BP 7340 LEAVES OF ABSENCE

The superintendent/president shall establish procedures for employee leaves as authorized by law and by any collective bargaining agreements entered into by the district. Such leaves shall include, but are not limited to, the following:

- Illness leaves for all classes of permanent employees;
- Vacation leave for members of the classified service, administrators, and supervisors;
- Leave for service as an elected official of a community college district public employee organization or of any statewide or national employee organization with which the local organization is affiliated (Education Code Sections 87768.5; 88210);
- Leave of absence to serve as an elected member of the legislature (Education Code Section 87701);
- Pregnancy leave (Education Code Section 87766; 88193; Government Code Section 12945);
- Use of illness leave for personal necessity (Education Code Sections 87784; 88207);
- Industrial accident leave;
- Bereavement leave;
- Jury service or appearance as a witness in court (Education Code Section 87035 87036);
- Military service (Education Code Section 87700);
- Family leave (Government Code Section 12945.2)
- Sabbatical leaves for permanent faculty and administrators.
The Board retains the power to grant leaves with or without pay for other purposes or for other periods of time.

Reference: Educational Code Sections 87763 et seq., 88190 et seq. and cites above

Adopted: 6/10/03
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Revised:

(Replaces Board Policy 3210)
AP 7340 LEAVES OF ABSENCE

These procedures apply to administrative, supervisory, and confidential employees only.

1. **Absence Report:** All requests for leave shall be in writing upon the appropriate district form and shall be filed with the immediate supervisor for each separate absence.

   A. All requests for leaves or absences shall be made on the appropriate district form in advance as soon as practical except ordinary sick leave which must be reported on the appropriate district form on the first day of return to work.

      Administrators will complete a request for administrative absence form that must be approved by the supervising vice president and the superintendent.

   B. College human resources will maintain a record of all leaves or absences except official college business.

   C. The district may require an applicant for leave to submit evidence that substantiates the request. Examples of such evidence may include, but not be limited to, a physician's statement, a notice of jury services, or a copy of a subpoena directed to the applicant.

2. **Reporting Procedures for Absences due to Illness or Emergency:** Administrators, supervisors and confidential employees must report absences due to illness or emergency to the immediate supervisor at the beginning of the workday except in extenuating circumstances.

   A. The administrator, supervisor, or confidential employee shall call (no electronic messages) his or her immediate supervisor or the supervisor's secretary at the beginning of the workday and notify him or her of the nature of the illness or emergency and the anticipated length of the absence.
The supervisor shall notify the superintendent/president's office of the administrator's absence.

If the administrator, supervisor, or confidential employee is unable to reach his or her immediate supervisor or the supervisor's secretary, then he or she shall call the switchboard operator who will call the appropriate supervisor or his or her secretary to report the administrator's absence.

B. The administrator, supervisor, or confidential employee shall also notify his or her staff, if appropriate, of his or her absence.

C. On his or her first day of return to work, the administrator, supervisor, or confidential employee shall record the absence(s) on the appropriate district form and send it to his or her supervisor.

3. Personal Illness and Injury Leave: The sole purpose for the use of sick leave shall be for illness, injury, medical or dental appointment, legally established quarantine, or disability due to pregnancy that renders the employee unable to perform normal duties on a work day. Accumulated sick leave may also be used for personal necessity, herein defined, and in connection with leaves arising from industrial accident or illness.

A. Full-time employees who work 12 months per fiscal year shall receive 12 days sick leave (one day per month) with full pay each fiscal year of service. Employees who work less than full time and/or less than 12 months shall receive that ratio of the 12 days sick leave as their assignment bears to a full-time assignment.

B. At the beginning of each fiscal year, the full amount of sick leave granted under this article shall be credited to each employee. Credit for sick leave need not be accrued prior to taking such leave and such leave may be taken at anytime during the fiscal year. However, a new employee of the district shall not be eligible to take more than six days until the first day of the calendar month after completion of six months of active service with the district.

C. If an employee terminates district employment having used more sick leave than has been accrued, the district will make an adjustment on the final warrant.

