



REGULATIONS

REG No.: 851

LEAVES AND ABSENCES, VACATIONS AND HOLIDAYS

I. BACKGROUND AND/OR LEGAL REFERENCE

TASB Policy Manual, Compensation and Benefits: Leaves and Absences, 3-7-94; DED, Compensation and Benefits: Vacations and Holidays, 5-30-86.

II. POLICY

A. Leave Categories

Absence from the campus without loss of pay is permitted as follows:

1. Approved sick leave.
2. Attendance at professional meetings or in official representation of the College when approved by appropriate department chairman and dean or vice-president.
3. In fulfillment of citizenship duties such as court appearance, jury duty, or subpoena.
4. Noncumulative Personal Leave. All full-time employees are eligible for two days of personal leave per year. Requests for absence for personal leave must be submitted in advance to employee's supervisor for approval. Approval may be contingent upon the ability of the employee to arrange for colleagues to assume his/her responsibilities during the time leave is requested. For contract employees, after the employee returns from the leave, he/she must complete the appropriate absence form and forward it to his/her supervisor. The employee's supervisor shall then review the form for accuracy, sign it, and send it to the Office of Payroll and Benefits. For an employee turning in a time sheet, the employee shall note the absence on the time sheet and then submit it to his/her supervisor for approval and submission to the Office of Payroll and Benefits.

B. Personal Leave Without Pay

1. In the event that the employee finds it necessary to be absent from the job because of an emergency that is not covered by sick leave, and the employee's two days of personal leave with pay have already been taken for the year, the employee may request personal leave without pay. Requests for personal leave without pay must be submitted in advance to the employee's supervisor for approval. Approval may be contingent upon the ability of the employee to arrange for colleagues to assume his/her responsibilities during the time leave is requested. For contract employees, after the employee returns from the leave, he/she must complete the appropriate absence form and forward it to his/her supervisor. The employee's supervisor shall then review the form for accuracy, sign it, and send it to the Office of Payroll and Benefits. For an employee turning in a time sheet, the employee shall note the absence on the time sheet and then submit it to his/her supervisor for approval and submission to the Office of Payroll and Benefits.

2. Unauthorized absences from duty shall result in loss of pay and shall constitute a breach of employment agreement that may lead to dismissal or nonrenewal of employment.
3. When an instructor must be absent for a period of time not exceeding a week, his or her colleagues will substitute without compensation or some other arrangement must be approved in advance by the appropriate division chair with notice to the Vice-President of Instruction. When a colleague substitutes in a given class in excess of a week, the substituting colleague will be compensated for the extra class meetings at the rate approved by the Board. [See Reg 855, Substitute Pay for Faculty.]

C. Local Sick Leave

1. Sick leave for full-time instructional and administrative employees is accrued at the rate of one and one-half days per contract month. Full-time instructional and administrative employees are defined as those individuals who are employed as full-time workers in programs of instruction or administration. [See Reg 911, Categories of College Employees.]
2. Newly employed individuals eligible under the foregoing stipulations are credited with five days sick leave upon the assumption of their duties. These five days are to be part of the maximum total of 13½ sick leave days for a nine-month employee and 18 sick leave days for a 12-month employee, which can be accumulated in the first nine or 12-month employment period.
3. Sick leave may be accumulated to a maximum of 60 workdays.
4. Sick leave for full-time support personnel is accrued at the rate of one and one-half days per month of service. Sick leave may be accumulated to a maximum of 60 workdays. New full-time support personnel may not use sick leave until it is accrued.
5. In the event that a faculty member resigns or is nonrenewed and is then reemployed by the District within two years, he or she shall retain the amount of sick leave accumulated prior to his or her resignation.
6. All absences due to illness shall be reported to one's immediate supervisor. To be granted sick leave, the employee must submit a statement that he or she was ill and unable to be on the job due to the illness. Normally, a doctor's statement will not be required unless the employee is absent for more than five consecutive workdays but the College reserves the right at anytime to request a physician's statement that sick leave was necessary. Sick leave days that are unsubstantiated by a physician's statement, if requested, will be construed as a unapproved absence and the employee's salary will be adjusted. Sick leave will not be granted after the last day of employment.

D. Use of Leave

1. Sick leave may be used for emergencies in the immediate family of the employee or of the employee's spouse (i.e., spouse, child, parent, brother, sister, grandparent, or grandchild) and will be charged at the rate of one day of sick leave for each day of absence.
2. Absences due to one's pregnancy shall be treated in the same manner as absences due to sickness. Sick leave for pregnancy shall continue only as long as a medical doctor certifies that the physical disability exists.

E. Bereavement Leave

Full-time employees are allowed up to four days of bereavement leave with pay per fiscal year as a result of a death in the immediate family of the employee or of the employee's spouse, including a spouse, child, parent, brother, sister, grandparent, or grandchild. Additional days of bereavement leave may be charged against

accumulated sick leave days if approved by the employee's supervisor.

F. Family and Medical Leave Act of 1993

1. The Family and Medical Leave Act (FMLA) requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if the employer has at least 50 employees within 75 miles.

