

LEAVES

- 12.1 Additional Illness Leave without Pay.** When all available paid leaves have been exhausted and the employee is not able to resume the duties of their position due to illness, the employee may elect to resign, retire or to request an additional illness leave of absence without pay. Such leave may be requested for a six-month period and may be renewed for two (2) additional six-month periods. The District will maintain insurance coverage for the employee during the periods of this leave.
- 12.2 Conference and Educational Meeting Leave.** An employee's absence to attend conferences, other educational meetings or course instruction that is part of an approved performance plan may be permitted without salary deduction provided prior approval is obtained from the immediate supervisor or appropriate manager.
- 12.3 Family Leave**
- 12.3.1 Adoption Leave.** When absence of an employee is necessary because of the adoption of a child, the employee shall be entitled to use up to seven (7) days personal necessity leave and then be granted twelve (12) days of 50% pay.
- 12.3.2 Bereavement Leave.** Five (5) days leave, without loss of pay or other benefits, is allowed for absence due to death of any member of the employee's immediate family.
- 12.3.2.1** An employee may request to use personal necessity leave for time needed beyond the five (5) allotted bereavement days. If all personal necessity leave has been exhausted, a sixth day of Bereavement Leave may be granted by the Chancellor, Vice Chancellors or college Presidents because of unusual circumstances.
- 12.3.3 Family and Medical Leave Act (FMLA).** Employees who have provided more than one (1) year of continuous full-time service may request in writing and be provided up to twelve workweeks of unpaid family leave within any twelve-month period. All Family and Medical Leave Act requests must be approved by District Human Resources.
- 12.3.3.1** Family leave of absence may be taken due to the birth or adoption of a child (must be taken within one (1) year of birth or placement) or due to a serious illness of a child (natural, foster or adopted). For regulations concerning special circumstances related to length of maternity leave see District Human Resources.
- 12.3.3.2** Family leave may be granted to care for a parent or spouse who is experiencing a serious health condition.
- 12.3.3.3** Employees may be asked to use other paid leave prior to being placed on unpaid leave status.
- 12.3.3.4** Spouses who both work for the District are jointly entitled to a combined total of twelve workweeks when leave is taken for reasons other than one's own serious health condition.

- 12.3.4 Immediate Family.** The immediate family for unrepresented employees shall be defined as mother, mother-in-law, father, father in-law, grandmother, grandfather, or grandchild of the employee or the employee's spouse/domestic partner, and the son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law of the employee or the employee's spouse/domestic partner or any relative of the employee living in the immediate household of the employee.
- 12.3.5 Maternity Leave.** An employee shall be granted a leave of absence because of pregnancy, miscarriage, childbirth, and recovery therefrom. The length of the leave of absence shall be determined by the employee and the employee's physician. During this leave the employee shall be entitled to utilize available sick leave (full paid and extended sick leave at 50% pay). The employee may also apply for benefits from the salary continuance insurance carrier. After sick leave has been exhausted, the employee shall be placed on extended maternity leave without pay for three (3) additional months upon written request submitted at least 30 days prior to exhaustion of available sick leave. The employee may also apply for coverage to the disability insurance carrier, according to its procedures. The employee shall have the option to choose leave without pay, instead of utilizing paid sick leave. If the employee selects this option, she shall also have the right to one (1) three-month extended maternity leave. Maternity leave without pay beyond the period prescribed by the employee's physician may be requested and granted at the discretion of the District.
- 12.3.6 Parental Leave.** Employees, regardless of gender, are entitled to 12 workweeks of Parental Leave for the purposes of the birth of a child of the employee or the placement of a child with an employee in connection with adoption or foster care.
- 12.3.6.1** The employee must use accrued sick leave for Parental Leave until it is exhausted. Thereafter, the employee shall be entitled to 50% pay for the remainder of the 12 workweek period. This entitlement shall run concurrently with Adoption Leave (12.3.1) and consecutively to Maternity Leave (12.3.5) and Paternity Leave (12.3.7)
- 12.3.6.2** Parental leave shall run concurrently with all State (e.g. CFRA) and Federal (e.g. FMLA) leaves. The total aggregate Parental Leave taken shall not exceed 12 workweeks in a 12-month period. Parental leave need not be continuous from the birth, adoption or foster care placement of the child and may be taken up to one (1) calendar year from the birth, adoption or foster care placement of the child. Parental Leave may be taken intermittently, but must be taken in blocks of two (2) weeks duration, except that leaves of shorter duration may be taken twice during the 12-month period.
- 12.3.7 Paternity Leave.** An employee shall be entitled to use seven (7) days personal necessity leave and then be granted 12 days of 50% pay in the event of medical disability caused or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom (to the mother of the employee's child). The date on which the leave shall commence shall be determined by the employee and the physician caring for the mother of the employee's child. Such time must be within reasonable time before or after birth.

