



Board Policy
Chapter 7 – Human Resources

BP 7340 LEAVES

NOTE: The following language in red ink is legally required. In legal Update #26 disseminated to member districts in April 2015, the Policy & Procedure Service added the new Education Code Sections 87784.5 and 88207.5 providing for leave to bond with a new child, the Healthy Workplaces, Healthy Families Act of 2014 (based on AB 1522), and to revise existing policy to add citations to Education Code Sections 87781 and 88192 governing illness or injury leave. In legal Update #30 disseminated to member districts in April 2017, the Policy & Procedure Service added new legal citations (Education Code Sections 87780.1 and 88196.1) which make differential pay available to employees who are on parental leave.

❖ From current Napa Valley College BP 7340 Leaves

The Superintendent/President, ~~or designee~~, shall establish ~~procedures~~ administrative 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:

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- illness or injury leaves for all classes of permanent employees (Education Code Sections 87781 and ~~88191~~);
- paid sick leave (Labor Code Section 246);
- 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);

Commented [bg1]: Consultant recommended "88194-88192" Education Code Section 88192 is Industrial Accident and Illness, which is addressed in separate bullet; 88191 is the correct Education Code for Illness and Injury leave. Rejected change.

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- 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);
- leave to bond with a new child (Education Code Sections 87780.1, 87784.5, 88196.1, and 88207.5);
- use of illness leave for personal necessity (Education Code Sections 87784 and 88207);
- industrial accident and illness 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 Sections 87767 and 87768).

~~pregnancy leave (Education Code Sections 87766 and 88193, Government Code Section 12945);~~

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~~Vacation leave for members of the classified service, educational administrators and classified supervisors and managers shall not accumulate beyond [#] days of paid leave or [#] hours of paid leave. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.~~

Commented [bg2]: HR recommendation: Exclude this statement. Vacation for administrative/confidential staff is addressed in current BP 2260 and will be converted to new AP to BP 7340; classified vacation leave is covered by Classified Professionals CBA; both address vacation accrual limits, which vary

In addition to this policy and collective bargaining agreements, the Board of Trustees 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).

Also see AP, 7340 Leaves, AP, 7341 Sabbaticals, AP, 7342 Holidays, AP, 7344, 7343 Industrial Accident and Illness Leave, AP, 7344 Notifying the District of Illness, BP/AP 7344

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Catastrophic Leave Program, AP 7346 Employees Called to Military Duty, and AP 7347 Post Family Leave

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Commented [bg3]: HR recommendation: Delete references. HR will review referenced APs and make recommendations. Once APs approved, references can be added. Not all APs will be recommended for inclusion. (Examples: AP 7347 does not apply to NVC since employer and employees do not contribute to SDI. Others listed are optional and/or legally advised)

References:

Education Code Sections 87763 et seq. and 88190 et seq. and cites ~~below~~ listed above;
[Government Code Section 12945](#);
[Labor Code Sections 245 et seq.](#)

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The Policy & Procedure Service provided legal updates to this policy in June 2013, April 2015, April 2016, and April 2017. The language in **black ink** is from current Napa Valley College BP 7340 Leaves adopted on 12/11/14. The language in **blue ink** is included for consideration. The language in **yellow highlighting** is intended to draw the reviewers' attention, and this language will be removed upon official revision of this document.

Adopted: 12/11/14

Revised: