

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
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**808 ILLNESS LEAVE**

**Education Code Sections**

**88191.** Every classified employee employed five days a week by a community college district shall be entitled to 12 days leave of absence for illness or injury and such additional days, in addition thereto, as the governing board may allow for illness or injury, exclusive of all days the employee is not required to render service to the district, with full pay for a fiscal year of service.

A classified employee, employed five days a week, who is employed for less than a full fiscal year, is entitled to that proportion of 12 days leave of absence for illness or injury as the number of months the employee is employed bears to 12 and the proportionate amount, consistent with this formula, of such additional days, in addition thereto, authorized by the governing board for classified employees employed five days a week for a full fiscal year of service.

A classified employee employed less than five days per week shall be entitled, for a fiscal year of service, to that proportion of 12 days leave of absence for illness or injury as the number of days the employee is employed per week bears to five and is entitled to the proportionate amount, consistent with this formula, of such additional days, in addition thereto, authorized by the governing board for classified employees employed five days a week for a full fiscal year of service.

When these persons are employed for less than a full fiscal year of service, this and the preceding paragraph shall determine that proportion of leave of absence for illness or injury to which they are entitled.

Pay for any day of such absence shall be the same as the pay which would have been received had the employee served during the day. Credit for leave of absence need not be accrued prior to taking that leave by the employee and such leave of absence may be taken at any time during the year. However, a new employee of a district shall not be eligible to take more than six days, or the proportionate amount to which the employee may be entitled under this section, until the first day of the calendar month after completion of six months of active service with the district.

If the employee does not take the full amount of leave allowed in any year under this section, the amount not taken shall be accumulated from year to year with such additional days as the governing board may allow.

The governing board of each community college district shall adopt rules and regulations requiring and prescribing the manner of proof of illness or injury for the

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purpose of this section. These rules and regulations shall not discriminate against evidence of treatment and the need therefor by the practice of the religion of any well-recognized religious sect, denomination or organization.

This section shall not apply to a district in which the full-time equivalent student of the district is in excess of 400,000, if the district maintains sick leave policies not less than those in effect in such districts on January 1, 1961.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060).

**88195.** A permanent employee of the classified service who has exhausted all entitlement to sick leave, vacation, compensatory overtime, or other available paid leave and who is absent because of nonindustrial accident or illness may be granted additional leave, paid or unpaid, not to exceed six months. The board may renew the leave of absence, paid or unpaid, for two additional six-month periods or ~~such~~ lesser leave periods that it may provide but not to exceed a total of 18 months.

An employee, upon ability to resume the duties of a position within the class to which he or she was assigned, may do so at any time during the leaves of absence granted under this section and time lost shall not be considered a break in service. The employee shall be restored to a position within the class to which he or she was assigned and, if at all possible, to his or her position with all the rights, benefits and burdens of a permanent employee.

If, at the conclusion of all leaves of absence, paid or unpaid, the employee is still unable to assume the duties of his or her position, the employee shall be placed on a reemployment list for a period of 39 months.

At any time during the prescribed 39 months that the employee is able to assume the duties of his or her position, the employee shall be reemployed in the first vacancy in the classification of his or her previous assignment. The employee's reemployment shall take preference over all other applicants except for those laid off for lack of work or funds under Section 88117 in which case the employee shall be ranked according to his or her proper seniority. Upon resumption of the employee's duties, the break in service will be disregarded and the employee shall be fully restored as a permanent employee.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060).

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**88196.1** (a) (1) Notwithstanding any other law, during each school year, a classified employee may use his or her sick leave for purposes of parental leave for a period of up to 12 workweeks.

(2) In the community college districts that use the differential pay system described in the first paragraph of Section 88196, when an employee has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his or her duties on account of parental leave pursuant to Section 12945.2 of the Government Code, the amount deducted from the salary due him or her for any of the remaining portion of the 12-workweek period in which the absence occurs shall not exceed the sum that is actually paid a substitute employee employed to fill his or her position during his or her absence.

(3) In community college districts that use the differential pay system described in the last paragraph of Section 88196, when an employee has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his or her duties on account of parental leave pursuant to Section 12945.2 of the Government Code, the employee shall be compensated at no less than 50 percent of the employee's regular salary for the remaining portion of the 12-workweek period of parental leave.

(4) Regardless of the type of differential pay system used by the community college district pursuant to paragraphs (2) and (3), the compensation a classified employee shall receive shall be no less than 50 percent of his or her regular salary for the remaining portion of the 12-workweek period of parental leave.

(b) For purposes of subdivision (a), all of the following apply:

(1) The 12-workweek period of parental leave shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of parental leave.

(2) An employee shall not be provided more than one 12-workweek period for parental leave during any 12-month period.

(3) Parental leave taken pursuant to this section shall run concurrently with parental leave taken pursuant to Section 12945.2 of the Government Code. The aggregate amount of parental leave taken pursuant to this section and Section 12945.2 of the Government Code shall not exceed 12 workweeks in a 12-month period.

(c) This section shall be applicable whether or not the absence from duty is by reason of a leave of absence granted by the governing board of the employing community college district.

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(d) Notwithstanding subdivision (a) of Section 12945.2 of the Government Code, a classified employee is not required to have 1,250 hours of service with the employer during the previous 12-month period in order to take parental leave pursuant to this section.

(e) Nothing in this section shall be construed to diminish the obligation of a public school employer to comply with any collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code that provides greater parental leave rights to employees than the rights established under this section.

(f) For purposes of this section, “parental leave” means leave for reason of the birth of a child of the employee, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.

**88199.** Governing boards of community college districts may grant leaves of absence to persons employed in nonacademic positions, and at their discretion may pay compensation at the rate the board prescribes, during the absence, to any employee whose absence is caused by accident or illness, whether or not the absence arises out of or in the course of the employment of the employee, or because of quarantine which results from his or her contact with other persons having a contagious disease while performing his or her duties.

**88202.** Any classified employee of a community college district, school district, or county superintendent of schools who has been employed for a period of one calendar year or more whose employment is terminated for reasons other than action initiated by the employer for cause and who subsequently accepts employment with a community college district or county superintendent of schools within one year of termination of his or her former employment, shall have transferred with him or her to the employing community college district or county superintendent of schools the total amount of earned leave of absence for illness or injury to which he or she is entitled under Section 45191 or 88191. This transfer shall be in the same manner as is provided for academic employees.

In any case where an employee was terminated as a result of action initiated by the employer for cause, the transfer may be made if agreed to by the governing board of the community college district or the county superintendent of schools newly employing the employee.

All or any part of the previous service, not separated by a break in service greater than one year as of the last day of paid service, may, if agreed to by the employing entity,

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be construed to have been served in the employing community college district or county superintendent of schools of employment for seniority purposes, except that the previous service may not be counted, for seniority purposes, when position or personnel reduction is ordered, for any reason, by the board.

No governing board of a community college district shall adopt any policy or rule, written or unwritten, that requires all classified employees, or any individual classification, or group of classifications of employees transferring to its district to waive any part or all benefits which they may be entitled to have transferred in accordance with this section.

This section shall apply to community college districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

**Government Code Section**

**12945.6** (a) For purposes of this section, the following definitions apply:

(1) (A) “Assisted reproduction” means a method of achieving a pregnancy through an artificial insemination or an embryo transfer and includes gamete and embryo donation.

(B) “Assisted reproduction” does not include any pregnancy achieved through sexual intercourse.

(2) “Employee” means a person employed by the employer for at least 30 days prior to the commencement of the leave.

(3) “Employer” means either of the following:

(A) A person who employs five or more persons to perform services for a wage or salary.

(B) The state and any political or civil subdivision of the state, including, but not limited to, cities and counties.

(4) “Failed adoption” means the dissolution or breach of an adoption agreement with the birth mother or legal guardian, or an adoption that is not finalized because it is contested by another party. This event applies to a person who would have been a parent of the adoptee if the adoption had been completed.

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(5) “Failed surrogacy” means the dissolution or breach of a surrogacy agreement, or a failed embryo transfer to the surrogate. This event applies to a person who would have been a parent of a child born as a result of the surrogacy.

(6) “Miscarriage” means a miscarriage by a person, by the person’s current spouse or domestic partner, or by another individual if the person would have been a parent of a child born as a result of the pregnancy.

(7) “Reproductive loss event” means the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction.

(8) “Reproductive loss leave” means the leave provided by subdivision (b).

(9) “Stillbirth” means a stillbirth resulting from a person’s pregnancy, the pregnancy of a person’s current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy that ended in stillbirth.

(10) “Unsuccessful assisted reproduction” means an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure. This event applies to a person, the person’s current spouse or domestic partner, or another individual, if the person would have been a parent of a child born as a result of the pregnancy.

(b) (1) It shall be an unlawful employment practice for an employer to refuse to grant a request by any employee to take up to five days of reproductive loss leave following a reproductive loss event. If an employee experiences more than one reproductive loss event within a 12-month period, an employer shall not be obligated to grant a total amount of reproductive loss leave time in excess of 20 days within a 12-month period.

(2) The employer shall allow the days an employee takes for reproductive loss leave to be nonconsecutive.

(3) (A) Except as provided in subparagraph (B), reproductive loss leave shall be completed within three months of the event entitling the employee to that leave under paragraph (1).

(B) Notwithstanding subparagraph (A), if, prior to or immediately following a reproductive loss event, an employee is on or chooses to go on leave from work pursuant to Section 12945, 12945.2, or any other leave entitlement under state or

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federal law, the employee shall complete their reproductive loss leave within three months of the end date of the other leave.

(4) (A) Reproductive loss leave shall be taken pursuant to any existing applicable leave policy of the employer.

(B) If there is no existing applicable leave policy, reproductive loss leave may be unpaid, except that an employee may use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee.

(c) It shall be an unlawful employment practice for an employer to retaliate against an individual, including, but not limited to, refusing to hire, discharging, demoting, fining, suspending, expelling, or discriminating against, an individual because of either of the following:

(1) An individual's exercise of the right to reproductive loss leave.

(2) An individual's giving information or testimony as to their own reproductive loss leave, or another person's reproductive loss leave, in an inquiry or proceeding related to rights guaranteed under this section.

(d) It shall be an unlawful employment practice for an employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section.

(e) The employer shall maintain the confidentiality of any employee requesting leave under this section. Any information provided to the employer pursuant to this section shall be maintained as confidential and shall not be disclosed except to internal personnel or counsel, as necessary, or as required by law.

(f) An employee's right to reproductive loss leave shall be construed as a separate and distinct right from any right under this part.

**20963.5** On and after January 1, 2020, a school member, a school safety member, or a local member employed by a contracting agency that is a school district, county office of education, or community college district, whose effective date of retirement is within four months of separation from employment with the employer subject to this section that granted the sick leave credit, shall be credited at the member's retirement with 0.004 year of service credit for each unused day of sick leave certified to the board by the employer. The certification shall report only those days of unused sick leave that were accrued by the member during the normal course of the member's

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employment and shall not include any additional days of sick leave reported for the purpose of increasing the member's retirement benefit. Reports of unused days of sick leave shall be subject to audit and retirement benefits may be adjusted where improper reporting is found. For purposes of this subdivision, sick leave shall include sick leave granted by the employer subject to this section and any sick leave transferred to that employer pursuant to Section 44979, 45202, 87783, or 88202 of the Education Code.

**Labor Code Section**

**230.** (a) An employer shall not discharge or in any manner discriminate against an employee for taking time off to serve as required by law on an inquest jury or trial jury, if the employee, prior to taking the time off, gives reasonable notice to the employer that the employee is required to serve.

(b) An employer shall not discharge or in any manner discriminate or retaliate against an employee, including, but not limited to, an employee who is a victim of a crime, for taking time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding.

(c) An employer shall not discharge or in any manner discriminate or retaliate against an employee who is a victim of domestic violence, sexual assault, or stalking for taking time off from work to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or his or her child.

(d) (1) As a condition of taking time off for a purpose set forth in subdivision (c), the employee shall give the employer reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible.

(2) When an unscheduled absence occurs, the employer shall not take any action against the employee if the employee, within a reasonable time after the absence, provides a certification to the employer. Certification shall be sufficient in the form of any of the following:

(A) A police report indicating that the employee was a victim.

(B) A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court.



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(C) Documentation from a licensed medical professional, domestic violence counselor, as defined in Section 1037.1 of the Evidence Code, a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, victim advocate, licensed health care provider, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse.

(D) Any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the absence is for a purpose authorized under this section or under Section 230.1

(3) To the extent allowed by law and consistent with subparagraph (D) of paragraph (7) of subdivision (f), the employer shall maintain the confidentiality of any employee requesting leave under subdivision (c).

(e) An employer shall not discharge or in any manner discriminate or retaliate against an employee because of the employee's status as a victim of crime or abuse, if the victim provides notice to the employer of the status or the employer has actual knowledge of the status.

(f) (1) An employer shall provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking who requests an accommodation for the safety of the victim while at work.

(2) For purposes of this subdivision, reasonable accommodations may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, or stalking, or other crime, or referral to a victim assistance organization.

(3) An employer is not required to provide a reasonable accommodation to an employee who has not disclosed his or her status as a victim of domestic violence, sexual assault, or stalking.