- 12.4 Industrial Accident and Illness Leave.** Employees shall be eligible to receive up to 60 days of leave with pay for the same accident. An industrial accident or illness is defined as one where the employee becomes ill or is injured while they are serving the District, and the accident or illness is reported to the Contra Costa County Schools Insurance Group (CCCSIG), or insurance carrier so designated by the District, in accordance with their regulations, and CCCSIG accepts responsibility for the treatment of the employee.
- 12.4.1** Industrial accident or illness leave will commence on the first (1st) day of absence. Allowable leave shall not be accumulative from year to year. When an industrial accident or illness occurs at a time when the full 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, for the same illness or injury.
- 12.4.2** Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day. Industrial accident leave will be reduced by one (1) day for each day of authorized absence regardless of a compensation award made under workers' compensation.
- 12.4.3** The industrial accident or illness leave of absence is used in lieu of entitlement acquired under Section 87787 (Academic) and Section 88191 (Classified) of the California Education Code. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if any employee is receiving workers' compensation, they shall be entitled to use only so much of their accumulated or available sick leave, accumulated compensated time, vacation, or other available leave, which, when added to the workers' compensation award, provides for a full day's wage or salary.
- 12.4.4** Periods of leave of absence, paid or unpaid, shall not be considered to be a break in-service of the employee.
- 12.4.5** During all paid leaves of absence, whether industrial accident leave as provided in this section, sick leave, vacation, compensated time off, or other available leave provided by law, or the action of the District, the employee shall endorse to the District wage loss benefit checks received under the workers' compensation laws of this state. The District, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this section.
- 12.4.6** When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of their position, they shall, if not placed in another position, be placed on a reemployment list for a period of 39 months. When available during the 39-month period, they shall be employed in a vacant position in the class of her/his previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case they shall be listed in accordance with appropriate seniority regulations. An employee who has been medically released for return to duty and who fails to accept an appropriate assignment shall be dismissed. The District shall require certification by the attending physician that the employee is medically able to return to and perform the duties of their position. The District shall have the right to confirm through its doctors the employee's medical condition and ability to perform the functions of the job by a physical

examination(s) paid for by the District.

12.4.7 Any employee receiving benefits provided in this section shall, during periods of injury or illness, other than for periods of no more than three (3) consecutive days, remain within the State of California, unless approved in advance by the Chief Human Resources Officer or designee.

12.4.8 Upon formal written petition of the employee, the District reserves the right, in its sole discretion, based upon each individual case and facts presented, to grant an employee extension of leave of absence for industrial accident or illness leave.

12.5 Jury Duty and Witness Leave. Jury duty and witness leave shall be granted with no loss in pay; however, the employee shall reimburse the District for payment received for jury duty and witness service, excluding mileage reimbursement. The employee shall provide verification of the number of days of jury duty or witness service.

12.6 Management/Supervisory Sabbatical Leave

12.6.1 Purpose. The purpose of a sabbatical leave is to develop professional improvement of management and supervisory employees, which will ultimately benefit the District. A sabbatical leave may be granted for full-time academic study and/or an approved professional study project.

