

Rancho Santiago Community College District
ADMINISTRATIVE REGULATION
Chapter 7
Human Resources

AR 7340 Leaves

Reference(s):

California Education Code Sections 45191, 45196, 87781-87783, 87784, 88191, 88194, 88196, 99202, 88207
Title 5 California Code of Regulations Section 53125
Government Code Section 12945.2 (aka California Family Rights Act) and 12945.7
29 Code of Federal Regulations Section 825.100 (aka Family Medical Leave Act of 1993)
Labor Code Section 233, 230.7, 230.8, 230(g), 245.5 and 2066(d)
Senate Bill 848 (Reproductive Loss Leave)
AB 104

LEAVES

1. Leaves for represented Classified employees and Faculty are contained herein and/or within the respective collective bargaining unit agreements and/or board policies and administrative regulations.

TRANSFER OF SICK LEAVE FOR FACULTY OR MANAGEMENT TEAM MEMBERS

1. At the time of employment, any employee who is a former academic or classified employee of another California K-12 school or community college district, county superintendent's office, or the State Chancellor's office for more than one (1) year may initiate a request with Human Resources to have transferred from the previous K-12 school or community college district, the total number of hours or days for illness or injury to which the employee is entitled. As soon as the transfer process is completed, the appropriate number of hours will be credited to the employee.

TRANSFER OF SICK LEAVE FOR CLASSIFIED EMPLOYEES

1. Any classified employee of a community college district, K-12 school district, or county superintendent of schools who has been employed for a period of one (1) calendar year or more whose employment is terminated for reasons other than action initiated by the employer for cause and who subsequently accepts employment with the Rancho Santiago Community College District (RSCCD) within one (1) year of such termination of their former employment, shall have transferred with them the total amount of earned hours for illness or injury to which they are entitled under California Education Code. In any case where an employee was terminated because of action initiated by their former employer for cause, such a transfer may be made if agreed to by the Board.

VACATION LEAVE

1. Represented classified employees shall be entitled to vacation days as established in their Collective Bargaining Agreement (CBA).
2. Administrators, managers and confidential employees accrue twenty-seven (27) vacation days for each full year of full-time service. Pro-rated vacation will be granted for periods of service of less than one year and/or less than full-time. The maximum vacation accrual shall be fifty-four (54) days or four hundred and thirty-two (432) hours. No vacation will be earned beyond fifty-four (54) days or four hundred and thirty-two (432) hours. Management employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation, however, it is the responsibility of each employee to ensure that vacation is requested to ensure that their vacation leave bank does not exceed the maximum vacation accrual amount.
3. The annual vacation accrual for Management employees is accrued on a monthly basis on the first of the month. Management employees who are in a paid status for more than one-half the working days in the month will accrue vacation for that month.
 - a. Vacation shall be in addition to other leaves and holidays granted by the Board of Trustees during any given fiscal year.
 - b. Requests for vacation leave must normally be submitted in writing, via the online absence reporting system and must be approved in advance by their immediate supervisor.
 - c. Denial of a request for vacation should be made on the online absence form with a reason for the denial as soon as possible after submission.
 - d. Upon separation from service or retirement, Management employees may use accrued vacation prior to the termination date; any unused accrued vacation shall be paid in a lump sum upon:
 - i. Termination/resignation or retirement from employment with the District, or
 - ii. Change of status from Management employee to faculty.
 - e. Management employees may not elect to be paid in lieu of taking vacation leave, although the District may consider permitting a cash-out of up to 50% of a Management employee's annual vacation accrual in the event of documented and verifiable hardship, upon approval of the Chancellor or designee. This is limited to one application per fiscal year.

SICK LEAVE

1. All classified, confidential and management employees who are employed five (5) days per week shall be entitled to twelve (12) days leave of absence because of illness or injury. A classified, confidential and management employee who is employed for less than a full fiscal year is entitled to that proportion of twelve (12) days leave of absence for illness or injury. Faculty are provided sick leave depending on their contract days worked, as set out in their CBA.
2. New employees of the District shall not be eligible to take more than six (6) days or the proportionate amount to which the employee may be entitled until the first day of the calendar month after the completion of six (6) months of service with the District.
3. If an employee does not take the full amount of sick leave allowed in any fiscal year, the amount not taken shall be accumulated from year to year. Unused portions of paid sick

leave shall be cumulative as provided for in the Education Code. When employment with the District is terminated, unused sick leave will not be compensated in terminal pay.

