

# ADMINISTRATIVE REGULATION 7340

SOUTH ORANGE COUNTY  
COMMUNITY COLLEGE DISTRICT

HUMAN RESOURCES

## LEAVES

Leaves for Faculty and Classified professionals are contained within the respective collective bargaining unit agreements and/or board policies and administrative regulations.

### PERSONAL LEAVE WITHOUT PAY (All Classifications)

A personal absence without pay for up to five (5) individual days per fiscal year shall require the approval of the immediate supervisor. An absence of more than five (5) individual days must also be approved by the president or designee, for their respective college, and the Chancellor or designee for District Services. Appropriate paid leaves must be exhausted prior to utilizing leave without pay.

If an absence of more than thirty (30) consecutive days without pay is requested, the Board's approval is required.

### TRANSFER OF SICK LEAVE FOR ACADEMIC AND CLASSIFIED EMPLOYEES

At the time of employment, any employee who is a former academic or classified employee of another California school or community college district, county superintendent's office, or the State Chancellor's office for more than one (1) year may initiate a request with the Office of Human Resources to have transferred from the previous school or community college district, the total number of leave of absence for illness or injury to which the employee is entitled.

### TRANSFER OF SICK LEAVE FOR CLASSIFIED EMPLOYEES

Any classified employee of a community college district, school district, or county superintendent of schools who has been employed for a period of one (1) calendar year or more whose employment is terminated for reasons other than action initiated by the employer for cause and who subsequently accepts employment with the South Orange County Community College District within one (1) year of such termination of their former employment, shall have transferred with them the total amount of earned leave of absence for illness or injury to which they are entitled under California Education Code. In any case where an employee was terminated as a result of action initiated by their former employer for cause, such a transfer may be made if agreed to by the Board.

### LEAVES FOR MANAGEMENT TEAM

#### I. TRANSFER OF SICK LEAVE FOR MANAGEMENT TEAM

At the time of employment, any employee who is a former academic or classified employee of another California school or community college district, county superintendent's office, or the

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State Chancellor's Office for more than one (1) year may initiate a request with the Office of Human Resources to have transferred from the previous school or community college district, the total number of leave of absence for illness or injury days to which the employee is entitled. As soon as the transfer process is completed, the appropriate number of days will be credited to the employee.

**II. SICK LEAVE FOR MANAGEMENT TEAM**

A. Management team members shall be entitled to a leave of absence for personal illness or injury with full salary at the rate of one (1) day for each month served. Credit for a leave of absence need not be accrued prior to the taking of such leave by the employee. The leave of absence may be taken at any time during the year. However, a new management employee of the District shall not be eligible to take more than six (6) days or the proportionate amount to which the employee may be entitled until the first day of the calendar month after the completion of six (6) months of service with the District. Sick leave that is not used during any fiscal year shall be allowed to accumulate from year to year.

**B. Extended Sick Leave**

Management team members shall once a year be credited with a total of 100 days of paid extended sick leave in addition to the sick leave entitlement for each month of service. Such days of extended sick leave shall be compensated at the rate of fifty percent (50%) of the employee's regular salary. The 100 days of paid extended sick leave authorized under such a rule shall be in addition to other paid leave to which the employee may be entitled and shall be used after the exhaustion of such leaves. Extended sick leave shall not be accumulative.

**III. BEREAVEMENT LEAVE FOR MANAGEMENT TEAM**

A. Management team members shall be granted five (5) days leave of absence for the death of a spouse or domestic partner, child, child of spouse or domestic partner, parent, step-parent, grandparent, grandchild, sibling, legal guardian of the employee or of the spouse or domestic partner of the employee, or whenever travel out-of-state is required for any other member of the employee's immediate family. Otherwise, management team shall be granted three (3) days leave of absence for any other member of the employee's immediate family.

Any other member of the immediate family is defined as an aunt or uncle of the employee or spouse or registered domestic partner of the employee, son-in-law, daughter-in-law, brother-in-law, sister-in-law, former spouse of the employee, or any relative living in the immediate household of the employee.

B. The Vice Chancellor of Human Resources or the Executive Director of Human Resources & Employee/Employer Relations reserves the right to request verification.

C. No deduction shall be made from the salary of any employee qualifying for bereavement leave.

- D. Vacation time off, personal necessity, sick leave, or other applicable paid time off may be used to extend bereavement leave.

**IV. PARENTAL LEAVE (CHILD BONDING) FOR MANAGEMENT TEAM**

- A. Eligible management team members may request parental leave not to exceed 12 weeks within one (1) year of the birth or placement for adoption or foster care of a child. This leave shall run concurrently with any entitlement under the Family Medical Leave Act and the California Family Rights Act. Longer leaves or leave extensions may be granted by the Board. This leave shall be for the exclusive purpose of childcare or child rearing of a natural or adoptive child of the employee, and shall not be available for pregnancy related disabilities, or for gainful employment. The decision to grant a parental leave in excess of statutory entitlement, and the length of the leave, if granted, shall be at the sole discretion of the Board.
- B. The employee shall, prior to submitting the written leave request for parental leave in excess of statutory entitlement, obtain the written approval of the immediate supervisor. In approving or denying the requested leave, the supervisor shall consider the proposed dates of the leave, and the length of the leave in light of the responsibilities of the employee's position. A written request approved by the supervisor shall be filed by the employee with the Office of Human Resources specifying the beginning and ending dates requested and the length of leave requested. The written request will be submitted no later than ten (10) working days prior to the requested commencement of the leave. Depending upon the individual circumstances of the employee's need for the parental leave, the Board may shorten or waive the advance notice requirement.
- C. Return rights of employees taking parental leave pursuant to state or federal family leave law shall be as set forth in those laws.
- D. For parental leaves in excess of any statutory entitlement, the employee shall be entitled to return to the same classification, but not necessarily to the same position as the employee served in, immediately prior to the leave, unless the position or classification has been discontinued and the employee has been served notice under the layoff provisions of the California Education Code.
- E. Employees who do not return at the end of the authorized leave are required to reimburse the District for health and welfare benefits from the time of their leave and are subject to disciplinary action which may include dismissal.
- F. Pregnancy related disabilities shall be treated as any other disability for purposes of sick leave.

