



OAKLAND
COMMUNITY
COLLEGE®

Administrative Policy

Policy Type: Administrative
Policy Title: Leaves of Absence
Policy Number: 2.3.4
Office Responsible: Human Resources

Policy Statement

A. Types of Leaves of Absence

1. Leaves with Pay and Continuation of Benefits

These leaves shall be at the individual's base rate of pay and the College shall continue to maintain and pay all benefit premiums for the appropriate duration of the leave.

An employee shall be returned to his/her former job, or a substantially equivalent job, upon return from a paid leave of absence.

- a. **Jury Duty Leave** shall be available to the employee who is summoned as a juror or subpoenaed as a witness in any judicial proceeding not of his/her own initiative. The term of the leave shall be the length of the judicial proceedings if the employee serves as a juror, or the time spent testifying if the employee is called as a witness. An employee so summoned shall endorse to the College any warrant or voucher issued for services as such juror or witness, less travel allowance. Employees summoned as jurors shall advise their supervisors as far in advance as possible as to the service dates and provide a copy of the court documents ordering their appearance. In proceedings wherein the employee is released prior to 12 noon, the employee is expected to return to work.
- b. **Military Leave** shall be available to an employee who is required to participate in training exercises or civil emergencies. The term of the leave shall not exceed 30 days in any one calendar year. An employee so serving in the military shall endorse to the College any warrant or voucher issued for military service, less travel allowance. Employees ordered to military services shall advise their immediate supervisor as far in advance as possible as to the service dates and provide a copy of their military orders.

Note: Voluntary military service that extends beyond 30 days may be approved as a Leave of Absence without pay or benefits (see below).

- c. **Personal Business Leave** shall be available to the employee at the rate of three days per year. Personal business leave shall, in most instances, be requested of the immediate supervisor in advance of the requested day of leave. The advance request time may vary depending upon the reason(s) for the personal business leave. Personal business leave not requested in advance may be denied at the discretion of the supervisor and result in loss of pay for

the day. Personal business leave is not cumulative, but is available on a year-to-year basis. An employee will not receive pay for unused personal business leave.

(1) Personal Business Leave- Procedure

Time taken as personal business leave should be reported on the Time Exception Report (BUS 29) prior to the scheduled time off.

- d. **Sabbatical Leave** is available to employees for study and research and for the purpose of encouraging scholarly achievement. Applicants recommended for approval by the Sabbatical Leave Committee will be approved by the Chancellor. The decision of the Chancellor is final. Sabbatical recommendations are not subject to the Personnel Dispute Resolution Procedure.

(1) Sabbatical Leave Procedure (Applies only to Administrators)

Full-time administrators shall be eligible to apply for sabbatical leave during their third academic year of continuous service.

After three full contract years of continuous service an administrator shall be eligible for such leave for one semester or equivalent at half pay or for a spring term of equivalent at full pay. Semester and term shall be defined by the Oakland Community College calendar.

Administrators having been granted a sabbatical shall not be considered eligible for another such leave until they have accumulated at least three more academic years of continuous service.

An administrator who has not taken a prior sabbatical leave shall, after six academic years of continuous full-time service, be eligible for a full academic year or equivalent (ten months) sabbatical at half pay, or one semester or equivalent leave at full pay.

All usual fringe benefits shall be continued during the period of the sabbatical as though the administrator was on regular assignment.

An administrator on sabbatical leave shall not render service for compensation in another institution or enterprise without prior written approval of the College. This condition does not necessarily preclude the acceptance of a grant or fellowship provided such grant or fellowship materially aids the planned program of the recipient. The nature of the grant or fellowship and the approximate time requirements on the part of

the applicant shall be fully set forth in the application for sabbatical. Violation of any condition of this section shall lead to immediate suspension of the sabbatical pay. If it is determined that a violation of this section has occurred, then the administrator will be required to make financial restitution to the College in the amount of pay received from the

College during the period of the sabbatical.

Application for leave shall be made in writing to the Human Resources Department and shall include detailed information as to:

- (a) Length of service with the College
- (b) Plan of study or research
- (c) Time period of requested leave
- (d) Value to the College
- (e) Other pertinent information

Filing date for sabbatical leaves shall be as follows:

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| Fall semester- | March 1 of that calendar year |
| Summer term- | March 1 of that calendar year |
| Winter semester- | June 1 of the previous calendar year |
| Spring term- | September 1 of the previous calendar year |

All applications for administrative sabbatical leaves shall be reviewed by a committee comprised of six administrators. The committee will provide a rank ordered list of its recommendations for sabbatical leaves to the College Chancellor.

Upon return from sabbatical leave the administrator shall present a full written report regarding the use of his sabbatical leave to the Chancellor.

Upon accepting a sabbatical leave, the administrator shall certify to the College his/her intention to return to the College for a period of time equal to that covered by the leave granted. Administrators not remaining with the College for the required period, shall agree to repay the College the full amount received in sabbatical leave compensation. Should the administrator return for a portion of the required period, the repayment will be reduced proportionately. The administrator on sabbatical leave shall return to the same campus, department and position occupied prior thereto.

- (2) Sabbatical Leave Procedure (Applies only to Management Staff)
Procedures as they apply for administrators will apply for Management

Staff, except that the Management Staff Review Committee will be composed of three administrators and three Management Staff members.

