

806 RETRAINING AND STUDY LEAVES OF ABSENCE

Education Code Section(s)

88220. In enacting this article, the Legislature recognizes that technological and other changes are occurring which may displace otherwise desirable classified employees in the public school systems of the state. The Legislature intends that the enactment of this article will encourage classified employees to prepare themselves for the changes that are occurring and will also encourage governing boards to utilize the article to further study and retraining by classified personnel.

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.

88222. No leave of absence shall be granted under this article to any employee for study purposes who has not rendered service to the district for at least seven consecutive years, or for retraining purposes who has not rendered service to the district for at least three consecutive years preceding the granting of the leave, and no more than one such leave of absence shall be granted in each seven-or three-year period, respectively. The governing board, or personnel commission in merit system districts, may prescribe standards of service which shall entitle the employee to the leave of absence.

Any leave of absence granted under this article shall not be deemed a break in service for any purpose, except that such leave shall not be included as service in computing service for the granting of any subsequent leave under this article.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

806

LAW AND RULES

April 6, 2022

88223. Every employee granted a leave of absence pursuant to this article may be required to perform such services during the leave as the governing board of the district and the employee may agree upon in writing. The employee shall receive such compensation during the period of the leave as the governing board and the employee may agree upon in writing, which compensation shall be not less than the difference between the salary of the employee on leave and the salary of a substitute employee in the position which the employee held prior to the granting of the leave. However, in lieu of such difference, the board may pay one-half of the salary of the employee on leave or any additional amount up to and including the full salary of the employee on leave.

88224. Compensation granted by the governing board to the employee on leave may be paid in two equal annual installments during the first two years of service rendered in the employ of the governing board following the return of the employee from the leave of absence. The compensation shall be paid the employee while on the leave of absence in the same manner as if the employee were working for the district, upon the furnishing by the employee of a suitable bond indemnifying the governing board of the district against loss in the event that the employee fails to render at least two years' service in the employ of the governing board following the return of the employee from the leave of absence. The bond shall be exonerated in the event the failure of the employee to return and render two years' service is caused by the death or physical or mental disability of the employee. If the governing board finds, and by resolution declares, that the interests of the district will be protected by the written agreement of the employee to return to the service of the district and render at least two years' service therein following his return from the leave, the governing board in its discretion may waive the furnishing of the bond and pay the employee on leave in the same manner as though a bond is furnished.

88225. Where one governing board serves as the governing board of two or more separate districts, an employee may fulfill the service requirements provided in Sections 88222 or 88224, or both, by service in any one or more of the districts under the jurisdiction of such governing board.

88226. This article 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 or other applicable provisions of this code that may hereafter be enacted.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
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806

LAW AND RULES

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A. Definitions

A study leave is a leave granted to a permanent classified employee for the purpose of maintaining and improving skills used in the service of the District.

A retraining leave is a leave granted to a permanent classified employee for the purpose of acquiring new skills required as a result of changes in the District's organization and methods.

B. Length of Leave

A paid study or retraining leave of absence may be granted for a period up to one year. A year shall be defined as the assignment period of the employee's assignment basis. The leave may be taken in separate periods provided that the leave is commenced and completed within a three-year period.

Time spent on a study or retraining leave shall not be deemed a break in service for any purpose, except that such leave shall not be included as service in computing time for the granting of subsequent study leaves.

C. Requirements of Leave

The following conditions shall govern leaves of absence granted under this rule:

1. The leave must be approved by the division head or college president and authorized by the Human Resources Division. To be eligible, the employee's overall performance evaluation rating must be "meets" or "exceeds" work performance standards in the previous two years, though exceptions may be made at the discretion of the District.
2. The employee must have rendered paid service to the District for at least seven consecutive years prior to the granting of a study leave, or for at least three consecutive years prior to the granting of a retraining leave. The employee must have served at least 75 percent of their regular assigned time in active on the job service during the relevant seven or three-year period.
3. The employee's physical condition has been evaluated prior to the granting of leave.
4. The employee's program of study or retraining while on leave is related to a job classification to which the employee will be assigned upon return from the study or retraining leave.
5. The employee must render paid service in the District after return from a study or retraining leave, which is equal to twice the period of the leave.

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

806

LAW AND RULES

April 6, 2022

D. Compensation for Leave

Compensation provided to an employee on study or retraining leave shall be at least one-half of their regular rate of pay for the applicable leave period. Compensation in excess of one-half of the employee's regular rate of pay shall be subject to the approval of the Chancellor or their designee.

The compensation may be paid in two equal annual installments or in the same manner as if the employee were working for the District. Before compensation commences, the employee shall furnish the District with a suitable bond against loss in the event the employee fails to render the applicable paid service following the return from leave of absence or other assurance against loss as the Chancellor or their designee may elect to permit.

If the employee fails to return and render the applicable paid service due to the death or physical or mental disability of the employee, the bond or obligation shall be absolved.

Employees who do not complete the approved leave objective shall reimburse the District for any compensation paid for the unexpired period following discontinuance of the leave study program.

E. Termination of Leave

The division head or college president may terminate the study or retraining leave of any employee on evidence of their failure to pursue or accomplish the purpose of such leave.

F. Return to Service Following Leave

Upon completion of a study or retraining leave of absence an employee may request to return to their former position. If the returning employee's position has been filled by regular appointment, the employee may exercise their bumping rights to a position in the employee's prior class, a position in a class in which they held regular status, or be assigned to a position in a class that is consistent with the objective of the granted leave.

G. Additional Employment

Employees on a study or retraining leave of absence may, provided that there is no conflict in hours, continue existing multiple assignments in the District or previously held outside employment. Acceptance of new employment while on leave of absence which would interfere with the achievement of the objective for which leave was granted will constitute a basis for termination of the leave.