

AP 7230-4 Confidential Employees – Leaves

- 1.0 **Sick Leave:** Confidential employees will be granted sick leave with pay when they are absent due to illness or injury. Whenever a confidential employee is absent from duty because of illness, injury, pregnancy disability, or quarantine, which prevents the confidential 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. In addition, a confidential employee may use regular sick leave when absent from duty because of a scheduled medical or dental appointment.
- 1.1 Regular (Full Pay) Sick Leave: Confidential employees who are employed full-time (100%) shall accrue regular sick leave at the rate of eight (8) hours (1 day) for each full calendar month worked during the fiscal year. Confidential 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 New confidential 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 confidential 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.
- 1.1.2 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 confidential employee for the fiscal year shall be credited in advance.
- 1.1.3 A confidential 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.
- 1.1.4 In the event employment with the District is terminated, if a confidential 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.
- 1.1.5 Transfer of Accumulated Sick Leave: A person who accepts employment in the District as a confidential 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, provided the termination from the prior district was not initiated for cause.
- 1.2 Supplemental (Half Pay) Sick Leave: In addition to regular sick leave, confidential employees shall be granted non-accumulative supplemental sick leave at half pay during the fiscal year as follows:

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- 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.
 - 1.2.2 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.
 - 1.2.3 Supplemental sick leave may not be used until all regular sick leave has been exhausted.
 - 1.2.4 For any use of supplemental sick leave, the confidential employee will be paid at half pay for any hours reported. The confidential employee will be deducted one day for each occurrence.
 - 1.2.5 Any use of supplemental sick leave may require a confidential 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.
- 1.3 Reporting and Verification of Sick Leave
- 1.3.1 In the event a confidential 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.
 - 1.3.2 All absences shall be reported on the monthly time sheet. Absences shall be deducted in one-half (1/2) hour increments.
 - 1.3.3 The District reserves the right to investigate any claim for sick leave and/or require the confidential employee to furnish a statement signed by a licensed physician verifying the illness. A medical statement shall be required when a confidential employee is absent for longer than five (5) consecutive working days, and shall certify that the employee is medically able to return to duty.
- 1.4 Exhaustion of Sick Leave: When all regular and supplemental sick leave has been exhausted and the confidential 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.
- 1.4.1 If, after exhaustion of all regular and supplemental sick leave and at the conclusion of any subsequently authorized unpaid leave of absence, the confidential employee is not medically able to assume the duties of the position, the employee shall be placed on a reemployment list for a period of thirty-nine (39) months.
 - 1.4.2 When available, during the 39-month period, the confidential employee will be offered reemployment in a vacant position in the class of the employee's

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previous assignment, on the basis of seniority, over all other qualified and available candidates except for confidential employees on a reemployment list established because of lack of work or lack of funds.

1.4.3 Prior to any reemployment, the confidential employee shall provide the District with a medical statement by a licensed physician certifying that the employee is able to return to work and is medically able to perform the duties of the position.

1.4.4 A confidential employee who fails to accept an offer of reemployment and who is medically able to perform the duties of the position shall be removed from the reemployment list.

2.0 **Personal Necessity Leave:** At the option of the confidential employee, and normally with prior approval, up to seven (7) 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, within one hour of the employee's usual time to report to work.

3.0 **Family Illness Leave:** During each calendar year, a confidential 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 confidential employee as defined by section 297 of the California Family Code.

3.1 Full-time confidential employees who work twelve (12) months per year are allowed six (6) days of family illness leave. Confidential 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 In the event a confidential employee will be absent from duty due to the illness of a family member, the employee must notify the immediate management supervisor within one hour of the employee's usual time to report to work.

3.3 A confidential 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 confidential 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 confidential 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.

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- 4.3 A permanent confidential employee who becomes disabled due to an industrial accident or illness shall be granted paid industrial accident or illness leave for the period of 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 confidential 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 confidential employee is eligible.
- 4.4 An absence resulting from an industrial accident or illness, which has been duly reported by the confidential 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 confidential employee's sick leave account. If the claim is approved, an adjustment will then be made, restoring to the 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 confidential 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 confidential 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 confidential employee may elect to augment supplemental sick leave with any compensatory time to which the employee is entitled in order to provide a full day's salary. Upon exhaustion of all compensatory time, or if the confidential employee does not have any accrued compensatory time, the employee may use earned vacation in conjunction with supplemental sick leave in order to receive a full day's salary.