(4) The employer shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations.

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(5) In determining whether the accommodation is reasonable, the employer shall consider an exigent circumstance or danger facing the employee.

(6) This subdivision does not require the employer to undertake an action that constitutes an undue hardship on the employer's business operations, as defined by Section 12926 of the Government Code. For the purposes of this subdivision, an undue hardship also includes an action that would violate an employer's duty to furnish and maintain a place of employment that is safe and healthful for all employees as required by Section 6400 of the Labor Code.

(7) (A) Upon the request of an employer, an employee requesting a reasonable accommodation pursuant to this subdivision shall provide the employer a written statement signed by the employee or an individual acting on the employee's behalf, certifying that the accommodation is for a purpose authorized under this subdivision.

(B) The employer may also request certification from an employee requesting an accommodation pursuant to this subdivision demonstrating the employee's status as a victim of domestic violence, sexual assault, or stalking. Certification shall be sufficient in the form of any of the categories described in paragraph (23) of subdivision (d).

(C) An employer who requests certification pursuant to subparagraph (B) may request recertification of an employee's status as a victim of domestic violence, sexual assault, or stalking, or ongoing circumstances related to the crime or abuse, every six months after the date of the previous certification.

(D) Any verbal or written statement, police or court record, or other documentation provided to an employer identifying an employee as a victim shall be maintained as confidential by the employer and shall not be disclosed by the employer except as required by federal or state law or as necessary to protect the employee's safety in the workplace. The employee shall be given notice before any authorized disclosure.

(E) (i) If circumstances change and an employee needs a new accommodation, the employee shall request a new accommodation from the employer.

(ii) Upon receiving the request, the employer shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations.

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(F) If an employee no longer needs an accommodation, the employee shall notify the employer that the accommodation is no longer needed.

(8) An employer shall not retaliate against a victim for requesting a reasonable accommodation, regardless of whether the request was granted.

(g) (1) An employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated or retaliated against in the terms and conditions of employment by his or her employer because the employee has taken time off for a purpose set forth in subdivision (a) or (b) shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer.

(2) An employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated or retaliated against in the terms and conditions of employment by his or her employer for reasons prohibited in subdivision (c) or (e), or because the employee has requested or received a reasonable accommodation as set forth in subdivision (f), shall be entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer, as well as appropriate equitable relief.

(3) An employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law is guilty of a misdemeanor.

(h) (1) An employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated or retaliated against in the terms and conditions of employment by their employer because the employee has exercised their rights as set forth in subdivision (a), (b), (c), (e), or (f) may file a complaint with the Division of Labor Standards Enforcement of the Department of Industrial Relations pursuant to Section 98.7.

(2) Notwithstanding any time limitation in Section 98.7, an employee may file a complaint with the division based upon a violation of subdivision (c), (e), or (f) within one year from the date of occurrence of the violation.

(i) An employee may use vacation, personal leave, or compensatory time off that is otherwise available to the employee under the applicable terms of employment, unless otherwise provided by a collective bargaining agreement, for time taken off for a purpose specified in subdivision (a), (b), or (c). The entitlement of any

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employee under this section shall not be diminished by any collective bargaining agreement term or condition.

(j) For purposes of this section:

(1) "Crime" means a crime or public offense as set forth in Section 1351 of the Government Code, and regardless of whether any person is arrested for, prosecuted for, or convicted of, committing the crime.

(2) "Domestic violence" means any of the types of abuse set forth in Section 6211 of the Family Code, as amended.

(3) "Immediate family member" means a person who is any of the following:

(A) Regardless of age, a biological, adopted, or foster child, stepchild, or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or a person to whom the employee stood in loco parentis when the person was a minor.

(B) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or an employee's spouse or domestic partner, or a person who stood in loco parentis when the employee or the employee's spouse or domestic partner was a minor child.

(C) A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision.

(D) A biological, foster, or adoptive sibling, a stepsibling, or a half-sibling.

(E) Any other individual whose close association with the employee is the equivalent of a family relationship described in subparagraph (A), (B), (C), or (D).

(4) "Sexual assault" means any of the crimes set forth in Section 261, 261.5, 262, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 287, 288, 288.5, 289, or 311.4 of, or former section 288a of, the Penal Code, as amended.

(5) "Stalking" means a crime set forth in Section 646.9 of the Penal Code or Section 1708.7 of the Civil Code.