Unpaid leave must be granted for any of the following reasons:

- a. to care for the employee's child after birth, or placement of a child for adoption or foster care;
 - b. to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or,
 - c. for a serious health condition that makes the employee unable to perform the employee's job.
2. An employee may take family and medical leave as defined above under the following conditions:
 - a. An employee may take leave for the purpose as stated in F.1.a., above, but the leave must be completed within 12 months of the birth, adoption, or foster placement. Leave for FMLA cannot exceed 12 working weeks per year, and the "leave year" for FMLA at the College is September 1 through August 31.
 - b. The employee is required to first use any vacation leave, personal leave, or accumulated sick leave to which the employee is entitled before taking a leave without pay under FMLA. If additional personal leave is required for the purposes stated above, it may be taken without pay. In no case, however, shall the combined leave with pay and leave without pay exceed 12 working weeks during the "leave" year.
 - c. At the discretion of the employee's supervisor, the employee may be asked to submit a certification of health completed by a health care provider to support a requested medical leave. The certification must be returned within 30 days. If not returned, the leave may be denied. The request by the employee's supervisor should be submitted within two business days after the employee has informed him/her of the request, and prior to the start of the leave if the leave is foreseen and requested prior to the beginning of the leave. If the leave is not foreseen, the employee's supervisor must submit the request within 30 days. For additional information and the required FMLA forms, the employee should see the Director of Payroll and Benefits and request copies of "Employer Response to Employee (Family and Medical Leave Act of 1993)" and "Certification of Health Care Provider (Family and Medical Leave Act of 1993)", if needed.
 - d. The taking of leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. Health insurance will be maintained during the leave, provided that the premiums due on the health insurance are paid by the employee no later than 30 days from the due date; otherwise, the benefit may be cancelled.
 - e. The District may require periodic status reports from or on behalf of the employee.
 - f. In the event that the District employs both spouses, only 12 total weeks of leave shall be given for the birth of a child, or for the adoption or foster placement of a child, or for a sick parent.
 - g. FMLA-eligible employees who have exhausted all paid and FMLA leave may be eligible for up to a maximum of 600 additional hours of unpaid leave for the employee's own serious health condition as defined in this policy. At the discretion of the President of the College, such leave may be granted, but only on a case-by-case basis. During this extended leave, the employee must comply with the FMLA

rules relevant to his/her particular situation, including responsibility for all timely payments of premiums for any insurance covered by the statute. At the end of this period, if the employee does not return from the unpaid leave, it will be deemed that the employee has resigned from the position.

G. Compensatory Leave

Certain programs and job assignments require staffing during periods of time that are official college holidays. In those instances where it is necessary to require staff to be on the job during official College holidays, compensation will be granted by way of equal time off during the regular work period, either prior to or after the holiday. Prior authorization for staffing during holiday periods will be determined by the appropriate dean or office supervisor. Compensatory leave may be accrued and taken during the summer months (between the date of commencement and the date of the first faculty meeting of the fall semester) or any other time agreed to by the employee and the appropriate dean or office supervisor. When compensatory leave is taken in conjunction with regular vacation, the combined period may not exceed two weeks. [See Regulation 464, Overtime Authorization for Support Staff.]

H. Workers' Compensation

1. Employees may use any local sick leave and other leave benefits to which they are entitled under this policy while they are recovering from a job-related injury and receiving workers' compensation benefits.
2. Effective September 1, 1996, the combined payments to the employee from the college and from workers' compensation may not exceed 100% of the employee's base salary; that is, if the employee is receiving an amount equivalent to 60% of his or her salary from workers' compensation, salary payment from the college to the employee using accrued leave is reduced to 40% of base salary. If the employee elects to take paid sick leave while receiving workers' compensation, the sick leave taken is charged as one-third days (that is, workers' compensation pays two-thirds of the employee's salary, the college pays one-third of the employee's salary, and sick leave is charged at one-third day for each day of sick leave). [Item II.H.2 approved as college policy by the Board of Trustees on April 17, 1996; and then later revised and approved by the Board of Trustees on May 15, 1996.]
3. Procedures Regarding Return/Nonreturn after Injury
 - a. In the event an injured employee is unable to return to work after an absence of six months, the position may be filled with a permanent employee.
 - b. An injured employee who asks to return to work must have certification from a private healthcare practitioner as well as a healthcare practitioner designated by the college that the employee is capable of returning to his or her regular assigned duties on a full-time basis.
 - c. In the event the injured employee is not able to return to work until after a six-month period, and his or her position has been filled, the injured employee will return to work only if a suitable position is available and at a salary commensurate with the available position as recommended by the President. If a position is not available in the injured employee's discipline or job classification, the injured employee will be given first consideration for any position for which he or she is qualified when such a position becomes available.

(POLICY APPROVAL: 5-24-93; rev. 12-18-96, rev. 7-13-04)

I. Vacations

Only full-time employees working 40-hour work weeks during a 12-month period shall be entitled to paid vacations. Only one day of vacation time (i.e., 8 hours) is accrued per month, but vacation privileges for the

current year are available as of September 1 or on date of hire. Vacations may be taken only upon the advanced approval of the employee's supervisor and must be completed by November 30 of each year. After this date, any unused vacation time for the current year will be forfeited. Beginning September 1, 2004, vacations must be completed by August 31 of each year. After this date, any unused vacation time for the current year will be forfeited.

Accrued vacation time shall be paid if the employee resigns or is terminated. If an employee uses vacation time before it is accrued, and then resigns or is terminated, an adjustment will be made to his/her paycheck to recover any wages paid for unearned vacation time. The President of the College shall have the discretion, on a case-by-case basis, to extend the time during which vacation time can be carried forward and used, or to authorize payment for unused accrued vacation.

J. Other Absences

The President of the College shall have the discretion to approve and classify any absences not covered by the policies stated above.

(POLICY APPROVAL: 5-30-86; rev. 7-13-04)

CK/BAM
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