

722 **TENTATIVE AGREEMENT**

723 **ARTICLE VIII: LEAVES**

724 **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.

736
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.

740
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.

745
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:

- 760
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~~

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

- 767
- 768 3. Appearance in any court or before any administrative tribunal as a
769 litigant, party or witness under subpoena or any other order made
770 with jurisdiction;
- 771
- 772 4. Urgent personal business which requires presence at or in a time
773 frame which falls within the ~~Adjunct Faculty~~ Unit Member's
774 regularly scheduled assignment, and which cannot be arranged
775 outside of the Adjunct Faculty Member's normal assignment.

776

777 **Section 3. Parental Leave.**

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

783

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

788

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

791

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

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

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799 **Section 4. Family Medical Leave (FMLA).**

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

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

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

- 816
- 817 (a) During the leave period, ~~Adjunct Faculty~~ Unit Member shall
818 retain all those employment rights to which he/she was
819 entitled at the time leave is begun.
- 820
- 821 (b) Family Care Leave is to be used in conjunction with and
822 coordinated with the “Personal Necessity Leave” provided in
823 this Article, Section 2. Personal Necessity Leave.
- 824
- 825 (c) The District will require certification which indicates the
826 medical necessity for requesting leave and the expected
827 duration of such leave if the ~~Adjunct Faculty~~ Unit Member is
828 requesting leave because of a serious medical condition.
- 829
- 830 (d) If the need for the leave is foreseeable, ~~Adjunct Faculty~~ the
831 Unit Member is required to make a reasonable effort to
832 schedule the leave at a time which would least disrupt his or
833 her service to the College. Requests for leave should be
834 submitted with as much advance notice as possible.

835 **Section 5. Bereavement Leave.**

836 A ~~Faculty~~ Unit Member is entitled to three (3) calendar days of leave for the death of
837 any member of the Faculty Member’s immediate family and five (5) calendar days for
838 the death of an immediate family member when travel out of state or of more than
839 350 miles one way is required. ~~Adjunct Faculty~~ Unit Members shall be paid only for
840 those assigned days which fall within the allowed days. While bereavement days do
841 not need to be taken consecutively, they must be taken within ninety (90) ~~thirty (30)~~
842 calendar days of the date of the death of the family member.

843

844 **Section 6. Jury Leave.**

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

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

861
862 **Section 7. Subpoena Leave.**

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

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879 DG: 

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