

## **AP 7340 Leaves**

Reference:

Education Code Sections 87763 et seq.; 88190 et seq.;

Labor Code Section 234, 245 and 246 et seq.

### **ALL REPRESENTED AND CONFIDENTIAL EMPLOYEES**

Please refer to the agreement between the bargaining unit/meet and confer group and the District addressing leaves.

### **PROVISIONS FOR UNREPRESENTED (SHORT-TERM AND COLLEGE ASSISTANT) EMPLOYEES**

Per Labor Code 246, employees hired in a non-bargaining unit position, who work 30 days or more within a fiscal year from commencement of employment, will earn a minimum of one hour of paid sick leave for every 30 hours worked. Unrepresented employees will be limited to a maximum of 24 hours of paid sick leave used per plan year and can carryover a maximum of 48 hours from one plan year to the next plan year.

Unrepresented employees will be paid at the current rate of pay for any sick leave usage and may access their leave accruals on My Canyons. CalPERS retired annuitants are not eligible for this benefit.

***Unrepresented employees may use their paid sick leave for the following:***

Family members include the employee's parent, child, spouse, registered domestic partner, grandparent, grandchild, and sibling. Preventive care would include annual physicals and/or flu shots.

- for you or a family member for preventive care or care of an existing health condition or,
- for specified purposes if you are a victim of domestic violence, sexual assault or stalking.

### **PROVISIONS FOR ALL ADMINISTRATORS**

Administrators are exempt employees and as such the time worked beyond a traditional 8 hour day or 40 hour work week is not eligible for overtime. To that end, the following procedures apply:

- Partial day leave slips will not be accepted.
- Administrators are expected to work a minimum of 40 hours per week.

- Since some workdays may be significantly longer than 8 hours, other workdays may be shorter than 8 hours without a leave slip being needed.
- If the administrator volunteers or is asked to work a weekend function (e.g. Saturday) **instead of** a regularly assigned day (e.g. Friday), prior approval must be obtained from the administrator's supervisor.
- Excessive full and partial day absences will be addressed by each administrator's immediate supervisor.

## LEAVE REQUESTS

It is the responsibility of the requesting administrator to check their leave balances and verify they have sufficient and appropriate accrued leave for the request they are submitting, prior to submitting the request for consideration. The approving administrator must also verify that the administrative employee has a sufficient amount of the appropriate leave available before approving their request.

## VACATION ACCRUAL

As stated in the administrator contract, administrators shall accrue vacation at full pay based on the accrual schedule below, as well as four (4\*) days of non-accumulative discretionary leave, and one (1) additional day to be taken during the winter break (college closure). Administrator contracts may provide different vacation provisions, at the discretion of the Board of Trustees.

**\*The 4<sup>th</sup> discretionary day is being granted due to the elimination of Caesar Chavez day from the Classified/Administrative Holiday Calendar. It should be noted that Classified unit members received 8 hours of compensatory time in lieu of Caesar Chavez Day.**

New administrators who begin employment with the district after July 1, 2011, will accrue vacation leave at the following rate for continuous service performed each calendar year:

Years of Service	Days of Vacation
In years 1 and 2	15
In years 3 and 4	20
In years 5+	22

If a Classified, Classified Confidential or existing Administrator moves to an Administrative position and already has a higher level of vacation benefit, that accrual rate would apply. District full-time faculty who become administrators will initially accrue vacation the same as a first year administrator. Administrators commencing employment prior to July

1, 2011 will maintain their accrual rate of twenty-two (22) vacation days per year.

## **VACATION**

Administrators will submit vacation, discretionary, or personal necessity time requests through the online leave system no later than ten (10) working days prior to the start of the proposed time off. Time off will be approved by the designated supervisor according to the needs of the district.

To ensure adequate planning, vacation leave **will not be permitted without prior approval**, unless it is an emergency. A vacation request also cannot be granted if there is insufficient vacation leave accrued. An exception could be made for the planning of a future vacation where the administrator will have accrued sufficient time by the time vacation would commence. When an Executive Cabinet member requests vacation, they will state who will cover their area(s) and the Executive Cabinet member backup, in the comments section of the leave slip.

A maximum of fifteen (15) days of unused vacation may be exchanged for cash compensation each fiscal year. The supervisor will be notified of the vacation cash out request by the employee. Requests beyond fifteen (15) days may be granted by the Chancellor or designee. Exception requests must be submitted in writing listing the reason for the request.

