

PERSONNEL COMMISSION
SANTA MONICA COLLEGE

MERIT RULES CHAPTER XI

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CHAPTER XI – VACATION, LEAVES OF ABSENCE, AND HOLIDAYS

Rule 11.1 VACATION LEAVE (EDUCATION CODE SECTION 88197)

Section	11.1.1	Ratio for Earning Vacation Leave for Management and Confidential Employees
	11.1.2	Ratio for Earning Vacation Leave for Unit Employees
	11.1.3	Vacation Leave Procedures
	11.1.4	Vacation Leave for Twelve Month Employees
	11.1.5	Vacation Leave for Less Than Twelve Month Employees
	11.1.6	Interruption of Vacation Leave (Education Code Section 88200)
	11.1.7	Unit Members

Rule 11.2 LEAVES OF ABSENCE (EDUCATION CODE SECTIONS 88198, 88199)

Section	11.2.1	General Provisions
	11.2.2	Procedure for Request and Notification of Absence
	11.2.3	Application of Leave of Absence Provisions to Unit Members

Rule 11.3 SICK LEAVE (EDUCATION CODE SECTION 88191)

Section	11.3.1	Regular Sick Leave Provisions
	11.3.2	Industrial Accident and Industrial Illness Leave (Education Code Section 88192)
	11.3.3	Verified Illness Leave (Extended Sick Leave) (Education Code Section 88196)
	11.3.4	Unpaid Illness Leave (Education Code Section 88195)
	11.3.5	Return from Sick Leave
	11.3.6	Application of Sick Leave Provisions to Unit Members

Rule 11.4 BEREAVEMENT LEAVE (EDUCATION CODE SECTION 88194)

Section	11.4.1	General Provisions
	11.4.2	Immediate Family Defined
	11.4.3	Bereavement Leave for Other Than Immediate Family Members
	11.4.4	Application of Bereavement Leave Provisions to Unit Members

Rule 11.5 PERSONAL NECESSITY LEAVE (EDUCATION CODE
SECTION 88207)

Section	11.5.1	General Provisions
	11.5.2	Application of Personal Necessity Leave Provisions to Unit Members

Rule 11.6 MATERNITY LEAVE (EDUCATION CODE SECTION
88193)

Section	11.6.1	General Provisions
	11.6.2	Application of Maternity Leave Provisions to Unit Members

Rule 11.7 UNPAID CHILD REARING LEAVE

Section	11.7.1	General Provisions
	11.7.2	Application of Unpaid Child Rearing Leave Provisions to Unit Members

Rule 11.8 JURY DUTY AND COURT WITNESS LEAVES
(EDUCATION CODE SECTIONS 87035, 87306)

Section	11.8.1	General Provisions
	11.8.2	Application of Jury Duty and Court Witness Provisions to Unit Members

Rule 11.9 MILITARY LEAVE

Section	11.9.1	General Provisions
	11.9.2	Applications of Military Leave Provisions to Unit Members

Rule 11.10 MISCELLANEOUS LEAVES

Section	11.10.1	Leaves of Absence Due to Epidemic/Quarantine
	11.10.2	Leave to Vote (Elections Code Sections 14350-52)
	11.10.3	Release Time for Examinations and Other Personnel Actions
	11.10.4	Leave of Absence to Serve in an Exempt, Temporary, or Limited-Term Position
	11.10.5	Sick Leave for Temporary Employees

Rule 11.11 SPECIAL LEAVES OF ABSENCE FOR MANAGEMENT
AND CONFIDENTIAL EMPLOYEES

Section	11.11.1	Casual Absence Leave
	11.11.2	Convention Attendance

Rule 11.12 TRANSFER OF SICK LEAVE AND OTHER BENEFITS
FROM ANOTHER DISTRICT (EDUCATION CODE
SECTION 88202)

Section	11.12.1	General Provisions
	11.12.2	Application of Transfer of Sick Leave Provisions to Unit Members

Rule 11.13 UNPAID LEAVE OF ABSENCE

Section	11.13.1	General Provisions
	11.13.2	Application of Unpaid Leave of Absence Provisions to Unit Members

Rule 11.14 HOLIDAY PAY (EDUCATION CODE SECTIONS 88203,
88205, 88205.5, 88206)

Section	11.14.1	Paid Holidays
	11.14.2	Eligibility for Holiday Pay
	11.14.3	Application of Paid Holiday Provisions to Unit Members

CHAPTER XI

VACATION, LEAVES OF ABSENCE AND LIDAYS

Rule 11.1

VACATION LEAVE (EDUCATION CODE SECTION 88197)

Vacation provisions for unit members are contained in Article 9 of the District/CSEA Contract.

11.1.1

RATIO FOR EARNING VACATION LEAVE FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES

- A. All regular classified management or confidential employees shall earn vacation at the following rate:
 - 1. 12 month employees - 24 days/192 hours per year.
 - 2. 11 month employees - 22 days/176 hours per year.
 - 3. 10 month employees - 20 days/160 hours per year.
- B. Management and confidential employees shall be credited at the beginning of the fiscal year with the full amount of vacation to which they are entitled for the entire year.
- C. Vacation leave at the rate of 2 days/16 hours per month shall be deducted for any month in which the employee is not in paid status for more than one-half the working days.

