TO: Constituent Group Presidents
   Maria Biddenback, Academic Senate President
   Ken Arnold, Administrative Senate President
   Valerie Exum, Classified Senate President
   Angela Ituriaga, ASNVC President

FROM: Ronald Kraft, Ph.D.

DATE: February 23, 2015

SUBJECT: Request for Input from Your Constituent Group on 10 revised Leave (Human Resource) related new & revised Administrative Regulations:

See attached list.

Attached for your consideration are Board Policies and/or Administrative Regulations as referenced above or attached. In accordance Board Policy D1140, four weeks are allowed for review.

If your constituent group has questions or needs additional review time, please contact Carollee Cattolica in the President's Office at ccattolica@napavalley.edu or 707-256-7161.

Please complete the bottom of this form regarding your group's input and return the entire page to my office no later than March 23, 2015 (4 weeks). If there is a major difference of opinion on the part of any constituent group, we will agendize the matter at a meeting of the Council of Presidents.

RESPONSE OF: ____________________________________________________________
(constituent group name)

☐ Our group concurs that the proposed items should be approved.

☐ We have suggestions and concerns, as the attached or emailed explanation describes:
   ☐ minor/wording suggestions  ☐ major concerns that may require a meeting

Signed__________________________________________________________________________, President
New & Revised Human Resources Administrative Regulations (LEAVE):

Chapter 7 – Human Resources

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| 2. BP 7345 – Catastrophic Leave Program | for reference only, BOT 1st Read 2/12/15 |
| AR 7345.1 – Catastrophic Leave – Contract/Regular Faculty | New |
| AR 7345.2 – Catastrophic Leave – Administrative/Confidential Employees | New |
| AR 7345.3 – Catastrophic Leave – Classified Professionals | New |
BP 7340  Leaves

The Superintendent/President, or designee, shall establish procedures for employee leaves as authorized by law and by any collective bargaining agreements entered into by the District. Such leaves shall include, but are not limited to:

- illness leaves for all classes of permanent employees (Education Code Sections 87781 and 88191);
- vacation leave for members of the classified service, administrators, supervisors and managers (Education Code Sections 88190 and 88197);
- leave for service as an elected official of a community college District public employee organization, or of any statewide or national employee organization with which the local organization is affiliated or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization (Education Code Sections 87768.5 and 88210);
- leave of absence for an academic employee to serve as an elected member of the legislature (Education Code Section 87701);
- pregnancy leave (Education Code Sections 87766 and 88193, Government Code Section 12945);
- use of illness leave for personal necessity (Education Code Sections 87784 and 88207);
- industrial accident leave (Education Code Sections 87787 and 88192);
- bereavement leave (Education Code Sections 87788 and 88194);
- jury service or appearance as a witness in court (Education Code Sections 87035 and 87036);
- military service; (Education Code Sections 87700 and 87018); and
- sabbatical leaves for academic employees (Education Code Section 87767 and 87768).

In addition to this policy and collective bargaining agreements, the Board retains the power to grant leaves with or without pay for other purposes or for other periods of time.

See Administrative Regulations [ Pending ].

New 12/11/14

This policy replaces H0560 – Maternity Leave, H4535 – Industrial Accident and Illness Leave (academic), and H5420 – Industrial Accident and Illness Leave (classified).
This administrative regulation replaces two existing policies which are shown below. The replaced policies are:

- H4570 – Personal Leave (Faculty)
- H4550 – Sabbatical Leave (Faculty)

Upon approval of these regulations, the above listed policies will be forwarded to the Board of Trustees for repeal.

The terms and conditions of leave for contract/regular faculty are set forth in the collective bargaining agreement between the District and Napa Valley College Faculty Association/CCA/CTA/NEA.

Approved XX/XX/XX

Council of Presidents review start 2/23/15
AR 7340.2 Leave Provisions – Administrative Confidential Employees

Administrative Regulations to Napa Valley College BP 7340 - Leaves

This administrative regulation incorporates language from 4 existing policies which are shown with “tracked changes” below. The incorporated policies are:

H2410 – Leave, Administrative/Confidential Leave
H2405 – Leave, Industrial Accident & Illness Leave (A/C)
H2311 – Professional Growth, Administrative
H2260 – Vacation (A/C)

Upon approval of these regulations, the above listed policies will be forwarded to the Board of Trustees for repeal.

LEAVE, ADMINISTRATIVE/CONFIDENTIAL LEAVE

The segments of administration with historical attachment to certificated, classified, and/or administrative groups shall enjoy the leave benefits now granted to those groups. Leave policies not specified shall comply with appropriate education codes.

Approved 10/12/78 (Effective 1/1/79)

1.0 Guiding Principles for Leave: The purpose of these Administrative Regulations is to outline the array of leave provisions available to support the diverse needs of the administrative/confidential employee group, recognizing that the employee is one of the institution’s greatest assets. The District acknowledges the value of the employee’s time, both at work and away from work, and recognizes that leave for self and family helps achieve the highest level of employee performance. The leave provisions set forth in these Regulations shall be applied in a reasonable, consistent, and fair manner, acknowledging the importance of “work-life” balance for all employees. While on paid leave, employees will not lose seniority. Further, these leave provisions must comply with Education Code and/or other state or federal Regulations.

2.0 Definition of Immediate Family: For purposes of these Regulations, an immediate family member shall be limited to mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse or registered domestic partner of the employee, and the spouse or registered domestic partner, 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 unless otherwise specifically defined in these Regulations.

3.0 Personal Illness and Injury Leave

3.1 Each full-time administrative/confidential employee, starting from the date of employment, shall be credited with one (1) day of personal illness or injury leave for each calendar month worked. Each July 1, regular full-time, twelve-month employees will be granted 96 hours of personal illness or injury leave for the upcoming fiscal year. That amount is pro-rated for regular part-time and less-than-twelve-month employees.
3.2 Unused personal illness or injury leave shall be cumulative indefinitely.

