

722 **TENTATIVE AGREEMENT**

723 **ARTICLE VIII: LEAVES**

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725 **Section 1. Sick leave.**

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727 (a) An ~~Adjunct Faculty~~ Unit Member must be assigned one or more SIU's to be
728 eligible to accrue sick leave during the Fall or Spring Semester. Credit for sick leave
729 need not be accrued prior to taking leave by the employee. Sick leave will be earned
730 during the Fall and Spring semesters on the basis of one hour of leave for each weekly
731 contact hour of teaching and/or one hour of leave for each hour per week in assigned
732 non-instructional duties. For example, for a teaching assignment of six hours per week,
733 six hours of sick leave will be accrued in the semester. For a non-teaching assignment
734 of fifteen hours average per week, fifteen hours of sick leave will be accrued in the
735 semester.

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737 (b) Sick leave may be used during the college year (Fall Semester, Spring
738 Semester, Summer Session, and Winter Intersession) in which the ~~Adjunct Faculty~~ Unit
739 Member has an assignment. Unused sick leave may be accumulated indefinitely.

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741 (c) In any academic year, unit members may use half of the current year's
742 annual accrual of sick leave for illness or injury of a parent, child, or spouse. This
743 provision applies only to sick leave accrued under this section in accordance with
744 Labor Code Section 233.

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746 **Section 2. Personal Necessity Leave.**

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748 (a) ~~An Adjunct Faculty~~ A Unit Member may be absent from duty without loss
749 of pay for no more than ~~four (4)~~ two (2) assigned days in any academic semester,
750 session or intersession for reasons of personal necessity, with such leave charged
751 against earned sick leave.

752 (b) Available days may be used for purposes deemed by the ~~Adjunct~~
753 ~~Faculty~~ Unit Member to be compelling, the nature of which cannot be attended to outside
754 of regularly scheduled duty days. Before utilization of personal necessity leave, when
755 the leave is foreseeable, ~~an Adjunct Faculty~~ a Unit Member shall attempt to arrange
756 leave at a time that is mutually acceptable to the ~~Adjunct Faculty~~ Unit Member and
757 ~~his/her~~ their supervisor.

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759 (c) Purposes for which personal necessity leave may be used to include:

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761 1. Death of a person significant to the ~~Adjunct Faculty~~ Unit Member;
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763 2. An accident or emergency illness involving the ~~Adjunct Faculty~~

Unit Member's person or property or the person or property of the
~~Adjunct Faculty~~Unit Member's immediate family (as defined in
Section 10. of ARTICLE III);

3. Appearance in any court or before any administrative tribunal as a litigant, party or witness under subpoena or any other order made with jurisdiction;
4. Urgent personal business which requires presence at or in a time frame which falls within the ~~Adjunct Faculty~~Unit Member's regularly scheduled assignment, and which cannot be arranged outside of the Adjunct Faculty Member's normal assignment.

Section 3. Parental Leave.

Pursuant to Education Code 87780.1, ~~Adjunct Faculty members~~Unit Members may take up to 12 weeks of leave at the Differential Pay Rate for an absence occasioned by the birth of a child, or the placement of child in connection with the adoption for foster care of the child by the employee as provided by the California Family Rights Act (CFRA).

The Differential Pay Rate is 50% of the ~~Adjunct Faculty~~Unit Member's pay for assigned load during the current term. Assigned load is defined as instruction for which the District receives apportionment and/or non-instructional load limited to: counselor, librarian, and coordinator.

Adjunct Faculty Members taking this leave must have been employed for 12 calendar months (excluding Summer and Winter intersessions) prior to the start of the leave.

Parental Leave may be taken at any time during the 12 months after the birth/placement of the child.

Per 87780.1, the 12 workweeks will be reduced by any period of sick leave, including accumulated sick leave taken during a period of parental leave. An employee shall not be provided more than one 12 workweek period for parental leave during any 12-month period.

Section 4. Family Medical Leave (FMLA).

