ARTICLE 17 – PAID AND UNPAID LEAVES

PREAMBLE: The Federation and Management agree that it is important to maintain a safe and healthy work environment to reduce the need for sick leave usage and that it is important for employees to use sick leave wisely for purposes of illness or injury. Sick leave accrual for catastrophic or long term illness or injury is important. Use of sick leave for other than illness or injury causes fellow Classified employees additional work and can impact institutional productivity and the effective and ethical use of public funds.

17.1 Sick Leave

17.11 Sick Leave Accrual

17.111 Full-time employees shall earn paid sick leave at the rate of 8 hours per calendar month excluding those pay periods in which the employee is not compensated for a minimum of 80 hours.

17.112 Part-time employees shall earn sick leave each month using a factor of .0462 for each hour compensated during the payroll reporting period (exclusive of overtime).

17.12 Use of Accrued Sick Leave

17.121 In the event of illness or injury as applied to this section, the employee shall make a reasonable attempt to notify the employee's supervisor before or at the beginning of each scheduled workday. Each day's absence shall be reported on the payroll card as "sickness" and applied against unused sick leave.

17.122 In the event of illness or injury of a Classified employee's immediate family which necessitates the employee's absence, unused sick leave may be used to a maximum of three days in any one instance, provided Family Medical Leave is not duplicated.

17.1221 For the purpose of 17.122, "immediate family" shall mean parent, parent-in-law, step-parent, brother, sister, son, daughter, son-in-law, brother-in-law, sister-in-law, daughter-in-law, husband, wife, domestic partner, grandparent, grandchild or other person residing in the employee's household. "In-law" relationships will also include those who are related to an employee through a domestic partner.

17.123 The use of additional sick leave to care for a family member (child, spouse, domestic partner, parent or parent-in-law) who suffers "serious health conditions" will be granted according to the requirements of appropriate State and Federal law and the Family and Medical Leave provisions of this Agreement (Article 17.6).

17.124 No employee shall be disciplined for the use of accrued sick leave unless the absenteeism is excessive. Excessive absenteeism is defined as repeated absences from work which are not included in an approved formal leave of absence and those which are not covered by Federal or State leave laws. Whether an employee's absences are considered excessive will be determined on a case by case basis given consideration of appropriate circumstances and data. Absences for which an employee submits a physician's certificate that states the physician has examined the employee for an injury/illness may not be
considered excessive unless those absences cause a failure to satisfactorily perform their job duties pursuant to Article 21.41.

Where Management believes that disciplinary problems related to excessive use of sick leave appear to be developing, the issue will first be addressed through informal discussions between the employee and her/his immediate supervisor. The employee may have a Federation representative present for the purpose of observation and advice at the option and request of the employee. If the problem continues progressive disciplinary action may be taken.

17.125 Physician's Certificate. An employee who is absent for reason of sickness or injury for 5 or more consecutive working days or 5 or more days in a pay period may be requested to submit to Management upon return to work a physician's certificate that states the physician has examined the employee, the employee's inability to work during the period, and the employee's fitness to return to work. For on the job injuries, a doctor's certificate or release may be required at any time for any period of absence.

17.126 The employee's medical and dental insurance coverage will be continued for the duration of the sick leave according to the requirements of the Federal Family and Medical Leave Act.

17.127 Incentive Leave: Full-time employees who do not use any sick leave in each three month payroll reporting period will be granted 4 hours of incentive leave. Full-time employees who use eight hours of sick leave or less will be granted 2 hours of incentive leave.

To qualify for incentive leave, part-time employees must have worked an equivalent of .75 of a full-time employee or more in any three month payroll reporting period to qualify. Part-time employees who do not use any sick leave will be granted 4 hours of incentive leave. Part-time employees who use 6 hours of sick leave or less will be granted 2 hours of incentive leave.

Incentive leave granted will be accrued in a separate incentive leave account. Employees using their incentive leave must designate that they wish to use their incentive leave and follow the guidelines in Article 16.13 for scheduling vacation.

