

## SECTION 330 – LEAVE OF ABSENCE WITH PAY

### 331 BEREAVEMENT LEAVE

Regular classified employees shall be allowed a leave of absence with pay not to exceed five (5) days for a death in his/her immediate family. Immediate family shall include mother, father, grandmother, grandfather, grandchild, of the employee or the employee's spouse, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any relative living in the immediate household of the employee or as specified by collective bargaining agreements or Board policy. (Ed. Code, § 88194.) Bereavement leaves shall be reported on the District's *Employee Absentee Report* form upon an employee's return to duty.

### 332 SUBPOENA OR JURY SERVICE LEAVE

A regular classified employee shall suffer no monetary loss because of a leave of absence due to mandated court appearances when not a litigant or for jury service. Fees, exclusive of mileage, paid by the court or as a result of a subpoena, if less than the employee's salary for the period of absence, shall be paid to the District. If the fees exceed the employee's salary, they may be retained in lieu of payment of salary but the leave must be reported as leave without pay. A copy of the subpoena or a certificate of the clerk of the court must be filed with the *Employee Absentee Report* form for any subpoena or jury service leave.

### 333 INDUSTRIAL ACCIDENT OR ILLNESS LEAVE

All regular classified employees shall be granted industrial accident and illness leave in accordance with the provisions of Education Code section 88192. Employees shall be entitled to industrial accident or illness leave for not more than sixty (60) working days in any one (1) fiscal year for any one accident or illness. The following provisions shall apply in granting industrial accident or illness leave:

- A. Allowable industrial accident or illness leave shall be for not less than sixty (60) working days in any one (1) fiscal year for the same accident or illness.
- B. Allowable leave shall not be accumulative from year to year.
- C. Industrial accident or illness leave will commence on the first day of absence.
- D. Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage of the day.
- E. Industrial accident leave will be reduced by one (1) day for each day of authorized absence regardless of a compensation award made under workers' compensation.
- F. If an industrial absence leave overlaps two (2) fiscal years, the sixty (60) day provision does not restart for the new fiscal year.

Industrial accident or illness leave shall be used by an eligible employee in preference to accumulated sick leave. Accumulated sick leave shall be used only after industrial accident or illness leave has been exhausted.

All industrial (on-the-job) injuries, no matter how trivial, should be reported immediately so that appropriate medical care may be provided. A completed *Supervisor's Report of Employee Incident or Illness* and an *Employee Claim for Workers' Compensation Benefits* (DWC-1) shall be submitted to the District's third party claims administrator via the District's Risk Management Office within one working day of receipt of the completed form DWC-1 from the employee. The employee is required to obtain authorization from the third party administrator if any change in treating doctor is desired within the first thirty (30) days following notification of injury.

An employee shall be issued normal wages and salary checks during industrial accident leaves until such times as all paid leaves of absence, as provided by law or the action of the Governing Board, i.e., industrial accident or illness leave, sick leave, earned vacation have been exhausted. The employee, in turn, shall endorse to the District any compensation received in wage-loss benefit checks during a paid leave of absence.

### **333.1 RE-EMPLOYMENT PREFERENCE**

When all available leaves of absence, paid or unpaid, have been exhausted, and the employee is not medically able to assume the duties of his/her position or other available positions, he/she shall be placed on a re-employment list for thirty-nine (39) months. Any time during the thirty-nine (39) months that the employee is able to assume the duties of his/her position, he/she shall be employed in the first vacancy in his/her previous classification in preference to all others on the list except for those laid off for lack of funds. If two (2) or more employees in the same classification are eligible for re-employment in accordance with this section, they shall be re-employed according to seniority. (See Section 152.) Upon resumption of duties, an employee who is re-employed shall be fully restored as a regular employee with all accrued rights and benefits. (Ed. Code, § 88192.) In the event the employee did not complete the probationary period prior to the industrial accident leave, upon return to work he/she must complete the remainder of the probationary period. An employee will be dismissed if he/she has been placed on a re-employment list and has been medically released for return to work and fails to do so. (Ed. Code, § 88192.)

## **334 SICK LEAVE**

Absence from duty of any employee because of illness, injury or exposure to contagious disease.

### **334.1 ACCUMULATION OF SICK LEAVE**

Any regular full-time classified or "restricted" employee shall earn sick leave with full pay at the rate of eight (8) hours or one (1) day per calendar month. A regular full-time classified or "restricted" employee employed for less than a full fiscal year is entitled to that portion of twelve (12) days leave as the number of months he/she is employed bears to twelve (12). Any regular part-time or hourly classified employee holding a position shall earn sick leave at a rate proportional to their board-approved schedule as compared to a full-time position.

Classified employees shall be granted the annual sick leave allocation in July of each fiscal year. Leave is earned only for each calendar month in which salary is paid one-half calendar month or more. Credit for leave need not be accrued prior to taking such leave (up to a maximum allowed for one year); however, an employee with less than six (6) months of continuous service shall not be eligible to take more than six (6) days, or the proportionate amount to which he/she may be entitled. Any employee who takes sick leave prior to accrual must repay the District for that time upon termination. Employees shall be allowed unlimited accumulated sick leave. (Ed. Code, § 88191.)

