
**Kern Community College District
Administrative Procedure
Chapter 7 – Human Resources**

AP 7340 Leaves

References:

Education Code Sections 87763 et seq. and 88190 et seq.;
Labor Code Sections 234 and 245 et seq.

NOTE: This procedure is **legally advised**.

Absences and Leaves for Confidential and Management Employees

General Absence

Records of all employee absences are to be maintained by the District Payroll Office. (See Manual for the Confidential/Management Absence Report form.)

Absence without loss of pay shall be granted to employees (1) to serve jury duty, (2) to appear as a witness in court other than as a litigant and (3) to respond to an official order from another governmental jurisdiction for reasons not brought about through connivance or misconduct of the employee.

Compensation received by an employee as a member of a jury or witness shall be retained by the employee. Absences for jury duty are to be reported and noted as such.

Employees shall file a signed statement for each absence from duty.

Leave of Absence

Illness, Injury, or Quarantine (Sick Leave)

Sick leave shall be granted when an employee is kept from the performance of duties by sickness, injury, or quarantine.

Sick leave with full pay is allowed full-time employees on the basis of one (1) day of sick leave for each calendar month worked starting from the first (1st) date of service. A

person employed less than full-time shall be entitled to a pro-rata share of the sick leave. A person absent from duty as a result of an industrial accident or illness shall be paid that portion of salary which when added to temporary disability indemnity will result in payment of not more than full salary.

Employees shall be entitled to use sick leave accrued annually to attend to the illness of a child, parent, spouse, or domestic partner according to law.

Unused sick leave shall be accumulated.

Catastrophic Leave

Any full-time confidential or management staff member may donate a portion of his/her sick leave days to any eligible employee who has exhausted his/her accumulated sick leave days. Determination of eligibility to receive catastrophic sick leave donations will be the same as eligibility for the one hundred (100) working days of differential pay (Education Code 87786). (See Manual for the Confidential and Management Catastrophic Illness Donation Request form.)

Any transfer of sick leave days must be in writing. This transfer of sick leave days will be added to the sick eligible employee's leave after he/she has exhausted all accumulated sick leave and the one hundred (100) working days differential leave allowed by Education Code 87786. (See Manual for the Confidential/Management Consent to Donate Sick Leave for Catastrophic Illness form.)

A confidential or management staff member may receive up to forty (40) days of donated sick leave per illness/injury.

Confidential or management staff who are contributing to another eligible employee's catastrophic leave must maintain a personal sick leave balance of not less than forty (40) days after contributing.

The District may require that any absence as a result of illness, injury or quarantine which exceeds three (3) days duration be verified by a written statement by a licensed physician indicating the reason for and length of disability.

After accumulated sick leave, industrial accident and illness leave, vacation, and other available leave to which the employee may be entitled has been exhausted, the employee is entitled to additional leave benefits when absent from duties because of illness or accident, whether the absence arises out of or in the course of employment of the employee. These benefits allow for one-half (1/2) pay for the workdays he/she is absent beyond the sick leave period to a maximum of one hundred (100) working days.

However, vacation and sick leave may not be accrued during this period. [See Procedure Manual for process on counting the one hundred (100) days at differential pay.] However, vacation and sick leave may not be accrued during this period.

Personal Necessity Leave

Earned sick leave to a maximum of seven (7) days each fiscal year may be used by the employee in cases of personal necessity.

To arrange for proper coverage of the assignment, when possible, it is expected that the employee shall secure prior approval from their immediate supervisor for use of personal necessity.

Appearance in any court or before any administrative tribunal as a litigant or party that does not involve payment to the employee for services.

Personal business of a compelling nature that cannot be conducted outside of normal work assignment hours and does not involve payment to the employee for services.

If prior approval is not obtained the employee, upon return to work or within three (3) days, shall report the nature of the absence. If the absence does not meet the provisions contained herein, the employee may have a deduction in pay.

The employee shall not be required to have advanced permission for personal necessity leave for the following reasons:

Death or serious illness of a member of the immediate family when additional leave is required beyond that provided by law. Immediate family shall be construed to have the same meaning as identified under bereavement below.