Employees can accrue up to 40 hours in their incentive leave account. Any unused leave in excess of 40 hours will be forfeited. Any unused incentive leave will not be included in an employee's final check.

Employees on initial probationary period may earn incentive leave but such leave shall not be taken or vested until the probationary period is completed.

17.128 If an illness or injury exhausts unused sick leave days, vacation, incentive and compensatory time, the employee may apply for an unpaid leave of absence in accordance with Article 17.72.

17.2 Workers' Compensation Absences

17.21 Absences resulting from illness or accident compensated by the workers' compensation program may be taken as unpaid leave, vacation leave or reported as sick leave, at the employee's option. However, the employee will not receive more than 100% of her/his
regular compensation through any combination of paid leaves with workers' compensation time loss benefits.

17.22 Employees shall comply with state regulations and College personnel procedures regarding matters covered under workers' compensation.

17.23 An employee shall be reinstated to her/his former position upon certification by the attending physician that the employee is able to perform the duties of such position and provided such position still exists. If the former position does not exist, the employee shall be reinstated in any other existing position which is vacant and suitable. A suitable position is one the attending physician certifies the employee is able to perform and one for which the employee is qualified.

17.231 Such reinstatement rights, however, terminate when whichever of the following events FIRST occurs:

a. A medical determination by the attending physician, or after an appeal of such determination has been made that the employee cannot return to the former position.

b. The employee is eligible and participates in vocational assistance.

c. The employee accepts suitable employment with another employer after becoming medically stationary.

d. The employee refuses a bona fide offer from Management of light duty or modified employment which is suitable prior to becoming medically stationary.

e. Seven days from the date the employee is notified by Management by certified mail that the employee's attending physician has released the employee for employment unless the employee requests reinstatement within that time.

f. Three years from the date of injury.

17.232 The right to reinstate does not apply to persons hired in a temporary basis to replace an injured employee or to employees in positions which are less than .48 FTE.

17.3 Other Paid Leaves. Employees shall apply for the use of such leave as far in advance of the leave as is possible. Part-time employees shall be paid for leave only if scheduled to work and only for the hours scheduled to work.

17.31 Personal Leave

17.311 Employees shall earn 24 hours of personal leave per year.

17.312 Personal leave shall be requested and granted in accordance with Articles 16.131 through 16.133 on vacation.

17.313 Personal leave must be used within the period from August 21 of the year in which it is earned to August 20 of the following year or it will be lost. Unused personal leave shall not be cashed out upon termination of employment.
17.32 Bereavement Leave

Preamble: It is the college’s intention to be sensitive to employee needs in times of loss and grieving. It is also important to recognize the needs of the college in being able to accomplish its mission to serve students. Therefore, it is important for the employee to communicate with college management, their need for bereavement leave, the time they will be gone and when they will be returning.

17.321 Death in Immediate Family

An employee may be absent with pay up to five working days (or the equivalent if on an alternate work schedule as defined in Article 10.2) following the death of a member of the immediate family. For the purpose of 17.32, "immediate family" shall mean parent, parent-in-law, step-parent, brother, sister, son, daughter, son-in-law, daughter-in-law, brother-in-law, sister-in-law, husband, wife, domestic partner, grandparent, grandchild or other person residing in the employee's household. "In-law" relationships will also include those who are related to an employee through a domestic partner (e.g., this leave will be available to grieve for the loss of a domestic partner's parent).

17.322 Death of Other Relative

An employee may be absent one day with pay to attend the funeral of a relative other than one of these included under "immediate family". With the approval of their Manager, the employee may use his/her sick leave in lieu of other accrued paid leave to extend this leave for up to five working days.

17.323 Procedure: Management may request evidence of bereavement for approval of salary payment.

17.33 Jury Duty. Employees subpoenaed for jury duty shall be excused from their scheduled work assignment for that purpose without loss of pay or shift differential. Any per diem fees paid for such duty shall be paid to the College.

