

AP 7240-4 Management Employees – Leaves

1.0 Regular (Nontemporary) Management Employees

1.1 Sick Leave: Regular management employees will be granted sick leave with pay when they are absent due to illness or injury. Whenever a management employee is absent from duty because of illness, injury, pregnancy disability, or quarantine, which prevents the management employee from performing the duties of the employee's job, the employee shall receive sick leave pay in accordance with the provisions of this section.

1.1.1 Regular (Full Pay) Sick Leave: Management employees who are employed full-time (100%) shall accrue regular sick leave at the rate of one (1) day for each full calendar month worked during the fiscal year. Management employees who are employed less than full-time shall accrue a proportionate share of regular sick leave, prorated by the percentage of employment.

1.1.1.1 New management employees of the District accrue sick leave from the first (1st) day of the month in which employed, provided their employment commences on or before the fifteenth (15th) day of the month. If employment commences on or after the sixteenth (16th) day of the month, sick leave is accrued from the first (1st) day of the following month. Where a management employee terminates employment with the District, sick leave will be accrued to the end of the month, provided the employee's last day of employment is on or after the fifteenth (15th) day of the month.

1.1.1.2 On the date of employment, and at the beginning of each fiscal year thereafter, the full amount of regular sick leave that would be earned by the management employee for the fiscal year shall be credited in advance.

1.1.1.3 A management employee must be in paid status to earn regular sick leave. Regular sick leave not used in any fiscal year shall be accumulated from year to year as provided by law.

1.1.1.4 In the event employment with the District is terminated, if a management employee has taken unearned sick leave in advance, the amount of the payment for the sick leave taken will be deducted from the employee's final paycheck. Unused sick leave will not be compensated.

1.1.1.5 Transfer of Accumulated Sick Leave

1.1.1.5.1 A person who accepts employment in the District as an academic management employee within one year of termination of employment in another California community college district or school district where the person was employed as an

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academic employee, for a period of one school year or more, shall be entitled to have transferred to the District the total amount of the employee's earned and accumulated regular sick leave from the prior district.

1.1.1.5.2 A person who accepts employment in the District as a classified management employee within one year of termination of employment in another California community college district or school district where the person was employed as a classified employee, for a period of one calendar year or more, shall be entitled to have transferred to the District the total amount of the employee's earned and accumulated regular sick leave from the prior district.

1.1.2 Supplemental (Half Pay) Sick Leave: In addition to regular sick leave, management employees shall be granted non-accumulative supplemental sick leave at half pay during the fiscal year as follows:

1.1.2.1 Employees with sixty (60) or more accumulated regular sick leave days will be granted forty (40) supplemental sick leave days at half pay.

1.1.2.2 Employees with fewer than sixty (60) accumulated regular sick leave days will be granted enough supplemental sick leave days at half pay, in combination with the accumulated regular sick leave, to equal one hundred (100) days.

1.1.2.3 Supplemental sick leave may not be used until all regular sick leave has been exhausted.

1.1.2.4 For any use of supplemental sick leave, the management employee will be paid at half pay for any hours reported. The management employee will be deducted one day for each occurrence.

1.1.2.5 Any use of supplemental sick leave may require a management employee to submit to the Immediate Management Supervisor a physician's statement providing the anticipated duration of the leave, the anticipated date of return, and the signature of the physician at the request of the Immediate Management Supervisor.

1.1.3 Reporting and Verification of Sick Leave

1.1.3.1 In the event a management employee will be absent from duty due to illness, the employee must notify the immediate management supervisor within one hour of the employee's usual time to report to work.