11.1.2

RATIO FOR EARNING VACATION LEAVE FOR UNIT MEMBERS

- A. Regular classified employees who are unit members shall earn vacation at the rate provided in Article 9 of the Agreement between the District and Chapter 36, CSEA:
 - 1. Eight (8) hours per month for employment through three (3) years.
 - 2. Ten (10) hours per month for employment from four (4) through seven (7) years.
 - 3. Twelve (12) hours per month for employment from eight (8) through eleven (11) years.
 - 4. Thirteen and one-third (13.3) hours per month of employment beginning the twelfth year and continuing each year thereafter.
- B. Regular classified employees working part-time shall receive prorated vacation leave prorated in the same proportion as the number of hours worked per week bears to 40 and the number of days worked per month bears to full time employment.

11.1.3

VACATION LEAVE PROCEDURES

- A. A regular classified non-management employee shall not be entitled to vacation until the employee has successfully completed the initial six (6) months of continuous employment.
- B. Regular classified non-management employees shall accumulate vacation based on months of service. A month of service shall count in the computation for accumulation of earned vacation when the employee is in paid status during one-half or more of the working days in the month. Vacation shall also be earned during paid leave of absence.
- C. Vacation shall be taken at the convenience of the District and as workload permits upon approval of the department supervisor.
- D. Vacation leave shall be requested in advance on the District Absence Report form and must be approved by the immediate supervisor before it is taken.
- E. In determining the vacation schedule for the department, the supervisor shall give employees the choice of times available on the basis of seniority.
- F. Notwithstanding the provisions of paragraph A, with the approval of the immediate supervisor and the Personnel Director, a classified employee may be advanced vacation up to the allotment to be earned during the school year in which the vacation is to be taken.
- G. Regular classified employees who work part-time shall be entitled to vacation leave prorated in the same proportion as the number of hours worked per week bears to 40 and the number of days worked per month bears to full time employment.
- H. The rate at which vacation is paid shall be the employee's current rate at the time the vacation is taken.
- I. The minimum increment of vacation which can be taken is one hour per day.

- J. Permanent classified employees shall be entitled to lump sum compensation for all earned and unused vacation upon separation from the District.
- K. A classified employee who has not completed six (6) months of continuous employment in regular status at the time of separation from the classified service shall not be entitled to any compensation for vacation.
- L. Upon separation the full amount of salary which was paid to an employee for vacation which has been granted in advance of being earned shall be deducted from the employee's final paycheck.

11.1.4

VACATION LEAVE FOR TWELVE MONTH EMPLOYEES

- A. Regular classified employees assigned to a 12 month work year may take their vacation at any time during the school year upon the approval of the employee's immediate supervisor.
- B. Vacation which is not taken during the fiscal year in which it is earned must be taken within the 14 months following ending on September 1 of the following year. Vacation which is not used within this period shall be forfeited unless extended by the District, or when extenuating circumstances such as illness or bereavement, make the taking of the vacation impossible.

11.1.5

VACATION LEAVE FOR LESS THAN 12 MONTH EMPLOYEES

- A. Classified employees assigned to a work year of less than 12 months shall take their vacation during the school year in which it is earned and will use their vacation during the class recess periods, unless otherwise scheduled by the immediate supervisor.
- B. Classified employees assigned to a less than 12 month work year shall be compensated by lump sum payment for accrued but unused vacation days at the end of their assignment each school year.

11.1.6 INTERRUPTION OF VACATION LEAVE (EDUCATION
CODE SECTION 88200)

Permanent classified employees may interrupt vacation leave in order to begin another type of paid leave such as sick leave, bereavement leave, or personal necessity leave without a return to active service, provided they give adequate and timely notice furnishing relevant supporting verification to the Classified Personnel Department.

11.1.7 APPLICATION OF VACATION LEAVE PROVISIONS TO
UNIT MEMBERS

- A. Vacation provisions for unit members shall be in accordance with Article 9 of the Agreement between the Santa Monica Community College District and Chapter 36, CSEA and this Rule, unless the Rule provision is limited to management and confidential employees.

Rule 11.2

LEAVES OF ABSENCE (EDUCATION CODE
SECTIONS 88198, 88199)

Leave of absence provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.2.1

GENERAL PROVISIONS

- A. A leave of absence is an authorization for an employee to be absent from duty for a specific period of time and for an approved purpose.
- B. The granting of a paid leave of absence or an unpaid leave of absence of 6 months or less shall guarantee the employee the right to return to their same position.
- C. The granting of an unpaid leave of absence of more than 6 months shall guarantee the employee the right to return to a position of equal status in the employee's same classification, however, the assignment may be in a different department and/or location.
- D. For purposes of this Rule, a position of equal status shall be defined as one in which the assigned work year, workweek and shift are the same as the original position held by the employee before the leave was granted.
- E. Notwithstanding the provisions of paragraphs A and B above, if the Board of Trustees approves the layoff of an employee on a leave of absence, or the abolishment of the employee's position, the leave of absence shall be canceled and the employee shall be notified as required in Rule 13.2.
- F. A leave of absence shall not constitute a break in service, but time on unpaid leave, except military leave as provided in applicable federal or state laws, shall be deducted for purposes of salary increment, longevity, and seniority credit.
- G. An employee on a paid leave of absence shall continue to accrue all benefits to which they are entitled as a regular classified employee.