3.3 Leave slips should be submitted to the supervisor within five (5) days of returning from leave, except where otherwise noted in this agreement.

3.4 Personal illness or injury leave may be used for medical appointments. Whenever possible, the employee will submit leave slips in advance to notify the supervisor of prescheduled appointments.

3.5 In case of planned long-term medical absence, leave slips and medical verification should be submitted in advance.

3.6 Any absence due to illness or injury which exceeds five (5) days duration shall be supported by a written statement from a licensed health care practitioner indicating the reason for and length of disability. Absences of shorter duration shall also be supported by a medical verification acceptable to the District, if so requested.

3.7 **Kin Care**

Kin Care Leave applies to absences due to medical appointments for and/or illness of a child, parent, spouse, or registered domestic partner of the employee. Employees may use a maximum of six (6) days of personal illness or injury leave per fiscal year. That amount is pro-rated for regular part-time employees. The reason for this absence must be stated on the absence form. Employees are also entitled to twelve (12) weeks of unpaid leave based on the state and federal Family and Medical Leave Acts.

3.8 **Difference Pay**

3.8.1 Any classified administrator or confidential employee who is absent for reason of illness or accident (whether nonindustrial or industrial) after exhaustion of all fully paid leaves to which he/she is entitled shall, during the first five (5) months of the absence, receive his/her regular salary less the amount paid to a person employed as his/her substitute. The five-month period shall begin on the first day of absence due to illness or injury.

3.8.2 Any academic administrator who is absent for reason of illness or accident (whether nonindustrial or industrial) after exhaustion of all fully paid leaves to which he/she is entitled shall, during the first five (5) months of the absence, receive his/her regular salary less the amount paid to a person employed as his/her substitute or, if no temporary employee was employed, the amount that would have been paid to the temporary employee had he or she been employed. The five-month period shall begin on the tenth (10th) day of absence due to illness or injury.

4.0 **Disability Leave**

4.1 The District will cover the premium for group disability insurance for administrative/confidential employees. This is a benefit provided by the District.
4.2 While receiving group disability benefits, employees must be on approved paid or unpaid leave per Articles 3.0, 6.0, 10.0 and 11.0 of these Regulations in order to remain an employee of the District.

4.3 The District’s contribution toward fringe benefits will continue while the employee is on paid leave. An employee on approved unpaid leave shall have the option of continuing all health and welfare benefits for the period of the leave at the employee’s expense by providing the District with monthly premium payments in the full amount of the premium.

5.0 Personal Necessity Leave

5.1 At the employee’s election, leave accumulated under Article 3.0 of these Regulations (Personal Illness or Injury) may be used for purposes of personal necessity, provided that use of such personal necessity does not exceed six (6) days in any year (Education Code 88207). See Article 2.0 for definition of immediate family.

5.2 For purposes of this provision, personal necessity shall be limited to:

5.2.1 Death of a member of the employee’s immediate family when additional leave is required beyond that provided by Bereavement Leave.

5.2.2 Accident involving the employee’s person or property, or the person or property of a member of his/her immediate family.

5.2.3 Appearance in any court or before any administrative tribunal as a litigant, party or witness under subpoena or any order made with jurisdiction.

5.2.4 Other personal necessities are allowed at the discretion of the Board of Trustees or designee, provided that under no circumstances shall leave be available for purposes of personal convenience, for the extension of a holiday or vacation period, for matters which can be taken care of outside of work hours, or for recreational activities.

5.2.5 The following qualify as allowable Personal Necessity Leave, pursuant to Article 5.2.4:

5.2.5.1 Care for a member of the employee’s immediate household. The employee may be required to submit a statement from a doctor confirming the need for the employee’s presence.

5.2.5.2 Illness of the employee’s immediate family when additional leave is needed beyond that allowed by Kin Care.
5.2.6 Before the utilization of personal necessity leave, an employee must obtain prior written approval from the immediate supervisor, except for cases related to 5.2.1, 5.2.2, and 5.2.5 of these Regulations. Should circumstances outlined in 5.2.1, 5.2.2, and 5.2.5 arise, the employee shall make every effort to comply with District procedures for notification. Under all circumstances, employees shall verify in writing that the Personal Necessity leave was used only for the purpose set forth in 5.2. Employees will be subject to appropriate discipline if the leave was used for purposes other than stipulated.

6.0 Maternity Leave

6.1 Pregnancy Disability Leave: Administrative/Confidential employees are entitled to use accumulated sick leave as set forth in Article 3.0, and non-accumulated sick leave as set forth in Article 3.8 for disabilities caused or contributed to by pregnancy, abortion, miscarriage, childbirth, and recovery there from. The length of such disability leave, including the date on which the leave shall commence and the date on which the employee shall resume duties, shall be determined by the employee and the employee's physician.

6.1.1 The foregoing provisions applicable to pregnancy disability leave shall be applied on the same terms and conditions applied to other temporary disabilities. It is the intent of these Regulations that the foregoing provisions be construed and applied in accordance with all applicable statutes and regulations.

6.2 Additional Leave Without Pay for Childbearing Preparation and Child Rearing: Additional leave without pay may be granted for a period up to three (3) months and may be extended for up to another six (6) months upon mutual agreement between the employee and the immediate supervisor, with approval from the Superintendent/President and Board.

6.2.1 The District must be notified of intent to take leave at least thirty (30) days before commencement of the leave. An employee on unpaid childbearing preparation or child rearing leave shall be entitled to pay to the District all benefit premiums, in which case the District will continue coverage, subject to approval of the carrier. Such payments must be made in accordance with District procedures.

6.2.2 Once the administrative/confidential employee has been granted leave without pay for child bearing preparation and child rearing, the employee is not entitled to accrue paid leave while on unpaid leave or use any accrued sick leave or other paid leave for the duration of the unpaid leave, whether or not the illness or disability is related to a pregnancy, miscarriage, child birth, or recovery there from.