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- 1.1.3.2 The District reserves the right to investigate any claim for sick leave and/or require the management employee to furnish a statement signed by a licensed physician verifying the illness. A medical statement shall be required when a management employee is absent for longer than five (5) consecutive working days, and shall certify that the employee is medically able to return to duty.
- 1.1.4 Exhaustion of Sick Leave: When all regular and supplemental sick leave has been exhausted and the management employee is not able to resume the duties of the position due to illness, the employee may elect to resign or to request a leave of absence without pay.
- 2.0 Personal Necessity Leave: At the option of the management employee, and normally with prior approval, up to six (6) days per fiscal year of earned and accumulated regular sick leave may be taken for personal necessity. The employee shall make every effort to provide advance notice of the use of personal necessity leave, not later than the employee's usual time to report to work.
- 3.0 Family Illness Leave: During each calendar year, a management employee may use earned and accumulated regular sick leave to attend to the illness of a child, parent, or spouse of the employee. For purposes of this section, "spouse" includes the domestic partner of a management employee as defined by section 297 of the California Family Code.
- 3.1 Full-time management employees who work twelve (12) months per year are allowed six (6) days of family illness leave. Management employees who work less than one hundred (100) percent or who work fewer than twelve (12) months per year are allowed a pro rata share of family illness leave days.
- 3.2 A management employee who is absent on family illness leave for more than five (5) consecutive working days shall provide the District with a medical statement signed by a licensed physician verifying the family member's illness. The District reserves the right to request substantiation of any claim for family illness leave.
- 4.0 Industrial Accident and Illness Leave
- 4.1 "Industrial accident or illness" as used in this section is defined as any accident or illness arising directly out of or during the course of employment with the District, which necessitates a management employee's absence from work. The determination of whether an accident or illness constitutes an industrial accident or illness shall be made by the District and/or its administering agency, except when the Department of Industrial Relations determines otherwise.
- 4.2 A management employee shall immediately report any injury or illness arising out of and during the course of employment with the District to the employee's immediate management supervisor or authorized designee.
- 4.3 A management employee who becomes disabled due to an industrial accident or illness shall be granted paid industrial accident or illness leave for the period of

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time the employee is unable to render service to the District, not to exceed sixty (60) working days in any one fiscal year for the same accident or illness except when any industrial accident or illness occurs at a time when the full sixty (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.

- 4.3.1 Eligibility for industrial accident and illness leave will continue for only such period as the management employee is qualified as temporarily disabled under the Worker's Compensation laws.
- 4.3.2 Industrial accident and illness leave shall not be accumulative from year to year, nor from one accident/illness to another.
- 4.3.3 Industrial accident and illness leave shall be used in lieu of entitlement to any other paid leave for which the management employee is eligible.
- 4.4 An absence resulting from an industrial accident or illness which has been duly reported by the management employee, supported by medical verification and approved by the District and/or its administering agency as qualified for Worker's Compensation is an absence payable under industrial illness and accident leave.
 - 4.4.1 During the period of determination by the District and/or its administering agency, the payroll charge for the absence will be made to the management employee's sick leave account. If the claim is approved, an adjustment will then be made, restoring to the management employee the sick leave previously charged from the first (1st) day of absence and a charge made in lieu thereof to industrial accident and illness leave.
 - 4.4.2 In the event the management employee does not have sick leave credit, appropriate payroll deductions will be made. If the claim is approved, reimbursement will then be made on the next available payroll.
 - 4.4.3 Industrial illness and accident leave will commence on the first (1st) day of authorized absence. The amount of allowable leave shall be reduced by one (1) day for each day of authorized absence regardless of a compensation award made under Worker's Compensation.
- 4.5 In the event a management employee's absence due to industrial accident or illness extends beyond sixty (60) workdays, the employee shall be permitted to use accumulated regular sick leave and supplemental sick leave.
 - 4.5.1 The management employee may use earned vacation in conjunction with supplemental sick leave in order to receive a full day's salary.
 - 4.5.2 If the management employee is receiving Worker's Compensation, the use of sick leave and vacation time shall not, when added to the Worker's Compensation award, cause the employee's compensation to exceed one hundred (100) percent of the employee's regular daily salary.

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- 4.6 When all industrial accident, regular sick leave, and supplemental sick leave benefits have been exhausted and a management employee is not medically able to resume the duties of the position, the employee may elect to resign or request a leave of absence without pay.
- 4.7 A management employee who receives a temporary disability payment for industrial accident or illness under Worker's Compensation shall remit such payment to the District for any of period time while the management employee is on any paid disability leave.
- 4.8 Any management employee receiving benefits pursuant to the provisions of this section shall, during periods of injury or illness, remain within the State of California unless the District authorizes travel outside the state.