D. Sick leave may be accumulated without limitation and may be transferred to or from any district in California as provided by law. Accumulated sick leave may be converted to retirement credit in state retirement systems.

E. The district reserves the right to require medical verification for any absence charged to sick leave. A medical verification may include a medical release
prior to the employee's return to work on the appropriate district form.

1. In case of chronic absenteeism, employees requesting paid illness or injury leave may be required at the discretion of the district to provide a medical statement on the appropriate district form signed by a licensed California physician. The employee shall bear any costs to obtain the medical statement.

2. Employees absent due to surgery, serious injury, or illness or absent for three or more consecutive assigned work days may be required to submit to the immediate supervisor a medical release signed by a licensed California physician prior to being permitted to return to work. If the required medical release is not submitted, such leave will be without pay. The employee shall bear any costs to obtain the medical release.

3. Employees shall be required to submit to medical examination by a district-appointed physician at district expense at the discretion of the district.

F. When possible, it is the responsibility of the employee to schedule medical and dental appointments during non-duty hours.

4. **Personal Necessity Leave**

   **A.** Leave which is credited under sick leave may be used at the employee's election for the purposes of personal necessity provided that use of such personal necessity leave does not exceed six (6) days in any fiscal year except for supervisors and confidential staff for which such leave shall not exceed seven (7) days in any fiscal year and is approved in advance by the superintendent/president.

   **B.** To qualify for paid personal necessity leave, there shall be a compelling reason requiring the employee's absence from duty, which cannot be attended to outside of the employee's duty hours and which shall be limited to one of the following reasons:

   1. The death of a member of the employee's immediate family as defined in section 6.B when additional leave is required beyond that provided by bereavement leave in section 6.C.

   2. An accident or emergency illness involving the employee's personal property or the person or property of the employee's immediate family. Immediate family is as defined in section 6.B.

   3. Required appearance brought about as a result of a legal notice to appear as a witness before government or judicial agency or court of
law or appearance as a litigant in a legal action. If a witness fee is payable, such fee shall be demanded and collected by the employee and remitted to the district up to the employee's prorated pay for such absence.

4. Other emergencies or personal necessities involving essential employee welfare that are substantiated by the employee and approved by the superintendent/president or designee.

5. Absence for father on the occasion of childbirth and absence for mother and/or father to meet legal compliance for adoption.

C. Except when emergency circumstances make advance notice impracticable, the use of personal necessity leave must be approved in advance.

D. Upon return from an approved personal necessity leave of absence, the employee may be required to provide proof of eligibility for the personal necessity absence.

E. The employee must specifically describe in writing what the reason is for requesting this type of leave.

5. Judicial Leave

A. The employee shall be provided leave for regularly called jury duty and, when subpoenaed, for appearance as a witness in court, other than as a litigant, for reasons not brought about through the connivance or misconduct of the employee.

B. The employee, while serving on jury duty, will receive pay in the amount of the difference between the employee’s regular earnings and any amount received for jury duty service, exclusive of any mileage reimbursement. However, the employee shall receive full compensation if the employee remits to the district the fee received exclusive of the mileage reimbursement.

C. Paid judicial leave shall not be provided for employees who serve as paid expert witnesses.

D. An employee shall notify the appropriate supervisor in writing as soon as possible after receiving notice of jury duty or subpoena.

Upon return from judicial leave, the employee must complete the district's absence report form and attach to the form verification of judicial leave.
E. Employees are required to report for work during any day or portion of a
day in which jury duty services are not required. In such instances, the
employee shall be required to work when added jury duty time (including
reasonable driving time) will equal a full day work for the employee.

6. Bereavement Leave

A. In the event of a death of any member of the immediate family, the
employee shall be entitled to three (3) days leave of absence for each
death or five (5) days leave of absence if the employee must travel more
than 300 miles without loss of salary or deduction from sick leave.

