Know Your Contract- "News for the New: Leaves"

There are eleven categories of leaves. The ones that faculty members most commonly use are Sick Leave, Personal Necessity Leave, Bereavement Leave (Article 16) and Professional Development Leave (Article 17). Less frequently used are Extended Sick Leave, Exchange Leave, Military Leave/Legislative Leave/Industrial Accident Leave, Jury Duty Leave, Family Medical Leave, College Assigned Business Leave, and Unpaid Leave (Article 16).

Note that it is the faculty member's responsibility to notify his/her dean or appropriate administrator when a leave is needed; the Dean or appropriate administrator provides the Leave Report form and the faculty member signs and returns the form to the division office within 10 days after returning from the absence (16.34).

FAQs: SICK LEAVE and EXTENDED SICK LEAVE

Q: How does Sick Leave work?
A: A full-time faculty member is entitled to the same number of paid sick leave days per academic year as the length of their contract in months (e.g., 10-month faculty get 10 sick leave days per year); a part-time faculty member is entitled to two paid sick leave days per quarter of employment. Unused sick leave days accumulate from year to year. A “day” of sick leave is recorded as eight hours. Any absence of five or more consecutive work days may require a statement from the employee's physician stating the reason for the absence and certifying the employee's ability to return to work.

Q: If I am gone only for a few hours, is one whole day of Sick Leave deducted?
A: It depends on how many of your regularly scheduled hours you miss while on sick leave. For example, if you miss only one of three scheduled 50-minute classes while on sick leave, you would enter “Hours Absent = 1” and “Hours Scheduled = 3” on the Leave Report. Human Resources would then deduct 1/3 of a day from your available sick leave days (the actual amount deducted is figured in rounded quarter-hours, but it is equivalent to approximately 1/3 day). Likewise, “Hours Absent = 1” and “Hours Scheduled = 2” means HR deducts 1/2 of a sick leave day.

Q: Can I get a substitute?
A: The District normally will provide a substitute (16.37-16.38) when faculty are absent on approved leave (or Faculty Flex Day) for two or more consecutive academic hours of a class unless the administrator and faculty mutually agree otherwise. The faculty and administrator work together to find an appropriate substitute.

Q: Does Sick Leave apply to pregnancy?
A: Pregnancy, miscarriage, childbirth and recovery are considered temporary disabilities for which Sick Leave may be used. The duration of leave is based on the faculty member’s ability to perform her assigned duties, and that determination is made by the faculty member and her physician.

Q: I couldn't find the term "maternity leave" in the Agreement; does the District have a maternity leave policy?
A: Although the FA-District Agreement is silent on the term “maternity leave,” Article 16-Leaves contains language that covers this issue. “Sick leave” may be used prior to the birth of the baby, with a physician’s recommendation. If, for example, the faculty employee is unable to perform the essential functions of the job because of pregnancy, two or more weeks of sick leave may be required to protect her health. Upon the birth of her baby, the faculty employee is entitled to “sick leave” with full pay and full benefits. Six weeks is the usual leave duration, but additional days may be required by a Cesarean birth (eight weeks) or other complications. Again, the doctor’s professional opinion remains the determining factor. New faculty who have not yet accumulated six weeks of sick leave may take “extended sick leave” up to the six weeks, receiving full benefits and 66 2/3 percent of their monthly pay (1/12 of the annual salary up to $6,000 per month). After six weeks, the mother is eligible for an additional six weeks of “family medical leave” with no pay but full benefits. The District employee whose spouse or domestic partner has recently given birth is also eligible for up to twelve weeks family medical leave to spend caring for the infant. If after twelve weeks the faculty member still wants to extend the leave, she may request a full or partial leave of absence without pay for up to two years; thereafter, by mutual agreement with the Board, the unpaid leave may be extended up to one additional year. A faculty member on partial unpaid leave who continues to work at least halftime is eligible for full benefits. The faculty member who works less than full-time can maintain full benefits by reimbursing the District in advance for the full premium.
Q: What happens when Sick Leave runs out?
A: Some full-time faculty members are entitled to Extended Sick Leave (16.21-16.23). To be eligible, the full-time faculty member must have insufficient accumulated Sick Leave to cover the 180 consecutive calendar days following the onset of illness. The leave kicks in after the faculty member has been absent due to illness for 10 consecutive school days or after all accumulated Sick Leave has been used, whichever occurs later, and it continues for up to 180 calendar days from the first day of absence due to illness. The Extended Sick Leave benefit is 2/3 of the employee’s annual contract salary (which excludes overload pay), paid monthly, up to $6,000 per month.

