

Article 17
CSEA Proposal
07/13/2023

ARTICLE 17 – LEAVES

17.1 Sick Leave

Employees covered by this Agreement shall accrue paid sick leave at the rate of one (1) day (eight hours) per calendar month, not to exceed the total number of months of the employee's assignment. Employees who work less than a full fiscal year shall earn sick leave on a pro-rated basis. A new employee may be advanced a maximum of six (6) days, or proportionate amount to which he/she is entitled, for use prior to the completion of six (6) months of active service at the discretion of the Vice President of Human Resources.

Unused sick leave shall accrue from year to year. Employees, who previously worked for another community college district or county school, shall be entitled to transfer accrued leave from that district.

An employee utilizing paid sick leave may be required to provide such medical proof as management may require to justify the use of such leave.

17.2 Additional (Extended) Leave

Classified employees are entitled to additional paid leave for a period of up to 100 days (less the employee's annual sick leave allotment) at a rate of fifty percent (50%) of their regular salary. The employee must exhaust all paid sick leave and provide a medical certification of the need for extended sick leave from his/her medical provider before he/she will be paid under this provision (Ed Code 88196).

When an employee has used all accrued full-pay sick leave, he/she may be eligible for extended sick leave paid at fifty (50) percent of the employee's regular rate of pay. During the fiscal year, extended sick leave is provided up to a maximum of one hundred (100) working days of paid leave, including full-pay sick days. Part-time employees will be afforded these same rights on a pro rata basis for one hundred (100) days. When an employee has used all accrued full-pay sick leave and becomes eligible for extended sick leave, he/she may use accrued vacation or comp time in lieu of the extended sick leave pay in order to achieve fully paid days. Each day of redeemed sick leave shall account for 100% of an employee's scheduled hours, compensated at 50% of the employee's regular rate of pay.

33 An employee, who wishes to use the extended sick leave benefit, shall provide to the Office of
34 Human Resources, verifiable medical documentation directly related to the illness or injury which
35 required absence from duty during the period of extended sick leave. Failure to submit medical
36 documentation will subject the employee to discipline for unsatisfactory attendance as determined
37 by the attendance accounting procedures described in Article 9.1. The District reserves the right
38 to require proof of illness and may refer any claims for extended sick leave benefits to the District
39 physician whose decision as to the employee's eligibility shall be final.

40 If a verifiable sick leave absence occurs on the working day immediately before and/or after a
41 legal holiday, the legal holiday will not be charged against the sick leave or extended leave.

42 17.3 Responsibility to Report Absences

43 If an employee is unable to report to work for any scheduled shift, it is the employee's
44 responsibility to call the facility department sick-line prior to the start of the shift, no less than 30
45 minutes before the start of his/her shift to report the absence. If the absence occurs on the work
46 day immediately before and/or after a legal holiday, the legal holiday is not charged against the
47 employee's sick leave accrual.

48 Employees who are absent at least five (5) consecutive workdays must provide to the Office of
49 Human Resources a written documentation of illness from the employee's medical provider,
50 which confirms the time off and the employee's ability to resume his/her regular duties as of a
51 specified date. The supervisor may not permit the employee to return to work without the
52 clearance from the Office of Human Resources. Failure to comply with this Article may result in
53 unpaid leave until such clearance is obtained. If an employee exhibits a pattern of excessive
54 absenteeism, the supervisor may require such clearance for shorter periods of time.

55 Absence required because of the employee's dental or medical appointments may be charged
56 against sick leave.

57 If the employee has a physician's written statement which defines the period of illness, the
58 employee is relieved of reporting in ill each day, providing that the physician's statement has
59 been received in the Human Resources Office.

60 17.4 Personal Necessity Leave

61 17.4.1 The District shall provide seven (7) days of paid Personal Necessity Leave to be charged
62 against unused, accrued full-pay sick leave each fiscal year for any of the following
63 reasons:

64 Advance permission shall not be required for any of the following purposes:

65 (1) Death or serious illness of a member of his or her immediate family.

66 (2) Accident, involving his or her person or property, or the person or property of a member of his
67 or her immediate family.

68 (3) Accident involving relatives other than members of the immediate family.

69 (4) Illness involving relatives other than members of the immediate family.

70 (5) Unexpected personal or family situation which requires immediate attention.

71 Advance permission would be required for the following purposes:

72 (6) Attending to legal or business matters of a compelling personal importance which cannot be
73 attended outside of the workday.