6.2.3 At the request of the employee, unpaid leave may be terminated with approval from the Superintendent/President.

7.0 Bereavement Leave

7.1 Up to three (3) days off, or five (5) days if out-of-state travel is required, with pay shall be granted for bereavement, funeral arrangements and/or funeral attendance in the event of the death of a member of the employee's immediate family.
7.2 Immediate family shall be as defined in Article 2.0.

7.3 Up to one (1) day with pay for time off necessary for the attendance at the funeral of a close relative or in-law.

8.0 **Jury Duty Leave**

8.1 The District agrees to grant employees called for jury duty leave of absence without loss of pay for the time the employee is required to perform jury duty during the employee's regularly assigned working hours. Fees received from jury service rendered during any portion of the employee's regularly assigned work hours shall be turned over to the payroll department.

8.2 Upon release from jury duty during regularly assigned work hours, the employee must return to his/her work station if at least four hours remain in his/her work day.

8.3 Any day during which an employee whose regular assigned shift commences at 2:30 p.m. or later and who has reported for jury duty shall be relieved from work with pay.

8.4 Employees called for jury duty shall notify the supervisor of service date(s) upon receiving notice from the officer of the court. Upon completion of jury duty, it shall be the employee's responsibility to verify dates and hours of service.

9.0 **Personal Business Leave**

Full-time administrative/confidential employees shall be entitled to two days (16 hours) per year of Personal Business Leave, not charged to personal illness and injury leave. This leave is pro-rated for less-than-full-time employees. The leave may be taken in increments of one hour. The employee must give the District three (3) working days notice. A year is considered to be from July 1 through June 30. Unused days do not accumulate, and must be used by July 1. Personal Business Leave cannot be used to extend a holiday or vacation. New employees hired between January 1 and June 30 shall have their Personal Business Leave prorated to one day for that year only.

10.0 **Industrial Accident and Illness (Workers’ Compensation)**

**LEAVE, INDUSTRIAL ACCIDENT AND ILLNESS LEAVE**

1. In case of an accident while on the job, it is the duty of the employee to report the accident immediately to his/her immediate supervisor and to fill out a claim form, to be submitted to the Business Office. This claim will be filed with the district's Workers' Compensation Claims Administrator.

2. Statement of Policy: An administrative/confidential employee (except temporary or substitute) who is absent from duty because of illness or injury resulting from an accident while qualified under Workers' Compensation Insurance shall be granted an occupational leave for each such accident.
Such leave shall be sixty (60) working days (if needed). In no event shall such employee receive in excess of his/her regular salary during such absences.

3. Rules and Regulations:
   a. Occupational leave shall be granted from the first day of absence.
   b. Allowable occupational leave shall not be accumulative from year to year.
   c. When an occupational leave overlaps into the next fiscal year, the employee shall be entitled to only the amount unused leave due him/her for the same illness or injury.
   d. Any employee receiving occupational leave benefits shall, during periods of injury or illness, remain within the State of California unless the Board of Trustees has authorized travel outside the state.
   e. Periods of leave of absence shall not be considered to be a break in service of the employee.
   f. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workers' compensation the person shall be entitled to use only so much of the person's accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.
   g. During all paid leaves of absence, whether industrial accident leave as provided in this section, sick leave, vacation, compensated time off or other available leave provided by law or the action of a governing board, the employee shall endorse to the district wage loss benefit checks received under the workers' compensation laws of this state. The district, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this section.
   h. When all available leave of absence, paid or unpaid has been exhausted and if the employee is not medically able to assume the duties of his/her position and if unable to work in any other position, the person shall be placed on a re-employment list for a period of 39 months. When available, during the 39 month period, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other available candidates except for a re-employment list established because of lack of work or lack of funds, in which case he/she shall be listed in accordance with appropriate seniority regulations.

Approved 3/8/79

10.1 Administrative/Confidential employees will be entitled to industrial accident and illness leave in accordance with Education Code Sections 88192 and 87787 for accident or illness arising out of or in the course of his/her duties for the District when such illness or accident has qualified for workers' compensation under the provision of the State Compensation Insurance Fund.

10.2 Employees who have suffered an industrial accident or illness shall immediately report the accident or illness to the District. The District shall prepare an accident report and submit it to District's insurance administrator. The employee shall be furnished a copy of this report.
10.3 Industrial accident and illness leave shall not exceed sixty (60) days during which the college is in session or when the employee would otherwise have been performing work for the District in any one fiscal year for the same industrial injury or illness. When an industrial accident or illness occurs at a time when the full sixty (60) days will overlap into the next fiscal year, the employee shall be entitled to only the amount remaining at the end of the fiscal year for the same illness or injury.

10.4 Industrial accident and illness leave shall commence on the first day of absence. Leave allowable under this section shall not accumulate from year to year. Industrial accident and illness leave will be reduced by one day for each day of authorized absence regardless of compensation award made under workers' compensation.

10.5 The District has the right to have the employee examined by a physician designated by the District to assist in determining the length of time during which the employee will be temporarily unable to perform assigned duties and the degree to which disability is attributable to the injury involved.

10.6 For any days of absence from duty as a result of the same industrial accident, the employee shall endorse to the District any wage-loss benefit check from the Self-Funded Workers' Compensation Insurance Fund. The District, in turn, shall issue the employee appropriate warrants for payment of wages and shall deduct normal retirement and other authorized contributions.

10.7 If the employee fails to endorse to the District any wage-loss benefit check from the Self-Funded Workers' Compensation Insurance Fund, the District shall deduct the amount of such benefit check received and retained by the employee from the employee's salary warrant.

10.8 When entitlement to industrial accident or illness leave has been exhausted, entitlement to other personal illness and injury leave will then be used. If an employee is receiving workers' compensation, the person shall be entitled to use only so much of the person's accumulated or available personal illness and injury, accumulated compensatory time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.

10.9 When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of the person's position, the person shall, if not placed in another position, be placed on a reemployment list for a period of 39 months.