Accident involving the person or property of the employee or the person or property of a member of the immediate family.

Bereavement Leave

Each employee may be granted five (5) days with pay for bereavement, funeral arrangements and/or funeral attendance in the event of the death of a member of the employee's immediate family. Members of the immediate family include mother, mother-in-law, father, father-in-law, spouse, son, daughter, brother, sister, grandparents of employee or spouse, son-in-law or daughter-in-law of employee, or any relative living within the immediate household of the employee.

Time off without pay may be granted for attendance at the funeral of a distant relative or close friend. An employee may choose to use personal necessity leave, vacation, or compensatory time for attendance at the funeral of a distant relative or close friend.

Emergency Leave

The emergency leave is a privilege granted by the Board of Trustees and its use is limited to severe illness. Employees must expect to provide adequate proof of necessity for emergency leave. This leave may be used after personal necessity leave and, if applicable, bereavement leave, has been exhausted.

For absence as a result of severe illness or death in the employee's family, no deduction in pay will be made up to a maximum of six (6) days per fiscal year. Additional time for reasons of travel may be allowed upon the recommendation of the Chancellor or College President.

Job Related Accident or Illness

Job related accident or illness (industrial accident and industrial illness) is defined as any injury or illness arising out of and in the course of employment.

A maximum of sixty (60) working days of leave is available for the same accident or illness.

The industrial accident or illness leave shall not be accumulated from year to year.

Industrial accident or illness leave shall commence on the first (1st) day of absence.

When an industrial accident or illness absence occurs, the employee shall be paid a salary which when added to the Worker's Compensation benefit amount will yield full salary.

During a paid industrial accident or illness leave of absence, the employee shall endorse to the District all Workers' Compensation benefit checks received for industrial accident or illness. The District, in turn, shall issue the employee's appropriate salary warrants and shall deduct normal retirement and other authorized contributions.

When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused industrial accident or illness leave due for the same illness or injury.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits of such other leave as may be provided by law or regulations.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the Board of Trustees authorizes travel outside the State.

Industrial accident or illness leave shall not be considered to be a break in service of the employee.

The District shall provide employees with a physician pre-designation form during orientation.

Pregnancy Disability Leave

Each female employee shall be entitled to a maximum of four (4) months Pregnancy Disability Leave (PDL) for the period of time she is disabled as a result of pregnancy, childbirth, or a related medical condition. This leave is available only to employees who are on current working status. The employee shall be entitled to use her accumulated sick leave and disability benefits allowable under appropriate sections of this Board policy on the same basis provided for any other illness, injury, or disability.

The period of disability, including the date upon which the leave shall begin, shall be determined by the employee and her physician.

A written statement from the employee's physician as to the beginning date of such disability shall be filed with the Chancellor and, if applicable, through the College President. This date shall be based on the employee's ability to render service in her current position.

The date of the employee's return to service shall be based on her physician's analysis and written statement of the employee's physical ability to render service and that she is no longer required to remain off duty as a result of her physical disability.

Eligible employees may also be entitled to an additional unpaid leave up to twelve (12) workweeks under the California Family Rights Act (CFRA) [not to exceed seven (7) months combined PDL and CFRA] to care for her newborn.

Upon return from leave, the employee shall be reinstated to the same position held at the time the leave was granted or to a similar position with the District.

Child Rearing Leave

At the request of the employee, an unpaid child rearing leave shall be granted to a maximum of twelve (12) months upon approval of the College President, the Chancellor and the Board of Trustees.

If mutually agreed by the employee and the College President, with approval of the Chancellor, an additional twelve (12) months for an overall total of twenty-four (24) months may be granted by the Board of Trustees.

Upon return from a child rearing leave, the employee shall be reinstated to the same position held at the time the leave was granted to a similar position within the District.

Child Adoption Leave

The child adoption leave shall be granted to the employees and shall be without pay. The College President or Chancellor shall be notified of such request in sufficient time to make proper substitute arrangements if needed.

The child adoption leave may begin on the date the employee takes custody of the child or any time within one (1) week prior.

The leave shall terminate sixty (60) days after the employee has taken custody of the child. The employee may request an extension to the sixty-day (60-day) limit in cases of unusual circumstances as verified in writing by a social worker, pediatrician, or other appropriate professional.

Family Care Leave

All employees who have completed one (1) year of continuous service for the District shall be entitled to a maximum of six (6) months of unpaid family care leave in a twenty-four- (24)-month period as provided by law. Family Care Leave is available for the following reasons:

- Care of the child of the employee following the birth of that child.
- The placement of a child with the employee for adoption or foster/adoption program.
- Serious illness of the child of the employee.
- Care for a parent or spouse who has a serious health condition.
- A serious health condition that makes the employee unable to perform the functions of his/her position.

The total time provided in Family Care Leave shall run concurrently with the leave provided in Emergency Leave, Disability Pregnancy Leave, Child Rearing Leave and Child Adoption Leave.

If the need for Family Care Leave is foreseeable, the employee shall provide the District with reasonable advance notice of the need for the leave.

If the need is foreseeable due to planned medical treatment, the employee shall make a reasonable effort to schedule the treatment to avoid disruption of work schedule.

The following time constraints shall apply to Family Care Leave.

Except for special circumstances approved by the Board of Trustees, the leave must be taken in a consecutive time block rather than intermittent.

The Family Care Leave does not constitute a break in service for seniority or longevity.

During the time of leave, the District will continue to provide health and welfare benefits at the same contribution rate as an active employee.

The District is entitled to recover the cost of health and welfare benefits if the employee does not return from leave.

Sick leave and vacation shall be earned during any period of Family Care Leave when in a paid status.

Military Leave

Military leaves shall be granted to employees in accordance with the applicable state and federal law. Additional leave beyond the specified legal minimum may be granted upon approval of the Governing Board for such employees in cases where it would be to the advantage of both the District and the employee to grant such a leave.

Short-Term Leave

Employees may be authorized to attend conferences and participate in state and national professional organizations related to their subject matter fields when there is clearly an opportunity for professional growth and/or benefit to the College instructional program.

Permission to attend such functions or conferences may be granted on written request submitted to the Chancellor well in advance of the event. The Chancellor may refer the matter to the Board of Trustees for a decision.

If the Chancellor approves the request, the use of a school car for transportation to conferences and/or reimbursement for other pertinent expenses may be granted.

If an employee is authorized to attend a conference or related meeting, no salary deduction will be made.

If an employee is requested to attend a conference by the Chancellor, President, or Board of Trustees, all pertinent expenses will be paid.

Long-Term Leave Without Pay

Each applicant for long-term professional leave of absence without pay must have served in a full-time capacity within the District not less than four (4) consecutive years immediately preceding the beginning of the leave period. Any subsequent leaves following the first (1st) leave shall require four (4) additional years of service.

Exceptions to the four-year (4-year) requirement may be made for a leave involving a specific educational program which is clearly an opportunity for professional development and a benefit to the District. Such an educational program shall be developed cooperatively by the employee, the employee's supervisor, and the Chancellor.

Applications for leave must be filed with the Chancellor at least sixty (60) days prior to the beginning of the leave period. The maximum length of the leave is one (1) year provided the employee on leave gives sixty (60) days notification of return and provided a satisfactory substitute is available. The leave shall be approved by the Chancellor and the Board of Trustees.

Leave of absence may be granted for advanced collegiate training, travel, business or personal reasons, and rest and recuperation. A second consecutive year may be granted for good and sufficient cause for persons on leave for rest and recuperation.

Educational Leave

Confidential/Management employees may apply for an educational leave for a maximum of two (2) months at full compensation, six (6) months at ninety percent (90%) compensation and if the leave exceeds six (6) months compensation will be sixty percent (60%).

