

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

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| COMPREHENSIVE LEAVE PROGRAM | The Board shall provide a comprehensive program of leave for full-time employees of the College District. |
| ACCRUAL OF LEAVE | Leave hours shall accrue on the last day of each month. An employee shall work or be in a paid status through the last day of the month in order to earn leave hours for that month. Newly hired employees shall work on or before the last day of the month of hire in order to earn leave hours for that month. |
| 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 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 DMAA(LOCAL). |
| FAMILY AND MEDICAL LEAVE | For purposes of the Family and Medical Leave Act (FMLA), the following definitions shall apply. |
| DEFINITIONS | |
| CHILD | A child is defined as a biological, adopted, or foster son or daughter, a stepchild, a legal ward who is under age 18, or someone 18 years or older who is incapable of self-care because of a mental or physical disability. |
| SPOUSE | A spouse is defined as a husband or wife of the employee. |
| PARENT | A parent is defined as either a biological parent or an individual who stands or stood "in loco parentis" to an employee when the employee was a child. In-laws are not considered parents for these purposes. |
| HEALTH-CARE PROVIDER | A health-care provider is: <ol style="list-style-type: none">1. A doctor of medicine or osteopathy who is state authorized to practice medicine or surgery.2. Any other person determined by the Department of Labor to be capable of providing "health-related service", such as licensed dentists, clinical psychologists, optometrists, chiropractors, nurse-midwives, and "listed" Christian Science practitioners. |
| 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. |
| CONCURRENT USE OF LEAVE | The College District shall require employees to use FMLA leave concurrently with all applicable paid leave and temporary disability leave, when applicable. Additionally, the employee shall be re- |

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quired to use all leave available under the particular circumstance and in the order determined by this policy. All family and medical leave-eligible absences beyond available paid leave shall be without pay.

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| 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 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] |
| WORKERS' COMPENSATION | An employee absent because of a job-related injury or illness shall be assigned to family and medical leave, if applicable. The employee shall inform the appropriate administrator whether he or she chooses to use available paid leave while receiving workers' compensation benefits. |
| SICK LEAVE | Sick leave shall be used only for absences because of: <ol style="list-style-type: none">1. Illness or medical or dental appointments of the employee, or2. Illness or medical or dental appointments of the employee's immediate family, which is defined for the purposes of this policy as the spouse or dependent child(ren) of the employee, when it is necessary for the employee to care for the ill spouse or dependent child(ren). |

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Up to a maximum of three days (24 hours) per fiscal year of accrued sick leave, as defined above, may be used for the illness or medical or dental appointments of extended family members, which includes mother, father, adult children, grandmother, grandfather, grandchildren, sister, brother, and in-laws. Step and foster relationships of the above are included in the definition of extended family members. An example of the application of the three-day/24-hour extended family maximum is as follows: An employee who has at least 24 available hours of accrued sick leave and has not used any leave for extended family members during the fiscal year may use four hours of sick leave to take his or her grandchild to the doctor and still have a balance of 20 hours of total accrued sick leave accrual available to assist any other eligible extended family members during that fiscal year.

Employees who have been continuously employed for at least 12 months in a benefits-eligible position may use up to six weeks (240 hours) of earned sick leave upon the adoption of a child.

An employee who has been continuously employed for at least 12 months in a benefits-eligible position, and who is otherwise not qualified to use sick leave, may use up to six weeks (240 hours) of earned sick leave upon the birth of his/her own biological child.

Information regarding the documentation required for use of sick leave for extended family members is available on the human resources Web site under "Procedures and Guidelines."

Unused sick leave is not payable at termination, resignation, or retirement.

ILLNESS /
UNSCHEDULED
ABSENCES

In the event of illness or any other unscheduled absence, the employee shall contact the supervisor at the beginning of the illness or event and advise the supervisor of the circumstances and the anticipated length of the absence. If the employee cannot return to work on the date indicated, the employee shall contact the supervisor and follow up in writing with a revised anticipated date of return. An employee who is absent from work without approval and who does not call his or her supervisor or report to work for three consecutive days shall be recommended for termination from his or her position with the College District for "job abandonment."

The requirements set out herein shall not be waived by any supervisor.

ABSENCE REPORTING

The employee shall document the absence in the College District's time and attendance system on the day of return from leave.

If the employee establishes a pattern of absences, the employee's supervisor may inquire as to the necessity of such absences.

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Such absences may be subject to medical verification at any time, and related expenses shall be paid by the employee.

An employee absent from work for a period of time greater than five working days, or following any period of hospitalization, shall submit a medical release in order to return to work. The release shall be submitted to the employee's supervisor and the human resources office on or before the employee's return to work. If the release contains work restrictions or limitations, a review of those limitations shall be conducted to determine if they can be accommodated.

PERSONAL LEAVE

All full-time, benefits-eligible employees shall be allowed up to eight hours of personal leave each fiscal year to conduct personal business that cannot be handled outside of normal business hours. One unused personal day may be carried over for a maximum accumulation of two personal days (16 hours). This leave is not reimbursable if unused or upon termination from employment with the College District.

SABBATICAL LEAVE
POLICY AND
GUIDELINES

Sabbatical leaves are authorized for the primary purpose of increasing the value of the recipient's sustained contribution to the College District by providing the individual a significant opportunity for professional growth. The leaves are not to be understood as deferred compensation nor are they to be anticipated simply on the basis of longevity with the College District. No independent right exists for sabbatical leave.

Sabbatical leave may be granted, upon application, for study, research, writing, field observations, or other suitable purposes. Opportunities for additional training, for improving skills, and for maintaining currency in the field are understood to be included as a purpose of sabbatical leave.

Eligible employees 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.

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 shall be ineligible for sabbatical leave.

Specific questions concerning eligibility for sabbatical leave shall be referred to the vice president of organizational effectiveness and human resources or the chair of the sabbatical leave committee.

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BEREAVEMENT /
CRITICAL ILLNESS

Upon employment, all full-time, benefits-eligible employees shall be allowed up to three consecutive days of leave with pay for each death in their immediate family. "Immediate family," for this policy, is defined as the employee's spouse, mother, father, sister, brother, children, grandparents, grandchildren, mother-in-law, father-in-law, sister-in-law, brother-in-law, or other person who occupies a similar position/role/standing in the family of the employee. An employee's step and foster relationships with the above are included in the definition of "immediate family." An additional two days of extended bereavement leave shall be available to an employee upon the death of an employee's spouse, child, parent, or other person who occupies a position of similar significance in the family of the employee.

Employees may take up to three additional consecutive days of paid leave per fiscal year per covered family member for the critical illness of the family members listed above.

Questions regarding eligibility shall be directed to the human resources office.

JURY DUTY AND
COURT
APPEARANCES

Any employee called to serve on a jury in any legal proceedings shall be paid his or her regular salary/wages subject to the provisions outlined below. An employee called for jury duty shall immediately report such notice to his or her supervisor and submit a leave form upon return from service. A copy of the jury summons and/or a verification of jury service from the court must be attached. The employee may retain the fees paid by the courts.

An employee required to serve as a witness shall be excused from work with either a loss of pay or accrued eligible leave time if:

1. The employee is a party to the case, unless the employee is made a party defendant by virtue of his or her official position with the College District;
2. The employee is appearing as an expert witness for compensation;
3. The employee is receiving compensation for his or her appearance other than the normal witness fee paid by the court; or
4. The employee's appearance is directly related to his or her outside employment or business activities or any former business or occupation.

An employee appearing in his or her official capacity with the College District shall be excused from work with pay and without a loss of leave time.

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Service as a witness that does not meet the criteria listed above must be provided outside of assigned working hours or must be charged against the employee's available vacation or personal leave.

An employee serving as a witness under conditions that meet the criteria listed above shall be entitled to accept the customary witness fee paid by the court, except when appearing in his or her official capacity with the College District. Additionally, the employee may accept mileage or per diem allowances paid while serving as a witness. In no instance shall the employee receive dual reimbursement for expenses.

An employee serving as a witness outside of his or her assigned working hours, while using available vacation or personal leave, or while on leave without pay shall be entitled to accept compensation provided the appearance in court does not create a conflict of interest with the employee's service to the College District.

An employee shall be paid his or her regular salary/wages for any travel time to and from jury duty provided the travel occurs during the employee's regular work hours. Travel to and from other covered court appearances shall also be paid during the employee's regular work hours unless it involves overnight or extended travel.

VOTING IN PUBLIC
ELECTIONS

An employee is expected to vote before or after working hours unless voting at a polling location on 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.

SICK LEAVE POOL

The sick leave pool (SLP) is available to full-time, benefits-eligible employees who suffer a serious injury or illness.

A serious injury or illness is defined as a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all eligible paid leave time earned by that employee and to lose compensation from the College District.

"Eligible employee" is defined as any benefits-eligible, full-time (40 hours per week) employee who has completed 90 days of eligible employment before applying for SLP hours.

"Sick leave pool" is defined as a collection of the employee's donated sick leave hours available to a benefits-eligible employee after exhausting all other sick leave, personal leave, and vacation time available to that employee. The hours that may be used from

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the SLP for each occurrence by each employee will vary according to established SLP guidelines.

Employees shall exhaust all eligible paid leave before they are eligible to use leave from the SLP.

Contributions to the SLP are strictly voluntary and confidential. Active employees may contribute a maximum of three days of sick leave to the pool each fiscal year in full-day increments equivalent to eight hours. Contributions may be made at designated times during the fall and spring semesters.

ADMINISTRATIVE
LEAVE

The District President may place any employee on administrative leave at his or her discretion as follows:

1. Pending the investigation of a complaint for allegation of wrongdoing against the employee; or
2. When the District President determines such placement to be in the best interest of the College District and/or the employees.

OTHER ABSENCES

Any other absences or granted leaves shall 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.

EXPIRATION OF
AVAILABLE LEAVE AND
ATTENDANCE POLICY

When an employee is close to exhausting all paid and unpaid approved leave, the College District shall send written notice to the employee's last known home address explaining that his or her leave is almost exhausted and that the employee has five work-days to apply for any other leave for which he or she may be eligible or to notify the College District in writing that the employee is ready, willing, and able to return to work. If the employee's absence is due to his or her own medical condition, his or her return-to-work written notice shall be valid only if accompanied by a medical clearance from a health-care professional that verifies the employee is able to perform the essential functions of his or her position, and includes a description of any requested accommodations, if necessary.

A contract employee's failure to apply for and receive approval for additional leave or failure to report and document his or her availability and fitness to return to work within the time frame set forth above shall be deemed as repeated and continued neglect of duties. Such employee shall resign or be subject to termination.
[See DMAA]

An at-will employee's failure to apply for and receive approval for additional leave or failure to report and document his or her availa-

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bility and fitness to return to work within the time frame set forth above shall be deemed to have resigned his or her position with the College District, effective on the last day of approved leave.