**V. PERSONAL NECESSITY LEAVE FOR MANAGEMENT TEAM**

- A. Accumulated sick leave may be used by an employee in cases of personal necessity; however, a personal necessity leave cannot exceed seven (7) days in any single fiscal year.
- B. Personal Necessity Leave Reasons

1. Death of a member of the immediate family. The immediate family includes the spouse or registered domestic partner, child, child of spouse or registered domestic partner, parent, step-parent, legal guardian of the employee or the spouse or registered domestic partner of the employee, grandparent, grandchild, aunt or uncle of the employee or of the employee's spouse or registered domestic partner, son-in-law, daughter-in-law, sibling, brother-in-law, sister-in-law, a former spouse, or any relative living in the immediate household of the employee. This leave would be in addition to normal bereavement leave.
2. An accident involving a person or property, or the person or property of a member of the immediate family. The accident shall be of such an emergency nature that the immediate presence of the employee is required during the work day.
3. Appearance in court as a litigant or as a witness under an official order.
4. Serious or critical illness of a member of the immediate family. The illness should be such that it requires the services of a physician, and of such an emergency nature that the immediate presence of the employee is required during the work day.
5. Compelling personal importance. Additional proof may be required to substantiate a personal necessity leave claimed under this reason.

Personal necessity leave shall not be used for convenience, social events, political activities or job actions. The Vice Chancellor of Human Resources or designee may require verification to substantiate any employee's claim for a leave of personal necessity.

- C. The employee shall request approval of such leave through the appropriate District's procedure and forwarded to the Payroll Department for the appropriate payroll reporting period.
- D. All personal necessity leave days are charged against paid sick leave allotment, and shall not exceed a total of seven (7) days per fiscal year.
- E. Holidays/Religious Observances
  1. Holiday observances for employees of the District shall be those recognized and authorized by the Board in the adoption of the academic calendar.
  2. The District shall afford "reasonable accommodation" to an employee's religious practices.
  3. The Chancellor or designee may grant employees up to three (3) days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional District expenditures, the neglect of assigned duties, or any other unreasonable hardship on the District.

An employee desiring to observe a religious holiday (other than those recognized by the Board) is entitled to use a day of personal necessity leave for such purposes.
  4. Personal necessity leave for religious holidays/observances shall be requested and approved in advance of the leave.

VI. FAMILY CARE LEAVE

Pursuant to Labor Code, management team members may use the amount of sick leave they earn in six (6) months to care for a parent, spouse, registered domestic partner, or child with an illness. All conditions and restrictions placed by the District upon the use by an employee of sick leave also shall apply to the use by an employee of sick leave for purposes of this paragraph. The number of sick leave days available for purposes of this paragraph are in addition to the days which may be used for purposes of personal necessity leave.

VII. VACATION LEAVE FOR MANAGEMENT TEAM

- A. Management team members shall accumulate vacation days at the rate of two (2) vacation days for each month of service during any fiscal year not to exceed 24 days per fiscal year. Employees may accrue vacation time up to a maximum two (2) times their annual vacation allowance.
- B. Employees whose vacation balance exceeds the 48-day limit on August 31<sup>st</sup> shall not earn nor accrue further vacation leave until the employee reduces their vacation leave balance to an amount not exceeding the 48-day limit. For uncommon, extraordinary circumstances, a management team members may request consideration by the Vice Chancellor of Human Resources or designee to extend vacation accruals beyond the accrual limit. Any requests for an exception must be accompanied by a written plan for utilizing the excess vacation.
- C. At the time of separation, retirement, termination, or reassignment, accrued but unused vacation leave not to exceed 48 days (384 hours) shall be paid at the daily rate for academic administrators and at the hourly rate for classified administrators/managers, in effect at the time of their separation, retirement, termination, or reassignment.

VIII. MEDICAL BENEFITS FOR MANAGEMENT TEAM WHILE ON LEAVE

Management team of the District shall receive medical, dental, vision, and life insurance benefits while on a leave of absence in accordance with the following conditions:

- 1. Management team members shall have the right to apply for a paid or unpaid leave of absence at any time upon any terms acceptable to the District and the management team member.
- 2. Management team members on an unpaid leave of absence due to illness shall continue to receive insurance benefits, provided by the District, for three (3) months following the date the employee attained unpaid leave status.
- 3. Management team members on an unpaid leave longer than three (3) months may continue to receive District insurance benefits beyond the three (3) months by paying the District's costs to provide these insurance benefits.
- 4. The benefits provided by this regulation shall run concurrently with rights under the federal Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act (CFRA).

*References:*

*California Education Code, Sections 45191, 45196, 87781-87783, 87784, 88191, 88194, 88196, 88202, 88207*

*Title 5 California Code of Regulations, Section 53125*

*Government Code Section 12945.2 (aka California Family Rights Act)*

*29 Code of Federal Regulations Section 825.100 (aka Family Medical Leave Act of 1993)*

*Labor Code, Section 233, 230.7, 230.8, 230(g), and 2066(d)*

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