12.6.2 Eligibility. An applicant for sabbatical leave must have rendered full-time service in the District for at least six (6) consecutive fiscal years immediately preceding the sabbatical leave, and, not more than one (1) such leave shall be granted in each six-year period. Credit is earned for a year when a manager/supervisor has worked 75% of the work year.

12.6.3 Leave Periods and Compensation. A sabbatical leave may be granted for one (1) year and may be taken in the following ways:

12.6.3.1 One-year period at 70% salary;

12.6.3.2 Two (2) one-semester periods, each taken in separate fiscal years at 70% of salary;

12.6.3.3 One (1) semester at 100% salary;

12.6.3.4 Three (3) four-month periods each taken in separate fiscal years at 70% salary; or

12.6.3.5 Two-month period at 100% salary.

12.6.4 Application Procedure. Managers/supervisors who wish to apply for a leave should complete a sabbatical leave application form (See Appendix) and forward it to the college President or Chancellor by January 10 for leaves requested for the following fiscal year. Applications will be reviewed by the Chancellor's Cabinet. No leave shall be granted until the college President or Chancellor certifies suitable provision can be made for carrying on the manager's/supervisor's work during the leave period.

12.6.5 Leave Limitations and Pay. The number of leaves granted per year will be no greater than three percent (3%) of the total number of full-time managers/supervisors Districtwide.

12.6.6 Report. Within 30 days after return to duty, a transcript of work taken and grades earned, or a summary of the study project, together with a statement of the benefits derived from the leave is to be submitted to the college President or Chancellor on the sabbatical leave report form for approval by the Governing Board.

12.6.7 Agreement

12.6.7.1 Sabbatical leaves which are less than a year must be completed within a three-year period.

12.6.7.2 Managers/supervisors who are granted a sabbatical leave are required to enter into a written agreement with the Governing Board guaranteeing full-time service to the District immediately following each leave for the equivalent of twice the period of the leave.

12.6.7.3 The employee shall, unless otherwise agrees, return to the position held at the time of granting of the sabbatical.

12.6.7.4 The District will forgive a sabbatical leave service obligation if the employee dies while serving their sabbatical leave or prior to repaying the service obligation to the District.

12.7 Military Leave.

12.7.1 Compensation - Salary. The District may provide for not more than 180 calendar days as part of the employee's compensation all of the following:

12.7.1.1 The difference between the amount of military pay and allowances and the amount the employee would have received as an employee.

12.7.1.2 Employee returning from military leave shall have their salary adjusted to reflect salary increases.

12.7.1.3 All benefits that the employee would have received had the employee not been called to active military duty.

12.7.2 Health Benefits

12.7.2.1 An employee on military leave for less than 31 days shall continue to receive health insurance benefits.

12.7.2.2 An employee on leave for longer than 30 days may elect to continue health care coverage for themselves and their eligible dependents for a maximum period of 18 months.

12.7.2.3 A returning veteran employee whose coverage was terminated because of military leave will not be subject to any exclusion or waiting period prior to

reinstatement of health coverage.

12.7.3 Reinstatement

12.7.3.1 An employee on active duty military leave shall be entitled to return to the position held at the time of entrance into the service within six (6) months after the employee honorably leaves the service or is placed on inactive duty.

12.7.3.2 Absence on military leave shall not be construed as a break in the continuity of service.

12.7.4 Salary. An employee called to active duty who has been in the service of the District for at least one (1) year will continue to receive salary for the first 30 calendar days of ordered military service. Employees who are members of the National Guard will continue to receive salary for the first 30 calendar days of active service regardless of length of service with the District. A copy of the military orders documenting the dates of the active duty period must be provided to District Human Resources.

12.7.5 Vacation and Sick Leave

12.7.5.1 An employee on military leave accrues any benefits the District provides to other employees on other approved leaves.