An educational leave may be granted to engage in collegiate study or academic research that improves the competence of the staff member in his/her professional assignment or in an area recommended by the Chancellor or the College President and Board of Trustees. (College leaves must also be approved by the Chancellor.) Courses to be taken or

academic research to be pursued shall be filed with the leave request. Study shall approximate full-time. Transcripts of record for courses or a summary of the research completed shall be filed as part of the management leave report.

Significant departures from original educational leave proposals must be filed in advance in writing with and approved by the Chancellor.

Immediately preceding the beginning of the leave period, each educational leave applicant must have served in a full-time capacity with the District not less than four (4) consecutive years for one to six (1-6) months of leave and not less than seven (7) consecutive years of service for seven to twelve (7-12) months of leave. Subsequent leaves following the first (1st) leave shall be based on four (4) or seven (7) additional years of service of full-time confidential/management duty.

A basic consideration in approving an educational leave will be the reassignment of the confidential/management employee's duties at minimal cost to the District.

Educational leaves shall be limited to no more than one (1) confidential or management employee from each campus and one (1) from the District Office at any given time. Exceptions to this may be made with the recommendation of the Chancellor or College President and, if applicable, approval of the Chancellor.

Failure to complete an approved educational leave proposal will result in an appropriate reduction in educational leave compensation.

The total compensation that an employee on educational leave receives from both the District and from non-district leave related employment during the period of the leave shall not exceed the amount of the salary he/she would receive if he/she had continued on active duty in the District. This regulation does not include research or study grants or fellowships from nationally recognized foundations, approved by the Board of Trustees.

The arrangement for payment of compensation to an employee on leave is subject to governing board decision. It may be paid in the same manner as if the employee was working in the District provided, (a) the employee furnishes a suitable bond guaranteeing he/she will return to the District to render a period of service which is equal to twice the period of the leave, or (b) the employee agrees in writing to return to the service of the District and to render a period of service which is equal to twice the period of the leave following return from leave.

Each applicant who has been granted leave shall file the appropriate written report with the Chancellor within ninety (90) days upon returning to active duty. The report shall include an appraisal of the professional value of the activities and the manner in which the knowledge and experience may be applied for the benefit of the College, and/or District.

The Board of Trustees shall be free from any liability for the payment of any compensation damages in case of death or injury of the employee while on leave.

Vacation for Management and Confidential Employees

Confidential and management employees adhere to the classified employee's holiday schedule that is adopted by the Board of Trustees each year.

Management and confidential will earn two (2) days' vacation per month.

A maximum of forty-eight (48) days may be accumulated.

Vacation must be scheduled at a time convenient to the employee and to the operation of the College or District.

Management or confidential employees whose employment is terminated before earned vacation is taken in the current or preceding fiscal year will be granted terminal leave pay *in-lieu* thereof providing the employee has completed six (6) months of employment.

If an administrator or confidential employee terminates and has been granted vacation not earned, the full amount of salary paid for unearned vacation shall be deducted from the terminal payment.

Various types of leave of absence are noted in collective bargaining agreements. The following is the process to be followed when requesting a leave of absence.

- Complete the Request for Leave of Absence Form.
- To ensure timeliness of submission and the approval process, please refer to the instructions before completing the Request for Leave of Absence Form.
- When requesting a leave which requires use of sick leave for more than day-to-day sick leave, submit a completed Request for Leave of Absence Form with the Physicians Verification or Medical Certification Statement to the immediate supervisor.
- The supervisor shall forward the Request for Leave of Absence complete with the Physicians Verification or Medical Certification Statement to the Human Resources Office.
- Leaves requiring Board of Trustees approval will be placed on a Board agenda by Human Resources.
- Human Resources will notify employees of approvals and/or denials of all leave requests.

Also see BP 7340 titled Leaves, AP 7341 titled Sabbaticals, AP 7342 titled Holidays, AP 7343 titled Industrial Accident and Illness Leave, AP 7344 titled Notifying District of Absence/Illness, BP/AP 7345 titled Catastrophic Leave Program, AP 7346 titled Employees Called to Military Duty, and AP 7347 titled Paid Family Leave.

Also see the collective bargaining agreements for applicable employee group(s).