 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 Leave**

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 District 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 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 will 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 District 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 will be fully compensated by the College District and will not be deducted from the employee’s pay or leave balance.

Absences due to compliance with a valid subpoena for personal business will 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.