

# Article 9

# Leaves With Pay

The District shall grant paid leaves of absence to contract/regular faculty for the following reasons and subject to the conditions set forth in the following sections.

- a) sickness (Section 9.3);
- b) personal necessity (Section 9.4);
- c) industrial accident or illness (Section 9.5);
- d) quarantine (Section 9.6);
- e) bereavement purposes (Section 9.7);
- f) critical illness (Section 9.8);
- g) jury duty (Section 9.9);
- h) judicial appearances (Section 9.10);
- i) personal business (Section 9.11);
- j) sabbatical/professional development (Sections 11.6 through 11.9); and
- k) exchange teaching (Section 11.10),

The District shall grant paid leaves of absence to long-term temporary (refer to Section 2.4.4), overload and adjunct faculty members for the following reasons and subject to the conditions set forth in the following sections.

- a) bereavement purposes;
- b) sickness;
- c) industrial accident and illness;
- d) personal necessity;
- e) quarantine; and
- f) jury duty for adjunct faculty/overload members only

## 9.1 Definitions

### 9.1.1 Absence

Time away from working duties and/or work location during required periods of service.

### 9.1.2 Authorized Absence

Absence which is taken in accordance with this Agreement.

### 9.1.3 Administrative Officer

For the purpose of notification of absence or leave, the appropriate Area Dean or the College President is the administrative officer at the college.

### 9.1.4 Immediate Family

Mother, father, grandparent or grandchild of the employee or of the employee's spouse or domestic partner; and step-mother, step-father, spouse, domestic partner, son, son-in-law, step-son, daughter, daughter-in-law, step-daughter; brother, brother-in-law, sister, sister-in-law, aunt or uncle of the employee; child or sibling of domestic partner; wife or husband of domestic partner's child; or any person living in the immediate household of the employee.

- 9.1.5 Industrial Accident or Illness  
Illness or injury which is supported by a physician's or approved practitioner's certificate which qualifies under State Workers' Compensation Insurance as being work connected.

## 9.2 **General Conditions Applicable to All Leaves with Pay**

- 9.2.1 Notification to Administrative Officer  
The employee shall notify the appropriate Area Dean or College President of the reason for the leave and the amount of time to be involved. When the absence cannot be anticipated in advance, the appropriate administrative officer shall be notified of the reason for the absence and the estimated time required at the employee's earliest reasonable opportunity.
- 9.2.2 Documentation Required  
The administrative officer may require documentation supporting the employee's need for absence. Documentation shall be required for any absence in excess of ten (10) days.
- 9.2.3 Report of Absence  
Upon termination of absence, the employee shall complete the Cumulative Absence Report – Certificated Employees form stating the reason for absence. (See Appendix C)
- 9.2.4 Gainful Employment Disallowed  
An employee shall not be allowed to undertake any gainful employment while absent unless specifically authorized by the Board. The employee may be required to certify that he/she was not gainfully employed.
- 9.2.5 Salary Compensation  
Employees who are absent from work during required periods of service shall be entitled to salary compensation during the period of such absence as expressly provided by this Agreement.
- 9.2.6 Failure to Return to Duty  
An employee who fails to return to duty upon completion of a leave of absence may be dismissed by the District unless such employee was unable, due to causes beyond his/her control, to return to duty, in which event the employee may report the circumstances as soon as he/she is able to do so.
- 9.2.7 Effect of Paid Leave on Continuity of Service  
Periods of paid leave shall not be considered a break in service.

## 9.3 **Sick Leave**

Absences due to the illness of the employee may only be charged to sick leave on assigned duty days.

- 9.3.1 Compensation  
Sick leave shall be available for all faculty on the first day the employee is to report to work.

9.3.2 Accrual of Paid Sick Leave

Faculty shall earn paid sick leave as follows:

9.3.2.1 Ten-month full-time employees shall be entitled to ten (10) days of paid sick leave for each academic year earned at a rate of one (1) day per month.

