

LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION

LAW AND RULES

807
November 6, 2024

807 PERSONAL NECESSITY LEAVE

Education Code Section(s)

88207. (a) A contract or regular employee may, at the employee's election, use any days of absence for illness or injury earned pursuant to Section 88191 in cases of personal necessity, including any of the following:

(1) Death of a member of the employee's immediate family when additional leave is required beyond that provided both in Section 88194 and as a right by the governing board.

(2) Accident involving the person or property of the employee or of a member of his or her immediate family.

(3) Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction.

(4) Any other reasons that the governing board may prescribe.

(b) The governing board of each community college district shall adopt rules and regulations requiring and prescribing the manner of proof of personal necessity for the purpose of this section. The adopted rules and regulations may not require an employee to secure advance permission for leave taken for the purposes specified in paragraphs (1) and (2) of subdivision (a). Earned leave in excess of seven days may not be used in any college year for the purposes enumerated in this section except if either of the following conditions exist:

(1) A maximum number of days in excess of seven is specified for that purpose in an agreement between the exclusive representative of the employees and the community college district.

(2) If there is no exclusive representative of the employees, the governing board of the community college district, by resolution, adopts a policy allowing earned leave in excess of seven days to be used in any school year for the purposes enumerated in this section.

(c) Authorized necessity leave shall be deducted from sick leave earned under the exemption of Section 88191.

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(d) For purposes of this section, “immediate family” has the same meaning as in Section 88194.

(e) This section applies 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) and to community college districts that may be exempted from Section 88191.

- A. A regular classified employee may, upon notice to their immediate supervisor at the earliest practical opportunity, use up to seven days of paid illness leave in a fiscal year, earned in accordance with Rule 808, ILLNESS LEAVE, for personal necessity leave.
- B. The leave benefits provided by this rule may be used only for the following personal necessities:
1. The death of a member of the employee's immediate family or a registered domestic partner when necessary leave beyond that provided by Rule 800, BEREAVEMENT, is required. Member of the immediate family means:
 - a. The mother, father, grandmother, grandfather, or grandchild of the employee or the employee's spouse.
 - b. The spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee.
 - c. Any relative living in the immediate household of the employee.
 2. An accident involving the employee's person not otherwise chargeable to illness leave, or industrial accident and industrial illness leave.
 3. An accident involving the employee's property or the person or property of a member of the employee's immediate family or registered domestic partner or an illness of a member of the employee's immediate family, as defined in paragraph B.1., or registered domestic partner. Such accident or illness must be:
 - a. Serious in nature.
 - b. Involve circumstances the employee cannot reasonably be expected to disregard.
 - c. Require the attention of the employee during their assigned hours of service.
 4. An appearance of the employee in any court or before any administrative tribunal as a litigant, party, or witness under an official governmental order, provided the employee:

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- a. Presents a certification from the clerk of the court or other authorized officer indicating each date of necessary attendance.
 - b. Remits any witness fee collected to the Payroll Office.
 - c. Makes themselves available to the District for work between the hours of 8 a.m. and 5 p.m. when their appearance in court or before an administrative tribunal is not necessary.
5. The birth of an employee's child making it necessary for the father of the child to be absent from his position during his assigned hours of service.
 6. Imminent danger to the home of an employee, occasioned by a factor such as flood or fire, that the employee cannot reasonably be expected to disregard and requires the attention of the employee during their assigned hours of service.
 7. Any other significant, personal event for which paid leave of absence is not authorized that the employee cannot reasonably be expected to disregard and requires the attention of the employee during their assigned hours of service.
- C. The following limits and conditions are placed upon personal necessity leave and personal necessity leave pay:
1. The total number of days allowed in one fiscal year for such leave shall not exceed seven days.
 2. The days allowed shall be deducted from and may not exceed the number of days of illness leave the employee has accrued.
 3. Personal necessity leave shall not be granted during a vacation or other leave of absence.
 4. The employee shall be required to certify on a prescribed form that the absence was due to a personal necessity, as defined above. Subject to the direction of their college president or division head, the administrator or supervisor shall take whatever steps are necessary to substantiate that a personal necessity within the limits of this rule did exist.
- D. This rule shall have no force and effect upon employees of any collective bargaining unit to the extent that the provisions of this rule are negotiable.