4. Scheduled sick leave, such as visits to physicians, dentists, and other medical practitioners, require prior approval by the supervisor and should be reasonably scheduled so as to interfere as little as possible with the operations of the District.
5. Unscheduled sick leave (without prior authorization) may only be used due to the physical inability of the employee to perform their duties due to illness or injury.
6. Employees must be in active employment or on paid leave to earn sick leave. Employees who become ill or injured but are not required to report, scheduled leave or vacation, may use sick leave credits without return to active service provided the employee furnishes adequate supporting information and/or verification of illness or injury.

PERSONAL NECESSITY LEAVE

1. Accumulated sick leave may be used by an employee in cases of personal necessity; however, personal necessity leave cannot exceed seven (7) days in any single fiscal year.
2. Personal Necessity Leave Reasons
 - a. Death of a member of the immediate family when leave or additional leave is required beyond that provided under bereavement leave.
 - b. An accident involving a person or property, or the person or property of a member of the immediate family. The accident shall be of such an emergency nature that the immediate presence of the employee is required during the workday.
 - c. Appearance in court as a litigant or as a witness under an official order.
 - d. Serious or critical illness of a member of the immediate family. The illness should be such that it requires the services of a physician, and of such an emergency nature that the immediate presence of the employee is required during the workday.
 - e. Compelling personal importance. Additional proof may be required to substantiate a personal necessity leave claimed under this reason.
 - f. Personal necessity leave shall not be used for convenience, medical appointments (sick leave is appropriate leave for medical appointments), social events, political activities, or job actions. The Vice Chancellor of Human Resources or designee may require verification to substantiate any employee's claim for a leave of personal necessity.
 - g. Holidays/Religious Observances
 - i. Holiday observances for employees of the District shall be those recognized and authorized by the Board in the adoption of the academic/employee calendar.
 - ii. The District shall afford "reasonable accommodation" to an employee's religious practices.
 - iii. The Chancellor or designee may grant employees up to three (3) days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional District expenditures, the neglect of assigned duties, or any other unreasonable hardship on the District. An employee desiring to observe a religious holiday (other than those recognized by the Board) is entitled to use a day of personal necessity leave for such purposes.

3. The employee shall request approval of such leave through the appropriate District's procedure.
4. All personal necessity leave days are charged against paid sick leave allotment and shall not exceed a total of seven (7) days per fiscal year.

EXTENDED SICK LEAVE

1. Each fiscal year in addition to regular sick leave, an employee shall be granted non-accumulative extended sick leave at half pay up to a combined total of one hundred (100) days. An employee whose sick leave, including both current and accrued, has been exhausted, and where the total of such sick leave used is less than one hundred (100) working days, shall be entitled to and be compensated at fifty percent (50%) of their regular daily rate of pay for the total balance of one hundred (100) days.
2. The employee shall be required to present a doctor's verification stating the necessity to be absent from the workplace and the anticipated date the employee will be able to return to service to qualify for this extended leave benefit. An employee shall be given the option of using accrued vacation to extend sick leave prior to employee being placed on extended sick leave to maintain 100% pay. Part-time employees will receive extended sick leave benefits on a prorated basis.

INDUSTRIAL ACCIDENT OR ILLNESS LEAVE

1. An industrial accident or illness is defined as one where an employee becomes ill or is injured while serving the District, and the accident or illness is appropriately reported to the District.
2. Industrial accident or illness leave shall commence on the first day of absence. Allowable leave shall not be accumulated from year to year. When an industrial accident or illness occurs at a time when the allowable leave will carry over into the next fiscal year, the employee shall be entitled to only the number of days of leave that remain from the original 60-day allocation.
3. Payment of salary lost on any day shall not, when added to an award granted the employee under the worker's compensation laws of this State, exceed the normal wage for the day. Industrial accident and illness leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under worker's compensation.
4. For academic administrators, the industrial accident or illness leave of absence shall be used in-lieu-of entitlement acquired under Education Code Section 87786. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave, accumulated vacation or other available leave when added to worker's compensation award shall not exceed the amount of the employee's full day's salary.
5. Periods of leave of absence, paid or unpaid, shall not be considered a break in service for the employee.