(6) "Victim" includes any of the following:

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- (A) A victim of stalking, domestic violence, or sexual assault.
  - (B) A victim of a crime that cause physical injury or that caused mental injury and a threat of physical injury.
  - (C) A person whose immediate family member is deceased as a direct result of a crime.
  - (D) For the purposes of subdivision (b) only, any person against whom any crime has been committed.
- (7) "Victim advocate" means an individual, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of an agency or organization that has a documented record of providing services to victims, or under the auspices or supervision of a court or a law enforcement or prosecution agency.

**230.1.** (a) In addition to the requirements and prohibitions imposed on employees pursuant to Section 230, an employer with 25 or more employees shall not discharge, or in any manner discriminate or retaliate against, an employee who is a victim for taking time off from work for any of the following purposes:

- (1) To seek medical attention for injuries caused by crime or abuse.
  - (2) To obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization as a result of the crime or abuse.
  - (3) To obtain psychological counseling or mental health services related to an experience of crime or abuse.
  - (4) To participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation.
- (b) (1) As a condition of taking time off for a purpose set forth in subdivision (a), the employee shall give the employer reasonable advance notice of the employee's intention to take time off, unless the advance notice is not feasible.
- (2) When an unscheduled absence occurs, the employer shall not take any action against the employee if the employee, within a reasonable time after the absence, provides a certification to the employer. Certification shall be sufficient in the form

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of any of the categories described in paragraph (2) of subdivision (d) of Section 230.

(3) To the extent allowed by law and consistent with subparagraph (D) of paragraph (7) of subdivision (f) of Section 230, employers shall maintain the confidentiality of any employee requesting leave under subdivision (a).

(c) An employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated or retaliated against in the terms and conditions of employment by his or her employer because the employee has taken time off for a purpose set forth in subdivision (a) is entitled to reinstatement and reimbursement for lost wages and work benefits caused by the acts of the employer, as well as appropriate equitable relief. An employer who willfully refuses to rehire, promote, or otherwise restore an employee or former employee who has been determined to be eligible for rehiring or promotion by a grievance procedure or hearing authorized by law is guilty of a misdemeanor.

(d) (1) An employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated or retaliated against in the terms and conditions of employment by his or her employer because the employee has exercised his or her rights as set forth in subdivision (a) may file a complaint with the Division of Labor Standards Enforcement of the Department of Industrial Relations pursuant to Section 98.7.

(2) Notwithstanding any time limitation in Section 98.7, an employee may file a complaint with the division based upon a violation of subdivision (a) within one year from the date of occurrence of the violation.

(e) An employee may use vacation, personal leave, or compensatory time off that is otherwise available to the employee under the applicable terms of employment, unless otherwise provided by a collective bargaining agreement, for time taken off for a purpose specified in subdivision (a). The entitlement of any employee under this section shall not be diminished by any term or condition of a collective bargaining agreement.

(f) This section does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.).

(g) For purposes of this section:

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(1) "Crime" means a crime or public offense as set forth in Section 13951 of the Government Code, and regardless of whether any person is arrested for, prosecuted for, or convicted of, committing the crime.

(2) "Domestic violence" means any of the types of abuse set forth in Section 6211 of the Family Code, as amended.

(3) "Immediate family member" means a person who is any of the following:

(A) Regardless of age, a biological, adopted, or foster child, stepchild, or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or a person to whom the employee stood in loco parentis when the person was a minor.

(B) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or an employee's spouse or domestic partner, or a person who stood in loco parentis when the employee or the employee's spouse or domestic partner was a minor child.

(C) A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision.

(D) A biological, foster, or adoptive sibling, a stepsibling, or a half-sibling.

(E) Any other individual whose close association with the employee is the equivalent of a family relationship described in subparagraph (A), (B), (C), or (D).

(4) "Sexual assault" means any of the crimes set forth in Section 261, 261.5, 262, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 287, 288, 288.5, 289, or 311.4 of, or former Section 288a of, the Penal Code, as amended.

(5) "Stalking" means a crime set forth in Section 646.9 of the Penal Code or Section 1708.7 of the Civil Code.

(6) "Victim" includes any of the following:

(A) A victim of stalking, domestic violence, or sexual assault.

(B) A victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury.

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(C) A person whose immediate family member is deceased as a direct result of a crime.

(7) "Victim services organization or agency" means an agency or organization that has a documented record of providing services to victims.

(h) (1) Employers shall inform each employee of his or her rights established under this section and subdivisions (c), (e), and (f) of Section 230 in writing. The information shall be provided to new employees upon hire and to other employees upon request.

