

# ADMINISTRATIVE REGULATION 7340

SOUTH ORANGE COUNTY  
COMMUNITY COLLEGE DISTRICT

HUMAN RESOURCES

## LEAVES

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

### I. ALL CLASSIFICATIONS

#### A. PERSONAL LEAVE WITHOUT PAY

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.

#### B. TRANSFER OF SICK LEAVE FOR FACULTY OR MANAGEMENT TEAM MEMBERS

At the time of employment, any employee who is a former academic or classified employee of another California K-12 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 Human Resources to have transferred from the previous K-12 school or community college district, the total number of hours or days for illness or injury to which the employee is entitled. As soon as the transfer process is completed, the appropriate number of hours will be credited to the employee.

#### C. TRANSFER OF SICK LEAVE FOR CLASSIFIED EMPLOYEES

Any classified employee of a community college district, K-12 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 hours 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.

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II. LEAVES FOR MANAGEMENT TEAM

A. BEREAVEMENT LEAVE

1. Management team members shall be granted five (5) days of paid leave of absence for the death of a spouse or registered domestic partner, child, child of spouse or registered domestic partner, parent, step-parent, grandparent, grandchild, sibling, spouse of a sibling, legal guardian of the employee or of the spouse or domestic partner of the employee, or any family member living in the immediate household of the employee, or if travel out-of-state is required for any other member of the employee's immediate family.

Management team members shall be entitled to three (3) days of paid leave of absence for any other member of the immediate family, 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, or former spouse.

2. Entitled bereavement leave may be taken intermittently in full days. Use of this leave shall be taken within three (3) months from the date of the death of the family, unless circumstances prohibit it, and need not be taken consecutively.
3. If requested by the District, the employee shall provide documentation of the death of the immediate family member within thirty (30) days of the leave. Documentation includes, but is not limited to, a death certificate, a published obituary, or written certification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency.
4. Bereavement leave for alternative schedules such as 4/10 will be based on weekly hours (i.e., for full-time employees, bereavement will be based on forty (40) hours, not five (5) days).
5. No deduction shall be made from the salary of any employee qualifying for bereavement leave.
6. Vacation time off, personal necessity, sick leave, or other applicable and available paid time off may be used to extend bereavement leave.

AB 1949, effective January 1, 2023, amended Government Code Section 12945.7 to require public employers to provide employees with a minimum of five days of unpaid bereavement leave, during which the employee can use vacation, if applicable, personal necessity leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee for specified relatives.

B. REPRODUCTIVE LOSS LEAVE

Management team members are entitled to five (5) days of paid leave for a reproductive loss event. A reproductive loss event is defined as a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction. The leave must be taken within three (3) months of the event and may be taken on nonconsecutive days.

C. JURY DUTY LEAVE

Management team members shall be entitled to as many days of paid leave as are necessary when called for jury duty or when summoned for a court appearance not as a result of the employee's own misconduct. Any monies received from the courts as jury duty pay shall be transferred to the District, mileage excluded. Upon completion of jury duty, the employee shall submit a certification of jury service to the District.

D. FAMILY MEDICAL LEAVE ACT (FMLA) / CALIFORNIA FAMILY RIGHTS ACT (CFRA)

The federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) offer up to 12 workweeks of unpaid, job protected leave for qualifying family and serious medical reasons within a 12-month period, which shall be counted forward from the date FMLA leave is first taken.

1. Eligible employees may take up to 12 workweeks of FMLA/CFRA for the following qualifying reasons:
  - a. An employee's own serious health condition
  - b. The birth of a child and to bond with the newborn child within one year of birth
  - c. Placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement
  - d. To care for the employee's spouse, child, or parent with a serious health condition
  - e. To care for additional family members, including: a registered domestic partner, an adult child, child of a domestic partner, grandparent, grandchild, or sibling with a serious health condition
  - f. A qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or call to covered active-duty status.
    - i. Employees who are the spouse, child, parent, or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of leave in a single 12-month period to care for the service member.
2. Additionally (under CFRA), employees may designate one person per twelve (12) month period who is not listed above as an immediate family member, but the individual is related by blood or whose association with the employee is the equivalent of a family relationship. Employees may be asked to designate the person at the time leave is requested.
3. A serious medical condition is an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment or supervision by a health care provider.
4. To qualify for FMLA/CFRA, employees must have been employed with the District for at least 12 months and worked a minimum of 1,250 hours during the previous 12

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months. The 1,250 hours are counted back 12 months from the first day of the qualifying leave.

5. When the FMLA/CFRA effective date is confirmed, employees must submit a medical statement from their (or their family member's) health care provider to Human Resources and their leave will be initiated.
6. FMLA/CFRA may be taken on a continuous basis in one block of time when it is medically necessary or on an intermittent basis (allowing an employee to take time off at irregular intervals), or to reduce their full-time schedule.
7. While an employee is on FMLA/CFRA, their available accrued applicable paid time off will be applied. Unpaid leave may be available upon exhaustion of applicable paid time off.
  - a. Sick and extended sick time off are utilized for an employee's own illness or medical reasons.
  - b. Family care time off is utilized to care for a family member.
  - c. Use of vacation time may be utilized in coordination with sick leave.
  - d. Unpaid leave may be available upon exhaustion of available and applicable paid time off.

