

812 VACATION LEAVE

Education Code Sections

88197. (a) Every community college district shall grant to regular classified employees an annual vacation at the regular rate of pay earned at the time the vacation is commenced. The vacation shall be as determined by the community college district, but shall be not less than five-sixths of a day for each month in which the employee is in a paid status for more than one-half the working days in the month, if the employee is regularly employed five days per week, seven to eight hours a day. An employee in a paid status for less than one-half the working days in a month shall have his or her vacation credit accrued on the basis provided for in subdivision (b) or (c).

(b) In lieu of accrual of vacation credit on a monthly basis and proration as prescribed in subdivision (a), a district may provide for accrual of vacation credit on any of the following bases:

- (1) For all employees or classes of employees who work a full workweek of 40 hours, the district shall provide .03846 hour of vacation credit for each hour of paid service, not including overtime.
- (2) For all employees or classes of employees who work a full workweek of 37.5 hours, the district shall provide .04087 hour of vacation credit for each hour of paid service, not including overtime.
- (3) For all employees or classes of employees who work a full workweek of 35 hours, the district shall provide .04379 hour of vacation credit for each hour of paid service, not including overtime.

(c) For all employees regularly employed for fewer than 35 hours a week, regardless of the number of hours or days worked per week, the vacation credit shall be computed at the rate of .03846 for each hour the employee is in paid status, not including overtime.

(d) Vacation, with the approval of the employer, may be taken at any time during the college year. If the employee is not permitted to take his or her full annual vacation, the amount not taken shall accumulate for use in the next year or be paid for in cash at the option of the governing board.

(e) Earned vacation shall not become a vested right until completion of the initial six months of employment.

(f) The employee may be granted vacation during the college year even though not earned at the time the vacation is taken.

(g) If an employee is terminated and had been granted vacation which was not yet earned at the time of termination of his or her services, the employer shall deduct from the employee's severance check the full amount of salary which was paid for such unearned days of vacation taken.

(h) Upon separation from service, the employee shall be entitled to lump-sum compensation for all earned and unused vacation, except that employees who have not completed six months of employment in regular status shall not be entitled to such compensation.

(i) This section shall not apply to substitute, short-term, or limited-term employees, as defined in Sections 88003 and 88015, unless those employees are specifically included by the district.

(j) The district may expand the benefits provided for in this section.

(k) 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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88200. Governing boards of community college districts may allow permanent classified employees to interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, provided the employee supplies adequate notice and relevant supporting information regarding the basis for such interruption or termination. 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) of this chapter.

88080. (a) The commission shall prescribe and, amend, and interpret subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. The rules shall not apply to bargaining unit members if the subject matter is within the scope of representation, as defined in Section 3543.2 of the Government Code, and is included in a negotiated agreement between the governing board and that unit. The rules shall be binding upon the governing board, but shall not restrict the authority of the governing board provided pursuant to other sections of this code.

(b) No rule or amendment which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the commission until the exclusive bargaining representative and the community college employer of the classified employees who would be affected have been given reasonable notice of the proposal.

88081. (a) The rules shall provide for the procedures to be followed by the governing board as they pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this article.

(b) With respect to those matters set forth in subdivision (a) which are a subject of negotiation under the provisions of Section 3543.2 of Government Code, such rules as apply to each bargaining unit shall be in accordance with the negotiated agreement, if any, between the exclusive representative for that unit and the public school employer.

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A. Accrual of Vacation Credit

1. Regular classified employees shall earn vacation credit as follows:
 - a. A management or confidential employee, eligible to earn overtime at a rate equal to time and one-half of their normal rate of pay in accordance with Rule 596, OVERTIME, shall receive vacation credit per paid hour excluding overtime, as follows:

Years of Service	Maximum Vacation Days Earned Per Year	Vacation Credit Earned Per Paid Hour
5 or fewer	15	.05770
6	16	.06155
7	17	.06539
8	18	.06923
9	19	.07308
10	20	.07693
11	21	.08077
12	22	.08462
13	23	.08847
14 or more	24	.09232

- b. A management or confidential employee, eligible to earn overtime at a rate equal to their normal rate of pay in accordance with Rule 596, OVERTIME, shall receive vacation credit per paid hour, excluding overtime, as follows:

Years of Service	Maximum Vacation Days Earned Per Year	Vacation Credit Earned Per Paid Hour
10 or fewer	20	.07693
11	21	.08077
12	22	.08462
13	23	.08847
14 or more	24	.09232

- c. A management or confidential employee, who is exempt from overtime in accordance with Rule 596, OVERTIME, shall receive .09232 of vacation credit per paid hour thus earning a maximum of 24 days of vacation credit per year.
 - d. Other employees not represented by an exclusive representative certified by the Public Employment Relations Board shall earn vacation credit at a rate no less than that granted to any group of employees represented by an exclusive representative based on their years of service.

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2. For purposes of this rule, a year is defined as the 12-month period ending on June 30 each fiscal year.

In order to be credited with a year of service for the purpose of this rule, an employee must have been in regular status during the preceding year, as defined above, for at least 130 paid days. Time off taken for a leave of absence prior to layoff or leave of absence for industrial accident, industrial illness, military service, or service in the Peace Corps, Red Cross, or Merchant Marine shall be included in the computation of years of service as well as time served as a probationary or permanent employee in the academic service.