Occasionally, due to the responsibility associated with the position held, an administrator may need to contact a colleague or subordinate or be contacted by the college during a scheduled vacation. The administrator will keep a log of the time spent on such a work assignment to document the time spent. Should the work time required during a regularly scheduled vacation equate to a workday, it is the administrator's responsibility to submit a revision to their vacation request, with the work log attached, and have their vacation time adjusted to reflect the time worked.

Vacation time may be accumulated to a maximum of forty four (44) days. Exceptions to this limit may be made by the Chancellor or designee. In the event of termination, compensation for unused vacation shall be paid at the current rate of pay as provided for by law.

## **SICK LEAVE**

Administrators shall be entitled to twelve (12) sick days per fiscal year with full pay per Education Code Sections 87781 and 88191, or a prorated amount if the administrative assignment is less than 100%FTE. A maximum of twelve (12) sick days each fiscal year may be used for the purposes of personal necessity. Use of sick leave beyond the amount accrued will result in being placed in dock (non-paid) status for the days absent, unless the administrator qualifies to use extended illness leave.

Sick leave may be used for absence due to personal illness, injury or quarantine. Essential treatment, examinations for diagnostic purposes, and other absences definitely related to an employee's health may be allowed as sick leave.

For illnesses lasting less than one work week, the district may require a signed statement from your physician indicating the date of incapacity, length of absence, and ability to return to work. An employee who has been absent due to illness, injury or quarantine for more than one work week, shall submit to their supervisor and the Office of Human Resources a signed statement from a licensed physician indicating the date of incapacity, length of absence, and ability to return to work.

Each absence will be reported to the designated supervisor not later than one hour after the usual reporting time unless unusual circumstances exist. Administrators will keep their supervisors informed of the date of their expected return to duty.

## **EXTENDED ILLNESS LEAVE**

At the beginning of each fiscal year, Administrators shall be credited with either:

a) one hundred (100) work days of paid sick leave (classified administrator)

OR

b) five (5) months of paid sick leave (educational administrator)

such days to be compensated at 50% of the administrator's regular salary and designated as extended illness leave. Extended illness leave is not accumulated from year to year.

Extended illness leave shall be used only after accrued sick leave has been exhausted, and shall be exclusive of any other paid leave, holidays, or vacation time for which the administrator may be entitled. A physician's certificate indicating an illness or injury in excess of one work week, and anticipated date of return to work will be required. In order to obtain 100% of salary, administrators may use accrued vacation or discretionary leave. Unused extended illness leave is not accumulated from year to year. Unused extended illness leave will not be paid for upon separation from employment.

Following the 100-day extended illness leave described above, administrators may elect to utilize any remaining accrued vacation leave or accumulated leave time.

## **UNPAID ILLNESS LEAVE**

Administrators who have exhausted all of the benefits indicated above (all illness leave, including extended illness leave) may submit a written request to the District for unpaid illness leave. The request shall indicate the period for which leave is requested, the nature of the administrator's condition, and the date of anticipated return to duty.

Unpaid illness leave may be granted upon recommendation by the administrator's immediate supervisor, executive cabinet level administrator, and with the approval by the District for a period not to exceed six months from the date on which the administrator's paid leave resources were exhausted. The Board of Trustees may renew the leave of absence, paid or unpaid, for two additional six-month periods.

Vacation, illness or other leaves shall not be earned for any period during which an administrator is on an unpaid illness leave. Such leave shall not, however, be considered an interruption of service.

When unpaid illness leave is granted:

- The administrator may request to return to work at any time prior to the expiration of the leave.
- Prior to returning to work, a statement by the administrator's physician indicating their fitness to resume performance of regular duties shall be furnished to the District. The District reserves the right to require a fitness for duty exam prior to returning to work.

When an unpaid leave request from a classified administrator is not granted or when they are not able to return to work upon the expiration of any unpaid illness leave:

- They shall be separated from service to the District.
- They shall be placed on the reemployment list for a period of 39 months.
- A classified administrator, who has been placed on a reemployment list, and who has been medically released for return to duty, and who fails to accept an appropriate assignment, shall be dismissed.

When an unpaid leave request from an educational administrator is not granted or when they are not able to return to work upon the expiration of

any unpaid illness leave, they shall be separated from service to the District.

