Education Code Section 88080

(a) The commission shall prescribe, amend, and interpret, ... rules ...

Education Code Section 88081

88081. Subjects of Rules.  (a) The rules shall provide for the procedures ... regarding ... leaves of absence ....

Education Code Section 88198

88198. Effect of Provisions Authorizing Leaves of Absence.  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 positions not requiring certification qualifications, that express authorization or requirement does not deprive the governing board of the power to grant leaves of absence with or without pay to such 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 is entitled by law.

Education Code Section 88221

88221. Leaves of Absence.  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 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.

CHANGES:

Adds Education Code Section 88221, pertaining to leaves of absence for study and retraining purposes.
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. A leave of absence is an approved absence from duty for a prescribed period of time from a class of positions but not necessarily from a specific position within the class. A leave of absence may be granted to a permanent classified employee for a period of not to exceed one year for the following reasons:

1. 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.

2. To temporarily change from a classified position to a certificated position as described in Rule 717, CHANGE OF SERVICE ASSIGNMENT.

3. For any other good reason approved by the division head or college president and the Vice Chancellor, Human Resources.

On return to service, requests will be entertained for return to the former position or other specific assignment. If the employee's former position has been filled on a regular basis, as provided in Paragraph M., the employee returning from leave shall have the right to return to a regular vacant position in the class. If there are no regular vacant positions, the employee may exercise bumping rights in the class, provided he/she does not have the least seniority in that class. Any regular classified employee may be granted a leave of absence under the conditions prescribed in this rule.

B. Employees permanent in the classified service and regular classified employees returning from military leave may be granted leave for a continuous period up to one year.

**CHANGES:**

Adds to Paragraph A. subparagraphs 1. through 3., which prescribe circumstances for granting a leave of absence.
C. A continuous period of absence on leave shall not exceed one year without a return to active duty except as follows:

1. Leaves of absence for care of own child may be granted provided that no such leave or extension thereof shall be approved for a period beyond the third birthday of the child, and provided further, that such leaves or extensions thereof shall be for the purpose of care of own child.

2. A leave of absence may be granted 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 except that a leave shall not be granted to serve in an appointive position when service in such a position would confer tenure or would be considered a career with the governmental agency or organization. Such leave of absence may be renewed annually during service in the elective office or employment in the appointive position.

3. Leaves which comply with the provisions of Rule 804, LEAVES RESULTING FROM INDUSTRIAL ACCIDENT OR INDUSTRIAL ILLNESS; Rule 805, PEACE CORPS, RED CROSS, OR MERCHANT MARINE LEAVE OF ABSENCES; Rule 808, ILLNESS LEAVE; and Rule 820, MILITARY LEAVE OF ABSENCE.

D. The leave of absence shall be subject to the approval of the division head or college president, but no leave of absence shall be permitted for a purpose contrary to the good of the service, as determined by the Vice Chancellor, Human Resources. Objections based upon the foregoing exception may be filed with the Vice Chancellor, Human Resources by any citizen. The Vice Chancellor, Human Resources shall advise the employee, investigate the objections and may, if they are sustained, order the leave revoked, to take effect on or after the date of notification.

E. Application for leave of absence for a period of more than 20 consecutive working days shall be made on a prescribed form to be issued by the Human Resources Division and shall indicate the beginning and ending dates of the requested leave and the reasons for the request. These may include maternity, matrimony, rest, illness, study, retraining, travel, and other reasons which the Human Resources Division may determine to be for the good of the service. Study or retraining leaves of absence shall be processed in accordance with the procedures set out in Rule 806.

CHANGES:
Amends Paragraph E. to include reference to retraining leaves of absence.
F. A maternity leave of absence shall be granted to pregnant employees. The duration of such leave of absence may be subject to approval by the Human Resources Division upon review and recommendation of the District Medical Consultant.

G. Upon failure of an employee 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 the Human Resources Division to notify the employee that his/her leave has expired. If the employee does not respond by reporting for assignment, obtaining additional leave, or submitting his/her resignation during the 10-day period, the Human Resources Division shall commence dismissal proceedings for abandonment of position under the provisions of Rule 735, CAUSES AND PROCEDURES FOR SUSPENSION, DEMOTION, DISMISSAL.

H. Employees returning from a leave of absence may be required to report for a health examination.

I. Employees on leave of absence, or extensions thereof, may, upon their request, be returned to work prior to the expiration date of the leave granted but, in any case, shall be assigned to a position not later than the date following the leave granted.

J. Time spent on any leave of absence shall not be considered a break in continuous service. This time shall be counted toward seniority for the purpose of:

1. Establishing retention lists in the event of a layoff only if the type of leave is included in those listed for that purpose in Rule 740, LAYOFF AND REEMPLOYMENT.

2. Computing seniority credit for promotional examinations only if the type of leave is included in those listed for that purpose in Rule 705, PROMOTION.

K. Leave of absence without pay may be granted for not more than one year at the discretion of the division head or college president to classified employees during their initial probationary period for the following reasons:

1. To accompany a spouse who has been called to military duty.

2. To accept other service with the Los Angeles Community College District.

3. For maternity.

CHANGES:
No substantive change in text.
4. For illness if the Human Resources Division is of the opinion that the leave will enable the employee to return to service.

5. For purposes described in Rule 714, LEAVE OF ABSENCE PRIOR TO LAYOFF.

L. Leave of absence may be revoked by recommendation of the Human Resources Division when the good of the service may require such action or when evidence shows that the absent employee is engaged in activities for which leave would not have been granted in the original instance.

M. Subject to the provisions of Paragraph A., any vacancy directly caused by the granting of a leave of absence which has been approved for 90 working days or more, may be filled by regular appointment except as follows:

1. In the case of illness, industrial accident or industrial illness leaves, vacancies may be filled by regular appointment after the leave has exceeded 90 working days, or when the Human Resources Division certifies that, according to their judgment, the leave will exceed 90 working days or more.

2. No regular appointment may be made to a position left vacant by an employee who has accepted a limited-term assignment in accordance with the provisions of Rule 671, LIMITED-TERM ASSIGNMENTS.

CHANGES:
No substantive change in text.