**E. PREGNANCY DISABILITY LEAVE**

1. Pregnancy Disability Leave (PDL) is the leave a woman takes while they are disabled by their pregnancy or childbirth. Typically, an employee who has a disability related to their pregnancy or the birth of their child is entitled to up to 4 months of job protected PDL, depending on the period of actual disability.
2. To be eligible, an employee must be disabled by their pregnancy, the childbirth, post childbirth, or a related medical condition. PDL applies to all female employees who work for the District, as long as they have a qualified disability. A woman is disabled by their pregnancy if, in the opinion of their health care provider, they are unable to perform any one or more of the essential functions of their position because of their pregnancy.
3. PDL does not need to be taken all at once. Rather, it can be dispersed over the course of the pregnancy and childbirth. This is important for women who experience conditions that are temporary or intermittent.
4. After childbirth and during recovery time, women are still considered disabled by their pregnancy for the purposes of PDL as long as, in the opinion of their health care provider, they are unable to perform one or more of the essential functions of their job because of the childbirth.
5. When the PDL effective date is confirmed, employees must submit a medical statement from their health care provider listing the start and estimated end date to Human Resources and their leave will be initiated.

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6. If eligible, protected leave under the Family Medical Leave Act (FMLA) runs concurrently with PDL.
7. While an employee is on PDL, their available accrued full pay sick leave and extended sick leave will be applied. Use of vacation time may be coordinated with sick time off, if requested through Human Resources. Unpaid leave may be available upon exhaustion of applicable and available paid time off.
8. Employees who receive medical and other benefits with the District will continue to receive their benefits while on PDL.
9. When the employee is no longer disabled due to pregnancy or childbirth, a medical statement or the District's Return to Work Authorization Form will need to be submitted to Human Resources indicating the date that they are released from PDL and whether any work restrictions are in effect.

F. PARENTAL LEAVE (CHILD BONDING)

1. Parental leave is defined as leave for reason of the birth of a child of the employee, or placement of a child with the employee in connection with the adoption or foster care of the child by the employee.
2. Eligible employees means management team members who have been employed with the District for 12 months prior to taking parental leave.
3. Eligible employees are entitled to up to 12 weeks of parental leave during the first 12 months after the birth or placement for adoption or foster care of a child.
4. Pay while on parental leave
  - a. Employees must first use their full pay sick leave, including all accumulated sick leave.
  - b. When full pay sick leave is exhausted, and the employee continues to be absent from their duties for parental leave, the employee will be paid at 50% (half pay) for the remaining portion of the twelve workweek period of the parental leave.
    - i. The half pay usage for parental leave cannot be supplemented with any other paid leaves.
    - ii. The half pay usage for parental leave is not considered the same as extended sick leave, but a separate paid leave in addition to extended sick leave. Extended sick leave is intended for the employee's own illness and not for parental leave purposes.
  - c. An employee who does not want to exhaust their full pay sick leave and accumulated sick leave may instead elect to utilize their other full paid leaves, such as vacation time off in lieu of or in combination with their full pay sick leave and accumulated sick leave. However, the half pay parental leave cannot be used until all full pay sick leave, including all accumulated sick leave, has been exhausted.

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- i. Employees using their optional full paid leave, such as vacation time off prior to the usage of full paid sick leave, accumulated sick leave, followed by half pay parental leave pay must clearly notify Human Resources with the intent to use their other full paid leave balances prior to taking the parental leave.
  - ii. All time, regardless of how it is paid, will count toward the 12 workweek limit.
  - iii. Employees wishing to take parental leave as unpaid may do so. The unpaid leave will count as part of the twelve workweek limit.
- 5. Parental leave may be taken in twelve consecutive workweeks or intermittently.
  - a. Leave must be taken in full day increments.
  - b. Requests for intermittent parental leave must be taken in minimum leave durations of two weeks.
    - i. On two occasions during the leave, an employee may request the intermittent parental leave increments to be shorter than the two-week duration.
    - ii. Any single or multiple day usage within a week will constitute a week of parental leave and will count against the 12-workweek maximum.
- 6. 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, adoptive, or foster 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.
- 7. 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 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.
- 8. Return rights of employees taking parental leave pursuant to state or federal family leave law shall be as set forth in those laws.
- 9. 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.

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10. 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.