## **UNPAID LEAVE**

Board retains the power to grant leaves with or without pay for other purposes or for other periods of time.

## **INDUSTRIAL ACCIDENT OR ILLNESS**

The College is self-insured and all required provisions of the Education Code and the Labor Code pertaining to Workers' Compensation shall be met.

Leave of absence for accident or illness arising out of and in the course of employment shall be provided to administrative employees in accordance with provisions of the Education Code. Allowable leave for each industrial accident or illness shall not exceed 60 working days per fiscal year. When an industrial accident or illness crosses into the next fiscal year, the administrator shall be entitled to only the amount of unused leave due him/her for the same illness or injury.

An employee who sustains an injury or illness while working for the College is required to report the incident to his/her supervisor immediately so that he/she can file the required Supervisor's Report of Employee Injury form within 24 hours with the Office of Human Resources.

## **PERSONAL NECESSITY LEAVE**

Administrators may use up to 12 days of accumulated sick leave per fiscal year in cases of personal necessity, except for #5 below, for the following purposes:

1. Death of a member of the administrator's family, when leave is required beyond that provided by the Bereavement Leave Policy.
2. Attendance at the funeral of other relatives or close, personal friends of the employee.
3. Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any other order made with jurisdiction.
4. An illness or injury to a member of the employee's family, which is serious in nature and under the circumstances the employee cannot be expected to disregard, and which required the attention of the employee during his/her assigned hours of service.
5. Birth or adoption of a child. Per AB 1606 Baby Bonding leave allows a maximum of 30 days of accrued personal necessity leave due to the birth or adoption of a child, which must be taken within the first

- year of the child's birth or adoption.
6. Birth, adoption or becoming the legal guardian of a child for whom the administrator is a guardian or grandparent of the child.
  7. Imminent danger to the home of the employee when the danger requires the attention of the employee during his/her assigned hours of service. Such danger must be occasioned by flood, fire, earthquake, or be of other similar serious nature, and under the circumstances cannot reasonably be disregarded by the employee.
  8. Accidents involving his/her person or property or the property of his/her family, which is serious in nature and under the circumstances the employee cannot be expected to disregard, and which required the attention of the employee during his/her assigned hours of service.
  9. Personal business (not involving employment) which, by its nature, cannot be conducted before or after the working day.
  10. Participation in lawful meetings, activities or observances, where the employee conscientiously believes that his/her participation therein is necessary and requires his/her absence from duty. Such leave shall not be used to conduct business which is related to matters of employee/employer relations or employee organization business.

Please note that personal necessity leave may not be used for vacation or to extend a vacation.

The following limits and conditions are placed upon the use of sick leave for Personal Necessity Leave:

1. The days allowed shall be deducted from and may not exceed the number of full days' sick leave which the employee has earned in that fiscal year, up to 12 days maximum, unless approved by the Chancellor.
2. The request for personal necessity leave should be submitted in advance whenever possible. When using personal necessity leave, the online absence request form must list the reason for using personal necessity by indicating the number of the reason above.

#### **NIGHT DUTY ADMINISTRATORS**

For Administrators selected to participate in district night duty, the following unique responsibilities are required:

- Serve a required number of night duty and on-call assignments each fiscal year,
- Attend 40 hours of initial Incident Command Training,

- Attend ongoing monthly training, and
- Serve as part of the Incident Command Team during campus emergencies as required.

No compensation shall be paid for these additional responsibilities. However, Incident Command Team members performing night duty and on-call weekends will receive between 15 and 20 ICS Discretionary Days. The exact number of ICS discretionary days will be determined annually based on the number of shifts to be covered and rounded to the nearest whole number. The Deputy Chancellor or designee will communicate the number of ICS discretionary days to ICS team members and Payroll prior to the start of each fiscal year and will not be adjusted during the year. All ICS discretionary days earned due to participating in this program will be accrued in two equal accruals on July 1<sup>st</sup> and January 1<sup>st</sup> of each year and must be used within one year of each accrual date. If the Administrator leaves employment with the District prior to the end of the fiscal year, all unused ICS leave will be forfeited and any ICS leave used in advance of full accrual will be deducted from the Administrator's last paycheck.