12.7.5.2 An employee on military leave shall accrue any benefits afforded by an agreement negotiated by Management Council during their absence.

12.7.5.3 Any employee on temporary military leave for training who has worked for the District for at least one (1) year shall continue to accrue vacation, sick leave and holiday privileges up to a maximum period of 180 days.

12.8 Optional Catastrophic Leave Program. Employees shall be entitled to participate in an optional catastrophic leave program. The District shall maintain and manage eligibility for, participation in, and use of, the catastrophic leave program.

12.8.1 Each fiscal year (July 1), every unrepresented management, supervisory, and confidential employee may opt into or out of the catastrophic leave program by donating one (1) day of sick or vacation leave. An employee must notify the District no later than June 1 of each year for changes effective that July 1. Once an employee opts in, the employee will continue to be in the program and will automatically donate and have deducted one (1) day of the same type of leave each July 1 until the employee opts out or is no longer employed by the District.

12.8.2 An employee may opt into family coverage by donating one (1) additional day annually to cover use for immediate family members. The employee must opt into employee coverage to be eligible for family coverage. Once an employee opts into family coverage, the employee will continue to be in the program and will automatically donate and have deducted one (1) day of the same type of leave each July 1 until the employee opts out or is no longer employed by the District.

12.8.3 For purposes of calculations, a “day” shall be defined as the employee’s normal, regular service day at the point of donation or usage. Changes in months of service and/or hours worked per week shall not be factored in donation or usage.

12.8.4 Program usage shall be subject to the following requirements:

12.8.4.1 Employee must first exhaust all available and eligible accrued leave (including, but not limited to; sick leave, extended sick leave, vacation leave, personal necessity leave, personal catastrophic leave) before becoming eligible to use catastrophic leave.

12.8.4.2 Employee must use any leave credits that he/she continues to accrue on a monthly basis prior to using catastrophic leave.

12.8.4.3 An individual employee may use the catastrophic leave program for a maximum of 60 days in any 10-year period.

12.8.4.4 An individual employee may use the catastrophic leave program for a maximum of three (3) separate occurrences in any 10-year period.

12.8.4.5 For purposes of determining an occurrence, usage need not fall on consecutive days. An “occurrence” shall be defined as usage related to one (1) eligible event and may include absences on nonconsecutive days for periodic or episodic treatments, etc.

12.9 Personal Necessity Leave. At the option of the employee, seven (7) days per year of accumulated sick leave may be taken for personal necessity for reasons including but not limited to the following:

12.9.1 Illness or death of a member of the employee's immediate family;

12.9.2 Accident involving the person or property of the employee, or the person or property of a member of the employee's immediate family;

12.9.3 Appearance in court as a litigant or as a witness under an official order;

12.9.4 Attendance at funerals of friends and relatives not provided by other provisions;

12.9.5 Illness of an individual who is not a member of the immediate family but who is considered to be closely associated with the employee and/or their family;

12.9.6 Interviews for enrollment or appearance for oral or written examinations at educational institutions;

12.9.7 Legal matters of the employee and employee’s immediate family, which are not categorized as being civil or court proceedings, such as purchasing a home; or

12.9.8 Financial matters, which directly affect the well-being of the employee's immediate family, other than business ventures or other compensated employment.

