

Human Resources

AP 7340 LEAVES

References:

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

Vacations – Administrators

- A. Administrators shall be entitled to vacation at the rate of 22 days for 12 months of service based on a 1.0 Full Time Equivalent, or a proportional amount for less than 12 months of service.
- B. No vacation may be accrued after the accumulation of 31 earned vacation days. Administrators will be credited with 1.833333 days of vacation at the end of each calendar month worked if the employee has not exceeded the earning limit of 31 days.
- C. When an employee moves into an administrative position, the employee will be given one of the following options regarding their vacation:
 - 1) The employee receives the value of the vacation in a lump sum at the rate of the previous position
 - or
 - 2) The value of the vacation hours will be prorated based on the value of pay at the new position's rate
- D. If an administrator discontinues service during a fiscal year and has taken vacation prior to earning it, the number of days owed must be reimbursed.
- E. Administrators are encouraged to take vacations in the year in which the days are earned.

Vacations – Confidential/Supervisory Employees

- A. Vacation Accrual
Confidential/supervisory employees may not use their accrued vacation during the first six months of employment.

B. Vacation shall be accrued at the following rates:

Years of Service	Vacation Days Accrued Per Year
5 full years or less	10 (.83 working days per month)
Beginning of 6th year to completion of 8 years	15 (1.25 working days per month)
Beginning of 9th year to completion of 15 years	20 (1.66 working days per month)
More than 15 years	22 (1.83 working days per month)

C. Vacation Accrual for Part-time Employees

Confidential/supervisory employees who are assigned to regular part-time positions shall be granted vacation leave at the same rate as full-time employees with equal years of service, proportional to the number of hours worked per month and the number of months per academic year in relation to a full-time working schedule, as provided by law. Vacation leave shall continue to be earned during active service and during other authorized leaves with pay.

When a represented employee changes to a confidential/supervisory position, the employee can use earned vacation from the represented position during the probationary period.

D. Vacation Scheduling

- Vacation leave shall not be taken before it has been earned. No vacation may be taken until the original probationary period and any extensions thereto have been completed. An employee leaving the District before the end of the initial probationary period will receive no vacation credit payment.
- The specific dates on which a confidential/supervisory employee takes annual vacation shall be approved by the immediate supervisor and the designated dean or Vice Chancellor prior to such dates. All applications are subject to final approval by the Chancellor. The needs of the District will govern the scheduling of vacations.
- If there is a conflict between two or more confidential/supervisory employees in the same department who have made a timely request for the same otherwise acceptable vacation dates, the preferred dates will be available on a rotating basis.

E. Maximum Earned Vacation Days

No vacation will be accrued beyond 31 days.

F. Holidays

Any paid holiday to which an employee would have been entitled had he/she not been on vacation shall not be charged as a day of vacation.

G. Illness or Injury Occurring During Vacation

- 1) If a confidential/supervisory employee becomes seriously ill, or is injured, during the scheduled vacation period, he/she may request that the time be deducted from his/her earned sick leave and the vacation period be terminated and rescheduled to a later date or be extended. Such request shall be made to the employee's manager who shall make the decision and shall be accompanied by a medical statement signed by a licensed physician or medical provider to be submitted prior to the employee's returning to work, stating the reasons that the employee was unable to continue the scheduled vacation on the dates indicated.
- 2) When a request to terminate a vacation is the result of a recurrence of an industrial accident or illness, the employee will use any available industrial accident or illness leave.

Vacation Compensation Upon Separation for All Eligible Employees

Upon separation from employment, an employee with permanent status or six months or more probationary status will be paid the vacation leave accrued and not used, at his/her current rate of pay. In cases of separation where an employee has or will reach age 55 or older in that calendar year, the District will deposit the value of the vacation into an annuity on the employee's behalf.