B. For the purposes of this provision, the immediate family shall be limited to
mother, father, grandmother, grandfather, or a grandchild of the employee
or of the spouse of the employee and the spouse, son, son-in-law,
daughter, daughter-in-law, brother or brother-in-law, sister, or sister-in-law,
step-parent, step-son, or step-daughter of the employee, or any relative
living in the immediate household of the employee.

C. If additional leave is needed, the employee can use personal necessity
leave in accordance to the provision of section 4.B.1.

D. Employees shall be required to complete an absence verification form
provided by the district upon return from bereavement leave and may be
required to provide proof of eligibility such as newspaper obituary notice or
death certificate for bereavement leave benefits.

7. Military Leave

A. The employee will be granted military leave in accordance with applicable
state and federal laws.

B. The employee must provide the district with a copy of the military orders
requiring the military duty. Verification must be attached to the district's
absence report form as far as possible in advance of actual leave.

8. Industrial Accident/Illness Leave

A. Employees will be entitled to industrial accident leave according to the
provisions in the California Education Code for personal illness or injury that
has qualified for Workers' Compensation under the provisions of the State
Workers' Compensation Insurance Program.

B. Employees shall notify the immediate supervisor and human resources of
any accident or illness arising out of employment with the district as soon as
possible, but normally within twenty-four (24) hours.
C. Pursuant to the statutory provisions of the State Workers' Compensation system, the district has a right to have employees examined by a physician or psychologist designated by the district at the district's expense to assist in determining the length of time the employee will be temporarily unable to perform assigned duties and the degree to which a disability is attributable to the injury involved.

D. Allowable leave shall be for not less than sixty (60) days during which the college is required to be in session or when the employee would have been performing work for the district in any one fiscal year for the same accident.

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

2. Allowable leave shall not accumulate from year to year.

3. Industrial accident or illness leave shall commence on the first day of absence.

E. When an employee is absent from his/her duties on account of an industrial accident or illness, he/she shall be paid the portion of the salary due him/her for any month in which the absence occurs as when added to his/her temporary disability indemnity will result in a payment to him/her of not more than his/her full salary.

F. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability award.

G. When entitlement to industrial accident or illness leave under this section has been exhausted, accumulated sick leave or other applicable paid leave will be used in full-day increments for each day of industrial accident or illness absence. If, however, the employee is still receiving temporary disability payments under the Workers' Compensation laws of this state at the time of exhaustion of benefits under this section, the employee shall be entitled to use only so much of the person's accumulated or available sick leave, which, when added to the workers' compensation award, provides a regular day's pay at the employee's regular rate of pay.

H. Employees shall upon demand of the district endorse to the district workers' compensation checks issued in the names of the employees for any day(s) for which the employees received compensation from the district.

9. **Family and Medical Care Leave**
To the extent not already provided for under current leave policies and provisions, the district will provide family and medical care leave for eligible employees as required by State & Federal law. The following provisions set forth employee’s rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 (FMLA) and the regulations of the California Fair Employment and Housing Commission implementing the California Family Rights Act (CFRA) (Government Code Section 12945.2). Unless otherwise provided by this article, "Leave" under this article shall mean leave pursuant to the FMLA and CFRA.

A. An employee is eligible for leave if the employee has been employed for at least 12 months and has been employed for at least 1250 hours during the 12-month period immediately preceding the commencement of the leave.

B. Leave is permitted for the following reasons only:

1. The birth of a child or to the care of a newborn of the employee.

2. The placement of a child with the employee in connection with the adoption or with the foster care of a child.

3. Leave to care for a child, parent, or spouse who has a serious health condition.

4. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position.

A serious health condition includes an illness, injury impairment, or physical or mental condition that involves one of the following: Any period of incapacity or treatment in connection with a hospital, hospice, or residential medical care facility; any period of incapacity requiring absence from work of more than three calendar days that also involves continuing treatment by, or under the supervision of, a health care provider; or continuing treatment of a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days or for prenatal care.

“Continuing treatments” include the following: two or more visits to a health care provider; two or more treatments by a health care practitioner (e.g. physical therapist) on referral from or under the direction of a health care provider; or a single visit to a health care provider that results in a regimen of continuing treatment under the
supervision of the health care provider (e.g. medication therapy).