If the employee provides the District with the necessary documentation to support he/she is medically able to return to work during the 39-month period, the person shall be employed in an available vacant position in the class of the person's previous assignment over all other available candidates, except for a reemployment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations.
10.10 An employee who has been placed on a reemployment list, as provided herein, who has been medically released for return to duty, and who fails to accept an appropriate assignment shall be dismissed.

10.11 Period of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

10.12 Any employee receiving benefits as a result of this section shall during period of injury or illness remain within the State of California, unless the Board authorizes travel outside the state.

11.0 Additional Leave for Nonindustrial Accident or Illness: Reemployment Preference

A regular administrative/confidential employee who has exhausted all entitlement to personal illness and injury leave, vacation, compensatory overtime or other available paid leave, and who is absent because of nonindustrial accident or illness, shall be granted an unpaid leave of absence for six (6) months. At the expiration of the unpaid leave of absence, the employee shall be placed on a reemployment list for a period of 39 months as defined in Article 10.9.

12.0 Military Service Leave

12.1 Any administrative/confidential employee who is on temporary military leave of absence and who has been in the service of Napa Valley Community College District for a period of not less than one year immediately prior to the day on which the absence begins shall be entitled to receive his/her salary from Napa Valley Community College District for up to thirty (30) days of any such absence. Employee shall be entitled to receive all rights and benefits afforded by California Education Code 87018 and Military and Veterans’ Code Section 395.

12.2 Employee shall be required to request military leaves in writing and supply the District with orders and status reports.

13.0 Long-Term Unpaid Leave

13.1 Upon recommendation of the Superintendent/President and approval by the Board, employees with at least one (1) year of District service may be granted leave without compensation, benefits, salary schedule advancement, or seniority credit for a period of up to twelve (12) months. An employee on Board-approved unpaid leave shall have the option of continuing all health and welfare benefits for the period of the leave at the employee's expense, by providing the District with monthly premium payments in the full amount of the premium cost.

13.2 Requests for unpaid leave shall be made in writing as soon as possible, but not less than sixty (60) days prior to the date the leave is proposed to commence. The request shall state the reason for the leave and the proposed beginning and ending dates of the leave.

13.3 The District may, for good cause, cancel any leave of absence without pay by giving the employee thirty (30) days notice.
13.4 An employee may make a written request to the District to return to work prior to the expiration of the leave. The District may approve or reject the request.

13.5 Failure to report for duty within five (5) working days after a leave has expired shall be considered abandonment of the position and the employee may be terminated by the Board.

14.0 Professional Growth Leave

PROFESSIONAL GROWTH LEAVE, ADMINISTRATIVE H2311

The primary purpose of professional growth leave for administrators is to provide a period of professional renewal and to enhance administrative skills. The administrator may use this time to pursue professional growth, additional training, or educational goals. This leave will enhance the administrator's performance, providing benefits to the District in the form of renewed energy and vigor, increased job satisfaction, and interest in the task.

14.1 Eligibility to apply for a professional growth leave is established after a minimum of five (5) years of unbroken service with the District. Faculty joining the administration must wait one full year and be eligible for sabbatical leave under the faculty policy. (See 9.)

14.2 An administrator may apply for a maximum of sixty (60) duty days for professional growth leave, with the option of attaching vacation leave.

14.3 Pay during the leave shall be 100 percent of regular salary with no loss of benefits (such as seniority, vacation, personal illness and injury leave, retirement, and health).

14.4 Applicants shall submit a written request and plan to the Superintendent/President with the immediate supervisor's recommendation by February 1 prior to the fiscal year of the planned leave. Late applications may be considered under special circumstances.

The application must include the following:

a. the applicant's professional growth goals and objectives;

b. an explanation of benefits the administrator and college will derive from the leave; and

c. a plan for assuring effective continuation of functions and operations in the absence of the administrator.

The Superintendent/President will review the application and make a recommendation to the Board. The board has the final authority for approval or denial.

14.5 The approval of the professional growth leave application and plan should be based on the following criteria:

a. the quality of the professional growth project and its benefits to the District;

b. feasibility of the plan for continuing the administrator's work and the impact upon other staff;

c. endorsement by the immediate supervisor; and

d. seniority.
14.6 Within thirty (30) days after return from leave, the administrator shall submit a written report directed to the Superintendent/President via the immediate supervisor.

14.7 The number of administrators on staff allowed on leave will be at the discretion of the Board.

14.8. After approval and use of a professional growth leave, full or partial, the administrator must have at least another five years of unbroken service before being eligible to reapply for another leave.

After returning from leave, the administrator shall agree to render service to the District equal to twice the period of the leave (Education Code Section 87770).

Adopted 2/9/89

15.0 Vacation

The purpose of this article policy is to ensure that administrative/confidential administrative and confidential employees take vacation each year. Vacations are for rest, repose, and recovery from duties.

15.1 All twelve-month administrative/confidential administrative and confidential staff shall be entitled to twenty-two (22) paid vacation days per year with the following exceptions. Administrative/Confidential administrative and confidential staff employed less than twelve months per year shall receive a pro rata reduction in vacation days. Administrative/Confidential administrative and confidential staff who have been employed for 25 years or more receive an additional four (4) hours a year for every year beyond 25 years. Only vacation days earned may be taken.

15.2 Grant-funded administrative employees shall be entitled to earn vacation leave in accordance with Article 15.1.

15.2.1 All vacation earned by grant-funded administrative employees shall be used during the District fiscal year in which the vacation was earned or the end of the employee’s term of appointment, whichever occurs first. Carry over of accumulated vacation shall not be allowed for grant-funded administrative employees.

15.2.2 Payment of unused vacation shall be allowed under the following conditions:
   a) Payment is made due to separation from service other than grant being terminated;
   b) Employee must have completed six (6) month of employment in regular status; and
   c) Grant funds are available to pay for lump-sum compensation.
15.2 **In accordance with advice from our legal counsel**, Classified administrators and confidential staff, **who are not grant funded**, shall be limited to a maximum accumulation of 352 vacation hours at any time. No additional vacation will be earned once 352 hours is reached until **such time as** vacation is used, and then may be accrued to a maximum of 352 hours. **Human Resources** The payroll department will notify employees and **their supervisors** of **their vacation balances** when it **accrual** reaches and 337 hours.