9.3.2.2 Less than full-time (100%) employees shall be entitled to paid sick leave in proportion to the ratio of his/her work hours and work months to full-time faculty employment.

9.3.3 Unused sick leave may be accrued indefinitely and upon retirement may be added to retirement benefits depending upon STRS regulations in effect upon retirement.

9.3.4 Employees on leave of absence for reasons other than illness or injury will maintain accrued paid sick leave but, with the exception of sabbatical leave, will not earn additional paid sick leave during the period of leave.

9.3.5 Payment of Paid Sick Leave

9.3.5.1 A regular faculty member shall be paid at the regular salary rate during the period he/she is using accrued paid sick leave. A regular faculty member who has used all accrued sick leave will be advanced as much sick leave as the employee could earn during the remainder of the academic year. Sick leave payment for adjunct faculty and long-term temporary employees is provided only as earned.

9.3.5.1.1 Please refer to Section 9.3.8 for provisions related to the use of sick leave for maternity/paternity reasons.

9.3.5.2 If absence because of illness or injury extends beyond the foregoing allowance, the employee may be eligible for "five month law" benefits (Education Code §87780). If the employee provides the District with an acceptable medical verification, the employee shall be compensated at the rate of fifty percent (50%) of the employee's regular salary, commencing with the date that the paid sick leave terminated and ending five (5) months after the original absence. The benefit provided in this article shall not be cumulative from year to year nor shall an employee be credited with more than one (1) entitlement of the "five month law" benefit for a single illness or injury. This benefit is available to the employee whether or not he/she is placed on long-term personal leave for health reasons by the Board. Long-term temporary employees are not eligible for this benefit.

9.3.6 If an employee leaves the service of the District after having been paid more sick leave than has been earned, a deduction for such excess sick leave pay shall be made or recovered from the final salary payment. If the

adjustment for excess sick leave payment is discovered after the distribution of the final salary payment, other repayment provisions shall be arranged between the employee and the District.

9.3.7 Transfer of Sick Leave

A faculty member, who has completed at least one (1) year of service in another California public school district and has not been dismissed for cause, shall have accumulated sick leave transferred to this District within one (1) year of accepting employment with this District. (Education Code §87782)

9.3.8 Maternity/Paternity Reasons

9.3.8.1 An employee shall be granted one (1) day of paid leave at the birth of his/her child or at the time of legal adoption of a child or the day of adoptive placement of a child. This leave is in addition to the leave provided below. This leave is not deducted from any leave category and may be used in lieu of one (1) day of sick leave per allowances provided in Sections 9.3.8.2, 9.3.8.3, and 9.3.8.4.

9.3.8.2 The following provisions specify the use of sick leave for maternity and paternity reasons. Please refer to Sections 9.14.2.1.1, 10.2, and 11.7.2.1.1 for additional provisions for maternity/paternity and child care leaves.

9.3.8.2.1 An employee shall have the right to utilize accrued sick leave for absences necessitated by pregnancy, miscarriage, childbirth and recovery there from. The employee will submit a physician's statement to the appropriate Area Dean verifying the period of time (with beginning and ending dates) that the employee was temporarily disabled.

9.3.8.2.2 A faculty member shall have the right to utilize up to ten (10) days of earned sick leave for absences necessitated by reasons listed in Section 9.3.8.1 or to care for his/her newborn child or the mother of his newborn child without prior medical verification. The use of this accrued sick leave is intended for the employee not covered under Section 9.3.8.1 above. Whenever possible, members shall give advance notice of utilization of this leave. When advance notice is not possible, employee will notify his/her supervisor within twenty-four (24) hours of the commencement of the leave.

9.3.8.2.3 A faculty member who is adopting a child shall have the right to utilize ten (10) days of accrued sick leave for the purpose of caring for the needs of a newly adopted child.