#### **MATERNITY LEAVE**

1. Maternity leave shall be granted subject to the District receiving a request for maternity leave accompanied by a statement from the administrator's physician which states the estimated date on which the leave shall commence, the estimated length of leave of absence, and the estimated date on which the administrator will resume duties. The District agrees to pay eligible administrators six (6) weeks of paid Maternity Leave.
2. Maternity leave shall commence at such time as the administrator's physician certifies that the administrator's physical condition renders her unable to continue to provide regular service to the District. The administrator may return to work provided the District receives a physician's certification releasing the employee.
3. Should an administrator not be released to return to work by the physician after the 6 weeks of paid maternity leave have elapsed, the administrator will be required to utilize her accrued sick leave during the period of continued disability. If applicable, extended illness leave will be applied upon exhaustion of accrued sick leave. A physician's certification of continued disability will be required.
4. Should an administrator, who has been released by their physician to return to work, desire to take additional time off for child care/bonding, the administrator may use the appropriate accumulated paid leave if approved by their supervisor and/or may be placed on an unpaid family leave, if eligible.
5. Upon recommendation of the CEO, the Board of Trustees may grant leave without pay to administrators who have exhausted all leave options, including unpaid family leave. Such leave shall be arranged with each employee on a basis acceptable to the District.



## **FAMILY LEAVE**

The District shall comply with the provisions of the California Family Rights Act of 1991 (Government Code §12495.2) and the federal Family and Medical Leave Act of 1993. All leaves, with exception of maternity leave, shall run concurrently with any family care and medical leave taken. An administrator who has been employed at least twelve (12) months and has worked at least 1250 hours during the twelve (12) month period immediately preceding the commencement of the leave and who is eligible for other employee-provided benefits will be granted, upon request, an unpaid family care leave up to a total of twelve (12) work weeks in any twelve (12) month period pursuant to the requirement of this article.

For purposes of this article, the term “family care leave” means either (1) leave for reasons of the birth of a child of the administrator, the placement of a child with an administrator in connection with an adoption of the child by the administrator, foster care of the child by the administrator, or the serious illness of a child of the administrator; or (2) leave to care for a parent or spouse of the administrator who has a serious health condition, or (3) leave for an administrator unable to perform the function of the position of that administrator except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions.

An administrator may elect to use accrued vacation or other appropriate paid leave during family-care leave. When available accrued vacation is exhausted, the balance of the leave is unpaid. However, pregnancy disability leave is in addition to the leave under the Family Medical Leave Act.

Leave under this article shall not constitute a break in service.

## **BEREAVEMENT LEAVE**

- A. Administrators are eligible for bereavement leave with pay in the event of the death of a member of an administrator's family or any non-relative of the administrator living in the immediate household. Bereavement leave is limited to two five (5) day increments per fiscal year to a maximum of ten (10) days per fiscal year. If there is an additional need beyond the maximum noted above, the administrator may use supervisor-approved personal necessity leave or vacation.
- B. At the discretion of the Board of Trustees, additional days may be allowed for unusual circumstances.

**CATASTROPHIC LEAVE**

The District defines and makes available Catastrophic Leave. For details, refer to District Board Policy 7345.

**LEAVE FOR COURT APPEARANCE**

In accordance with Section 87035 of the Education Code, an employee may be absent from duty, without loss of salary, in order to appear as a witness in a court other than as a litigant, to serve on a jury, or to respond to an official order from another governmental jurisdiction for reasons not brought about through the misconduct of the employee. A copy of any official order to appear must be submitted to verify the absence. In the case of jury duty, an official court form signed by the court clerk verifying the days and hours of duty rendered must be submitted. The employee shall receive his/her regular salary due for the period of absence.

**MILITARY LEAVE**

Such leaves shall be granted in accordance with provisions of the Education Code.

**PROFESSIONAL GROWTH LEAVE FOR ADMINISTRATORS**

- A. Professional Growth Leave: Any employee who has served the District for six (6) consecutive years in any full-time capacity as an educational or classified administrator, may be granted a two-month growth leave at full salary for a proposed and approved project related to the Administrator's current or future responsibilities. The administrator must be able to serve at least two (2) years upon returning from leave. After return from leave, if the employee does not serve the entire period of service required, the employee shall return to the College that portion of the salary earned during the leave, except in the case of death or permanent disability.
- B. To apply, submit a request to the appropriate administrator and Human Resources.

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