

Article 10

Leaves Without Pay

- 10.1 All regular unit members shall be eligible for consideration for leaves without pay.
- 10.1.1 Adjunct faculty members are eligible for the following unpaid leaves: Military Leave (10.13) and Leaves related to Immigration Actions (10.15).
- 10.2 Leaves without pay are categorized either as:
- Category A*
- Leaves without pay or portions of leaves without pay which the District is required to grant as prescribed by law, such as military service leaves (see Section 10.13); leaves provided under the Family Medical Leave Act (FMLA)
- Category B*
- Leaves without pay or portions of leaves without pay which the District has the option of granting under law.
- 10.3 Except as otherwise required by law, all leaves without pay are granted at the option of the District.
- 10.4 Applications for leaves without pay may be made for any lawful purpose as provided by Education Code §87764. The member will submit the application to the immediate supervisor. Within fifteen (15) working days after the member submits the application, the member shall be notified of management's recommendation to the Board. Within five (5) working days after the Board's decision, the member will be notified of the action taken.
- 10.5 The application for a leave without pay shall state the nature of the activities that the member will pursue while on leave and the duration of the leave.
- 10.5.1 In the event the activities are of such a nature as to be generally regarded as confidential, the applicant may state "confidential" on the application.
- 10.5.2 In all cases, any primary gainful employment to be undertaken during the leave must be indicated on the application.
- 10.6 The period for a leave without pay shall not exceed twelve (12) months per approval. The Board, at its discretion, may extend the leave upon consideration of renewal applications to be submitted not later than ninety (90) days prior to the termination of the then current approved period.
- 10.7 Failure to return to duty within ten (10) working days of the expiration of an approved leave is to be considered by all parties an automatic resignation by the member from employment with the District. Should a member encounter an emergency which makes it impossible for the member to report for duty within ten (10) working days of the expiration of an approved leave covered by this article, the member may petition the Chancellor for reinstatement. The Chancellor will make a

recommendation on the petition to the Board. The decision of the Board relative to accepting or denying the petition for reinstatement shall be final.

- 10.8 Extension of fringe benefits not to exceed the limits permitted by the insurance and program carriers shall be at the expense of the member, except when provided in accordance with the FMLA or as provided elsewhere herein.
- 10.9 Members who take leaves without pay for the expressed purpose of improving their work performance and/or the improvement of services to the student may apply at the time of the application for leave for consideration of fringe benefit expenditure reimbursement. The reimbursement, if granted by the District, would be paid at the end of the first complete semester worked for the District by the member after completing the leave and would be contingent upon demonstration of achievement at least to the level established as the goal in the application.
- 10.10 Credit for annual increment will be earned during the period of leave without pay providing the following conditions are met:
 - 10.10.1 The member's application states an intent to apply for the increment upon return and outlines the criteria for judging how the achievements are to be measured; and
 - 10.10.2 The District acknowledges at the time of processing the leave request that it will grant the increment subject to full documentation of the criteria set forth in the leave application proposal; and
 - 10.10.3 Upon return, the member documents, to the satisfaction of the District administration, that the activities undertaken during the leave did prove to be directly related to their work responsibilities and are measurable as described in the application.
- 10.11 A unit member who is awarded a research grant may be granted, upon written request, a leave of absence without pay for a period not to exceed one (1) year, providing they meet the following criteria:
 - 10.11.1 Is a regular faculty member during the period of the leave;
 - 10.11.2 Has been awarded a research grant:
 - 10.11.2.1 Under the supervision of an accredited educational institution,
or
 - 10.11.2.2 By a governmental agency, or
 - 10.11.2.3 By a foundation recognized for sponsoring educational research.
 - 10.11.3 Has been awarded a grant which promises to:
 - 10.11.3.1 Increase the recipient's understanding of their subject, and
 - 10.11.3.2 Improve the recipient's teaching and contribute to their

development as interpreter of the field of knowledge and make a significant contribution to the instructional program of the District.

10.11.4 Is in a position for which an adequate replacement can be found or in a program which will not be interrupted.

10.12 Except in extraordinary circumstances, such as, but not limited to, (a) changes in curriculum, (b) significant changes in student enrollments, (c) death of faculty member(s), (d) significant changes in District finances, etc., returning unit members shall be assigned to the same college and position held prior to taking the leave.

10.13 Military leave without pay may be granted to regular and adjunct faculty members for a period of one (1) year and extended upon request, as substantiated by military field orders. However, such leave shall not continue more than one (1) year beyond the date such military service becomes voluntary on the part of the employee. Longterm temporary employees and faculty members teaching summer classes are not eligible for Long-Term Military Leave.

10.14 Full time faculty members may be granted a leave without pay because they or an immediate family member are subject to an immigration action(s) that impacts their stay in the United States. Upon their return, they will be assigned to the same college, department, and position held prior to taking the leave, except in extraordinary circumstances, including those identified in Section 10.12. Immigration actions include but are not limited to revocation or cancellation of DACA, Temporary Protected Status (TPS), or the denial or cancellation of asylum (including immigration protections afforded under the Violence Against Women Act). Full time faculty members may be granted a leave without pay for a period of up to two (2) years under this section, which may be extended for one (1) additional year upon request of the member and approval by the District. The member will retain their tenure, class, step, and years of service that were achieved before the leave without pay occurred.

10.15 Adjunct faculty members who are subject to immigration actions that impact their stay in the United States will remain in the hiring pool of the college and department where they were previously employed as adjunct faculty. Adjunct faculty members who are subject to an immigration action shall retain their preference, class and step placement, and years of service upon return and upon receiving an assignment from the District.