Examples:
• Full-timer Bob has no accumulated Sick Leave, earns $60,000 annually and is sick for 365 consecutive calendar days. Bob will start receiving Extended Sick Leave 10 school days after his first absence due to illness and will continue to receive the benefit until 180 calendar days (about 120 school days) following his first absence have elapsed. While he receives the benefit, Bob will be paid at the rate of 2/3 of his $60,000 annual salary, or $40,000 annually, in installments of $40,000/12 = $3,333.33 per month.
• Full-timer Alice had accumulated 60 Sick Leave days before her illness, so she would receive full pay at the rate of $60,000 per year (in the usual installments of $60,000/10 = $6,000 per month) until her sick leave ran out. Since there are 175 school days in an academic year, 60 Sick Leave days would take Alice through an entire quarter. Alice would then go on Extended Sick Leave ($3,333.33 per month) until calendar day 180, about one-half of a calendar year after her first absence.
• Full-timer Ted starts out with 120 days of accumulated Sick Leave. Ted would receive full pay for a little over two quarters (about one-half a calendar year) and would be ineligible for Extended Sick Leave for the remaining half of the calendar year.

Q: What happens after Extended Sick Leave runs out?
A: The faculty member can come back to work, resign, retire (or may be eligible for an STRS or PERS disability benefit), or apply for an Unpaid Leave due to disability.

Q: What happens to accumulated Sick Leave when I retire?
A: When a full-time faculty member retires, STRS credits all unused sick leave days to the employee’s years of service on a pro-rata basis (175 unused sick leave days = 1.00 additional year of service credit). When a part-time faculty member retires, STRS credits one-half of all unused sick leave days to the employee’s years of service on a pro-rata basis (175 unused sick leave days = 0.50 additional year of service credit).

FAQs: PERSONAL NECESSITY LEAVE

Q: What is Personal Necessity Leave and how does it work?
A: Personal Necessity Leave (PNL) refers to "obligations or unavoidable duties of an employee that must be performed during scheduled working hours." Full-time faculty members are eligible for five PNLs per academic year, and one PNL per summer session; after one month of service, part-time faculty members are eligible for one PNL per quarter and one PNL per summer session; however, to use PNL for a conference (16.1.6), part-time faculty must have reemployment preference. PNLs are paid leaves, but they don’t accumulate from year to year. Submit a Leave Report (available from Division Assistants) well in advance to your supervisor whenever possible. On the Leave Report, you must cite an Article 16.1 section as a reason for the PNL, e.g., "16.1.4" (Observance of a major religious holiday of the employee’s faith); you don’t have to provide any more detail than that.

Q: Do faculty members decide what qualifies as “personal necessity”?
A: No. Article 16.1 spells out seven categories of obligations/unavoidable duties that qualify as “personal necessity” for full-timers. Article 16.2 does likewise for part-timers. More specifically, you can’t take PNL for recreation, social events, or in lieu of sick leave.

Q: What is the difference between Personal Leave “Attendance at professional conferences...” (16.1.6) and College Assigned Business Leave (16.28)?
A: "College Assigned Business" means that your supervisor or another manager explicitly asks to you to provide some service to the College, like being a presenter at a particular conference (best to get such a request in writing). In such cases, no PNL days are deducted. If you decide to attend a professional conference, workshop, etc., then one PNL day is deducted for each day of conference attendance.