- 12.10 Quarantine Leave.** Employees shall receive salaries in full when quarantined by city or county health officials because of another's illness and shall not have the absence charged against their accumulated sick leave. Such quarantine must be verified by a physician or health officer.
- 12.11 Religious Leave.** An employee may request personal necessity leave or vacation leave to attend special religious observances of the employee's faith falling on a regular working day. If no such leave is available, the employee may request unpaid leave. Requests for religious leave may not be arbitrarily or capriciously denied.
- 12.12 Requests for Leave of Absence without Pay.** All requests for leave of absence without pay must have the recommendation of the immediate supervisor. Requests for a leave must be submitted to the immediate supervisor for transmittal through established channels at each work location. The college President, Chancellor, or designee, in the case of District staff, may approve leave up to 20 working days. Requests for longer periods will require approval of the Governing Board. Insurance plan premium payments will be continued by the District for leaves of 20 working days or less. The employee will be required to reimburse the District for premium payments to continue coverage during leaves in excess of 20 working days.
- 12.13 Sick Leave.** Sick leave may be used for professional visits related to medical, dental or licensed counseling appointments. Whenever an employee is absent from duty due to illness or injury, such person shall receive sick leave pay as follows:
- 12.13.1** One (1) day of sick leave for each full month worked during the fiscal year. Full-pay sick leave not used in any year shall be accumulated as provided by law. Sick leave days shall be advanced at the beginning of each fiscal year. If sick leave is taken in advance and employment is terminated with the District, the pay for the days taken in advance will be deducted from the final paycheck.
- 12.13.2 Extended Sick Leave.** If an employee's absence due to either industrial or non-industrial illness or injury extends beyond accumulated leave for this purpose, the employee will be paid at 50% of their regular rate for a period not to exceed 100 working days. The 100 working day period shall run concurrently with other paid leaves. An employee may use vacation accumulation to provide an amount equal to a full day's pay during any time when the employee is on 50% pay status. The employee shall be required to present a doctor's report stating the nature of the illness or injury and the date the employee is able to return to work to qualify for these benefits. Upon expiration of paid leaves, the employee may also apply for coverage to the disability insurance carrier, according to its procedures.
- 12.13.3** Management, supervisory, and confidential employees must call their supervisors at least one (1) hour before their usual time to report to work to give notification of any absence from duty.
- 12.13.4** The Chancellor or college President reserves the right to investigate any claim for sick leave and/or require the employee to furnish a statement signed by a licensed physician or other satisfactory proof of illness. A medical statement will be required when an employee exhausts full-paid sick leave and is eligible for 50% pay. An employee on sick leave may be required to be examined by a physician selected by the District (at District expense).

- 12.13.5 If a management, supervisory, or confidential employee accepts employment in this District within one (1) year of termination of employment in another California school district, or community college district, or the County Office of Education where they were employed for one (1) calendar year or more, the employee's accumulated sick leave from the prior district shall be transferred to this District. A form is provided by this District to request and verify the transfer.

- 12.13.6 Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom are eligible for sick leave benefits for the period of time the employee is unable to work as certified by a licensed physician. Leaves of absence exceeding this period shall be requested and processed as indicated in Section 12.3.

Historical Annotation:
Adopted 1/28/04
Revised 9/29/04
Second Revision 2/22/17
Third Revision 9/12/18

Related Board Policies:
MSC 12.5 - Board Policy 2020
MSC 12.10 - Board Policy 2047
MSC 12.14 - Board Policy 2008
MSC 12.16 - Board Policy 2020

Related Procedures:
MSC 12.1 - Human Resources Procedure 3090.06
MSC 12.3 - Human Resources Procedure 1050.06
MSC 12.4 - Human Resources Procedure 1050.01
MSC 12.5 - Human Resources Procedure 1050.07
MSC 12.6 - Human Resources Procedure 1050.16
MSC 12.7 - Human Resources Procedures 1050.11, 1050.12, 1050.14
MSC 12.8 - Human Resources Procedure 1050.08
MSC 12.9 - Human Resources Procedure 1050.03
MSC 12.12 - Human Resources Procedure 1050.04
MSC 12.13 - Human Resources Procedure 1050.10
MSC 12.15 - Human Resources Procedures 1050.13, 1050.15, 1120.05
MSC 12.16 - Human Resources Procedures 2040.02, 2040.07, 3030.04, 3090.13
MSC 12.17 - Human Resources Procedures 2040.05, 3090.11
MSC 12.17.2 - Human Resources Procedures 3090.06