(2) The Labor Commissioner shall develop a form that an employer may use to comply with the notice requirements in paragraph (1). The form shall set forth the rights and duties of employers and employees under this section in clear and concise language. The Labor Commissioner shall post the form on the commissioner's Internet Web site to make it available to employers who are required to comply with this section. If an employer elects not to use the form developed by the Labor Commissioner, the notice provided by the employer to the employees shall be substantially similar in content and clarity to the form developed by the Labor Commissioner. The Labor Commissioner shall develop the form and post it in accordance with this paragraph on or before January 1, 2022.

(3) Employers shall not be required to comply with paragraph (1) until the Labor Commissioner posts the form on the commissioner's Internet Web site in accordance with paragraph (2).

**246.5.** (a) Upon the oral or written request of an employee, an employer shall provide paid sick days for the following purposes:

(1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member.

(2) For an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in subdivision (c) of Section 230 and subdivision (a) of Section 230.1.

(b) An employer shall not require as a condition of using paid sick days that the employee search for or find a replacement worker to cover the days during which the employee uses paid sick days.

(c) (1) An employer shall not deny an employee the right to use accrued sick days, discharge, threaten to discharge, demote, suspend, or in any manner discriminate



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against an employee for using accrued sick days, attempting to exercise the right to use accrued sick days, filing a complaint with the department or alleging a violation of this article, cooperating in an investigation or prosecution of an alleged violation of this article, or opposing any policy or practice or act that is prohibited by this article.

(2) There shall be a rebuttable presumption of unlawful retaliation if an employer denies an employee the right to use accrued sick days, discharges, threatens to discharge, demotes, suspends, or in any manner discriminates against an employee within 30 days of any of the following:

(A) The filing of a complaint by the employee with the Labor Commissioner or alleging a violation of this article.

(B) The cooperation of an employee with an investigation or prosecution of an alleged violation of this article.

(C) Opposition by the employee to a policy, practice, or act that is prohibited by this article.

(d) Notwithstanding subdivision (a) of Section 245.5, for purposes of this section, "employee" shall include an employee described in paragraph (1) of subdivision (a) of Section 245.5.

A. Definitions

Illness is defined as any deviation from a normal, healthy state which makes it disadvantageous to the Los Angeles Community College District and/or detrimental to the employee to be at work. This definition shall include emergency medical, dental, optical, and prosthetic work.

Illness leave is a paid or unpaid leave granted to an employee for the diagnosis, care, and/or treatment of a health condition for, or preventive care of, the employee or the employee's family member. Family member includes the employee's spouse, child, parent, registered domestic partner, parent-in-law, grandparent, grandchild, and siblings(s). Such a leave shall also be granted to an employee who is quarantined because of exposure to contagious disease or who is the victim of crime or abuse for the purposes described in Labor Code Sections 230 (j) and 230.1 (a).

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B. Accrual of Illness Leave

1. Upon initial employment in regular status, an employee will be credited, as of the date of appointment, with illness days as follows:
  - a. Employees assigned to a 12-month position shall receive 12 working days of full-pay illness leave and 88 days of half-pay illness leave.
  - b. Employees assigned to other than a 12-month position shall receive 10 working days of full-pay illness leave and 90 days of half-pay illness leave.
2. Thereafter, a regular employee will be credited annually, on the first date of the pay period in which July 1 falls, as follows:
  - a. Employees assigned to a 12-month position shall receive 12 working days of full-pay illness leave and up to 88 days of half-pay illness leave. The number of half-pay illness leave days to be credited shall be the difference between accumulated working days of full-pay illness leave and 100 days. Accrual of half-pay illness days shall cease when the accumulated working days of full-pay illness reaches 100 days or more and shall resume when the number of accumulated working days of full-pay illness falls below 100 days.
  - b. Employees assigned to other than a 12-month position shall receive 10 working days of full-pay illness leave and up to 90 days of half-pay illness leave. The number of half-pay illness leave days to be credited shall be the difference between accumulated working days of full-pay illness leave and 100 days. Accrual of half-pay illness days shall cease when the accumulated working days of full-pay illness reaches 100 days or more and shall resume when the number of accumulated working days of full-pay illness falls below 100 days.
3. There shall be no limit to the accumulation of full-pay illness leave.
4. An individual who was employed with another school district, community college district, or county superintendent of schools within one year of accepting employment as a regular classified employee with the Los Angeles Community College District shall be credited with the number of days of unused illness or injury leave of absence accrued under Education Code Section 88191 while employed with the other agency provided that they were employed with the former employer for one calendar year or more and their employment with the former employer was not terminated for cause.