5.0 Bereavement Leave

- 5.1 Five (5) days with pay are allowed for absences due to the death of the management employee's spouse, parent, or child. Five (5) days with pay are allowed due to the death of the parent or child of the management employee's spouse. For purposes of these provisions, "spouse" includes the domestic partner of a management employee as defined by section 297 of the California Family Code.
 - 5.1.1 Time may be taken as provided in Section 1.5.3 for absences due to the death of members of the immediate family of the management employee or the employee's spouse, interpreted to include the following:
 - 5.1.1.1 Brother or sister of the management employee or the employee's spouse.
 - 5.1.1.2 Brother-in-law or sister-in-law of the management employee or the employee's spouse.
 - 5.1.1.3 Son-in-law or daughter-in-law of the management employee or the employee's spouse.
 - 5.1.1.4 Grandparent or grandchild of the management employee or the employee's spouse.
 - 5.1.1.5 Aunt or uncle of the management employee or the employee's spouse.
 - 5.1.1.6 Niece or nephew of the management employee or the employee's spouse.
 - 5.1.1.7 Any person living in the immediate household of the management employee.

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- 5.1.2 Three (3) days with pay are allowed for absences due to the death of immediate family members specified in Section 1.5.2 residing in or south of the following counties:

San Luis Obispo	Madera
Fresno	Tulare
Kings	Inyo

Five (5) days with pay are allowed for absences due to the death of immediate family members specified in section 1.5.2 residing out-of-state or residing in or north of the following counties:

Monterey	Mariposa
San Benito	Mono
Merced	

- 5.1.3 No deduction shall be made from the salary of a management employee, nor shall such leave be deducted from leave otherwise granted under the Education Code, or as provided by the District.

6.0 Family Medical Leave (FMLA/CFRA)

- 6.1 In accordance with the provisions of Administrative Procedure 7340, eligible management employees shall be granted not more than twelve (12) weeks of unpaid family medical leave within a twelve (12) month period for the following reasons:

6.1.1 the birth of a child or to care for a newborn child of the management employee.

6.1.2 the placement of a child with the management employee in connection with the adoption or foster care of a child.

6.1.3 to care for a child parent or spouse who has a serious health condition.

6.1.4 because of the management employee's own serious health condition that makes the employee unable to perform the essential functions of the employee's position.

- 6.2 For purposes of these provisions, "spouse" includes the domestic partner of a management employee as defined by section 297 of the California Family Code.

7.0 Maternity Leave

- 7.1 An unpaid maternity leave of absence may be granted to a management employee upon the receipt of a signed statement from a licensed physician verifying the employee's pregnancy and indicating the beginning and ending dates of the leave. The request for maternity leave with the physician's statement shall be submitted to the immediate management supervisor through established channels and reach the Vice Chancellor of Human Resources, or designee, at least one (1) month prior

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to the beginning date for the maternity leave.

- 7.2 For any portion of the leave during which a licensed physician certifies the disability of the management employee caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom, the employee shall be eligible to use sick leave benefits as provided herein.
- 7.3 Prior to returning to service, the management employee shall furnish the Vice Chancellor of Human Resources, or designee, with a medical statement from a licensed physician certifying the employee's fitness to return to work.

8.0 Paternity Leave

- 8.1 A paternity leave of absence, without pay, may be granted for a period not to exceed one (1) year. The request for such leave shall be submitted to the Office of Human Resources at least one (1) month prior to the date the leave is to commence.

A unit member may use up to thirty (30) work days of earned and accrued sick leave within one year of their child's birth. All absences will be deducted in full day increments. Verification of eligibility must be submitted to Human Resources by providing proof of birth.

9.0 Adoption Leave

- 9.1 Adoption leave of absence, without pay, may be granted upon receipt of evidence of adoption, for a period not to exceed one (1) semester. The request for such leave shall be submitted to the Office of Human Resources at least one (1) month prior to the date the leave is to commence.

A unit member may use up to thirty (30) work days of earned and accrued sick leave within the first year of legally adopting a child. All absences will be deducted in full day increments.

- 10.0 Unpaid Personal Leave of Absence: A management employee may be granted an unpaid leave of absence for personal reasons including, but not limited to, personal health, family concerns, child rearing, adoption, and other personal matters for which there are no other leave provisions or where other applicable leave provisions have been exhausted. An unpaid leave of absence shall not normally exceed one (1) year.

- 10.1 A request for an unpaid leave of absence shall be submitted in writing to the immediate management supervisor, normally at least thirty (30) calendar days prior to the effective date of the requested leave. The request shall indicate the beginning and ending dates of the requested leave and the reasons for the request.

