

LOS ANGELES COMMUNITY COLLEGE DISTRICT  
PERSONNEL COMMISSION

**803 LEAVES OF ABSENCE**

**Education Code Sections**

**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 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 the 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 employee.

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**88198.** When any provision of this code expressly authorizes or requires the governing board of a community college district to grant a leave of absence for any purpose or for any period of time to persons employed in classified positions, that express authorization or requirement shall not deprive the governing board of the power to grant leaves of absence with or without pay to those employees for other purposes or for other periods of time, so long as the governing board does not deprive any employee of any leave of absence to which he or she is entitled by law.

**88221.** The governing board of any community college district may grant any classified employee a leave of absence not to exceed one year for the purpose of permitting study by the employee or for the purpose of retraining the employee to meet changing conditions within the district.

The governing board may provide that such a leave of absence shall be taken in separate six-month periods or in any other appropriate periods, rather than for a continuous one-year period; provided, that the separate periods of leave of absence shall be commenced and completed within a three-year period. Any period of service by the individual intervening between the authorized separate periods shall comprise a part of the service required for a subsequent leave of absence for study or retraining purposes.

In community college districts operating under the merit system, such leaves of absence shall be granted in accordance with rules established by the personnel commission.

A. Definitions

A leave of absence is an authorized absence from active service granted to an employee, with or without pay, for a specific period of time and for an approved purpose.

A leave of absence for more than 20 consecutive working days is considered a formal leave of absence and a leave of absence of 20 or less consecutive working days is considered an informal leave of absence.

B. Use of Leaves of Absence

1. A leave of absence may be granted to a permanent classified employee or a regular classified employee returning from military leave for a period not to exceed one year for the following reasons:

a. To permit study by the employee or for the purpose of retraining the employee to meet changing conditions with the District as described in Rule 806, RETRAINING AND STUDY LEAVES OF ABSENCE.

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- b. To temporarily change from a classified position to an academic position as described in Rule 717, CHANGE OF SERVICE ASSIGNMENT.
  - c. To accompany a spouse who has been called to military duty.
  - d. For purposes described in Rule 741, LEAVE OF ABSENCE PRIOR TO LAYOFF.
  - e. For personal reasons approved by the division head or college president and authorized by the Division of Human Resources.
2. Classified employees serving in an initial probationary period may be granted leave of absence without pay for not more than one year at the discretion of the division head or college president for all reasons noted under paragraph B.1. above, except for the Retraining and Study Leave of Absence. Such employees may also be granted leave for illness, if the Division of Human Resources anticipates that the leave will enable the employee to return to service, and military leaves which comply with the provisions of Rule 820, MILITARY LEAVE OF ABSENCE.
  3. A continuous period of absence on leave may exceed one year without a return to active duty for the following reasons:
    - a. To provide care for an employee's own child. Such leave of absence may be granted up until the third birthday of the child.
    - b. To serve in an elective or appointive position of any governmental agency, or organization supported by governmental funds, and for any official duties connected therewith. However, a leave shall not be granted to serve in an appointive position when such service would confer tenure or would be considered a career with the governmental agency or organization. Such leave of absence may be renewed annually—during the tenure of office or employment. Upon return to service, the employee must render paid service which is equal to twice the period of the leave.
    - c. To take a leave which complies with the provisions of Rule 804, INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS LEAVES; Rule 805, PEACE CORPS OF THE UNITED STATES, AMERICAN RED CROSS, OR UNITED STATES MERCHANT MARINE LEAVE OF ABSENCE; Rule 808, ILLNESS LEAVE; and Rule 820, MILITARY LEAVE OF ABSENCE.
  4. A maternity leave of absence shall be granted to pregnant regular employees not to exceed the period of confirmed pregnancy. The duration of such leave of absence may be subject to approval by the Division of Human Resources upon review and recommendation of the District medical consultant.

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5. If an employee has been granted a leave of absence, as identified in the provisions above, for 90 working days or more, the position may be filled by regular appointment unless:
  - a. A position is left vacant by an employee who has accepted a limited-term assignment in accordance with the provisions of Rule 671, LIMITED-TERM ASSIGNMENTS.
  - b. A position is left vacant by an employee on temporary military leave in accordance with the provisions of Rule 820, MILITARY LEAVE OF ABSENCE.
  - c. The provisions of an applicable negotiated bargaining agreement state otherwise.

C. Requests for Leaves of Absence

A request for a formal leave of absence shall be made in advance of the leave period on the prescribed form and shall indicate the beginning and ending dates of the requested leave and the reasons for the request. Additional supporting documentation may be required depending on the type of leave. Informal leaves of absence are processed in accordance with standard time reporting procedures.

A formal leave of absence shall be subject to the approval of the division head or college president, except for legally mandated leaves. No leave of absence shall be permitted for a purpose contrary to the good of the service, as determined by the Division of Human Resources. Objections based upon the foregoing exception may be filed with the Division of Human Resources. The Division of Human Resources shall investigate the objections and may, if they are sustained, order the leave revoked, to take effect on or after the date of written notification.

A leave of absence may also be revoked by recommendation of the Division of Human Resources when evidence indicates that the absent employee is engaged in activities for which leave would not have been granted in the original instance.

D. Compensation for Leaves of Absence

Employees on a leave of absence may receive full-pay, partial pay, or no pay depending on the type of leave and whether applicable quotas are available to the employee. Any type of personal leave will be unpaid.

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E. Return to Service Following Leaves of Absence

1. Upon return to service from a leave of absence, 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 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 list for any classes in which they had attained regular status.
2. If an employee fails to report for assignment at the expiration of a leave of absence, the division head or college president shall grant informal leave of 10 working days and request that the Division of Human Resources notify the employee of the expiration of the leave. If the employee does not respond by reporting for assignment, obtaining additional leave, or submitting their resignation during the 10-day period, the Division of Human Resources may commence dismissal proceedings for abandonment of position under the provisions of Rule 735, CAUSES AND PROCEDURES FOR SUSPENSION, DEMOTION, AND DISMISSAL.
3. An employee may submit a request for an early return to service on the prescribed form prior to the expiration date of the granted leave.
4. An employee returning to duty from a leave of absence may be subject to provisions of Rule 682, HEALTH EVALUATIONS.
5. The time an employee returning to duty spent on leave shall be counted toward seniority for purposes of examination and layoff for qualifying leaves.