- e. **Sick Leave** shall be available to the employee at a rate of one day per month. There is no limit to Sick Leave accumulation. In the event of a sustained

illness or injury an employee may utilize his/her bank of sick leave for the extent of the illness (if the employee's bank has sufficient number of sick days) or the employee may opt to initiate Short-term Disability (see Benefits) benefits at the 15th consecutive calendar day of illness or injury. Should the absence due to illness or injury extend beyond a period of 90 calendar days, said employee may opt to initiate Long-term Disability (see Benefits) at the 91st consecutive calendar day of illness or injury. An employee absent over ten consecutive working days because of illness or injury shall have a physician's certificate substantiating his/her absence and authorizing the employee to return to work prior to return. An employee will not be paid for unused sick leave.

2. **Leaves without Pay and Continuation of Benefits**

These leaves shall be without pay and without benefits. Employees on such approved leaves may elect to maintain benefit coverages under the terms and conditions specified by COBRA. Employees on such approved leaves shall not be eligible for retirement credit under MPSEERS. An employee shall be returned to his/her former job, or a substantially equivalent job, upon return from an unpaid leave of absence.

- a. **Leave of Absence Without Pay** may be granted for a period of not more than one year. Leave of Absence may be granted for professional growth, personal health (physical or emotional), or for such other reasons as may be approved by the Board of Trustees. Leave of Absence must be requested in advance and be reviewed and recommended for approval by the immediate supervisor, the Campus President and the Chief Human Resources Officer prior to recommendation to the Chancellor. Approval or denial of the request for Leave of Absence by the Chancellor shall be final. Such denial shall not be a subject of the Dispute Resolution Procedure.

3. **Family and Medical Leaves of Absence**

Purpose: To outline the conditions under which a non-represented employee may request time off with or without pay for a limited period with job protection and no loss of accumulated service provided the employee returns to work.

a. Definition

A family and/or medical leave of absence shall be defined as an approved absence available to eligible employees for up to 12 weeks per 12 months, measured forward from the date the employee's first leave began, under particular circumstances that are critical to the life of a family. Leave may be taken: upon the birth of the employee's child; upon the placement

of a child with the employee for adoption or foster care when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the functions of his or her position because of a serious health condition as defined by the Family

and Medical Leave Act of 1993 (the “FMLA”).

In addition, and under the FMLA, a family and/or medical leave of absence includes an approved leave of absence available to eligible employees for up to 12 weeks per 12 months with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation to address certain qualifying exigencies as defined by the FMLA. Leaves under the FMLA are also available for eligible employees of up to 26 weeks in a 12 month period to care for a covered service member.

b. Scope

The provisions of this policy shall apply to all family and medical leaves of absence except to the extent that such leaves are covered under other paid employment benefit plans or policies for any part of the 12 weeks of leave to which the employee may be entitled under this policy. That is, all vacation, sick leave, and personal business leave to which the employee is entitled shall be taken first and counted against the twelve week total to which the employee is allowed by law.

c. Eligibility

To be eligible for leave under this policy an employee must have been employed for at least 12 months in total, and must have worked at least 1250 hours during the 12 month period preceding the commencement of the leave.

d. Basic Regulations and Conditions of Leave

(1) The College will require medical certification (Certification of Physician or Practitioner Form) to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of his or her position. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. In its discretion, the College may require a second medical opinion and periodic recertification at its own expense. If the first and second opinions differ, the College, at its own expense, may require the binding opinion of a third health care provider.

(2) If medically necessary for a serious health condition of the employee or his or her spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, however, the College may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits.

(3) Spouses who are both employed by the College are entitled to a combined total of 24 weeks of leave [rather than a combined total of

12 weeks] for the birth or adoption of a child or for the care of a sick parent.

e. Notification and Reporting Requirements

When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide reasonable prior notice, and make efforts to schedule leave so as not to disrupt College operations. In cases of illness, the employee will be required to report periodically on his or her leave status and intention to return to work.

- (1) A Request for Family and Medical Leave of Absence Form must be originated in duplicate by the employee. The proper form to use will depend on the reason for the leave. The form(s) are available from the Human Resources Department. The form should be completed in detail, signed by the employee and submitted to the immediate supervisor and Human Resources Department for proper approval. If possible, the form is to be submitted at least 30 days in advance of the effective date of the leave when the need for the leave is foreseeable
- (2) All requests for family and medical leaves due to illness will include the following information attached to a completed Request for Family and Medical Leave of Absence form: Sufficient medical certification stating 1) the date on which the serious health condition commenced; 2) the probable duration of the condition; and 3) the appropriate medical facts within the knowledge of the health care provider regarding the condition. In addition, for purposes of leave to care for a child, spouse, or parent, the certificate should give an estimate of the amount of time that the employee is needed to provide such care. For purposes of leave for an employee's illness, the certificate must state that the employee is unable to perform the functions of his or her position. In the case of certification for intermittent leave or leave on a reduced leave schedule for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment must be stated.
- (3) FMLA leaves for other reasons may require the submission of other forms certifying the basis for the leave request.
- (4) The College may require employees to provide periodic recertification supporting the need for leave.

f. Status of Employee Benefits During Leave of Absence

- (1) During an FMLA leave, the employee's coverage under a College group health plan shall continue under the same terms as if the employee had continued to work.
- (2) Any employee who is granted an approved leave of absence under this policy is advised to provide for the retention of his or her non-medical care (dental,

visions, life, etc.) group insurance coverage by arranging to pay the premium contributions during the unpaid period of his or her absence.

- (3) In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the College may recover from the employee the cost of any payments made to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control. Benefit entitlement based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence.
- (4) Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. The most common exceptions apply in the event of reductions in force and as to “key employees” as defined by the FMLA.

Change Log

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| 06-21-11 | Revised |
| 01-22-13 | Revised |