

# Faculty Leaves



# References

Collective bargaining agreement (CBA) Article V, Leaves

Education Code §87762-87790

Ed Code Sections are provided in each slide for easy reference

Other applicable California and Federal laws relating to leaves

# Helpful Context

Under labor code, faculty are exempt employees, not hourly.

Exempt employees are employees who, based on the duties performed and the manner of compensation, are exempt from the FLSA minimum wage and overtime provisions. Exempt employees are paid an annual salary and are expected to fulfill the duties of their positions regardless of the hours worked. They do not receive premium overtime, straight overtime or compensatory time for working more than 40 hours in a work week.

For exempt MCCD employees, leaves are applied in half or full-days for absences

For full-time faculty, leave is based on the 175 day (Mon-Fri) academic calendar.

For adjunct faculty, leave is based on the actual assignment.

Being in paid status also maintains health coverage.

# Definition of “Family”

- For FMLA/CFRA sick leave:
  - Birth of son/daughter
  - Care for spouse, son, son-in-law, daughter, daughter-in-law, parent, parent-in-law, grandparent, grandchild, sibling, domestic partner with serious health condition
  - Military status
  - “Designated person”
- MCCD recognizes registered domestic partners
- For bereavement, same list plus “any relative living in the immediate household”

# Sick Leave (EC § 87781)

How faculty remain in paid in paid status during absences from for illness or injury of self or family.

- Earned at 10 days per year
  - Prorated for adjunct faculty at 1:20
- Does accumulate year over year
  - May be applied to retirement calculation
- **May** require proof of illness or injury
- **May** be transferable to other institutions

# Personal Necessity (EC § 87781.5 & 87784)

- Up to 6 days in an academic year
- Not for recreational use
- Comes from employee's sick leave bank

## Bereavement Leave (EC § 87788)

- 3/5 days, depending on distance of required travel
- Must be used consecutively
- May be combined with PN time
- Additional Leave: is not counted against sick leave

# Catastrophic (EC § 87045)

For “a serious debilitating illness or injury that is expect to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee’s immediate family....and creates a financial hardship.”

- Donations within the bargaining unit
  - How much to donate?
  - Privacy
  - Maintaining pool
- Limit employee to one year’s use, except upon mutual agreement



# Industrial Accident/Injury (Worker's Comp) (ED § 87787)

- Call The Company Nurse 1-877-854-6877 (24/7)
- 90 days
- Not more than regular salary – MAY RESULT IN OVERPAYMENT
- Use of accrued sick leave may follow

# Extended Leave/Half-pay/Sub Diff (EC § 87786)

- Not to exceed five months of absence
- Applies after sick leave is exhausted
- 50% pay

\*\*Combining with Disability and Catastrophic

# Disability (EC § 87789)

- Our disability program is administered by Lincoln
- 30 day wait period (own leave if not industrial accident/injury)
- Needs additional paperwork
- Up to \$3,000 per month
- Can be combined with half pay
- Not to exceed 39 months

# FMLA & CFRA

Family and Medical Care Leave

California Family Rights Act of 1993

Overlap and Diverge:

Employer follows whichever is of greater benefit to the employee

# FMLA/CFRA: Reasons for Leave

## **FMLA**

- Birth of child and care for newborn
- Placement of a child with ee for adoption or foster care
- Serious health condition of self or family
- Qualifying exigency
- Care for service member

## **CFRA**

Most FMLA conditions, and covers domestic partners

Does not include pregnancy or related medical condition under “serious health condition”

## FMLA/CFRA: Required

Case law ebbs and flows on the requirement of the employer and employee to apply FMLA/CFRA.

To err on the side of providing protection, under current mandates, MCCD requires participation (not use).

## FMLA/CFRA: Paid Leave?

Employees may use accrued sick leave to pay themselves during any FMLA/CFRA absence, but these leaves do ensure paid status. Rather, they provide protections.

# FMLA and CFRA Eligibility

## **FMLA**

- Employed for at least 12 months
- 1,250 hours of service during 12-month period prior to leave

## **CFRA**

- Employed for at least 12 months
- 1,250 hours of service during 12-month period prior to leave

Exception to 1,250 hours: Parental Leave



# FMLA/CFRA: How much leave?

## **FMLA**

- 12 workweeks of leave during any 12-month period
- 26 weeks for care of a service member in ees family

## **CFRA**

- 12 workweeks of leave during any 12-month period
- 26 weeks: active duty for employee's spouse, registered domestic partner, or parent

Leave may be used consecutively or intermittently

# PDL: Pregnancy Disability leave

Eligibility: Pregnancy disability

How much leave: 4 months (based on hours worked per week)

Use of leave: consecutive or intermittent

# CFRA Baby bonding

12 weeks of leave is applied up to one year after child's birth

Bonding leave must be taken in a minimum of 2-week blocks (some exceptions)

# Chart of FMLA/CFRA/PDL

	<b>Pre-birth Disability</b>	<b>Post-birth Disability</b>	<b>“Bonding”</b>
<b>Health Care</b>	FMLA and PDL	FMLA and PDL	CFRA
<b>Job Protected</b>	FMLA and PDL	FMLA and PDL	CFRA
	Up to four months (FMLA runs concurrently until available FMLA expires)	Up to four months total, including any pre-birth PDL (runs concurrently with available FMLA)	12 Weeks

# Other Leaves – All Board Approved

- Sabbatical
- Professional Development
- Unpaid Personal Leave

# Questions?