11.2.2

PROCEDURE FOR REQUEST AND NOTIFICATION OF
ABSENCE

- A. Each leave of absence request shall be accompanied by the appropriate verification and shall be reported as follows:
1. Absence due to emergency, such as illness, emergency medical treatment, bereavement, or personal necessity shall be reported to the immediate supervisor no later than one hour after the scheduled starting time on the employee's first day of absence. In case of emergency, the employee shall notify the immediate supervisor as soon thereafter as practicable. Unit members shall be governed by the call-in schedule listed in Article 7 of the Agreement between the District and Chapter 36, CSEA.
 2. A written Absence Report form shall be completed and signed by the employee and submitted to the immediate supervisor on the first day the employee returns to work.
 3. Requests for unpaid leaves of absence, except for emergency situations, shall be submitted at least one month in advance with the recommendation of the immediate supervisor to the Classified Personnel Department for final approval. (See Rule 11.13.)
 4. All other requests for leaves of absence, including absence for routine doctor's visits shall be submitted on the appropriate leave request form to the immediate supervisor for final approval at least three (3) working days before the first day of requested absence.

Section 11.2.2.B

- B. Absence claims and leave requests which do not meet the reporting and request requirements may be denied and the employee may receive no pay for the period of absence or may be refused authorization to be absent. However, the District Personnel Administrator may allow paid or unpaid leave or authorization for absence where the employee can demonstrate that extenuating circumstances prevented their from complying with the requirements of this Rule.
- C. Absence without authorized leave shall be grounds for disciplinary action under Rule 14.1.
- D. Allegations that a refusal to grant a leave of absence is due to unfair treatment, abuse of discretion or discrimination are subject to appeal through Administrative channels and ultimately to the Board of Trustees.

11.2.3

APPLICATION OF LEAVE OF ABSENCE PROCEDURES TO UNIT MEMBERS

- A. Leave of absence procedures for unit members shall be in accordance with Article 7 of the Agreement between the Santa Monica Community College District and Chapter 36, CSEA and this Rule, unless the procedures in this Rule are limited to management and confidential employees.

Rule 11.3

SICK LEAVE (EDUCATION CODE 88191)

Sick leave provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.3.1

REGULAR SICK LEAVE PROVISIONS

- A. Sick leave is the authorized absence of a regular classified employee when absence is due to:
 - 1. Physical or mental inability to perform the usual and customary duties of their position due to illness, injury, pregnancy, miscarriage, childbirth or recovery therefrom, or exposure to contagious disease.
 - 2. A visit to a licensed physician, practitioner, or a psychological or other therapist for examination, treatment, consultation or therapy.
- B. For purposes of these rules, licensed physician, practitioner, or a psychological or other therapist shall be defined per Labor Code Section 3209.3.
- C. Every regular classified employee shall earn one (1) day of sick leave per full month of service as provided below:
 - 1. To qualify for a full month of service, the employee must be in paid status for 1/2 or more of the working days in a calendar month.
 - 2. At the beginning of each fiscal year, the sick leave bank of each regular classified employee assigned to a full time 12 month position shall be credited with 12 days (96 hours).
 - 3. Regular classified employees assigned to a work year of less than 12 months or a workweek of less than 40 hours shall receive sick leave prorated in the same proportion as the number of months bear to 12 and the number of hours worked bear to 40.
 - 4. An employee's sick leave bank shall be adjusted whenever a change of assignment alters the amount of sick leave which is earned.

Section 11.3.1.D

- D. Sick leave which is accrued, but not used, shall carry over from one fiscal year to another with no limit on accumulation.
- E. A new probationary employee may not use more than six (6) days of paid sick leave during the initial probationary period.
- F. Pay for any day of sick leave shall be the same pay the employee would have received if they had worked that day.
- G. In order to receive sick leave pay, the employee must follow the procedures listed below:
 - 1. Notify their supervisor or the party designated by the supervisor of the reason for their absence within the first scheduled hour of the first day of absence, as provided in Rule 11.2.2.
 - 2. Complete an Absence Report on the first day of return to work.
 - 3. When the absence period is five (5) consecutive working days or more, 40 work hours for employees on alternate work patterns, the employee must submit medical leave of absence request accompanied by medical verification to the Classified Personnel Office as soon as possible and a medical release from their physician prior to readmission to work as provided in Rule 11.3.5.
- H. The medical leave of absence request shall be presented to the Personnel Director for approval/disapproval.
- I. A medical release must include a statement of the nature of the illness and the dates when the employee has been under care or treatment and must be signed by a licensed physician, surgeon, practitioner, psychologist or other therapist.
- J. Upon separation any unearned sick leave which has been taken shall be deducted from the employee's last pay check.

- K. The minimum increment of paid sick leave which may be taken is one (1) hour.

rev: 8/92

11.3.2

INDUSTRIAL ACCIDENT AND INDUSTRIAL ILLNESS
LEAVE (EDUCATION CODE SECTION 88192)

- A. An industrial accident or illness shall be defined per Labor Code Section 3208 as any injury or disease arising out of employment. Industrial accident or industrial illness leave shall be granted in accordance with the provisions of Education Code Section 88192 and this Rule.
- B. An employee in the classified service, who is absent from duty because of an illness or injury defined as an industrial illness under provisions of the Worker's Compensation Insurance Law, shall be granted paid industrial accident leave for each such accident or illness while receiving temporary disability benefits as specified under Labor Code Sections 4453 and 4460 provided that:
 - 1. The employee has probationary or permanent status.
 - 2. The employee has reported the injury or illness to their supervisor on a District Accident report form no later than the day of the injury or onset of illness.
 - 3. In the opinion of the Director of Administrative Services, the illness or injury constitutes an industrial accident or illness, or, if contested by the District, it is ultimately determined to be work connected.
- C. Paid industrial accident leave shall be for not more than 60 working days in any one fiscal year for the same industrial illness or accident. If the full 60 days will overlap into the next fiscal year, the employee shall be entitled only to that amount of leave remaining from the previous fiscal year.
- D. Paid industrial accident and illness leave shall be reduced by one day for each day of authorized absence regardless of the temporary disability allowance made under Labor Code Sections 4453 and 4460. Days absent while on paid industrial accident or illness shall not be deducted from the number of days of paid sick leave to which an employee may be entitled.