An employee re-employed after a separation of less than thirty-nine (39) months shall have his/her accumulated sick leave reinstated.

Limited-term and provisional employees shall accumulate sick leave for each calendar month in which salary is paid for one-half month or more. However, sick leave for limited-term and provisional employees must be accrued prior to taking such sick leave.

### **334.2 GRANTING AND REPORTING SICK LEAVE**

An employee who cannot report for work because of illness or injury shall notify, or see that someone else notifies, his/her supervisor before or at the beginning of his/her shift. An employee returning from any sick leave absence shall file a completed *Employee Absentee Report* form with his/her supervisor at the end of the month in which the absence occurred. If the absence is five (5) days or more, the employee shall provide his/her supervisor with a physician's certification of illness and authorization to return to work and attach it to

the absentee report. A physician's certificate of disability shall be requested at regular intervals by an employee's supervisor for extended absences due to illness or injury. Circumstances may warrant a physician's certificate for less than one (1) week's absence.

### **Exceptions**

No employee shall be entitled to sick leave with pay while absent from work for disability arising from sickness or injury caused by any willful misconduct.

### **334.3 ENTITLEMENT TO OTHER SICK LEAVE**

When a permanent classified employee is absent from his/her duties because of illness or accident, whether or not the absence arises out of or in the course of employment of the employee, the employee shall be credited with a total of one hundred (100) working days per year of paid sick leave, in addition to the accumulated or current sick leave to which he/she is entitled under Section 334.1, and shall be compensated for such at a rate of fifty (50) percent of the employee's regular salary, in accordance with District policies and collective bargaining agreements regarding use and documentation. (Ed. Code, § 88196.) The paid sick leave authorized under this section excludes any other paid leave, holidays, vacation, or compensating time to which the employee is entitled. This benefit shall be limited to one hundred (100) days per fiscal year. In addition, if an absence overlaps two (2) fiscal years, the 100-day provision does not restart for the new fiscal year.

If the absence is due to industrial accident or illness, this benefit shall be utilized only after the regular sick leave, comp time, vacation, and other available paid leaves have been exhausted. (Ed. Code, § 88196.)

### **334.4 SICK LEAVE ALLOWED FOR PERSONAL NECESSITY**

Any regular classified employee may use up to seven (7) days of accumulated sick leave per fiscal year in cases of personal necessity, including any of the following:

- 1) Death of an immediate family member
- 2) Accident involving his/her person or property, or the person or property of a member of his/her immediate family
- 3) Appearance in any court
- 4) Personal emergencies
- 5) Recognized religious holidays

Notwithstanding any of the above purposes, accumulated sick leave shall not be used to compensate any employee whose absence results from participation in a strike, work stoppage, work slow-down, or any other labor disturbance.

### **334.5 TRANSFER OF SICK LEAVE FROM ANOTHER SCHOOL DISTRICT**

Classified employees with at least one (1) year's service in another community college, school district, Superintendent of Schools office or California public post secondary and higher education institution, whose employment is terminated for reasons other than cause, and who subsequently accepts employment with the Ventura County Community College District within one year of their termination with the previous district, may be credited with all accumulated sick leave. Transfer of sick leave will not take place until the employee completes the probationary period. (Ed. Code, § 88202.)

**335 COMPASSIONATE LEAVE**

Any regular employee may be granted a maximum of three (3) days leave (non-cumulative) without loss of pay in any fiscal year to meet an emergency within his/her family. The college president or the appropriate District Service Center administrator may approve such leave. This leave is to be granted only after all other types of leave have been exhausted.

**336 MATERNITY LEAVE**

Regular classified employees are eligible for leaves of absence for pregnancy or convalescence from childbirth.

Any regular full-time classified employee who is absent because of pregnancy or convalescence following childbirth shall be granted maternity leave without loss of pay up to fifteen (15) working days. Requests for leave shall be supported by physician certification.

Regular-part-time classified employees shall be entitled to leave on a prorated basis. Limited-term and provisional employees are not eligible.

Nothing in this section shall deprive any employee of any leave entitled under Section 334. (Ed. Code, § 88193.)

**337 FAMILY LEAVE**

Regular classified employees who have worked at least 1250 hours within twelve (12) months preceding the commencement of leave shall be eligible for an unpaid family care leave for birth, adoption, or serious illness of a child, or to care for a spouse or parent of the employee with a serious health condition or for the employee's own serious health condition. The length of the leave will not exceed sixty (60) working days in any twelve (12) month period. The days of leave need not be consecutive. The employee may use paid vacation during such leave. If the leave is due to illness of a family member, as defined above, paid sick leave (exclusive of half-pay) may be utilized. The twelve (12) month period begins the first day of the leave. Additional leaves may not be granted until twelve (12) months have expired from the first day of the leave period. A physician's certification of illness or leave requested for a serious health condition of the employee or family member must include the date in which the serious health condition commenced, the probable duration of the condition, and an estimate of the amount of time the employee needs to provide care to another or is unable to perform the functions of his/her position. Coverage under the District's group health plans will continue during such leave to a maximum of sixty (60) days.