6. During all paid leaves of absence, the District shall reduce the gross salary warrant due to the employee by the same amount of any worker's compensation check received by the employee.
7. The District shall issue the employee appropriate warrants for any payments of salary due over and above the worker's compensation benefit check and shall deduct normal retirement and other authorized contributions. The reduction of entitlement to leave shall be made only in accordance with this section.
8. When all available leaves of absence, paid or unpaid, have been exhausted and the employee is not medically able to resume the duties of their position and they are not placed in another comparable position, the employee will be placed on a reemployment list for a period of thirty nine (39) months. When a vacant position in the class of the employee's previous classification occurs, the employee shall be offered a position over all other available candidates except those on a reemployment list that was established because of lack of work or lack of funds. The District shall require certification from the attending physician that the employee is medically able to return to work and perform the duties of their position. An employee who has been medically released for return to duty and who fails to accept an appropriate assignment shall be dismissed.
9. Management employees should immediately report an industrial accident or illness to the Risk Management Office and follow all required procedures for the processing of claims.

BEREAVEMENT LEAVE

CSEA and Faculty employees should refer to their Collective Bargaining Agreement for their entitlements.

1. Management and confidential employees shall be granted three (3) days of paid leave of absence, and an additional two (2) days of unpaid leave for the death of an immediate family member, which is defined as the employee's spouse, parent, domestic partner, child, grandparent, grandchild, or parent-in-law, stepchild, and the children of the domestic partner of the employee.
2. Entitled bereavement leave shall be taken in full days. Use of this leave shall be taken within three (3) months from the date of the death of the family and need not be taken consecutively.
3. To qualify for this leave, within thirty (30) days of the death of the immediate family member the employee shall provide supportive documentation in the form of a death certificate, a published obituary, or written certification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency. At its discretion, the District may consider other forms of documentation.
4. Bereavement leave for alternative schedules such as 4/10 will be based on weekly hours (i.e. for full-time employees, bereavement will be based on forty (40) hours, not five (5) days).
5. No deduction shall be made from the salary of any employee qualifying for paid bereavement leave.

6. Vacation time off, personal necessity, sick leave, or other applicable and available paid time off may be used to extend bereavement leave and may be used to receive pay for the two (2) days of unpaid bereavement leave.

JURY DUTY LEAVE

1. Employees shall be entitled to as many days of paid leave as are necessary when called for jury duty or when summoned for a court appearance not as a result of the employee's own misconduct. Any monies received from the courts as jury duty payment shall be transferred to the District, mileage excluded. Upon completion of jury duty, the employee shall submit a certification of jury service to the District.

FAMILY MEDICAL LEAVE ACT (FMLA) / CALIFORNIA FAMILY RIGHTS ACT (CFRA)

The federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) offer up to twelve (12) workweeks of unpaid, job protected leave for qualifying family and serious medical reasons within a twelve (12) month period, which shall be counted forward from the date FMLA leave is first taken.

1. Eligible employees may take up to twelve (12) workweeks of FMLA/CFRA for the following qualifying reasons:
 - a. An employee's own serious health condition
 - b. The birth of a child and to bond with the newborn child within one (1) year of birth
 - c. Placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one (1) year of placement
 - d. To care for the employee's spouse, child, or parent with a serious health condition
 - e. To care for additional family members, including: a registered domestic partner, an adult child, child of a domestic partner, grandparent, grandchild, or sibling with a serious health condition
 - f. A qualifying exigency arising out of the fact that the employee's spouse, child or parent is a military member on covered active duty or call to covered active-duty status
 - g. Employees who are the spouse, child, parent, or next of kin of a covered service member with a serious injury or illness may take up to twenty-six (26) workweeks of leave in a single twelve (12) month period to care for the service member.
2. Additionally (under CFRA), employees may designate one person per twelve (12) month period who is not listed above as an immediate family member, but the individual is related by blood or whose association with the employee is the equivalent of a family relationship. Employees may be asked to designate the person at the time the leave is requested.
3. A serious medical condition is an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment or supervision by a health care provider.
4. To qualify for FMLA/CFRA, employees must have been employed with the District for at least twelve (12) months and worked a minimum of 1,250 hours during the previous twelve (12) months. The 1,250 hours are counted back twelve (12) months from the first day of the qualifying leave.

5. When the FMLA/CFRA effective date is confirmed, employees must submit a medical statement from their (or their family member's) health care provider to Human Resources and their leave will be initiated.
6. FMLA/CFRA may be taken on a continuous basis in one block of time when it is medically necessary or on an intermittent basis (allowing an employee to take time off at irregular intervals), or to reduce their full-time schedule.
7. While an employee is on FMLA/CFRA, their available accrued applicable paid time off will be applied. Unpaid leave may be available upon exhaustion of applicable paid time off.
 - a. Sick and extended sick time off are utilized for an employee's own illness or medical reasons.
 - b. Family care time off is utilized to care for a family member.
 - c. Use of vacation time may be utilized in coordination with sick leave.
 - d. Unpaid leave may be available upon exhaustion of available and applicable paid time off.

PREGNANCY DISABILITY LEAVE

1. Pregnancy Disability Leave (PDL) is the leave an employee takes while they are disabled by their pregnancy or childbirth. Typically, an employee who has a disability related to their pregnancy or the birth of their child is entitled to up to four (4) months of job protected PDL, depending on the period of actual disability.
2. To be eligible, an employee must be disabled by their pregnancy, the childbirth, post childbirth, or a related medical condition. PDL applies to all employees who work for the District, as long as they have a qualified disability. An employee is disabled by their pregnancy if, in the opinion of their health care provider, they are unable to perform any one or more of the essential functions of their position because of their pregnancy.
3. PDL does not need to be taken all at once. Rather, it can be dispersed over the course of the pregnancy and childbirth.
4. After childbirth and during recovery time, employees are still considered disabled by their pregnancy for the purposes of PDL as long as, in the opinion of their health care provider, they are unable to perform one or more of the essential functions of their job because of the childbirth.
5. When the PDL effective date is confirmed, employees must submit a medical statement from their health care provider listing the start and estimated end date to Human Resources and their leave will be initiated.
6. If eligible, protected leave under the Family Medical Leave Act (FMLA) runs concurrently with PDL.
7. While an employee is on PDL, their available accrued full pay sick leave and extended sick leave will be applied. Use of vacation time may be coordinated with sick time off, if requested through Human Resources. Unpaid leave may be available upon exhaustion of applicable and available paid time off.

8. Employees who receive medical and other benefits from the District will continue to receive their benefits while on PDL.
9. When the employee is no longer disabled due to pregnancy or childbirth, a medical statement will need to be submitted to Human Resources indicating the date that they are released from PDL and whether any work restrictions are in effect.

PARENTAL LEAVE (CHILD BONDING)