The District's Payroll Unit shall obtain verification of the amount of unused illness or injury leave the employee is entitled to bring to this District.

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- a. The employee shall be credited, as of the date of appointment, with the verified full-pay illness balance brought from the other agency, in addition to the number of working days of full-pay illness leave authorized in Paragraph B.1., above.
- b. If the total number of working days of full-pay illness leave credited is less than 100 working days, they shall also be credited with a number of working days of half-pay illness leave which will bring the total number of working days credited to 100.

C. Use of Illness Leave

Any regular classified employee who is absent from duty on account of illness, injury, or other qualifying condition shall be allowed illness leave pay under the following conditions:

1. In order to receive compensation while absent on illness leave, the employee must notify their immediate supervisor of their absence within the first two working hours, if possible.
2. A new employee must render services before being entitled to illness leave.
3. An employee serving an initial probationary period shall not be eligible to be paid for more than six days of full-pay illness leave until the first day of the period after completion of 130 days of paid service in regular assignments. Half-pay illness leave shall not be paid during this time.
4. No half-pay illness leave shall be allowed until after all full-pay illness leave is exhausted.
5. Fractions of hours of an illness leave shall be reported in increments of one-quarter hour.
6. When a regular employee (whose regular assignment is on other than a 12-month basis) is assigned to a substitute or relief assignment outside of their regular assignment basis, the employee shall be allowed to take illness leave with pay during such limited-term assignment in accordance with the limitations set forth in the provisions of this rule.
7. Provisions of this rule apply to absence due to reproductive loss and temporary disability caused by pregnancy or childbirth.
8. An employee shall be allowed to use their paid illness leave for purposes of parental leave for a period of up to 12 workweeks in a 12-month period. Parental leave means leave for the birth of a child of the employee or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.
9. An employee whose record of illness appears to follow a pattern of habitual use of leave for trivial indispositions or absences so frequent that the efficiency of the service is impaired may be required to present acceptable proof to the supervisor of the reason for absence.

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10. An employee shall not be allowed to undertake any gainful employment while absent because of illness, injury, or other qualifying condition. The employee shall certify on the Absence Certification/Request form that they were not gainfully employed during the period covered on the form.

D. Requests for Leave

1. An employee who is absent due to illness, injury, or other qualifying condition shall certify on the prescribed Absence Certification/Request form that the absence was due to illness or injury. Compensation for illness leave shall be paid only when the employee's supervisor certifies that the absence was on account of illness, injury, or other qualifying condition. Nothing shall preclude the employee's supervisor from taking necessary steps to verify the validity of the illness leave, which may include requesting documentation for the illness leave.

When an employee is absent because of illness, injury, or other qualifying condition for more than five consecutive days, the Absence Certification/Request form must be accompanied by an attending licensed physician or other recognized practitioner's statement certifying that the absence was due to illness, injury, or other qualifying condition.

If an employee is incapacitated and unable to sign the prescribed form, the Human Resources Division may approve an illness leave and the employee's supervisor may approve the prescribed form in lieu of the employee's certification in order that payment of illness leave benefits may be authorized.

2. When an employee is absent because of illness, injury, or other qualifying condition for more than 20 consecutive days, a request for a formal leave of absence must be submitted by the employee and is subject to the approval of the Human Resources Division. The Leave of Absence Request form must be accompanied by an attending licensed physician or other recognized practitioner's statement certifying that the absence is due to illness or injury. A Leave of Absence Request Form shall be sent by any employee who has been absent because of illness or injury for ten consecutive days by the employing college or division.
3. A permanent employee who has exhausted all paid illness privileges, vacation, and other available paid leave may be granted additional unpaid illness leave, not to exceed a total of 18 months in three six month or lesser increments, upon approval of the Human Resources Division and the employee's division head or college president. Such approval shall be required for each additional six month or lesser extension.

An employee who declines to use available paid vacation and other available paid leave may not be granted additional illness leave under the provision of this paragraph.

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An employee shall be required to interrupt an unpaid illness leave granted under the provisions of this paragraph to use all paid leave that may accrue due to the annual renewal of illness balances, including paid vacation time or other paid leave that may become available due to return to paid status. The resulting period in paid status shall not serve to restart or extend the 18-month maximum unpaid illness leave allowed under the provisions of this paragraph.