15.3 The maximum number of vacation hours that an academic administrators, **who are not grant-funded**, shall be allowed to carry forward from year to year is 352 hours. **Human Resources**. The payroll department will notify the employees and **their supervisors** of **their vacation balances** on or before May 1. If an employee will be unable to reduce their vacation balance to 352 hours before June 30, **she/he they may request an extension in the following manner.**

a. The employee and supervisor will submit a written plan and timeline to the college president before June 1.

b. The plan must reduce the employee’s vacation hours to 352 by August 31.

c. A leave slip must be submitted to the **Office of Human Resources payroll office** by June 1. The **Office of Human Resources payroll office** will hold the slip and post it in the month that it will be taken.

d. The employee, supervisor and president must approve any modifications to the plan at least two weeks before the leave is to be taken. It is the responsibility of the supervisor and the employee to fully implement the approved plan.

e. If an extension plan is not requested, approved, and followed as described above, no further vacation will be earned once 352 hours is reached until vacation hours are reduced to 337 hours.

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Adopted 8/14/80
Revised 10/8/81 and 11/10/94
Revised through Mutual Gains 8/31/2000

16.0 **Holidays**

The District agrees to grant the following paid holidays for administrative/confidential employees in accordance with provisions set forth below:

16.1 Independence Day
Labor Day
Veteran’s Day
Thanksgiving Day
Day following Thanksgiving Day
Winter Break (ten days, includes Christmas Day, New Year’s Day, two days in lieu of Admissions Day and Lincoln’s Birthday)

Martin Luther King Day
Washington’s Birthday
Memorial Day
16.2 Every day appointed by the President of the United States or the Governor of this state as provided for in subdivisions (c) and (d) of Education Code Section 79020 for a public fast, thanksgiving, or holiday.

AR Approved XX/XX/XXXX

Council of Presidents review start 2/23/15.
Leave Provisions – Classified Professionals

This administrative regulation is new and correctly directs to the active CBA for this information.

The terms and conditions of leave for classified professionals are set forth in the collective bargaining agreement between the District and Napa Valley College Association of Classified Professionals.

Approved XX/XX/XX

Council of Presidents review start 2/23/15
This administrative regulation is new and correctly identifies terms and conditions of leave for this employee group.

The terms and conditions of leave for salaried professional staff are equivalent to the leave provisions available to Classified Professional employees, excluding catastrophic leave, as described in the collective bargaining agreement between the District and Napa Valley College Association of Classified Professionals. The District reserves the right to modify leave for Salaried Professional Staff to meet the needs of the District.

Approved XX/XX/XX

Council of Presidents review start 2/23/15
Part-time, hourly credit and noncredit faculty, hereinafter referred to as hourly faculty, must be under contract to teach, counsel or provide librarian services in order to receive leave outlined in these Administrative Regulations. All Hourly faculty must request leave by submitting a Request for Leave form to the faculty member's supervisor. Part-time, hourly faculty members are temporary employees hired to serve for a limited duration, such as a session or semester at a time. Leave under these Administrative Regulations cannot be used for hours that have not been assigned by a written Notification of Assignment (NOA) issued by the Office of Human Resources.

Hourly faculty issued a Notification of Assignment that requires the employee to submit timecards to report hours worked may use leave outlined below provided the employee is absent from hours assigned to the faculty member prior to the absence. In this case, the faculty member must submit a timecard to report the assigned hours and a leave slip to request the leave simultaneously. By signing the timecard and the leave slip, the supervisor of the assignment is certifying that the faculty member was previously approved to teach, counsel or provide librarian services prior to the absence.

Part-time, hourly unit members, as defined by the current Faculty Agreement, are subject to leave provisions outlined in the current Faculty Agreement.

These Administrative Regulations apply to absences during the regular academic year. Absences during the Summer Session are covered by the Administrative Regulations Procedures for Summer Session Leave Usage for Part-Time, Hourly Credit Faculty.

1.0 For purposes of these Administrative Regulations, an immediate family member shall be limited to mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse or registered domestic partner of the employee; and the spouse, registered domestic partner, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee or any relative living in the immediate household of the faculty member unless otherwise specifically defined in these Regulations.

2.0 Personal Illness and Injury Leave

2.1 Part-time, Hourly credit and noncredit faculty shall accrue one hour of leave with full pay for every 17.5 hours of teaching, counseling, or librarian work for purposes of personal illness or injury.

2.2 Any absence due to illness or injury which exceeds five (5) days duration shall be supported by a written statement of a licensed health care practitioner indicating the reason and length of disability. Absences of a shorter duration shall also be supported by a medical verification acceptable to the District if so requested. Leave slips should be submitted within five (5) days of returning from leave except where otherwise noted in this article.
2.3 Whenever possible, the faculty member must contact his/her immediate supervisor as soon as the need to be absent is known, but in no event less than one-half hour prior to the start of the first work assignment, except in case of emergency. Failure to provide adequate notice without reasonable cause shall be grounds for denial of leave with pay.

2.4 If the employee fails to notify the Office of Instruction or the Student Services Office by 3:00 p.m. of the preceding workday, of his/her intent to return to work, and if such failure results in a substitute being secured, then the employee shall not be allowed to return to work for the day in question.

2.5 If the part-time, hourly credit and/or noncredit faculty member does not utilize the full amount of leave as authorized in 2.1 above in any school year, the amount not utilized shall accumulate from year to year.

2.6 Personal illness and injury Sick leave may be used for medical appointments. Whenever possible, the part-time, hourly credit and/or noncredit faculty member will submit leave slips in advance to notify the supervisor of prescheduled appointments.

2.7 In case of planned long-term medical absence, leave slips and medical verification should be submitted in advance.

2.8 KIN CARE -- Part-time, Hourly credit and noncredit faculty members may use six (6) hours of accumulated sick leave per semester to attend to an illness of a child, parent, spouse, or domestic partner of the employee, in addition to any personal necessity leave to which they are entitled, based on these Regulations. Any Kin Care absence which exceeds five (5) days duration shall be supported by a written statement of a licensed health care practitioner indicating the reason for the absence.

2.9 DIFFERENCE PAY -- When a part-time, Hourly credit and/or noncredit faculty member is absent on account of illness or accident for a period of five (5) months or less, additional non-accumulated leave shall be available for a period not to exceed five (5) school months, provided the provisions of 2.2 are met. The amount deducted for leave purposes from the faculty member's salary shall be the amount actually paid a substitute employee to fill the position during the leave, or, if no substitute is employed, the amount which would have been paid to a substitute using Step 1 of the Part-Time, Hourly Credit Salary Schedule. The five (5) month period shall begin on the tenth (10th) day of absence due to illness or injury.

3.0 Personal Necessity Leave -- Available to Credit Faculty Only

3.1 Leave which is credited under 2.1 may be used, at the part-time, hourly credit faculty member’s election, for purposes of personal necessity, provided that use of such personal necessity does not exceed six (6) hours in any semester. Personal Necessity leave usage shall be in accordance with 2.2.
3.2 For purposes of this provision, personal necessity shall be limited to:

3.2.1 Death of a member of the part-time, hourly credit faculty member’s immediate family when additional leave is required beyond that provided by Bereavement Leave.

3.2.2 Accident involving the part-time, hourly credit faculty member’s person or property, or the person or property of a member of his/her immediate family.

3.2.3 Appearance in any court or before any administrative tribunal as a litigant, party or witness under subpoena or any order made with jurisdiction.

3.2.4 Other personal necessities which are allowed at the discretion of the governing board or designee, provided that under no circumstances shall leave be available for purposes of personal convenience or for the extension of a holiday or vacation period for matters which can be taken care of outside of work hours, or for recreational activities. Any absence which exceeds five (5) days duration shall be supported by a written statement of a licensed health care practitioner indicating the reason for the absence.

3.2.5 The following qualify as allowable Personal Necessity Leave, pursuant to 3.2.4:

3.2.5.1 Care for a member of the part-time, hourly credit faculty member’s immediate household. The part-time, hourly credit faculty member may be required to submit a statement from a doctor confirming the need for the part-time, hourly credit faculty member’s presence.

3.2.5.2 Illness of the part-time, hourly credit faculty member’s immediate family when additional leave is needed beyond that allowed by Kin Care. (See 1.0 for definition of immediate family.)

3.3 Before the utilization of personal necessity leave, part-time, hourly credit faculty must obtain prior written approval from the immediate supervisor, except for cases related to 3.2.1, 3.2.2, and 3.2.5.1. Should circumstances outlined in 3.2.1, 3.2.2, and 3.2.5.1 arise, the part-time, hourly credit faculty member shall make every effort to comply with District procedures for notification. Under all circumstances, part-time, hourly credit faculty members shall verify in writing that the personal necessity leave was used only for the purpose set forth in 3.2. Part time, hourly credit Faculty will be subject to appropriate discipline if the leave was used for purposes other than stipulated.

4.0 Pregnancy Disability Leave

4.1 Part-time, Hourly credit and noncredit faculty are entitled to use accumulated sick leave as set forth in 2.1 and 2.5, and non-accumulated personal illness and injury Sick leave as set forth in 2.9 for disabilities caused or contributed to by pregnancy, abortion, miscarriage, childbirth, and recovery therefrom on the same terms and conditions applied to leaves of absence for other temporary disabilities. The length of such disability leave, including the date on which the leave shall commence and the date on which the employee shall resume duties, shall be determined by the employee and the employee's physician.
4.2 **Part-time, Hourly credit and noncredit** faculty are entitled to leave without pay or other benefits for disabilities caused or contributed to by pregnancy, abortion, miscarriage, childbirth, and recovery therefrom when accumulated personal illness and injury Sick leave and non-accumulated personal illness and injury Sick leave have been exhausted. The length of such disability leave without pay, including the date on which the leave shall commence, shall be determined by the employee and the employee's physician.

4.3 **Part-time, Hourly credit and noncredit** faculty may charge doctor's appointments for pregnancy against accrued paid personal illness and injury Sick leave.

4.4 The foregoing provisions applicable to pregnancy disability leave shall be applied on the same terms and conditions applied to other temporary disabilities. It is the intent of the parties to this Agreement that the foregoing provisions be construed and applied in accordance with all applicable statutes and regulations.

5.0 **Industrial Accident Leave**

5.1 **Part-time, Hourly credit and noncredit** faculty will be entitled to industrial accident leave according to the provisions in Education Code Section 87787 for personal injury which has qualified for workers' compensation under the provisions of the State Compensation Insurance Fund.

5.2 Such leave shall not exceed sixty (60) days during which the schools of the District are required to be in session or when the employee would otherwise have been performing work for the District in any one fiscal year for the same industrial accident.

5.3 The District has the right to have the faculty member examined by a physician designated by the District to assist in determining the length of time during which the part-time, hourly credit and/or noncredit faculty member will be temporarily unable to perform assigned duties and the degree to which a disability is attributable to the injury involved.

5.4 For any days of absence from duty as a result of the same industrial accident, the part-time, hourly credit and/or noncredit faculty member shall endorse to the District any wage loss benefit check from the Self-Funded Workers' Compensation Insurance Fund which would make the total compensation from both sources exceed one hundred percent (100%) of the amount the part-time, hourly credit and/or noncredit faculty member would have received as salary had there been no industrial accident or illness.