- E. If the employee is still unable to return to duty after exhausting paid industrial accident or illness leave, the employee shall be placed on paid sick leave. Accumulated illness leave will be reduced only in the amount necessary to provide a full daily wage or salary, as indicated in the employee's assignment, when added to temporary disability benefits as specified under Labor Code Sections 4453 and 4460.
- F. After all paid illness leave has been exhausted following a paid industrial accident or illness leave, an employee shall be placed on verified illness leave and the employee shall utilize accrued vacation, earned compensatory time, or other earned leave to the extent necessary to make up the employee's full salary when combined with temporary disability benefits as specified under Labor Code Sections 4453 and 4460.
- G. An employee shall be permitted to return to service after an industrial accident or illness only upon presentation of a release from the District appointed physician and the licensed treating physician or practitioner. The physicians shall certify that the employee is able to return to their position without detriment to their emotional and physical well-being or the emotional and physical well-being of other employees.
- H. Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a position in their former class ahead of any employee with a lesser amount of seniority. If no vacancy exists in their former class, they may displace the most recently appointed employee in the class with less seniority. If an employee's former class has been abolished, the employee may be reassigned or placed on an appropriate reemployment list.
- I. An employee returning from paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically provided in applicable provisions of the Education Code and Personnel Commission rules. An employee shall continue to receive appropriate seniority credit while on paid industrial accident or illness leave of absence.

Section 11.3.2.J

- J. When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness and the employee is unable to return to work, the employee's name shall be placed on the reemployment list for the class from which they were on leave for a period not to exceed 39 months.
- K. An employee receiving benefits under this Rule who fails to accept an appropriate assignment after being medically approved to return to work shall be removed from the reemployment list. Appropriate assignment is defined as an assignment to the employee's former class, in their former status and time basis, and in assignment areas in which the employee has made himself/herself available. An employee removed from a reemployment list under this Rule may appeal the removal to the Personnel Commission.
- L. While an employee is on any paid leave resulting from an industrial accident or industrial illness, the employee's salary paid by the District shall when added to a normal temporary disability allowance as specified under Labor Code Sections 4453 and 4460, not exceed the employee's regular salary. A permanent employee's salary is computed on the basis of the number of hours and days in their basic daily assignment. An employee who is not full time shall have their regular salary computed on the basis of the average number of hours worked each month in which the employee was in paid status during the preceding year. During all paid leaves from an industrial accident or industrial illness, the employee shall endorse to the District wage loss benefit checks received from the District's claims management firm, if applicable. The District shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary, and/or leave benefits and shall deduct normal retirement and other authorized contributions. An employee receiving benefits under this Rule who accepts employment during the period of leave shall be deemed to have abandoned their position. See Rule 14.1.4.

Section 11.3.2.M

- M. The Final Award for permanent industrial disability settlement shall not be subject to remittance to the District under this Rule.
- N. The reassignment of an employee who incurs a permanent disability shall be processed according to Rule 9.8.

11.3.3

VERIFIED ILLNESS LEAVE (EXTENDED SICK LEAVE)
(EDUCATION CODE SECTION 88196)

- A. When a regular employee has exhausted all accumulated sick leave credit and the employee continues to be unable to resume the regular duties of their position due to illness or injury, the employee may request to be placed on verified illness leave or on unpaid illness leave.
- B. Within five (5) working days after the employee is first absent due to the illness or injury, the employee shall submit a request accompanied by a medical verification from a licensed physician or practitioner stating the nature of the illness or injury, the dates the employee has been under care and treatment and the expected date of return of the employee.
- C. Verified illness leave shall be limited to five (5) calendar months per fiscal year (108 days) and shall be subject to the following procedures:
 - 1. The employee's pay shall be their regular rate of pay less the amount actually paid to the substitute.
 - 2. If no substitute is hired, the employee shall receive full pay.
 - 3. For purposes of the Rule, a substitute shall be defined as the new employee hired due to the absence of the regular employee. A temporary upgrade of an existing employee shall not be counted for difference pay.
- D. The leave shall commence on the first day of illness or injury and shall run concurrent with all other leaves listed in the paragraph below.
- E. In order to be eligible for verified illness leave, the employee shall utilize available leave in the following order:
 - 1. All industrial accident or illness leave, when applicable.
 - 2. All current year credited sick leave.
 - 3. All accumulated sick leave.
 - 4. All accumulated compensatory time.
 - 5. All earned vacation.