Credits for years of services shall be applied and vacation credit accrual rates shall be changed as required by this rule, effective on the first day of each fiscal year.

3. A regular employee who serves in their regular assignment and also in a summer substitute, relief, or provisional assignment during the same pay period shall not earn more vacation leave for that pay period than if they had served 173.33 hours in their regular assignment.
4. When a regular employee whose regular assignment is on other than a 12-month assignment basis code is paid during the summer as a relief, substitute, or provisional employee, the employee shall earn vacation credit in accordance with this rule.
5. An employee whose assigned time has been reduced shall suffer no loss of earned vacation credit because of maximum time limits established by this rule. Excess vacation credit over the employee's new maximum accumulation limits may be paid for as a lump-sum payment at a time each year determined by the administration.
6. Employees of annexed school districts shall be allowed to transfer their earned vacation credits, up to a maximum of 120 hours, computed in accordance with their former district's practices. Employees whose vacation leave balances exceed 120 hours at the time of annexation shall be given a lump-sum payment for all vacation leave in excess of 120 hours. Such lump-sum payments will be made at the salary rate that the employees receive when they come to work for the Los Angeles Community College District. Employees with more than six months of continuous service in the former district shall be eligible to take vacation leave immediately, subject to the provisions of Paragraph C.1. Employees with less than six months of continuous service in the former district shall be eligible to take vacation leave on the first day of the pay period following completion of the probationary period, subject to the provisions of Paragraph C.1.

B. Use of Vacation Leave

1. The amount of vacation credit actually earned, and only that amount, shall be available, regardless of changes in status.

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2. An employee serving an initial probationary period shall not be eligible to take vacation leave until the first day of the pay period following completion of the number of hours that correspond to 130 days of paid service in regular assignments, except for employees subject to the provisions of Paragraph B.3. below. No vacation leave shall be taken until earned. No payment for vacation credit accumulation shall be made to an employee who separates from the District prior to the completion of 130 days of paid service. Vacation leave taken as provided in Paragraph B.3. of this rule shall not be considered in conflict with this provision.

For purposes of this rule, 130 days shall be defined as 130 times the average number of regularly assigned hours per day in a pay period for the employee.

3. An employee may be required to take vacation leave, to the extent that it has been earned, on the days during the college year which are designated by the Board of Trustees as college holidays or at any time during the assignment period to avoid leave without pay.
4. Earned vacation credit shall be taken at a minimum increment of one hour. Thereafter, fractions of hours can be taken in increments of one-quarter hour.
5. No employee shall be allowed to take vacation leave while temporarily serving in a substitute, relief, or provisional assignment unless they have completed a 90 working day assignment in the applicable position or receives specific approval from the appropriate administrator.
6. An employee who has elected not to take their full annual vacation credit shall have the amount not taken accumulate for use in the next year. If an employee is not permitted to take their full annual vacation credit, the amount not taken shall accumulate for use in the next year or may, at the option of the Board of Trustees, be paid as a lump-sum payment. If at the end of any pay period a regular employee has an accumulated paid vacation leave balance of 400 hours or more, they shall immediately begin to earn vacation credit at the rate of ten days per year until their accumulated balance at the end of the pay period falls below 400 hours, at which time their vacation credit earning rate shall revert to the appropriate rate specified in Paragraph A.1., a., b., or c., whichever is applicable.

C. Requests for Vacation Leave

1. Vacation leave shall be taken at a time convenient to the employee provided that it is scheduled in advance and, as determined by the supervisor, does not interfere with the operation of the unit or be contrary to established vacation leave policies or procedures of the unit.
2. Permanent classified employee may, upon approval of the appropriate administrative authority, be permitted to interrupt or terminate vacation leave in order to begin illness leave provided such leave is necessary for not less than two days and the employee indicates at the earliest practical opportunity:

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- a. The basis of the request for change in leave status and provide appropriate supporting documents including a certification of illness from a licensed physician or other recognized practitioner in case of illness.
- b. The probable duration of the requested leave.

The responsible administrator shall take such steps as deemed necessary to satisfy themselves that the paid leave was in accordance with Rule 808, ILLNESS LEAVE.

3. A permanent classified employee may, upon approval of the appropriate administrative authority, be permitted to interrupt or terminate vacation leave in order to begin bereavement leave in accordance with Rule 800, BEREAVEMENT LEAVE.

D. Compensation for Vacation Leave

1. The rate at which vacation leave allowances are paid shall be at an employee's current rate of pay. Lump-sum payments shall be made on the basis of the hourly equivalent rate for the employee's last regular assignment.
2. On voluntary reduction in status, layoff, or separation from the classified service, the money value of vacation leave balances shall be paid as a lump-sum to permanent employees. In cases where separation is not at the end of a pay period, vacation credit shall be computed through the last day in paid status.
3. Upon separation from the District, a regular employee shall be entitled to lump-sum payment for all earned and unused vacation leave, except for those employees who are serving an initial probationary period and have not completed 130 days of paid service.
4. Successors to separated employees may be employed immediately, without regard to lump-sum vacation leave payments.
5. Lump-sum payment for vacation leave earned during summer substitute, relief, and provisional assignments may be made at the discretion of the division head or college president under which the employee has served. Such lump-sum payment shall be calculated at the rate at which the employee is paid during the summer assignments. If the employee is paid for the summer assignments at more than one rate, the lump-sum payment shall be calculated at the last rate paid for the summer assignments on which vacation leave is earned.