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- 4.5.2 If the confidential 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.
- 4.6 When all industrial accident, regular sick leave, and supplemental sick leave benefits have been exhausted and a confidential 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.
- 4.6.1 If, after exhaustion of all regular and supplemental sick leave, and at the conclusion of any subsequently authorized unpaid leave of absence, the confidential employee is not medically able to assume the duties of the position, the employee shall be placed on a reemployment list for a period of thirty-nine (39) months.
- 4.6.2 When available, during the 39-month period, the confidential employee will be offered reemployment in a vacant position in the class of the employee's previous assignment, on the basis of seniority, over all other qualified and available candidates except for confidential employees on a reemployment list established because of lack of work or lack of funds.
- 4.6.3 Prior to any reemployment, the confidential employee shall provide the District with a medical statement by a licensed physician certifying that the employee is able to return to work and is medically able to perform the duties of the position.
- 4.6.4 A confidential employee who fails to accept an offer of reemployment and who is medically able to perform the duties of the position shall be removed from the reemployment list.
- 4.7 A confidential 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 employee is on any paid disability leave.
- 4.8 Any confidential 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 confidential employee's spouse, parent, or child. Five (5) days with pay are allowed due to the death of the parent or child of the confidential employee's spouse. For purposes of these provisions, "spouse" includes the domestic partner of a confidential employee as defined by section 297 of the California Family Code.
- 5.2 Time may be taken as provided in section 5.3 for absences due to the death of members of the immediate family of the confidential employee or the employee's spouse, interpreted to include the following:

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- 5.2.1 Brother or sister of the confidential employee or the employee's spouse.
 - 5.2.2 Brother-in-law or sister-in-law of the confidential employee or the employee's spouse.
 - 5.2.3 Son-in-law or daughter-in-law of the confidential employee or the employee's spouse.
 - 5.2.4 Grandparent or grandchild of the confidential employee or the employee's spouse.
 - 5.2.5 Aunt or uncle of the confidential employee or the employee's spouse.
 - 5.2.6 Niece or nephew of the confidential employee or the employee's spouse.
 - 5.2.7 Any person living in the immediate household of the confidential employee.
- 5.3 Three (3) days with pay are allowed for absences due to the death of immediate family members specified in section 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 5.2 residing out-of-state or residing in or north of the following counties:

Monterey	Mariposa
San Benito	Mono
Merced	

- 5.4 No deduction shall be made from the salary of a confidential 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, Family Medical Leave (FMLA/CFRA), eligible confidential 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 confidential employee.
 - 6.1.2 the placement of a child with the confidential employee in connection with the adoption or foster care of a child.

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

6.1.4 because of the confidential 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 confidential 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 confidential 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 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 confidential 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 confidential 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.

8.2 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 An 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.

9.2 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.

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- 10.0 **Unpaid Personal Leave of Absence:** A confidential 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 six (6) calendar months.
- 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/Provost or appropriate District 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 confidential employee shall have the option to continue health and welfare coverage at the employee's expense.
- 11.0 **Professional Activity Leave:** A confidential 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 confidential employees in accordance with provisions of the Education Code. This leave shall be granted with no loss in pay. The confidential 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:** Confidential employees may be eligible for a leave of absence, for up to thirty (30) work 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 employee's 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 **Staff Development Leave:** Confidential employees may be granted a staff development leave of absence, at full pay and benefits, for purposes of pursuing educational activities that will enhance their professional growth and development and enrichment and be of benefit to the programs and services of the District.

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- 14.1 **Eligibility:** A confidential employee who has been employed in a confidential position for the previous five (5) years and who has not been granted a staff development leave during those five (5) years shall be eligible to apply for a staff development leave.
- 14.2 **Term of Leave:** A staff development leave may be granted for not more than 240 hours for a confidential employee who is employed full-time. The maximum number of hours that may be granted to confidential employees who are employed less than full-time shall be prorated by the percentage of employment. The leave may be taken in any time increments within a fiscal year as approved by the immediate management supervisor.
- 14.3 A confidential employee applying for a staff development leave shall submit a letter of application that shall include a general statement of the employee's plans for professional enrichment and regeneration. The application shall be submitted through the immediate management supervisor to the President/Provost or appropriate District administrator (for District Office employees). If recommended by the President/Provost/District administrator and the Vice Chancellor of Human Resources, the application will be submitted to the Board of Trustees for approval.
- 14.4 In preparing for a staff development leave, due consideration shall be taken for guaranteeing the continuity of operation, including the funding necessary for guaranteeing such continuity.
- 14.5 Not more than two staff development leaves may be granted to confidential employees in any fiscal year.
- 15.0 **Absence Without Leave:** All unauthorized absences or unreported absences are subject to deduction in pay and may be cause for disciplinary action, up to and including dismissal.

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

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