11.3.4

UNPAID ILLNESS LEAVE (EDUCATION CODE SECTION 88195)

- A. A permanent classified employee, who has exhausted all entitlement to sick leave, vacation, compensatory time, or any other available paid leave, and who is absent because of non-industrial illness or injury may be granted an additional unpaid leave of absence for six (6) months, which may be extended for two additional six (6) month periods upon recommendation of the department supervisor, the Personnel Administrator and the approval of the Board of Trustees. In granting the leave, the following factors shall be considered:
 - 1. The likelihood that the employee can return to normal duties upon completion of the leave of absence as evidenced by the treating doctor's prognosis.
 - 2. The seniority and the work record of the employee as documented in the official District personnel file.
 - 3. The employee's previous sick leave record and the degree and reasons for use of sick leave.
 - 4. The number of positions in the employee's classification, the uniqueness of duties performed by the employee, and availability of a substitute.
- B. The granting of a leave of absence, under this Rule, shall guarantee the employee the right to return to a position in their former class with equal rights and benefits.
- C. An employee may return from the leave of absence, upon adequate and proper notice as provided in Rule 11.3.5.
- D. An illness leave of absence without pay shall not constitute a break in service. Upon return the employee shall be reinstated to all rights and benefits of a regular employee.

11.3.5

RETURN FROM SICK LEAVE

- A. When an employee, who has been placed on paid or unpaid leave of absence due to illness for a duration of five (5) consecutive working days or more, wishes to return to work, the employee must submit a medical release from their licensed treating physician or practitioner. The release must provide medical verification acceptable to the District indicating that the employee has recovered sufficiently to return to their regularly assigned duties without detriment to their physical or emotional well-being, or the physical or emotional well-being of other employees. Clearance to return to work is subject to approval by the College physician, the Personnel Director and in the case of industrial injury or illness, the Director of Administrative Services.
- B. The employee shall give the Classified Personnel Department and their immediate supervisor adequate advance notification of their return.
- C. If, at the conclusion of all sick leave, paid or unpaid, granted under this Rule, the employee is still unable to resume the regular duties of their position, the employee shall be placed on a reemployment list for a period of 39 months in the same manner as if the employee were laid off for lack of work or lack of funds.

11.3.6

APPLICATION OF SICK LEAVE PROVISIONS TO UNIT MEMBERS

- A. Sick leave provisions for unit members shall be in accordance with Article 7 of the Agreement between the Santa Monica Community College District and Chapter 36, CSEA and this Rule, unless the Rule provision is specifically limited to management and confidential employees.

Rule 11.4

BEREAVEMENT LEAVE (EDUCATION CODE SECTION 88194)

Bereavement Leave provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.4.1

GENERAL PROVISIONS

- A. Every person employed in the classified service shall be granted necessary leave of absence with pay for not more than three (3) working days, or not more than five (5) working days if out of state or more than 300 miles of travel is required on account of the death of any member of the immediate family.
- B. Leave of absence for bereavement shall not be deducted from the sick leave bank or any other leave entitlement of the employee provided by the Education Code or these rules.

11.4.2

IMMEDIATE FAMILY DEFINED

- A. A member of the immediate family means the spouse, domestic partner, mother, father, step-parent, grandparent or grandchild ; son, daughter, foster or adopted child, son-in-law or daughter-in-law, brother or sister, either of the employee or the spouse or domestic partner of the employee.

11.4.3

BEREAVEMENT LEAVE FOR OTHER THAN IMMEDIATE FAMILY MEMBERS

- A. Bereavement leave for other than immediate family members shall be charged to personal necessity leave as provided in Rule 11.5.

11.4.4

APPLICATION OF BEREAVEMENT LEAVE PROVISIONS TO UNIT MEMBERS

- A. Bereavement leave provisions for unit members shall be in accordance with Article 7 of the Agreement between the Santa Monica Community College District and Chapter 36, CSEA and this Rule unless the Rule provision is limited to management and confidential employees.

Rule 11.5

PERSONAL NECESSITY LEAVE (EDUCATION CODE
SECTION 88207)

Personal necessity leave provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.5.1

GENERAL PROVISIONS

- A. A regular classified employee may elect to use six (6) days of regular sick leave in a fiscal year, as provided in Education Code Section 88191, for personal necessities which fall in the following categories:
 - 1. Bereavement leave for immediate family members which is required over and above the leave authorized in Rule 11.4.
 - 2. Incapacitating illness of a member of the immediate family.
 - 3. Accident involving the person or property of the employee or a member of their immediate family.
 - 4. Appearance in court or before any administrative tribunal as a litigant or party.
 - 5. Other appropriate and compelling reasons as approved by the District Personnel Administrator.

Section 11.5.1.B

- B. A maximum of three (3) days of personal necessity leave specified above may be used in a fiscal year at the employee's election for any one or a combination of the following reasons:
1. Bereavement leave for other than family members (example: aunt, uncle, nephew, etc.) as authorized in Rule 11.4.
 2. Paternity leave at the time of the birth or adoption of the child.
 3. Observance of major religious holidays of the employee's faith.
 4. Natural disaster such as earthquake, flood, or fire of a serious nature which requires the absence of the employee during their regular working days.
- C. Immediate family as used in this section shall have the same meaning as provided in Rule 11.4.

11.5.2

APPLICATION OF PERSONAL NECESSITY LEAVE PROVISIONS TO UNIT MEMBERS

- A. Personal necessity leave provisions for unit members shall be in accordance with the provisions of Article 7 of the Agreement between Santa Monica Community College District and Chapter 36, CSEA and this Rule unless the Rule provision is limited to management and confidential employees.