**G. 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.

**H. PARTICIPATION IN SCHOOL ACTIVITIES OF CHILDREN LEAVE**

1. Management team members who are a parent, guardian, step-parent, foster parent, or grandparent, or a person who stands in loco parentis to a child, of one or more children in kindergarten or grades 1 to 12, inclusive, or attending a licensed child care provider, may take up to forty (40) hours each year, to participate in activities of the school or licensed child care provider of any of their children, if the unit member, prior to taking the time off, gives reasonable notice to the District of the planned absence of the employee.
2. If both parents of a child work at the same worksite, the entitlement of a planned absence as to that child applies, at any one time, only to the parent who first gives notice to the District, such that the other parent may take a planned absence simultaneously as to that same child under the conditions described in paragraph A only if they obtain the District's approval for the requested time off.
3. Management team members shall utilize existing vacation or personal necessity for purposes of the planned absence. Upon exhaustion of applicable and available paid time off, employees also may utilize time off without pay for this purpose.

**I. PERSONAL NECESSITY LEAVE**

1. 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.
2. Personal Necessity Leave Reasons
  - a. Death of a member of the immediate family when additional leave is required beyond that provided under bereavement leave.
  - b. 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.
  - c. Appearance in court as a litigant or as a witness under an official order.

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- d. 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.
- e. Compelling personal importance. Additional proof may be required to substantiate a personal necessity leave claimed under this reason.
- f. Personal necessity leave shall not be used for convenience, medical appointments (sick leave is the appropriate leave for medical appointments), 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.
- g. Holidays/Religious Observances
  - i. Holiday observances for employees of the District shall be those recognized and authorized by the Board in the adoption of the academic calendar.
  - ii. The District shall afford "reasonable accommodation" to an employee's religious practices.
  - iii. 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.
  - iv. Personal necessity leave for religious holidays/observances shall be requested and approved in advance of the leave.
- 3. The employee shall request approval of such leave through the appropriate District's procedure.
- 4. 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.

J. SICK LEAVE

- 1. 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

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District. Sick leave that is not used during any fiscal year shall be allowed to accumulate from year to year.

2. 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.

K. VACATION LEAVE

1. Management team members shall accumulate vacation days at the rate of two (2) vacation days (16 hours) for each month of service during any fiscal year not to exceed 24 days (192 hours) per fiscal year. In the management team member's first month of employment:
  - a. A management team member who serves fifty percent (50%) or more, but less than seventy-five percent (75%) of a month shall be entitled to one-half (1/2) of a month's vacation allowance.
  - b. A management team member who serves at least seventy-five (75%) of the month shall be entitled to the full vacation allowance for the month.
2. Employees may accrue vacation time up to a maximum two (2) times their annual vacation allowance.
3. When a management team member's vacation balance equals the 48-day (384 hours) limit, the management team member shall not earn nor accrue further vacation leave until the management team member reduces their vacation leave balance to an amount below the 48-days (384 hours) limit and, at any given time, the maximum amount of vacation balance shall not be in excess of the 48-days (384 hours) limit.
4. At the time of separation, retirement, termination, or reassignment:
  - a. A management team member who serves fifty percent (50%) or more, but less than seventy-five percent (75%) of a month shall be entitled to one-half (1/2) of a month's vacation allowance so long as this amount does not exceed the 48-day (384) hours limit.
  - b. A management team member who serves at least seventy-five (75%) of the month shall be entitled to the full vacation allowance for the month so long as this amount does not exceed the 48-day (384 hours) limit.
  - c. Accrued but unused vacation leave not to exceed 48 days (384 hours) shall be paid at the current rate in effect.

L. MEDICAL BENEFITS WHILE ON LEAVE

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Management team members 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).

#### M. PROFESSIONAL GROWTH AND DEVELOPMENT

1. Request for management leave, which may be obtained from Human Resources, must be submitted by December 1 of the year preceding the fiscal year during which the leave will be taken.
2. Management team members must have been employed in a management capacity in the District for a minimum of six (6) years. The employee will not be eligible for another management leave for seven (7) years.
3. Leaves may be taken for a minimum of 30 consecutive calendar days and a maximum of 60 consecutive calendar days unless otherwise approved by the Chancellor or designee.
4. Management team members must submit a proposal that clearly outlines the plan to be carried out during the leave and its benefits to the District.
5. Prior to approval of the employee's leave, the supervisor must verify that the duties will be effectively covered during the absence without additional costs to the District. Exceptions may be granted in unusual circumstances.
6. Completed requests must be submitted to the employee's immediate supervisor for approval or disapproval. The approved request will then be forwarded to the Vice Chancellor of Human Resources, who will submit the request to the Chancellor for review and recommendation by the Chancellor's Council.
7. Employees whose requests are recommended by the Chancellor and approved by the Board will be fully compensated during their absence.
8. Employees shall receive notice of their leave request acceptance or denial no later than the last working day of January. The number of leaves granted will depend upon what

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is determined to be reasonable for effective functioning of the District based upon the recommendation of the Chancellor's Council.

*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) and 12945.7*

*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), 245.5, and 2066(d)*

*Senate Bill 848 (Reproductive Loss Leave)*

*AB 1041*

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