9.3.8.2.4 The District shall comply with all applicable state and federal laws pertaining to family care leaves.

9.3.8.2.5 Type C Leaves of less than a full semester may be used to supplement maternity/paternity leave under the provisions of Section 9.3.8.2 only (see Section 11.7.2.1.1).

9.3.9 Health Leave Requirements

9.3.9.1 If an absence due to the illness of the employee exceeds ten (10) days, the employee is required to apply for a health leave.

9.4 **Personal Necessity Leave**

9.4.1 Six (6) days of accrued sick leave may be used during any fiscal year by the employee in cases of personal necessity. Personal Necessity Leave shall be limited to circumstances that are serious in nature that the employee cannot reasonably be expected to disregard, that necessitate immediate attention, and that cannot be taken care of after work hours or on weekends. Examples of appropriate use of Personal Necessity Leave are religious observances of the employee's faith and illness of immediate family members (see Section 9.1.4). Personal Necessity Leave is available to regular faculty (164 day work year) and adjunct and overload faculty during the fall and spring semesters. For regular faculty working a 174 day work year, the leave is available for use during the defined work period. Personal Necessity can be used during the summer term but without additional accrual. Long-term temporary employees are eligible for this leave for the employment period that he/she is working in the temporary position.

9.4.2 The employee, whenever possible, should submit written request for Personal Necessity Leave to the employee's supervisor prior to the requested leave (except as noted in Section 9.4.3). Approval for the leave must be received from the employee's supervisor prior to commencement of the leave.

9.4.3 The employee shall not be required to secure advance permission for leave taken for any of the following reasons:

9.4.3.1 Death or serious illness of a member of his/her immediate family.

9.4.3.2 Accident involving his/her person or property, or the person or property of a member of his/her immediate family.

9.4.3.3 Imminent danger to the home of the employee when the danger requires the attention of the employee during his/her assigned hours of duty. Such danger may be occasioned by flood, fire, earthquake or be of other serious nature and under such circumstances as cannot reasonably be disregarded by the employee.

9.4.4 Additional Uses of Personal Necessity Leave

These six (6) days of accrued sick leave may be used by employees to supplement:

9.4.4.1 Critical Illness Leave (See Section 9.8)

9.4.4.2 Judicial Appearance Leave when the employee is required to appear as a litigant or as a witness when the appearance is not brought about by the misconduct of the employee

9.4.4.3 Bereavement Leave

9.4.5 The employee must submit a completed Cumulative Absence Report – Certificated Employees form to the immediate supervisor upon returning to service.

**9.5 Industrial Accident and Illness**

9.5.1 The District will maintain insurance for the benefit of the faculty who sustains a personal injury in the performance of the job assigned by the District. Industrial accident or illness is defined as an illness or injury supported by a physician's or recognized practitioner's certificate and qualifying as being work-connected in this District.

9.5.2 Faculty members shall be granted industrial accident and illness absences with full pay for each such accident or illness. Allowable leave shall not exceed sixty (60) working days for the same accident. Allowable leave shall not be cumulative from year to year. When an industrial accident or illness occurs at a time when the full sixty (60) days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred. (Education Code §87787)

9.5.3 Industrial accident or illness absence shall commence on the first day of absence from work and shall be reduced by one (1) day for each day of authorized absence regardless of any temporary disability award.

9.5.4 During industrial accident and illness absence, the employee must remain within the State of California, unless specifically authorized to travel elsewhere by the Chancellor.

9.5.5 Employees are expected to exercise due care in performing their duties and to report all hazardous conditions to their immediate supervisor.

9.5.6 Should an employee sustain a personal injury on a job with this District, the employee shall notify his/her supervisor as soon as is reasonably possible.

9.5.7 Benefits cannot be paid to an injured employee unless the report of the accident has been filed by the employee with the supervisor and the employee has been examined by a physician or recognized practitioner within a reasonable time after symptoms have been observed.