If the part-time, hourly credit and/or noncredit faculty member fails to endorse to the District any wage loss disability indemnity check received on account of the industrial accident or illness as provided above, the District shall deduct from the part-time, hourly credit and/or noncredit faculty member's salary warrant, the amount of such disability indemnity actually paid to and retained by the faculty member.
6.0 Bereavement Leave

6.1 Part-time, Hourly credit and noncredit faculty shall be entitled to a maximum of three (3) scheduled workdays leave of absence, or five (5) scheduled workdays leave of absence if travel in excess of three hundred (300) miles one way is required, without loss of salary, on account of the death of any member of his/her immediate family. (See 1.0 for definition of immediate family.)

6.2 Part-time, Hourly credit and noncredit faculty shall be entitled to up to one (1) day of bereavement leave to attend the funeral of a close relative or in-law.

7.0 Judicial Leave

7.1 Part-time, Hourly credit and noncredit faculty will be provided leave for regularly called jury duty and to appear as a witness in court, other than as a litigant, for reasons not brought about through the connivance or misconduct of the faculty member. If possible, the faculty member shall submit a written request for an approved absence no less than ten (10) days prior to the beginning date of the leave or appearance as a witness.

7.2 The part-time, hourly credit and/or noncredit faculty member, while serving jury duty, will receive regular earnings from the District and must endorse to the District any stipend received for jury service.

If the faculty member fails to endorse to the District any stipend received for jury service, the District shall deduct from the faculty member’s salary warrant the amount of such stipend actually paid to and retained by the member.

Effective 11/19/10
Revised XX/XX/XX

Council of Presidents review start 2/23/15
AR 7340.6 Leave Provisions – Summer Session Personal Illness & Injury Sick Leave Usage - Part-Time, Hourly Credit and Noncredit Faculty

Administrative Regulations to Napa Valley College BP 7340 - Leaves

This administrative regulation is revised and changes are shown below.

1.0 No faculty member accrues personal illness and injury sick leave for teaching/counseling during the summer session.

2.0 Part-time, hourly instructors may use personal illness and injury sick leave that was accrued during the fall and spring semesters to cover an absence during the summer session.

3.0 Contract/Regular faculty may use personal illness and injury sick leave that was accrued while teaching an overload during the fall and spring semesters to cover an absence for a part-time, hourly instructor assignment during the summer session.

4.0 Contract/Regular faculty who have exhausted all leave earned from teaching overloads or have never accumulated personal illness and injury sick leave from teaching overloads may use accumulated leave earned from their contract/regular position to cover an absence for a part-time, hourly instructor assignment during the summer session.

5.0 All part-time, hourly faculty teaching during the summer may use accumulated personal illness and injury sick leave hours for Kin Care and Personal Necessity Leave up to a maximum of nine hours. (Refer to Faculty Agreement or Administrative Regulations for definitions of Kin Care and Personal Necessity Leave.)

6.0 Any absence due to illness or injury which exceeds five (5) days duration shall be supported by a written statement of a licensed health care practitioner indicating the reason and length of disability. Absences of a shorter duration shall also be supported by a medical verification acceptable to the District, if so requested.

7.0 Whenever possible, a part-time, hourly summer instructor must contact his/her immediate supervisor as soon as the need to be absent is known, but in no event less than one-half hour prior to the start of the first work assignment, except in case of emergency. Failure to provide adequate notice without reasonable cause shall be grounds for denial of leave with pay.

8.0 If the employee fails to notify the Office of Instruction or the Student Services Office by 3:00 p.m. of the preceding workday, of his/her intent to return to work, and if such failure results in a substitute being secured, then the employee shall not be allowed to return to work for the day in question.

9.0 Contract/regular instructors may never use leave accumulated from teaching overloads to cover an absence for the in their contact/regular position.

Approved 6/17/04
Revised XX/XX/XX

Council of Presidents review start 2/23/15
AR 7340.6 Leave Provisions – Full Time, Temporary Faculty

Administrative Regulations to Napa Valley College BP 7340 - Leaves

This administrative regulation is new.

Full-time, temporary grant-funded and full-time, temporary leave replacement faculty members will be subject to the same leave provisions as part-time, hourly credit faculty as outlined in AR 7340.5 Leave Provisions – Part-Time, Hourly Credit and Noncredit Faculty with the following exceptions:

1.0 Personal Illness and Injury Leave

Full-time, temporary faculty members with a one-semester assignment accrue thirty (30) hours of personal illness and injury leave. Full-time, temporary faculty members on a full academic-year assignment accrue sixty (60) hours of personal illness and injury leave.

1.1 Kin Care

Full-time, temporary faculty members may use five (5) days Personal Illness and Injury Leave per academic year for the purposes of Kin Care as defined in AR 7340.XX Leave Provisions – Part-Time, Hourly Credit and Noncredit Faculty.

1.2 Personal Necessity Leave

Full-time, temporary faculty members may use six (6) days of Personal Illness and Injury Leave per academic year for the purposes of Personal Necessity Leave as defined in AR 7340.XX Leave Provisions – Part-Time, Hourly Credit and Noncredit Faculty.

2.0 For the purposes of accrual and use of Personal Illness and Injury Leave, one (1) day is equal to six (6) hours. A full-time faculty member who is absent for a full-day, shall have a full day deducted from his/her accumulated leave and a full-time faculty member who works for only a portion of his/her scheduled work day shall have one-half day deducted from his/her accumulated leave.

3.0 All other terms and conditions of Personal Illness and Injury Leave, Kin Care, and Personal Necessity Leave shall be in accordance with AR 7340.XX Leave Provisions – Part-Time, Hourly Credit and Noncredit Faculty.

4.0 Temporary faculty members paid on salary with a less-than-full-time assignment will have accrual and usage prorated based on the faculty member’s full-time equivalent assignment.

5.0 Full-time, temporary faculty members who have obtained unit member status, as defined by the current Faculty Agreement, are subject to leave provisions outlined in under Part-Time, Hourly Unit Member Leave Provisions in the current Faculty Agreement. However, during a full-time, temporary assignment, the terms and conditions of accrual and usage of Personal Illness and Injury Leave outlined above will apply.