Rule 11.6

MATERNITY LEAVE (EDUCATION CODE SECTION 88193)

Maternity leave provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.6.1

GENERAL PROVISIONS

- A. Every female classified employee who must be absent from her regular duties because of pregnancy or convalescence following childbirth shall be entitled to utilize all regular and extended sick leave benefits to which she may be entitled under Rule 11.3.
- B. Paid leave benefits, including regular sick leave and extended sick leave benefits may be used for the period of absence medically certified by the employee's attending physician and approved by the District's physician.
- C. Prior to the eighth month of pregnancy, the employee shall furnish the Classified Personnel Department with a medical certificate of the last date on which she will be able to work, accompanied by a completed and signed Absence Report listing the dates on which the employee will be absent.
- D. Prior to returning to service, the employee must present a certificate to the Classified Personnel Department from her physician certifying that she is able to resume the regular duties of her position and be approved by the District physician to return to work.

11.6.2

APPLICATION OF MATERNITY LEAVE PROVISIONS TO UNIT MEMBERS

- A. Maternity leave provisions for unit members shall in accordance with the provisions of Article 7 of the Agreement between Santa Monica Community College District and Chapter 36, CSEA and this Rule unless the Rule provision is limited to management and confidential employees.

Rule 11.7

UNPAID CHILD REARING LEAVE

11.7.1

GENERAL PROVISIONS

- A. A permanent classified employee who is the natural or adoptive parent of a child shall be entitled to an unpaid leave of absence for the purpose of rearing their child immediately after the birth of the child or completion of appropriate adoption procedures. Such leave shall be for a maximum period of nine (9) months and shall be granted provided that the employee submits a leave request to the Classified Personnel Department at least four (4) weeks prior to the anticipated date on which the leave is to commence.

11.7.2

APPLICATION OF UNPAID CHILD REARING LEAVE PROVISIONS TO UNIT MEMBERS

- A. Unpaid child rearing leave provisions for unit members shall be in accordance with the provisions of Article 7 of the Agreement between Santa Monica Community College District and Chapter 36, CSEA and this Rule unless the Rule provision is limited to management and confidential employees.

Rule 11.8

JURY DUTY AND COURT WITNESS LEAVES

Jury duty and court witness leave provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.8.1

JURY DUTY LEAVE (EDUCATION CODE SECTIONS 87035, 87036)

- A. Every regular dassified employee shall be entitled to leave with full pay for any time they are required to perform jury duty service or appear as a witness in a local, state or federal court. Leave shall be granted for the entire period of jury service or the number of days the employee is required to be in attendance in court as a witness. The employee shall receive full pay provided that:
 - 1. The per diem jury service or court witness fee is endorsed to the District for any day on which the employee receives jury duty leave.
 - 2. The summons for jury service is presented to the supervisor and the Classified Personnel Department at least one week before the first date of jury service.
 - 3. The subpoena to appear as a witness shall be presented to the immediate supervisor and the Classified Personnel Department as soon as possible but no later than the working day after it is served.
 - 4. The employee files an Absence Report form and a certification of attendance from the court in the Payroll Department.
 - 5. The employee shall be entitled to any meal, parking, and transportation allowances provided by the court.
- B. It is unlawful for any manager of the District to encourage an employee to seek exemption from jury duty or to discriminate against any employee with respect to assignment, employment, promotion, or in any other manner because of their service on a jury panel.

Section 11.8.1.C

- C. Notwithstanding the provisions of part B, a supervisor may request a postponement of jury service to accommodate the specific needs of their department.
- D. Every employee shall be required to return to duty on any day on which they are released from jury service or court appearance by noon.
- E. Evening and night shift employees shall be released from duty on any day on which they are required to serve all or part of the day for jury service.
- F. Court witness leave shall not be granted if the employee is required to appear in court as a litigant, in which case, the employee shall have the option to utilize personal necessity leave as provided in Rule 11.5.

11.8.2

APPLICATION OF JURY DUTY AND COURT WITNESS LEAVE PROVISIONS TO UNIT MEMBERS

- A. Jury duty and court witness leave provisions for unit members shall be in accordance with the provisions of Article 7 of the Agreement between Santa Monica Community College District and Chapter 36, CSEA and this Rule unless the Rule provision is limited to management and confidential employees.

Rule 11.9

MILITARY LEAVE (Military and Veteran's Code 389, 395, 395.1, 395.3)

Military leave provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.9.1

GENERAL PROVISIONS

- A. Classified employees, under official orders, who are called to duty or who volunteer in the Armed Services of the United States shall be granted military leave of absence for the period of the required service or enlistment.
 - 1. Employees who have served one or more years in the District shall be granted up to 30 calendar days of paid leave in one fiscal year.
 - 2. Employees who have not served one year in the District shall be granted leave without pay.
 - 3. The employee's salary advancement shall not be interrupted by military leave and they shall continue to accrue seniority for purposes of layoff due to lack of work, lack of funds or abolishment of position, and for longevity and vacation entitlement; however, no other fringe benefits such as sick leave or vacation shall accrue during any unpaid portions of the absence.
- B. Classified employees who are members of reserve corps, and who must temporarily be absent due to active military training or exercises shall be granted temporary military leave of absence not to exceed 180 calendar days.
 - 1. Employees who have been in the service of the District for one or more years shall be granted leave with the first 30 calendar days of full pay and they shall not suffer loss of benefits of any kind, nor shall they lose any rights granted other employees due to their absence.
 - 2. Employees who have not been in the service of the District for one year shall be granted leave without pay.

Section 11.9.1.C.

- C. In order for a Leave of Absence to be granted, the employee must submit official orders stating the date they must report for duty at least one week before the duty commences.
- D. Upon return from temporary military leave the employee shall be reinstated into their regular position and upon honorable discharge from regular active duty the employee shall be reinstated into their same position or an equal position in the same class as specified in Military and Veteran's Code 395.1.
- E. An employee shall return to their position in the District within six (6) months of separation for military service or as otherwise provided in Military and Veteran's Code 395.1.

11.9.2

APPLICATION OF MILITARY LEAVE PROVISIONS TO
UNIT MEMBERS

- A. Military leave provisions for unit members shall be in accordance with the provisions of Article 7 of the Agreement between Santa Monica Community College District and Chapter 36, CSEA and this Rule unless the Rule provision is limited to management and confidential employees.

Rule 11.10

MISCELLANEOUS LEAVES

11.10.1

LEAVE OF ABSENCE DUE TO
EPIDEMIC/QUARANTINE/NATURAL DISASTER

- A. Every regular classified employee shall be allowed a leave of absence from duty with full pay on any day on which their regular place of employment is closed because of quarantine, epidemic, natural disaster or other conditions involving the health or safety of college staff or students, provided that:
1. The employee cannot be reassigned to an alternate work location to perform their regular duties or other suitable duties.
 2. The employee is ready, willing, and able to report for duty.
 3. This leave shall continue until the Board of Trustees has taken action to permanently establish the status of the affected employees.

11.10.2

LEAVE TO VOTE (ELECTIONS CODE 14350-52)

- A. Every classified employee shall be allowed time off with pay to vote in general, direct primary or presidential primary elections, subject to the following conditions:
1. The employee's regular scheduled work hours would make it impossible for the employee to reach their polling place to vote outside of working hours.
 2. The time off shall be only that time that is necessary and in no case shall exceed two hours per general or primary election.
 3. The time off shall be taken at the beginning or end of the work shift assignment whichever, as determined by their supervisor, allows the employee the most free time to vote.
 4. The employee must submit a written request certifying the need for time off at least two (2) working days before the election day on which they are to be absent.

11.10.3

RELEASE TIME FOR EXAMINATIONS AND OTHER
PERSONNEL ACTIONS

- A. Each classified employee shall be permitted time off from duty without deduction of pay or penalty as needed for the following reasons:
 - 1. To take an examination or interview for promotion or transfer in the District.
 - 2. To attend a Personnel Commission meeting at which a recommendation affecting the employee's classification, salary or employment status is being presented.
- B. Evening and night shift employees who are scheduled for examination or interview during off-duty hours before or after their regular shift on a scheduled working day shall be permitted equivalent release time, when requested by the employee to prepare for the examination or interview.

11.10.4

LEAVE OF ABSENCE TO SERVE IN AN EXEMPT,
TEMPORARY, OR LIMITED-TERM POSITION

- A. Any permanent classified employee may accept an assignment to an exempt (non-merit), temporary or limited-term position without loss of status in their position and classification or entitlement to benefits.
- B. The employee may voluntarily return to their former position at any time prior to the completion of service in the exempt, temporary or limited-term position with the approval of the supervisors affected.

11.10.5

SICK LEAVE FOR TEMPORARY EMPLOYEES
(LABOR CODE SECTION 246).

- A. This rule shall apply to any employee not covered by other provisions of this Chapter governing sick leave.
- B. An employee who, on or after July 1, 2015, works 30 or more days within a year from the commencement of employment is entitled to paid sick days as specified in this rule.
- C. An employee shall accrue paid sick days at the rate of one hour per every 30 hours worked from the

commencement of employment or July 1, 2015, whichever is later. No employee shall be allowed to have an accrual of more than 80 hours of sick leave.

- D. An employee shall be entitled to use accrued paid sick days beginning on the 90th day of employment, after which day the employee may use paid sick days as they are accrued.
- E. Upon the oral or written request of an employee, an employer shall provide paid sick days for the following purposes: (1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member. (2) For an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in subdivision (c) of Section 230 and subdivision (a) of Section 230.1 of the Labor Code.
- F. No compensation shall be paid to an employee for accrued, unused paid sick days upon termination, resignation, retirement, or other separation from employment.
- G. If an employee separates and is rehired within one year from the date of separation, previously accrued and unused paid sick days shall be reinstated. The employee shall be entitled to use those previously accrued and unused paid sick days and to accrue additional paid sick days upon rehiring.

Rule 11.11

SPECIAL LEAVES OF ABSENCE FOR MANAGEMENT
AND CONFIDENTIAL EMPLOYEES

11.11.1

CASUAL ABSENCE LEAVE

- A. Regular management and confidential classified employees may utilize up to a one-half (1/2) day of leave per month without loss of pay to attend to personal business situations that the employee could not be expected to disregard.
- B. Casual absence leave may not be accumulated from month to month and is intended to supplement other available leave.
- C. Casual absence leave may be taken only with the approval of the immediate supervisor.

11.11.2

CONVENTION ATTENDANCE

- A. A regular employee shall receive release time without loss of pay to attend conventions, workshops, seminars or professional business meetings related to the employee's job and approved by the District.

Rule 11.12

TRANSFER OF SICK LEAVE AND OTHER BENEFITS
FROM ANOTHER DISTRICT (EDUCATION CODE
SECTION 88202)

11.12.1

GENERAL PROVISIONS

- A. Any classified employee who is employed by the District shall be entitled to transfer all accumulated sick leave and a classified management employee shall be entitled to transfer longevity credit for purposes of vacation and longevity increment eligibility on a year for year basis under the following circumstances:
1. The employee was employed for a period of one year or more in a school district, or county community college district or county superintendent of schools, or accredited 4 year institution of higher education.
 2. The employee separated from the previous District in good standing (voluntary resignation or layoff) and they were not dismissed for cause.
 3. The employee is employed by the District within one year of separation from the previous District.
 4. The maximum length of service credit allowed for a new management employee shall be 4 years of credit for 4 years of service.
 5. Length of service credit provided under this Rule shall not count toward seniority credit for purposes of layoff or reduction in assigned time.
- B. The length of service credit provisions of this Rule shall become effective on 7/1/83.