- 9.5.8 The District has the right under terms and conditions of the District insurance program to have the employee examined by a physician or recognized practitioner designated by the District to assist in determining the length of time during which the employee will temporarily be unable to perform assigned duties and the degree to which a disability is attributable to the "injury or illness involved."
- 9.5.9 When entitlement to industrial accident/illness leave has been exhausted, entitlement to earned sick leave will then be used. If an employee has less than three (3) years of service, earned sick leave shall be used.
- 9.5.10 If an employee is receiving a compensation award, the person shall be entitled to use only as much of sick leave as, when added to the compensation award, will provide for a regular day's pay.
- 9.5.11 During any paid industrial accident and illness absence, the employee shall endorse to the District the temporary disability indemnity checks received. The District, in turn, shall issue the employee appropriate warrants for the payment of not more than full salary less normal retirement and other authorized contributions.
- 9.5.12 All disputes arising in compensation cases shall be remedied according to law.

## 9.6 **Quarantine Leave**

An employee who is quarantined by county health officers shall receive salary entitlement during the period of enforced quarantine. If the employee is not ill, no deduction will be made from accrued sick leave. Quarantine Leave is available to regular faculty (164 day work year) and adjunct and overload faculty during the fall, spring and summer terms. For regular faculty working a 174 day work year, the leave is available for use during the defined work period. Long-term temporary employees are eligible for this leave for the employment period that he/she is working in the temporary position.

## 9.7 **Bereavement Leave**

Each unit member shall be granted necessary time off with salary entitlement not to exceed three (3) working days, or five (5) working days if out-of-state travel is required, in the event of the death of any member of the employee's immediate family, as defined in Section 9.1.4. (Education Code §87788) (See also Section 9.4.) Bereavement Leave is available to regular faculty (164 day work year) and adjunct and overload faculty during the fall, spring and summer terms. For regular faculty working a 174 day work year, the leave is available for use during the defined work period. Long-term temporary employees are eligible for this leave for the employment period that he/she is working in the temporary position. The employee must specify the relationship of the deceased on the absence report. If out-of-state travel is required, the destination must also be specified.

## 9.8 **Critical Illness Leave**

- 9.8.1 All regular, adjunct, and overload faculty shall be granted three (3) days per year salary entitlement in the case of critical illness or accident of a member of the immediate family.

- 9.8.2 The District may require the employee to attach to the Cumulative Absence Report – Certificated Employees form a written statement from the attending physician or recognized practitioner attesting to the need of the employee to be present during the period of critical illness of the immediate family. (Refer also to Personal Necessity Leave in Section 9.4.)

## 9.9 Jury Duty Leave

- 9.9.1 All regular, adjunct and overload faculty who are called for jury duty will be granted a leave of absence with salary entitlement for such daily time as is necessary to complete jury obligation. Leave time for jury duty applies to normal court hours and/or when the jury is in session only. Long-term temporary employees are not eligible for Jury Duty Leave.
- 9.9.2 The employee will notify his/her administrative officer of the notice to appear for jury selection.
- 9.9.3 Payment for Services While on Jury Duty  
The employee serving on jury duty will receive salary entitlement from the District provided the employee signs over and remits all compensation received during the paid leave of absence for such jury duty, exclusive of mileage, meals, and lodging, to the District.

## 9.10 Judicial Appearance

One (1) day of leave will be allowed for a regular/adjunct/overload employee to make a mandatory court appearance as a litigant or as a witness (see Section 9.4). Judicial Appearance Leave is available to regular faculty (164 day work year) and adjunct and overload faculty during the fall, spring and summer terms. For regular faculty working a 174 day work year, the leave is available for use during the defined work period. Leave time for judicial appearance applies to normal court hours and/or when the jury is in session only.