17.34 Court Witness. Employees subpoenaed to appear as a witness in a case in court shall be excused for that purpose without loss of pay. A copy of the subpoena shall be filed with the Human Resources Department. Any witness fees shall be paid to the College. Excluded are those instances in which an employee is a complaining party or a witness for a complaining party in a legal proceeding against the College.

17.35 Public Elections. An employee who, because of scheduled work time, is unable to vote in a public election during non-work time, shall be allowed up to two hours leave with pay for voting.

17.36 Military Leave. An employee who is a member of one of the reserve components of the armed forces of the United States or the Oregon National Guard shall be entitled to leave without loss of pay for active reserve military duty for a period or periods not to exceed a total of 15 calendar days each calendar year as provided in ORS 408.290. Requests for military leave shall be submitted through regular administrative channels to the Human Resources Department and shall be accompanied by official orders specifying the dates and location of such military duty.

17.37 Other Personal Emergency. Under exceptional circumstances, an employee who has no accumulated compensatory time, vacation leave, sick leave (if applicable) or no personal
leave, may be granted up to 3 working days of absence without loss of pay for an emergency situation. Such absences shall be reported to the supervisor and forwarded to payroll as soon as possible and shall be excused at the discretion of Management.

17.38 Leave Bank. The Classified Employee Leave Bank Program allows employees to donate accumulated vacation, incentive and comp time hours to other Classified employees on medical leave who have exhausted their own paid leave. This is only a summary of the Program. A copy of the complete document is available from the Human Resources office.

17.381 Employees Eligible to Participate. Classified employees may enroll if they have completed their probationary period, and have at least four hours of accumulated paid vacation leave, incentive or compensatory time.

17.382 Requirements for Enrollment. In order to be eligible to receive benefits from the Leave Bank, employees must donate at least four hours of paid leave each year during the Open Enrollment period that begins February 1 and ends March 15. An employee's enrollment is effective for the duration of the Program Year. The Program Year begins every April 1 and ends on March 31. If an employee enrolls in the Program, and then decides to discontinue in the Program, the donated hours shall not be returned to the employee. Employees completing probation may also enroll within the first 30 days of becoming eligible to participate in the Leave Bank.

17.383 Eligibility to Receive Donated Leave. Employees may request benefits by submitting a Leave Bank Transfer Application to Human Resources. If there are donated hours available in the Leave Bank and subject to the Program terms, an employee will receive benefits in the form of hours of paid leave if the employee:

a. has a severe medical condition that prevents the employee from working

b. has been on an approved medical leave (paid or unpaid) for at least 2 weeks.

c. has exhausted the employee's paid time off, and

d. has not been disciplined for an absence-related reason for the past 12 months.

The maximum number of hours an eligible employee may receive from the Leave Bank in any 12 month period will be determined each year by the Contract Administration Meeting based on the hours available after the enrollment period. Other restrictions may apply. For example, if an employee receives paid hours from the Leave Bank and he/she is later reimbursed for the same hours by an insurance company, workers' compensation or other source, program benefits must be repaid. A more detailed Plan document is available from the Human Resources office.

17.384 Amendment to Plan. Management and the Federation may agree to alter the terms of the Leave Bank Plan in Contract Administration meetings.

17.39 Parental Leave Bank. The Classified Employee Parental Leave Bank Program allows employees to donate accumulated vacation, incentive and comp time hours to other
Classified employees on approved Parental Leave who have exhausted their own paid leave.

17.391 Employees Eligible to Participate. Classified employees may enroll if they have completed their probationary period, and have at least four hours of accumulated paid vacation leave, incentive or compensatory time.

17.392 Requirements for Enrollment. In order to be eligible to receive benefits from the Leave Bank, employees must donate at least four hours of paid leave each year during the Open Enrollment period that begins February 1 and ends March 15. An employee's enrollment is effective for the duration of the Program Year. The Program Year begins every April 1 and ends on March 31. If an employee enrolls in the Program, and then decides to discontinue in the Program, the donated hours shall not be returned to the employee. Employees completing probation may also enroll within the first 30 days of becoming eligible to participate in the Leave Bank.