In accordance with the provisions of Government Code Section 12945.2 and the Federal Family and Medical Leave Act of 1993, each eligible ~~Adjunct Faculty~~Unit Member shall be eligible for an unpaid leave of absence, not to exceed twelve (12) working weeks (60 working days) in a twelve (12) month period for the following

purposes and under the enumerated conditions. Eligible ~~Adjunct Faculty~~ Unit Members shall be defined as those who have worked in a paid status during the twelve-month period immediately preceding the first day the employee will be absent on Family Care Leave. Reasons for Family Care Leave may include:

Leave because of: 1) the birth of a child of the ~~Adjunct Faculty~~ Unit Member, 2) the placement of a child with the ~~Adjunct Faculty~~ Unit Member in connection with the adoption of that child by the ~~Adjunct Faculty~~ Unit Member, 3) the serious illness of a child of the ~~Adjunct Faculty~~ Unit Member, (4) the placement of a son or daughter of the employee for foster care, and (5) because of a serious health condition that makes the ~~Adjunct Faculty~~ Unit Member unable to perform the functions of the position; (6) Leave to care for a parent or a spouse who has a serious health condition.

- (a) During the leave period, ~~Adjunct Faculty~~ Unit Member shall retain all those employment rights to which he/she was entitled at the time leave is begun.
- (b) Family Care Leave is to be used in conjunction with and coordinated with the “Personal Necessity Leave” provided in this Article, Section 2. Personal Necessity Leave.
- (c) The District will require certification which indicates the medical necessity for requesting leave and the expected duration of such leave if the ~~Adjunct Faculty~~ Unit Member is requesting leave because of a serious medical condition.
- (d) If the need for the leave is foreseeable, ~~Adjunct Faculty~~ the Unit Member is required to make a reasonable effort to schedule the leave at a time which would least disrupt his or her service to the College. Requests for leave should be submitted with as much advance notice as possible.

Section 5. Bereavement Leave.

A ~~Faculty~~ Unit Member is entitled to three (3) calendar days of leave for the death of any member of the Faculty Member’s immediate family and five (5) calendar days for the death of an immediate family member when travel out of state or of more than 350 miles one way is required. ~~Adjunct Faculty~~ Unit Members shall be paid only for those assigned days which fall within the allowed days. While bereavement days do not need to be taken consecutively, they must be taken within ninety (90) ~~thirty (30)~~ calendar days of the date of the death of the family member.

Section 6. Jury Leave.


The ~~Adjunct Faculty~~ Unit Member shall be granted paid leave for jury duty which is served and which is not voluntary (e.g., grand jury service for which a person

volunteers). It shall be the responsibility of the ~~Adjunct Faculty~~Unit member~~Member~~ to provide the District Office of Human Resources with a copy of the jury duty notice as soon as it is received. The District shall not discourage employees from accepting jury service. The District reserves the right to discuss with the ~~Adjunct Faculty~~Unit Member the practicality of seeking exemption and/or deferment when jury service would materially disrupt District operations. The District shall compensate an ~~Adjunct Faculty~~Unit Member who actually performs jury service by compensating said member for class time or scheduled non-teaching service missed due to jury service. Such compensation shall be at the hourly rate appropriate to the class(es) missed or non-teaching service not performed. The ~~Adjunct Faculty~~Unit Member shall submit to the District any fees received for jury duty, excluding travel and subsistence expenses. The District expects that the ~~Adjunct Faculty~~Unit Member shall perform his/her duties which are scheduled on the day of the jury service, but which do not conflict with the jury service.

Section 7. Subpoena Leave.

Each ~~Adjunct Faculty~~Unit Member shall be granted leave at full pay for those assigned instructional hours which are lost because of subpoena as a witness, other than as a defendant or plaintiff, in a criminal or civil trial which has resulted directly from an incident which took place during any District sponsored activity including all class and laboratory sessions, Associated Student Body sponsored events, athletic contests or required meetings held either on or off the college's campuses. Such leave shall be restricted to personal appearance under a subpoena issued by a court of competent jurisdiction, and only in matters as defined above. All leave for appearances as a witness other than those described above shall be granted only under the provisions of Section 2. Personal Necessity Leave, or, with the approval of the appropriate Dean as unpaid leave.

CL: CL

DG: 

Signature: Catherine Levitt
Catherine Levitt (Jun 6, 2024 08:49 PDT)

Email: clevitt@collegeofthedesert.edu