- 10.2 The request, accompanied by the immediate management supervisor's recommendation, shall be forwarded through established administrative channels and shall be subject to approval by the President or appropriate District

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administrator (for District Office employees), the Vice Chancellor of Human Resources or designee, and the Board of Trustees.

- 10.3 On an approved leave of absence, a management employee shall have the option to continue health and welfare coverage at the employee's expense.
- 11.0 Professional Activity Leave: A management employee may request attendance at professional conferences and workshops or participation in other activities relevant to the employee's assignment. The request shall be submitted to the employee's immediate management supervisor in accordance with established campus and District procedures. If approved by the Chancellor or designee, attendance shall be allowed with no loss in pay.
- 12.0 Jury Duty Leave: Jury duty leave shall be granted to management employees in accordance with provisions of the Education Code. This leave shall be granted with no loss in pay. The management employee shall reimburse the District for payment received for jury duty in a manner prescribed by the District, and the District shall issue the employee's normal paycheck. The employee shall provide verification of the dates of jury duty service.
- 13.0 Military Leave: Management employees may be eligible for a leave of absence, for up to thirty (30) calendar days with pay, for qualifying short-term military duty as required by National Guard or Reserve Units, and for extended leave, may take leave of absence, without pay, as defined in the Military and Veterans Code. Paid leave shall be deducted consistent with the employees' regular workday/workweek.

Verification of eligibility must be submitted to the Office of Human Resources by providing military deployment orders, training orders, or other military document(s) ordering the Unit Member to report for duty.

- 14.0 Sabbatical Leave: Management employees may be granted a sabbatical leave of absence, at full pay and benefits, for purposes of pursuing educational activities that will enhance their professional growth, development, and enrichment and be of benefit to the programs and services of the District.
- 14.1 A management employee shall be eligible for a sabbatical leave after sixty (60) months of continuous service to the District in a management position, provided the employee has not taken a sabbatical leave during those sixty (60) months.
- 14.2 A sabbatical leave may be approved for not more than forty (40) duty days, either in conjunction with or separate from vacation days.
- 14.3 A management employee applying for a sabbatical leave shall submit a Management Sabbatical Leave Letter of Application through the immediate management supervisor to the President or appropriate District administrator (for District Office employees) for review and feedback. Applications will be forwarded to the Sabbatical Review Committee for recommendation.

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- 14.3.1 The Sabbatical Review Committee will be composed of four DMA appointees, one each from Fullerton College, Cypress College, NOCE, and District Services, plus one representative from Human Resources.
- 14.3.2 Applications recommended for approval by the Sabbatical Review Committee will then be sent to Chancellor's Staff for review.
- 14.3.3 Applications recommended for approval by Chancellor's Staff will be submitted to the Board of Trustees for approval no later than the first Board meeting in December.
- 14.4 Applications must be submitted by August 1st for leaves to be taken during the subsequent fiscal year. Alternative dates for the requested leave should be included in the application.
- 14.5 Managers granted a sabbatical will be required to provide a report and/or presentation at the end of the sabbatical to their President or appropriate District administrator (for District Office employees).
- 14.6 In preparing for a leave, due consideration shall be taken for guaranteeing the continuity of operation, including the funding necessary for guaranteeing such continuity.
- 14.7 If the sabbatical program is interrupted because of serious illness or accident, this shall not be considered a failure to fulfill the conditions upon which the leave is granted. It shall not affect the amount of compensation to be paid the management employee, provided the District shall have been promptly advised of such accident or illness. Notification, with proper documentation, shall be made by registered letter within fifteen (15) days of the time of accident or illness to the Vice Chancellor of Human Resources unless prevented by extenuating circumstances.
- 14.8 If managers voluntarily separate from the District less than a year after completing their sabbatical, they will be required to reimburse the District for the salary they earned during their sabbatical.
- 14.9 The number of sabbatical leaves that may be granted to management employees in any fiscal year shall not exceed five percent of the District's total regular management staff (rounded to the nearest whole number).
- 15.0 **Temporary Management Employees:** Temporary management employees shall be granted leaves of absence as provided by law and in accordance with the terms of an applicable contract for employment.

See Administrative Procedure 7340, Family Medical Leave (FMLA/CFRA).

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