

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

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There are fourteen categories of leaves. Faculty most commonly use Sick Leave, Personal Necessity Leave, Bereavement Leave (*Article 16*) and Professional Development Leave (*Article 17*). Less frequently used are Maternity Leave, Parental Leave, Extended Sick Leave, SDI Leave (for Part-time faculty only), 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; within 10 school days after returning from the absence a leave report must be filed either via paper copy (provided by and submitted to the Division Dean or appropriate administrator) or through the District Portal, in accordance with whichever procedure is required by the District (*16.40*).

FAQs: PERSONAL NECESSITY LEAVE (16.1-16.7)

Q: What is Personal Necessity Leave and how does it work?

A: Personal Necessity Leave (PNL) is used for "*obligations or unavoidable duties of an employee that must be performed during scheduled working hours*" (*16.1.1-16.1.11*) Full-time faculty are eligible for five PNL days per academic year, and one day per summer session; after one month of service, part-time faculty members are eligible for one PNL day per quarter and one day per summer session; however, to use PNL for a conference (*16.1.6*), part-time faculty must have reemployment preference and dean/administrator approval. PNL is paid leave, but days don't accumulate from year to year. Faculty should apply in writing whenever possible well in advance of the PNL to dean/administrator. On the Leave Report, 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); no additional detail is required.

Q: Can faculty members decide what qualifies as "personal necessity"?

A: No. *Article 16.1* spells out eleven categories of obligations/unavoidable duties that qualify as "personal necessity" for full-timers. *Article 16.2* does likewise for part-timers. Faculty 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 (16.34)?

A: "College Assigned Business" is used when a supervisor or manager explicitly asks to a faculty member to provide a service to the College, like being a presenter at a particular conference (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 16.1.7 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: SICK LEAVE, MATERNITY LEAVE, EXTENDED SICK LEAVE

Q: What is Sick Leave for?

A: Sick leave is used when a faculty member is incapacitated by illness or injury or is required to keep a medical appointment that could not reasonably be scheduled outside of working hours (*16.12*). Up to six days may also be used annually for some items related to an immediate family member (*16.20*).

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)(*16.13*) ; a part-time faculty member is entitled to two paid sick leave days per quarter of employment (*16.15*). 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 requires a statement from the employee's physician stating the reason for the absence and certifying the employee's ability to return to work (*16.21*).

Q: If I am gone only for a few hours (or only miss my campus assignment but not my online

assignment), 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 (16.42) when faculty are absent on approved leave under *Article 16* (or Faculty Flex Day under *Article 27*) 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. Note: if not requesting a substitute, faculty must prepare an alternate assignment for students.

Q: How does Maternity Leave work?

A: "Maternity Leave" is covered in 16.22; pregnancy, miscarriage, childbirth and recovery are considered temporary disabilities for which sick leave may be used. The duration of maternity 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. (Note: physicians typically prescribe six weeks, longer if complications occur, for a maternity leave.) Following the expiration of maternity leave, faculty may request partial or full unpaid leave (16.35). Under certain conditions, faculty, or faculty whose spouse/domestic partner has recently given birth, may be eligible for Family Medical Leave (16.29, *Appendix T*) and Parental Leave (16.23).

Q: What happens when Sick Leave runs out?

A: Full-time faculty are entitled to Extended Sick Leave (16.26-16.28). 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 starts 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 return to work, resign, retire (or may be eligible for an STRS or PERS disability benefit), or apply for an Unpaid Leave due to disability.

FAQs: UNPAID LEAVE (16.35-16.39)

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 (16.35-16.39) 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: Faculty get full paid benefits if employed at least half-time on a partial Unpaid Leave. If employed less than half-time on an Unpaid Leave, faculty may continue to receive benefits by reimbursing the District in advance for the full coverage premium.

FAQs: OTHER LEAVES (Article 16)

Q: What are the other types of leaves?

- Bereavement Leave (16.8-16.11): for "immediate family members," up to three consecutive workdays or five days if travel exceeds 300 miles.
- Family Medical Leave (16.29, Appendix T): under certain conditions, faculty may be eligible for an unpaid leave of up to 12 weeks for reasons related to family circumstances.
- State Disability Leave (SDI)- Part-Time Faculty Only: After exhaustion of sick leave, part-time faculty are eligible to apply for State Disability Insurance (SDI) for disability benefits. Part-time faculty are also eligible to apply for Paid Family Leave Insurance (PFL) for an absence due to "serious health conditions" (16.30).
- Exchange Leave (16.31): for faculty meeting requirements prescribed by law pursuant to relevant Ed Code.
- Military Leave/Legislative Leave/Industrial Accident Leave (16.32): for faculty who meet requirements prescribed by law pursuant to relevant Ed Code sections.
- Jury Duty Leave (16.33) for faculty lawfully called to jury duty.
- College Assigned Business Leave (16.34): If required by administrator to attend a conference, meeting, workshop, or other activity, or if serving as an official representative of the college or as an appointee in a statewide accreditation process, and this event/service conflicts with scheduled duties, faculty are granted this leave.

FAQs: PROFESSIONAL DEVELOPMENT LEAVE (Article 17)

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. *NOTE: the District no longer notifies faculty of eligibility*). 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 that 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: During a PDL, faculty earn eighty-five (85) percent of "full" salary, i.e., the amount they would have received if not taking 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 a percent. Or faculty service under Article 7 or in summer session can be credited toward full annual service (17.5).

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 must submit the "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).