Approved XX/XX/XX

Council of Presidents review start 2/23/15
BP 7345  Catastrophic Leave Program (NEW)

Reference:
Education Code Section 87045

The Board authorizes implementation of a catastrophic leave program to permit regular employees of the District to donate hours of accrued leave to the established catastrophic leave bank to support an employee when that employee or a member of his or her immediate family suffers from a catastrophic illness or injury.

The Office of Human Resources shall establish administrative regulations to administer the program that comply with the requirements established by the Education Code. The administrative regulations shall assure that the program is administered in a nondiscriminatory way.

See Administrative Regulations [Pending].

Approved xx/xx/xx (To formalize the policy directive related to an existing catastrophic leave program and update language to align with current legal mandates.)

Council of Presidents Review Start 12/15/14

Board of Trustees 1st Read 2/12/15

Note: The Board has discretion whether to implement a Catastrophic Leave Program under Education Code Section 87045. A Catastrophic Leave Program may be the subject of negotiations between a district and a union representing a unit of employees. The following language satisfies the requirements of Education Code Section 87045 if the District wishes to implement a program for un-represented employees.
The terms and conditions of catastrophic leave for contract/regular faculty are set forth in the collective bargaining agreement between the District and Napa Valley College Faculty Association/CCA/CTA/NEA.
1.0 Consistent with California Education Code section 87045, the District will establish a catastrophic leave bank to support regular employees who have exhausted all forms of paid leave to which they are entitled, and if eligible, district-paid group salary protection and are faced with a catastrophic illness or injury (as defined in Education Code Section 87045). The purposes for which the bank is established are:

   a) To provide financial support to employees in times of personal need;
   b) To retain employees who might otherwise be forced to resign from their jobs;
   c) To provide employees with the ability to assist their co-workers; and
   d) To build a sense of college "Community" among staff.

2.0 Catastrophic illness or injury means an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's immediate family. An immediate family member shall be limited to mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse or registered domestic partner of the employee, and the spouse or registered domestic partner, 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. Such incapacity would require the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because he or she has exhausted all forms of paid leave to which he or she is entitled and, if eligible, district-paid group salary protection.

3.0 Whenever it is feasible, and when ADA guidelines are applicable, the District will work with the employee to identify alternative work arrangements that will enable him/her to continue working. If mutually agreeable arrangements cannot be made, the employee may request catastrophic leave.

4.0 Any regular District employee may donate to the bank. The catastrophic leave bank includes contributions from all regular employee groups: classified, administrative/confidential, and contract/regular faculty. Employee contributions to the bank will be made on a voluntary basis, and donations are irrevocable.

5.0 Administrative/confidential and classified donors must have a balance of accrued personal illness and injury leave of at least 80 hours and contract/regular faculty must have a balance of accrued personal illness and injury leave of at least 60 hours in order to contribute to the bank.
6.0 Any full-time administrative/confidential employee may, upon written notice to the District, donate accrued personal illness and injury leave and/or vacation leave at a minimum of eight hours and in hourly increments thereafter. Donations for less-than-full-time employees shall be prorated based on their current full-time equivalent. There is no limit to the leave time that can be donated to the bank.

7.0 In addition to an annual, anonymous leave donation drive, periodic requests for leave donations may be made during the year if the bank balance goes below 480 hours.

8.0 All hours donated whether vacation or personal illness and injury leave, will be converted to personal illness and injury leave.

9.0 The use of catastrophic leave is limited to classified and administrative/confidential employees who have donated the minimum of eight hours to the bank and contract/regular faculty who have donated the minimum of six hours to the bank.

10.0 Eligible donated leave credits may be transferred to a regular classified or administrative/confidential employee or contract/regular faculty member from the leave pool if all of the following requirements are met:

10.1 The employee, or whose family member, is suffering from a catastrophic illness or injury requests that eligible leave credits be transferred and submits verification of catastrophic illness provided by a licensed physician and/or licensed nurse practitioner to Human Resources.

10.2 The employee has exhausted all paid leave to which he/she is entitled (including personal illness and injury leave, vacation time, and compensatory time) and, if eligible, district-paid group income protection.

10.3 The District (Dean, Human Resources or President's designee) determines that the employee is unable to work due to the employee's or his or her family member's catastrophic illness or injury.

11.0 Donated leave shall be credited each pay period as time is taken and is subject to the recipient's normal payroll deductions. Hours shall be paid at the recipient's rate of pay.

12.0 For purposes of PERS and STRS service credit and length of service, catastrophic leave will be considered time worked.

13.0 The maximum amount of time for which donated leave may be used is 66 working days in a three-year period. Any use of leave by less-than-full-time employees shall be prorated based on the employee’s regular position full-time equivalent. There is no minimum amount of time.

14.0 The employee continues to accrue leave (personal illness and injury leave, vacation) during this Catastrophic Leave. Employees must exhaust all forms of paid leave to which they are entitled before using catastrophic leave. Therefore, when regular paid leave is accrued, catastrophic leave will cease until that leave is exhausted. The District will continue to pay the employee's District health and welfare benefits at the same level the employee was receiving prior to commencing this type of leave.
15.0 The Catastrophic Leave Program is a bona-fide leave sharing arrangement for a medical emergency as defined in IRS Ruling 90-29. Pursuant to IRS Ruling 90-29, personal illness and injury leave and vacation time transferred under such arrangements shall not be considered wages for the employee who surrenders the leave and will therefore not be included in gross income or subject to withholding. The gross value of the donated leave shall be reported as income, and be taxable, to the recipient.

16.0 The District has no responsibility to provide catastrophic leave.

17.0 All recipients and donors will remain anonymous, except for those District officers and employees who have a business need to know.

18.0 This agreement through Mutual Gains was effective July 1, 2005.
AR 7345.3 Catastrophic Leave – Classified Professionals
Administrative Regulations to Napa Valley College BP 7345 – Catastrophic Leave

This administrative regulation is new.

The terms and conditions of catastrophic leave for classified professionals are set forth in the collective bargaining agreement between the District and Napa Valley College Association of Classified Professionals.