74 (7) Appearance in court as a litigant.

75 (8) The birth or adoption of his/her child.

76 These days may not be taken for vacation, to extend holidays, nor to engage in concerted activities.

77 17.4.2 Utilization

78 Use of sick leave for personal necessity shall be subject to the following limitations and
79 conditions:

80 (1) The total number of days allowed in a fiscal year for such leaves shall not exceed seven (7)
81 days.

82 (2) The days used will be deducted from, and may not exceed, the number of full days of
83 accrued sick leave to which the employee is entitled.

84 (3) Personal necessity leave shall not be granted during a scheduled vacation or a leave of
85 absence.

86 Allocation of sick leave shall be made only upon certification that the absence was due to a
87 situation designated as a personal necessity within the meaning of this section.

88 17.5 Jury Duty or Subpoena Leave

89 The District shall provide paid time off for jury duty or subpoena leave for an unlimited number of
90 days in accordance with Education Code 87035 and 87036. The District may grant a leave of

91 absence to a classified employee to appear as a witness in court, other than as a litigant, or to
92 respond to an official order from another governmental jurisdiction for reasons not brought about
93 through the connivance or misconduct of the employee.

94 The classified employee granted jury duty or subpoena leave, shall be paid up to the amount of
95 the difference between the employee's regular salary earnings and any amount he or she
96 receives for jury or witness fees.

97 17.6 Military Leave

98 Military leave shall be granted to employees who volunteer or are enlisted for duty with the armed
99 forces of the United States. Such leave shall be granted in accordance with provision of the law.
100 Compensation shall be in accordance with the California Military and Veterans Code.

101 A copy of the employee's military orders must be presented to the Office of Human Resources
102 when requesting leave.

103 Classified employees who have been employed with the District for at least one (1) year
104 immediately prior to the date on which the military leave of absence begins will receive regular
105 compensation the first thirty (30) calendar days of said leave if this time falls within the
106 employee's usual work period. This includes orders to report for military or veteran's physical
107 examinations and service in the Reserve Corps.

108 17.7 Bereavement Leave

109 Any employee is allowed a leave of absence for bereavement leave, not to exceed ~~three (3)~~ **five**
110 **(5)** consecutive working days, ~~or five (5) consecutive working days if the employee attends a~~
111 ~~funeral more than 250 miles from the College~~, on full pay when such absence is occasioned by
112 reason of death in the immediate family (employee's spouse, child, stepchild, parent, sibling,
113 father-in-law, mother-in-law, grandparent, grandchild, son-in-law, daughter-in-law or any relative
114 living in the immediate household of the employee). The District may require the employee to
115 provide proof of eligibility for bereavement leave. Bereavement leave is not applicable when an
116 employee is on unpaid leave of absence or during unscheduled work days for employees on less
117 than twelve-(12) month assignments. Bereavement leave is allowable if bereavement
118 immediately precedes or immediately follows such absence.

119 Up to one day's time off with pay will be granted for bereavement leave for the death of relatives
120 not listed above or living in the immediate household. Up to ~~one-half~~ **one** day with pay will be
121 granted for bereavement leave for the death of a friend. *This leave shall be limited to one time per*
122 *fiscal year.* Additional leave may be granted as outlined under "Personal Necessity Charged

123 Against Sick Leave."

124 17.8 Unpaid Leave of Absence

125 The District may grant classified employees an unpaid leave of absence, not to exceed six (6)
126 months for the following reasons:

127 (1) to recuperate from illness or injury (after exhaustion of sick leave),

128 (2) for personal not-for-profit business,

129 (3) for extended travel, and

130 (4) in accordance with the Family and Medical Leave Act (FMLA), California Family Rights
131 Act (CFRA), and Pregnancy Disability Leave (PDL).

132 17.9 Personal Absence

133 If an employee is unable to report for duty on any scheduled work day, it is the employee's
134 obligation to inform the employee's supervisor of such absence within 30 minutes prior to the
135 beginning of his/her scheduled shift via the facility department sick-line. Failure to appear for duty
136 without notifying the supervisor in such time shall be considered an unpaid absence for the time
137 not at work and subject to occurrence points under the attendance accounting procedure. If
138 employee fails to contact his/her supervisor or the Office of Human Resources within three (3)
139 work days, the absence may be considered "job abandonment" and may result in termination of
140 employment.