11.12.2

APPLICATION OF TRANSFER OF SICK LEAVE
PROVISIONS TO UNIT MEMBERS

- A. The transfer of sick leave provisions of this Rule shall apply to unit members unless a Rule provision is specifically limited to management or confidential employees.

Rule 11.13

UNPAID LEAVE OF ABSENCE

Unpaid leave of absence provisions for unit members are contained in Article 7 of the District/CSEA Contract.

11.13.1

GENERAL PROVISIONS

- A. A regular classified employee may be granted a personal leave of absence without pay for a period not to exceed 30 days, upon written request by the employee, recommendation of the immediate supervisor and approval of the District Personnel Administrator.
- B. A permanent classified employee may be granted an unpaid personal leave of absence for a period not to exceed one year upon written request of the employee and approval of the Board of Trustees, for any of the following reasons:
 - 1. Rest and recuperation required to maintain the employee's well-being.
 - 2. Educational improvement by enrollment at a college, university or vocational/trade school.
 - 3. Study and travel which will contribute to the employee's professional development.
 - 4. Opportunity leave for the purpose of reassignment to a position with another employer or self-employment which will contribute to the employee's professional development.
 - 5. Care of a family member or relative due to illness.
 - 6. Other appropriate reasons as determined by the District Personnel Administrator.
- C. Every request for personal leave of absence without pay shall, except under extenuating circumstances, be submitted to the District Personnel Administrator at least 30 calendar days prior to the commencement of the leave.

- D. For leaves of absence requiring Board approval the District Personnel Administrator shall present a recommendation for approval or disapproval at the next meeting of the Board of Trustees.
- E. The recommendation shall be based on the following factors:
 - 1. The likelihood that the employee can return after completion of the leave of absence.
 - 2. The seniority and work record of the employee as documented in the employee's official personnel file.
 - 3. The number of positions in the employee's classification, the uniqueness of duties performed by the employee, and the availability of a substitute.
- F. The Governing Board, for good cause, may cancel an unpaid leave of absence by giving the absent employee a minimum two (2) week notification of the cancellation of the leave. The employee may appeal the cancellation to the Personnel Commission who shall investigate and hear the appeal. The appeal shall stay the action of the Board of Trustees until the Personnel Commission has issued a determination, which shall be final and binding.
- G. An employee may make a written request to the Governing Board to return to work prior to the expiration date of the leave. The Governing Board may approve or reject the request at its discretion.
- H. Failure to report for duty within five (5) working days after a leave has been canceled or expires shall be considered abandonment of the position. Termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause. This provision is not applicable to military leave.
- I. An employee on an unpaid leave of absence may continue to participate in the District health and welfare benefits, as provided by the insurance carrier, at their option, however, the employee must pay the entire premium.

11.13.2

APPLICATION OF UNPAID LEAVE OF ABSENCE
PROCEDURES TO UNIT MEMBERS

- A. Unpaid leave of absence provisions for unit members shall be in accordance with Article 7 of the Agreement between the Santa Monica Community College District and Chapter 36, CSEA and this Rule, unless the Rule provision is limited to management and confidential employees.

Rule 11.14 HOLIDAY PAY (EDUCATION CODE SECTIONS 88203, 88204, 88205, 88205.5, 88206, 79020, 79022.1318)

Paid holiday provisions for unit members are contained in Article 8 of the District/CSEA Contract.

11.14.1 PAID HOLIDAYS

- A. All regular classified employees not covered by a bargaining unit agreement shall be entitled to paid holidays designated on the Board approved District calendar.
- B. Specially Declared Holidays, regular classified employees shall also be entitled to any other paid holidays required by State or Federal law.
- C. Pay for confidential employees and police sergeants who work on holidays shall be one-and-a-half times the regular rate of pay times the number of hours worked, plus the regular rate of pay for this holiday.

11.14.2

ELIGIBILITY FOR HOLIDAY PAY

- A. To be eligible for holiday pay, a regular employee must be in paid status during some portion of the working day before or the working day after the holiday.
- B. Provisional, limited-term, temporary and substitute employees and employees hired for exclusive weekend or holiday work under Rule 3.1.8 shall not be eligible for holiday pay.
- C. When a holiday falls on Saturday, the holiday shall be observed on the preceding Friday. When the holiday falls on Sunday, the holiday shall be observed on the following Monday.
- D. A regular classified employee who is assigned to a workweek other than Monday through Friday shall be provided a substitute holiday whenever the regular holiday falls on a day on which they are not assigned to work.
- E. A regular employee who is not assigned to duty during the college recess which includes December 25 and January 1, shall nevertheless be paid for the holidays which occur during this period if they are in paid status during any portion of the working day of their regular assignment which precedes or follows the recess.

11.14.3

APPLICATION OF HOLIDAY PAY PROVISIONS TO UNIT MEMBERS

- A. Holiday pay provisions for unit members shall be in accordance with Article 8 of the Agreement between the Santa Monica Community College District and Chapter 36, CSEA and this Rule, unless the Rule provision is limited to management and confidential employees.