"Health care provider" means one of the following: a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California; individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a serious health condition; podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law; nurse practitioners and nurse-midwives who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law; or Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

"Child" means a child under the age of 18 years of age or a person 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster, or stepchild.

"Parent" means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

"Spouse" means a husband or wife as defined or recognized under California State law for purposes of marriage.

C. Eligible employees are entitled to a total of 12 workweeks of leave during any 12-month period.

1. An employee's entitlement to leave for the birth or placement of a child for adoption or foster care expires 12 months after the birth or placement. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g. bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions during the 12 week period.

2. If the employee requests leave to care for a child, parent, or spouse or to care for himself/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the
employee must comply with the notice and medical certification provisions of this leave.

3. In any case in which the husband and wife, both employed by the Allan Hancock Joint Community College District, are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled will be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child. This limitation does not apply to any other type of leave under this policy.

"12-month period" means the 12-month period measured forward from the date an employee's first leave begins.

D. Leave is unpaid. While on leave, an employee will continue to be covered by the district's group health insurances which will include medical, dental, and income protection insurances in the same extent that coverage is provided while the employee is on the job. However, an employee will not continue to be covered under the district's non-health benefit plans that include TSA, life insurance and other non-health benefit plans unless an employee makes the appropriate contributions for continued coverage. An employee may make the appropriate contributions for continued coverage under the preceding non-health benefit plans by payroll deductions or direct payments made to these plans. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the district shall have the right to recover its share of health plan premiums for the entire leave period unless the employee does not return because of the continuation, recurrence, or onset of serious health condition which would entitle the employee to leave. The district shall have the right to recover premiums through deduction from any sums due to the employee from the district such as unpaid wages, vacation pay, etc.

E. If an employee requests leave for any reason permitted under family and medical care leave he/she must exhaust all accrued leaves except sick leave in connection with the leave. The exhaustion of accrued leave will run concurrently with this leave.

If an employee requests leave for his/her own serious health condition, in addition to exhausting accrued leave, the employee must also exhaust accrued sick leave. The exhaustion of accrued leave will run concurrently with this leave.

F. The district will require an employee who requests leave to provide written
certification on a form approved by the District from the health care provider of the individual requiring care.

1. If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential function of his/her position. An employee need not, but may at the employee's option, identify the serious health condition involved. If the employee fails to disclose the condition, this lack of disclosure would give the district reason to doubt the validity of the certification.

2. If the district has reason to doubt the validity of a certification, the district may require a medical opinion of a second health care provider chosen by the district. If the second opinion is different from the first, the district may require the opinion of a third provider jointly approved by the district and the employee. The opinion of the third provider will be binding.

3. If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means that there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

G. Although the district recognizes that emergencies arise which may require an employee to request immediate leave, an employee is required to give as much notice as possible of his/her need for leave. If leave is foreseeable, at least 30 days notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for birth of a child or care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice must be in writing. If the district determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the district may delay the granting of the leave until it can, at its discretion, adequately cover the position with a substitute.

H. Upon expiration of this leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced or to an equivalent or comparable position.

As a condition of restoration of an employee whose leave was due to the employee's own serious health condition, which made the member unable to perform his/her job, the employee shall obtain and present a fitness-for-duty certification on a form approved by the district from the health care provider.
that the employee is able to resume work. Failure to provide such certification will result in denial of restoration.

I. Employees must fill out the following applicable forms in connection with this leave. These forms enable the district to satisfy its record keeping obligations.

1. Request for Family or Medical Leave form to establish eligibility.
2. Medical Certification form either for the employee's own serious health condition or the serious health condition of a child, parent, or spouse
3. Authorization for Payroll Deductions for Benefit Plan Coverage Continuation form.
4. Fitness for Duty to Return from Leave Certification form.

10. **Sabbatical Leaves for Administrators**

   Administrative Procedure 2070.04 outlines the process for administrative sabbatical leaves.

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*(Replaces Administrative Procedure 3210.01)*