## 9.11 Personal Business

- 9.11.1 Each full-time contract/regular employee may be granted a maximum of two (2) days per academic year to resolve business-type matters which require attention during work hours and which are the responsibility and rightful concern of the individual. Unused personal business days do not accrue or carryover from one year to the next. Personal Business Leave is available to regular faculty (164 day work year) during the fall and spring semesters only. For regular faculty working a 174 day work year, the leave is available for use during the defined work period.
- 9.11.2 Personal Business Leave is to be used for activities that the employee could not reasonably be expected to accomplish during non-duty times. Financial or legal appointments are appropriate uses of Personal Business Leave. Personal or professional travel or recreational activities are not appropriate uses of Personal Business Leave.
- 9.11.3 The unit member who takes a Personal Business Leave assumes the responsibility for meeting all professional obligations, including presenting to students the material missed as a result of the absence. It is required



that the appropriate administrator be advised that Personal Business Leave will be taken. Advance notification is expected except under extenuating circumstances.

#### 9.12 **Short-Term Military Leave**

Regular faculty, regular faculty teaching overload assignments, and adjunct faculty members whose district service and recent military service total one (1) full year may be granted a short-term leave for the period of ordered duty providing it does not exceed 180 calendar days (including time involved in going to and from such duty) in one (1) fiscal year.

Eligible faculty members, when temporarily called to active duty or for the purpose of attending field-training exercises, shall be entitled to be paid their regular salary for the first thirty (30) calendar days of absence for the workdays he/she is absent from the District. The duty must occur during a paid status month of the employee's work year and the District salary payment will be offset by salary compensation received from the military service.

To qualify for the benefits provided, the unit member must forward a written request for leave, accompanied by a copy of the field order, to the appropriate college administrator prior to reporting for training or duty unless ordered to report immediately. Preferred adjunct and regular faculty overload assignments are eligible for the paid leave benefit if a request for assignment was submitted prior to the date of the field order. Non-preferred adjunct faculty must have received an assignment to be eligible for the paid benefit.

#### 9.13 **Paid Catastrophic Sick Leave**

During the Fall 2008 semester, a Paid Health Leave Committee will be appointed consisting of three (3) LRCFT and three (3) LRCCD representatives. The committee's charge will be twofold. The first charge is to develop the parameters for the Paid Catastrophic Sick Leave program for faculty. The committee will present recommendations for the structure of the program including additional contract language to be incorporated into Article 9 by December 1, 2008. The second charge is to explore sick leave models that meet the needs of the faculty and immediate family members. The committee will issue a report identifying strengths and weaknesses of the different sick leave models by April 1, 2009.

##### 9.13.1 *Five Month Law Benefit Program*

The program will provide faculty, who have exhausted all sick leave (sick days) and enter into the five month law program, full pay and medical benefits for up to thirty (30) days under five month law.

##### 9.13.2 *Extended Paid Catastrophic Sick Leave*

This program extends the leave for faculty who have exhausted all sick leave benefits including five month law and are still unable to return to work, either partially or fully, and who are not eligible for disability, workers' compensation, or other benefits.

9.13.2.1 Faculty who qualify for this benefit program must apply and be approved by the Paid Catastrophic Leave Committee. The application, Paid Catastrophic Leave Committee structure, and approval process will be developed as in Section 9.13

9.13.2.2 Faculty who are on full medical leave will be eligible to apply for up to fifty percent (50%) salary and full medical benefits for a period of no longer than one (1) semester (82 days).

9.13.2.3 Faculty who are on partial health leave will receive up to an additional fifty percent (50%) salary supplement above the partial earnings with a total salary limit (partial earnings plus salary supplement) of one hundred percent (100%) salary. The faculty member will also receive one hundred percent (100%) medical benefits. This salary and medical benefit will be for a period of no longer than one (1) semester (82 days).

9.13.3 The provisions of Section 9.2 apply to the Paid Catastrophic Sick Leave program.

9.13.4 The funding for the unit's share of the costs for this program shall be charged to one-time lottery revenues distributed to the unit as part of the proportionate share calculation as specified in Appendix A.

#### 9.14 **Professional Development Leaves**

Professional development leave language can be found in the following sections:

Type A and B	Section 11.6
Type C	Section 11.7
Type D	Section 11.8
Type E	Section 11.9