Personal Necessity Leave for Administrators and Confidential/Supervisory Employees

- A. Any days of absence for illness or injury, earned or allowed, by an employee may be used, at his/her election, in cases of personal necessity for the following purpose: (Deducted from sick leave)
1. Death of a member of his/her immediate family when additional leave is required beyond the number of days provided under the bereavement leave section of these rules and regulations;
 2. Accident involving his/her person or property, or the person or property of a member of his/her immediate family;
 3. Illness of a member of his/her immediate family;
 4. Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction;
 5. Matters of compelling personal importance which cannot be accomplished at times other than assigned working hours.

- B. Maximum Number of Days -- The maximum number of days of accumulated leave of absence for illness or injury which may be used for the purposes set forth above shall not exceed seven days in any one academic year.
- C. Verification -- Each employee requesting leave of absence under these provisions shall file with the immediate supervisor, upon forms provided, such proof or statement of facts as may be determined necessary to carry out the intent of this procedure.

Bereavement Leave for Administrators or Confidential/Supervisory Employees

- A. Definition of Immediate Family
For purposes of this procedure, an immediate family member shall be limited to mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee, and the spouse or domestic partner, son, son-in-law, daughter, daughter-in-law, brother, sister, brother-in-law, or sister-in-law of the employee or any relative living in the immediate household of the employee, or upon approval of the Chancellor.
- B. Duration of Leave
An employee shall be entitled to a maximum of three days leave of absence, or five days leave of absence if out-of-state travel or a distance exceeding 350 miles is required, without loss of salary.

Jury Duty for Administrators or Confidential/Supervisory Employees

- A. An employee who has been called for jury duty in the manner provided for by law, or who is ordered to appear as a witness in court other than as a litigant, shall be granted a paid leave of absence. Upon notification of jury duty, it is the obligation of the employee to immediately inform his/her immediate supervisor.
- B. No deduction shall be made from salary. Any daily jury or witness fee, exclusive of travel expenses, shall be deposited to the credit of the District. When the court appearance consumes only a portion of the day, the employee shall make reasonable attempts to report back to work.

Extended Illness Leave for Confidential/Supervisory Employees

In addition to the sick leave provisions of Education Code section 88191, each confidential/supervisory employee shall once a year be credited with additional sick leave of 100 days for that year. These additional days of paid sick leave shall be compensated at the rate of at least 50% of the employee's regular salary. This paid sick leave is available only after all other paid leaves are exhausted. One day of

authorized absence is equal to any number of hours in a day that an employee is absent due to an extended illness.

If, at the conclusion of all leaves of absence, paid or unpaid, the employee is still unable to assume the duties of his or her position, the employee shall be placed on a reemployment list for a period of 39 months. Medical examination(s) may be required to be performed by a physician(s) to be designated by the Chancellor to determine physical and mental condition for continued service.

Leave of Absence Without Pay for Administrators or Confidential/Supervisory Employees

Administrators and confidential/supervisory employees with regular or permanent or contract status may be granted leaves of absence without pay by the Board not to exceed one fiscal year. Such leave shall be granted only upon written request to the Chancellor and at the convenience and best interests of the District and then only if the leave applicant has been employed in his/her current position for a minimum of four years immediately preceding the request for leave unless otherwise allowed by the District. Leave requested for the purpose of employment with a different employer, including self-employment, shall normally not be granted.

Employees whose employment status is based upon a multi-year written contract, shall only be eligible for such leave if upon being granted leave, the employee and District mutually agree to terminate the remaining term of the employment contract effective upon the date such leave is to begin.

In addition, confidential/supervisory employees on such leave shall notify Human Resources no later than 60 days prior to termination date of the leave; administrators no later than 90 days prior to the termination date of the leave as to an intent to return to employment in the District. Failure to so notify will constitute and be considered as abandonment of the position.

Information on leaves for represented employees can be found in the respective collective bargaining agreement.

Date Adopted: June 16, 2015

(This is a new procedure recommended by the Policy and Procedure Service.)