Eligibility for additional unpaid illness leave under the provisions of this paragraph shall not be granted to an employee who returns to active service for a period of less than six months following a previous period of unpaid illness leave granted under the provisions of this paragraph.

- a. Unless notified to the contrary within 30 days, the employee may properly assume the leave has been granted.
- b. Denial of the requested leave for medical reasons may be a basis for appeal in accordance with Rule 836, APPEALS OF MEDICAL DISQUALIFICATIONS OF CLASSIFIED EMPLOYEES AND ELIGIBLES.
- c. Denial of the requested leave for other than medical reasons may be a basis for the employee to avail themselves of Rule 893, PROCEDURE FOR THE ADJUSTMENT OF GRIEVANCES OF CLASSIFIED PERSONNEL.

E. Payment of Illness Leave

1. Salary differentials shall be included in computing illness pay for employees who receive such salary differentials.
2. No half-pay illness leave shall be allowed until after all full-pay illness leave is exhausted.
3. A day of paid illness leave for an employee assigned to a position for less than eight hours or 40 hours a week shall consist of the number of hours in their basic daily assignment. Authorization to work additional hours beyond the basic daily assignment shall not increase illness leave benefits. When additional working hours are authorized for longer than one month, the employee's basic daily assignment shall be increased.
4. Salary payment shall be withheld from an employee who has been absent because of illness, injury, or other qualifying condition for more than 20 consecutive days if a formal leave of absence has not been approved by the Human Resources Division.
5. Neither layoff nor leave of absence shall be considered as an interruption of continuous service, but no paid illness leave shall be allowed during layoff or leave of absence except illness leave of absence or leave to accept other employment in the District's classified service.

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6. When an employee has exhausted full-pay paid illness leave, they may request using vacation pay in lieu of illness pay. In order to effect this change, the employee shall notify their supervisor and payroll office of the dates to be paid as vacation. The beginning date shall not be earlier than the date on which the request is made and the number of days to be paid as vacation shall not exceed the employee's vacation balance. Upon completion of payment for the designated vacation period, the employee may again be paid for illness leave.

F. Return to Service Following Leave

1. An employee shall notify their supervisor at least one day in advance of their expected return from illness leave in order that any substitute service may be terminated. If a returning employee fails to comply with this provision and in the event that both the regular employee and the substitute report for duty, the latter is entitled to the assignment for the day.
2. Upon return to service from illness leave, an employee shall be placed in a position in their former job classification and, if vacant, to their former position in the class. If no vacancy exists in the former class, they shall have the right to exercise bumping rights provided that they do not have the least seniority in that class. If an employee's former class has ceased to exist, the employee may be reassigned or shall be placed on the reemployment lists for the classes in which they had attained regular status.
3. When all paid or unpaid leaves of absence have been exhausted, and the employee is not medically able to assume the duties of their position, the employee shall be placed on a reemployment list for a period of 39 months as if they were being laid off. An employee on a reemployment list shall have the same rights and benefits as an employee laid off for lack of work or lack of funds as provided in Rule 740, LAYOFF AND REEMPLOYMENT.

An employee subject to placement on a reemployment list for medical reasons may request a review of other placement options through the Human Resources Division.

4. An employee returning to duty shall be subject to provisions of Rule 682, HEALTH EVALUATIONS.

G. Termination of Employment

There shall not be a lump-sum payment for any unused accumulated illness leave upon separation from employment. Regular employees who are members of PERS and who retire within four months of separation from the District may be eligible for additional service credit for each unused day of earned illness leave in accordance with PERS policies and regulations.

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H. Industrial Accident Leave

Employees in the classified service who are absent because of illness or injury resulting from industrial accidents or industrial illness qualifying under provisions of Workers' Compensation shall be allowed leave as provided in Rule 804, LEAVES RESULTING FROM INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS.

I. Reproductive Loss Leave

An employee shall be allowed up to 5 days of unpaid reproductive loss leave within 3 months following a reproductive loss event as defined in Government Code 12945.6. Employees who experience more than one reproductive loss are limited to 20 days of reproductive loss leave within a 12-month period. Applicable quotas that are available to the employee, such as vacation, illness, and/or compensatory time off, may be used for Reproductive Loss Leave.

J. Change of Service

An employee of the Los Angeles Community College District who changes assignment from the academic service to a regular position in the classified service shall have transferred any unused paid illness or injury leave benefits previously accrued. Such an employee is not subject to the use restrictions on paid illness leave that apply to employees serving in an initial probationary period. Such employee shall not accrue additional illness leave benefits solely from the change of service.