141 17.10 Absences for Religious Holidays

142 The District shall grant leave of absence for religious holidays in accordance with the California
143 Fair Employment and Housing Act.

144 **17.11 Unpaid Pregnancy Disability Leave (PDL)**

145 The District shall provide unpaid Pregnancy Disability Leave in accordance with applicable state
146 (California Family Rights Act –CFRA) and federal (Family and Medical Leave Act – FMLA) laws.

147 The employee may use any accrued and available paid sick leave to supplement the unpaid
148 pregnancy disability leave.

149 An employee who is disabled and physically unable to work because of pregnancy, childbirth, or

150 a pregnancy-related medical condition shall be entitled to up to four (4) months unpaid Pregnancy
151 Disability Leave. The leave can be taken before or after the birth, during any period the
152 employee's medical provider designates as time off needed due to a pregnancy-related disability.
153 All leave taken in connection with a specific pregnancy counts toward computation of the four-
154 month period.

155 The employee may be granted Pregnancy Disability Leave in addition to any leave she may be
156 entitled under FMLA and CFRA. Pregnancy Disability Leave shall run concurrently with any
157 leave the employee may be entitled to under FMLA. The employee may apply for Pregnancy
158 Disability Leave by contacting the Office of Human Resources.

159 **17.12 Parental/Child Rearing Leave**

160 17.12.1 Definition of Parental Leave: For the purposes of this Article, "parental leave" is defined
161 as leave for reason of the birth of a child of the employee in connection with the
162 adoption or foster care of the child by the employee.

163 **Eligibility for Parental Leave**

164 17.12.2 All full-time and part-time employees who have been employed for 12 months with the
165 Employer are entitled to utilize parental leave.

166 17.12.3 Unit members shall be entitled to twelve (12) workweeks of parental leave in any twelve
167 (12) month period.

168 17.12.4 The unit member is entitled to take parental leave in intermittent periods within the 12-
169 month period; however, the aggregate amount of parental leave taken shall not exceed
170 12 workweeks in the 12-month period.

171 17.12.5 The unit member is entitled to use his or her regular accrued paid sick leave in taking
172 parental leave, if the employee chooses to do so.

173 17.12.6 The unit member must first use his or her regular accrued paid sick leave, and then,
174 when this accrued leave is exhausted, the employee is entitled to use parental leave,
175 for a total of 12 workweek in any 12-month period. The unit member shall be
176 compensated at no less than 50 percent of the employee's regular salary for the
177 remaining portion of the 12-workweek period of parental leave.

178 17.12.7 The unit member is also entitled to use his or her accrued vacation or comp time in lieu
179 of the supplemental parental sick leave pay in order to achieve fully paid days after sick
180 leave is exhausted, if the employee chooses to do so.

181 17.12.8 Paid parental leave under this Article runs concurrently with unpaid parental leave
182 under the California Family Rights Act (CFRA) and the federal Family and Medical
183 Leave Act (FMLA) for a total of 12 workweeks during any 12-month period.

184 17.12.9 Paid parental leave under this section is in addition to leave taken for disability due to
185 pregnancy, childbirth or related medical condition, which may be taken in accordance
186 with Article 17.11.

187 **17.13 Family and Medical Leave Act**

188 The District is not required to provide employees time off for religious holidays, except those that
189 are board authorized. Employees who observe recognized religious holidays shall be granted
190 time off as an accommodation in accordance with California state law.

191 Qualified classified employees shall be granted unpaid, job-protected leave for specified family
192 and medical reasons with continuation of group health insurance coverage under the same terms
193 and conditions as if the employee had not taken leave.

194 FMLA Eligibility

195 Eligible employees are entitled to up to twelve (12) workweeks of unpaid leave in a 12-month
196 period for:

- 197 (1) the birth of a child and to care for the newborn child within one year of birth;
- 198 (2) the placement with the employee of a child for adoption or foster care and to care for the
199 newly placed child within one year of placement;
- 200 (3) to care for the employee's spouse, **designated person**, child, or parent who has a
201 serious health condition;
- 202 (4) a serious health condition that makes the employee unable to perform the essential
203 functions of his or her job; a "serious health condition" is defined as an injury, illness or
204 hospital stay resulting in an absence of in excess of three (3) consecutive workdays (four
205 (4) or more workdays).
- 206 (5) any qualifying exigency arising out of the fact that the employee's spouse, son, daughter,
207 or parent is a covered military member on "covered active duty;" OR
- 208 (6) to care for a covered service member with a serious injury or illness if the eligible
209 employee is the service member's spouse, son, daughter, parent, or next of kin (military

210 caregiver leave).

211 **17.14 California Family Rights Act**

212 The District shall comply with the California Family Rights Act. Qualified classified employees
213 shall be granted unpaid, job-protected leave for specified family and medical reasons with
214 continuation of group health insurance coverage under the same terms and conditions as if the
215 employee had not taken leave.

216 17.14.1 CFRA Eligibility

217 Eligible employees are entitled to up to twelve (12) workweeks of unpaid leave in a 12-month
218 period to:

219 (1) to care for or bond with a newborn, adopted or foster child within one year of birth or
220 placement of the child in the employee's home;

221 (2) to care for the employee's spouse, child, parent, **designated person** or domestic partner
222 who has a serious health condition; or

223 (3) for an employee's own serious health condition.

224 17.14.2 A leave of absence for purposes that satisfy both FMLA (Article 17.13) and CFRA shall
225 run concurrently. Unit members shall be limited to twelve (12) workweeks of unpaid leave in a
226 12-month period when these leaves run concurrently.

227 17.15 Family Engagement & Kincare Leave

228 The District shall comply with the California laws governing this subject matter. Classified
229 employees, that are the parent, guardian, or grandparent with custody of one or more children in
230 kindergarten or grades 1 to 12, shall be provided up to forty (40) hours unpaid leave each fiscal
231 year, not to exceed eight (8) hours in any calendar month, to participate in activities of the school
232 or licensed child daycare facility of his/her children. To receive pay for days off under this
233 provision the employee may utilize accrued vacation leave, personal necessity leave, or
234 compensatory time.

235 The employee shall provide reasonable notice to his/her supervisor, prior to taking the time off for
236 planned absence for activities under this provision. Regardless of the number of children in the
237 employee has, he/she can only take off up to 40 hours per fiscal year.

238 The employee, if requested by his/her supervisor, shall provide documentation from the school or

239 licensed child daycare facility as proof that he or she participated in school or licensed child
240 daycare facility activities on a specific date and at a particular time.

241 Employees shall be permitted to use in any calendar year an amount not less than the sick leave
242 that would be accrued during six months at the employee's then current rate of entitlement for the
243 following purposes:

244 (1) Diagnosis, care, or treatment of an existing health condition or, preventative care for, an
245 employee or an employee's family member; or

246 (2) For an employee who is a victim of domestic violence, sexual assault or stalking.

247 Employees utilizing leave for these purposes shall not be required to use all available leave in
248 any single occurrence.

249 17.16 Catastrophic Leave

250 Employees may participate in the catastrophic leave program, which permits employees to
251 donate accrued vacation or sick leave to the catastrophic leave bank.

252 An eligible employee who is, or whose family member is, suffering from a catastrophic illness or
253 injury may request a donation of vacation and/or sick leave from the leave bank by submitting a
254 request and providing verification of the catastrophic injury or illness to the Office of Human
255 Resources for consideration by the Catastrophic Illness or Injury Committee (see Appendix E).

256 17.17 Industrial Accident or Illness Leave

257 An employee suffering an injury or illness arising out of and in the course of his/her employment
258 shall be entitled to a leave not exceeding sixty (60) work days in any one fiscal year for the same
259 accident or illness. The leave shall not be accumulated from year to year, and when the leave will
260 overlap a fiscal year, the employee shall be entitled to only that amount remaining at the end of
261 the fiscal year in which the injury or illness occurred.

262 Payments for wages lost on any day shall not, when added to an award granted to the employee
263 under the Workers' Compensation laws of this state, exceed the normal wage for the day.

264 The industrial accident or illness leave is to be used in lieu of normal sick leave benefits. When
265 entitlement to industrial accident or illness leave under this Section has been exhausted,
266 entitlement to other sick leave, vacation or other paid leave may then be used. If, however, an
267 employee is still receiving temporary disability payments under the Workers' Compensation laws
268 of this state at the time of exhaustion of benefits under this Section, he/she shall be entitled to

269 use only so much of his/her accumulated and available normal sick leave and vacation leave,
270 which, when added to the Workers' Compensation award, provides for a day's pay at the regular
271 rate of pay.

272