17.393 Eligibility to Receive Donated Leave. Employees may request benefits by submitting a Parental Leave Bank Transfer Application to Human Resources. If there are donated hours available in the Parental Leave Bank and subject to the Program terms, an employee will receive benefits in the form of hours of paid leave if the employee:

a. has been on an approved parental leave (paid or unpaid) for at least 2 weeks.

b. has exhausted the employee's paid time off, and

c. has not been disciplined for an absence-related reason for the past 12 months.

The maximum number of hours an eligible employee may receive from the Parental Leave Bank in any 12 month period will be determined each year by the Contract Administration Meeting based on the hours available after the enrollment period. Other restrictions may apply.

17.394 Amendment to Plan. Management and the Federation may agree to alter the terms of the Leave Bank Plan in Contract Administration meetings.

17.395 The Parental Leave Bank will sunset on March 31, 2013 unless otherwise agreed to by the Classified Federation and the College.

17.4 Parental Leave

17.41 Parental Leave will be granted under the terms and conditions of the Federal Family Leave Act, the Oregon Bureau of Labor and Industries regulations and the conditions specified in Article 17.4 and its subsections.

17.42 Parental leave shall be without pay. However, the employee may elect to exhaust all unused vacation, sick leave and/or compensatory time before being placed on an unpaid status.

The employee's medical and dental insurance coverage will continue for the duration of the leave according to the requirements of the Federal Family and Medical Leave Act.
17.43 Parental leave shall not exceed six months. The leave may occur any time during the period 3 months prior through 12 months following the birth or taking legal custody of a child.

17.44 If both parents work for the College, the total parental leave shall not exceed six months and both of the parents/employees shall not be on parental leave at the same time.

17.45 The employee must provide a minimum 30 calendar day notice of such leave (except under extenuating circumstances) or the leave may be reduced up to three weeks.

17.46 Employees will comply with the Oregon Bureau of Labor regulations and College Personnel Procedures regarding parental leave.

17.47 When the regulations interpreting the Federal Family Leave Law are issued, the College and the employees will comply with any requirements.

17.5 Pregnancy Leave

17.51 Pregnancy Leave may be granted as specified under the terms and conditions of the Federal and State law and the conditions specified in Article 17.5 and its subsections of this Agreement.

17.511 The leave of absence must be supported by a written medical opinion from her treating physician. The physician's statement must include the expected duration of the leave and/or the expected date of return.

17.52 Pregnancy leave is without pay. However, the employee may elect to use unused sick leave, vacation leave and compensatory time off during such leave of absence.

17.521 Any period of leave related to complications arising from the pregnancy which occurs after the birth of the child will be considered parental leave.

17.522 Employees will comply with Oregon Bureau of Labor Regulations and College Personnel Procedures with respect to such leave.

17.53 When the regulations interpreting the Federal Family and Medical Leave Law are issued, the College and the employees will comply with any requirements.

17.6 Family Medical Leave

17.61 Family Medical Leave may be granted under the provisions of the Federal Family and Medical Leave Act, the Oregon Family and Medical Leave Act and the provisions of this Agreement. The purpose of Family Medical Leave is to care for an eligible family members' child (including biologic, adoptive step-child or foster child), spouse, parent or parent-in-law of the employee who suffers "serious health conditions". Serious health conditions means

a. an illness of a child requiring home health care or

b. an injury, disease or condition that according to the treating physician's judgment poses an imminent danger of death, is terminal with a reasonable possibility of death in the near future, or is any mental or physical condition which requires constant care. This applies to an employee's child, spouse, parent or parent in law.
17.62 In order to be eligible for the leave, employees must have been employed for at least 180 calendar days immediately prior to the first day of the family medical leave. Employees hired on a temporary or seasonal basis for a period determined at the time of hire to be less than six months are not eligible for the leave. Employees working fewer than 26 hours per week or in positions of less than .625 FTE are not eligible for the leave.