1. Parental leave is defined as leave for reason of the birth of a child of the employee, or placement of a child with the employee in connection with the adoption or foster care of the child by the employee.
2. Eligible employees mean those who have been employed with the District for the twelve (12) months prior to taking parental leave.
3. Eligible employees are entitled to up to twelve (12) weeks of parental leave during the first twelve (12) months after the birth or placement for adoption or foster care of a child.
4. Pay while on parental leave:
 - a. Employees must first use their full pay sick leave, including all accumulated sick leave.
 - b. When full-pay sick leave is exhausted, and the employee continues to be absent from their duties for parental leave, the employee will be paid 50% (half pay) for the remaining portion of the twelve (12) workweek period of the parental leave.
 - i. The half-pay usage for parental leave cannot be supplemented with any other paid leave.
 - ii. The half-pay usage for parental leave is not considered the same as extended sick leave, but a separate paid leave in addition to extended sick leave. Extended sick leave is intended for the employee's own illness and not for parental leave purposes.
 - c. An employee who does not want to exhaust their full pay sick leave and accumulated sick leave may instead elect to utilize their other full paid leaves, such as vacation time off in lieu of full pay sick leave and accumulated sick leave. However, the half-pay parental leave cannot be used until all full pay sick leave, including all accumulated sick leave, has been exhausted.
 - i. Employees using their optional full paid leave, such as vacation time off prior to the usage of full paid sick leave, accumulated sick leave, followed by half-pay parental leave pay, must clearly notify Human Resources with the intent to use their other full paid leave balances prior to taking the parental leave.
 - ii. All times, regardless of how it is paid, it will count toward the twelve-week work limit.
 - iii. Employees wishing to take parental leave as unpaid may do so. The unpaid leave will count as part of the twelve (12) workweek limit.
5. Parental leave may be taken in twelve (12) consecutive workweeks or intermittently.
 - a. Leave must be taken in full day increments.
 - b. Requests for intermittent parental leave must be taken in minimum leave durations of two weeks.

- i. On occasions during the leave, an employee may request the intermittent parental leave in increments to be shorter than the two-week duration.
 - ii. Any single or multiple day usage within a week will constitute a week of parental leave and will count against the twelve (12) workweek maximum.
6. This leave shall run concurrently with any entitlement under the Family Medical Leave Act and the California Family Rights Act.
7. Return rights of employees taking parental leave pursuant to state or federal family leave law shall be as set forth in those laws.

FAMILY CARE LEAVE (AB 109)

1. Pursuant to Labor Code, employees may use 50% of the amount of sick leave they earn annually to care for a parent, spouse, registered domestic partner, or child with an illness. All conditions and restrictions placed by the District upon the use by an employee of sick leave also shall apply to the use by an employee of sick leave for purposes of this paragraph. The number of sick leave days available for purposes of this paragraph are in addition to the days which may be used for purposes of personal necessity leave.

REPRODUCTIVE LOSS LEAVE

1. Employees are entitled to five (5) days of paid leave for a reproductive loss event. A reproductive loss event is defined as a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction. The leave must be taken within three (3) months of the event and may be taken on non-consecutive days.

PARTICIPATION IN SCHOOL ACTIVITIES OF CHILDREN LEAVE

1. Employees who are a parent, guardian, step-parent, foster parent, or grandparent, or a person who stands in loco parentis to a child, of one or more children in kindergarten or grades 1 to 12, inclusive, or attending a licensed child care provider, may take up to forty (40) hours each year to participate in activities of the school or licensed child care provider of any of their children, if the unit member, prior to taking the time off, gives reasonable notice to the District of the planned absence of the employee.
2. If both parents of a child work for the District, the entitlement of a planned absence as to that child applies, at any one time, only to the parent who first gives notice to the District, such that the other parent may take a planned absence simultaneously as to that same child under the conditions described in paragraph 1 only if they obtain the District's approval for the requested time off.
3. Employees shall utilize existing vacation or personal necessity for purposes of the planned absence. Upon exhaustion of applicable and available paid time off, employees also may utilize time off without pay for this purpose.

LEAVE OF ABSENCE WITHOUT PAY

1. A personal leave of absence without pay up to and not exceeding cumulatively five (5) individual days per fiscal year may be granted by the District and shall require the approval of the immediate supervisor and area administrator. An unpaid absence of more than five (5) individual days must also be approved by the president or designee, for their respective college, and the Chancellor or designee for District Services. If an absence of more than fifteen (15) consecutive days without pay is requested, the Board's approval is required. In all cases, when an unpaid leave of absence is requested by the employee, any and all available paid leaves must be exhausted prior to utilizing leave without pay. An unpaid leave of absence is distinct from an unauthorized leave of absence, which is also unpaid and which occurs as a result of a failure to follow District processes or procedure.

Adopted: April 21, 2025