Q: Article 16.1.2 cites attendance at a funeral as a reason for a PNL. What if I am only gone for a few of hours; is one whole PNL day deducted?
A: The same formula as for Sick Leave applies; for example, if you miss one of three scheduled 50-minute
classes while on PNL, you would enter "Hours Absent = 1" and "Hours Scheduled = 3" on the Leave Report. Human Resources would then deduct 1/3 of a day from your available PNL days.

FAQs: UNPAID LEAVE

Q: When can I request an Unpaid Leave?
A: At any time, full-time faculty may submit a written request to their college president for a full or partial Unpaid Leave (16.28-16.32) for a period not exceeding two years (by mutual agreement, this initial period may be extended up to one additional year). During a partial Unpaid Leave, the faculty member is expected to do a pro-rata share of all of his/her normal fulltime duties; the faculty member is paid a pro-rata amount of their normal annual compensation (that includes any PAA). The request should be submitted at least three months before the leave commences except when an unforeseen emergency prevents doing so.

Q: Do I get any paid benefits during an Unpaid Leave?
A: You get full paid benefits if you are employed at least half-time on a partial Unpaid Leave. If you are employed less than half-time on an Unpaid Leave, you may continue to receive benefits by reimbursing the District in advance for the full coverage premium.

FAQs: PROFESSIONAL DEVELOPMENT LEAVE

Q: When can I apply for a PDL and for how long?
A: Faculty are eligible for a PDL every seven years if employed as a regular faculty member in a non-management position and employed at least half-time the previous eighteen consecutive quarters before the year in which the PDL is to be taken. Faculty are responsible for delivering the completed and signed application (Appendix P1) to the Office of Human Resources by the deadline of October 15 of the year preceding the PDL and faculty are to have met at least five (5) days prior to the October 15 deadline with their Dean or appropriate administrator to discuss the plan. A PDL can be one, two, or three quarters. PDLs are normally taken as one full year but can be taken three separate quarters over three years if several conditions prevail (17.2).

Q: How much am I paid on a PDL and what happens to retirement service credit?
A: Faculty earn eighty-five (85) percent of full salary during a PDL and eighty-five (85) percent of service credit (for PERS or STRS). To get full service credit for the period of the leave, faculty may purchase up to .15 of service credit from the applicable retirement system, and if such purchase is made within two years following the completion of the leave, the District pays fifty percent.

Q: What benefits do I get on a PDL?
A: Faculty get full paid benefits, including eligibility to apply for Training-Retraining Funds.

Q: What if I want or have to change my PDL activities?
A: Faculty are to submit "A Request for Change" form (Appendix P2) to the PDL Committee before making any substantial changes to the activities or plans in the original PDL application.

Q: How does being on PDL affect a Professional Achievement Award (PAA)?
A: Regardless of being on a PDL any quarter(s) of the four years prior to applying for a PAA award, faculty must earn the required nine quarter (six semester) of Professional Growth units in order to be eligible for a PAA award; however, no special service activity is required during a PDL year or quarter(s).

FAQs: OTHER LEAVES

Q: what other types of leaves are possible in the District?
• Bereavement Leave (16.8-16.11): for "immediate family members," up to three consecutive workdays or five days if travel exceeds 300 miles.
• Exchange Leave (16.24): for faculty meeting requirements prescribed by law pursuant to relevant Ed Code.
• Military Leave/Legal Leave/Industrial Accident Leave (16.25): for faculty who meet requirements prescribed by law pursuant to relevant Ed Code sections.
• Jury Duty Leave (16.26) for faculty lawfully called to jury duty.
• Family Medical Leave (16.27, Appendix T): for eligible faculty, up to twelve weeks for reasons related to family circumstances.
• College Assigned Business Leave (16.28): for faculty asked by an administrator to attend a conference, etc.