17.63 Family Medical Leave shall be without pay. However, employees may elect to exhaust all unused sick leave, unused vacation leave or unused compensatory time before being placed on an unpaid leave status. Effective August 5, 1993, the employee's medical and dental insurance coverage will continue for the duration of the leave, as required by the Federal Family and Medical Leave Act.

17.64 A total of up to 12 weeks of family medical leave may be used within a one year period. The 12 week total is an accumulated total for all family members as defined above. The family medical leave may be non-consecutive. Leave may be used in increments of one day or more or in a continuous block of time.

17.65 The employee must give the College at least 15 days written request for such leave. If the serious health condition is unexpected, the employee must make an oral request, confirmed in writing, within 3 working days. In all cases, the request must be submitted on the College leave of absence form which must contain all the information specified in the Federal and State regulations and in the College Personnel Procedures. It must be supported by a statement of need from the treating physician of the ill family member. In the case of a minor child, such medical verification will be required for a leave in excess of 4 days. The College may require verification that no other family member is available to care for the ill family member.

17.66 At the end of the leave, the employee will be reinstated according to the requirements of the Federal and State law.

17.67 Employees must comply with the Administrative Regulations of the Oregon Bureau of Labor and Industries and College Personnel Procedures regarding Family Medical Leave.

17.68 When the regulations interpreting the Federal Family Leave Law are issued, the College and the employees will comply with any requirements.

17.7 Other Leaves of Absence

17.71 Bereavement Leave for Death of Friend. An employee may be absent from work without pay for the time required to attend the funeral of a friend providing such absence shall not exceed one day.

17.72 Leave of Absence. A leave of absence for up to one year may be granted to employees not on initial probation for reasons of health, education or for other reasons as approved by Management.

17.721 The employee will use all unused vacation leave, compensatory time and sick leave where appropriate as provided in Article 17.12 of this Agreement. The balance of the leave (if any) shall be unpaid leave.

17.73 General Requirements for a Leave of Absence:

17.731 All leaves of absence shall be requested in writing at least 30 calendar days in advance except in extenuating circumstances or as required by other provisions.
in this Agreement pertaining to Parental Leave (17.4), Pregnancy Leave (17.5) and Family Medical Leave (17.6).

17.732 The terms of the employee's leave of absence shall be specified in writing at the time the leave is authorized.

17.733 Leaves of absence of under 10 days may be approved by the supervisor. Those of 10 days or more must be processed in accordance with College Personnel Procedures.

17.8 College Closure or Delayed Opening (Temporary)

17.81 In the event of unusual circumstances resulting from extreme adverse weather, natural disaster, fire or other emergency beyond Management control, it may become necessary for Management to delay opening, to close early, and/or close some or all College operations at one or more campuses or other facilities.

17.82 Management will establish a general policy directive supported by procedures to be followed by employees at each College campus and other facilities. This directive and supporting information shall be written and distributed to the Federation and all Classified employees no later than November 15th of each year.

17.83 In the event of delayed opening, all Classified employees will report to work in accordance with procedures established under Article 17.82. If an employee is unable to report to work, such absences will be charged in the following sequence:
   a. Accumulated compensatory time.
   b. Available vacation leave.
   c. Leave without pay.

17.84 Closure of College Facilities

17.841 Classified employees designated in advance by Management as essential plant personnel in accordance with College Closure Procedures shall report to work as scheduled, and shall receive premium compensation of double time and one half for the actual hours worked.

   No other employees will be entitled to premium compensation for work during College closures and/or delayed openings.

17.842 Full-time employees shall be compensated for the number of hours scheduled to work in the closure period(s). The maximum number of compensated hours is 40 hours in a fiscal year. Part-time employees shall be paid for the hours normally scheduled to work on any closure day. The fiscal year entitlement for part-time employees shall be based on the FTE approved for the job to which they are assigned.

17.843 Employees shall not be compensated for closure time if the employee is not scheduled to work or if the employee is on any form of paid or unpaid leave.

17.844 Persons scheduled to work weekends or holidays and who are affected by such a facility closure identified in Article 17.81 shall not suffer a loss of wages as provided under Article 17.842.