

Human Resources  
DRAFT as of 9/12/08

AP 7212     TEMPORARY FACULTY

References:

Education Code Sections 87481, 87482, 87482.5, and 87482.8

**This procedure will be reviewed at the October 17, 2008 Task Force Meeting**

The District may employ any qualified individual as a temporary faculty member for a complete academic year, but not less than one semester or quarter during an academic year unless the date of rendering first paid service begins during the second semester or third quarter and prior to March 15th. The employment of these persons shall be based upon the need for additional faculty during a particular semester, quarter, or year because a faculty member has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need.

The District may employ any qualified individual as a temporary faculty member for a complete academic year but not less than a complete semester or quarter during an academic year. The employment of those persons shall be based upon the need for additional faculty during a particular semester or quarter because of the higher enrollment of students during that semester or quarter as compared to the other semester or quarter in the academic year or because a faculty member has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need. Such employment may be pursuant to contract fixing a salary for the entire semester or quarter. No person, other than a person serving as clinical nursing faculty, shall be so employed for more than two semesters or three quarters within any period of three consecutive years.

A person serving as clinical nursing faculty may be employed for up to four semesters or six quarters within any period of three consecutive years between July 1, 2007 and June 30, 2014, as long as the hiring of that person does not result in an increase in the ratio of part-time to full-time nursing faculty in the District.

Any person who is employed to teach classes for not more than 60 percent of the hours per week that are considered a full-time assignment for regular employees having comparable duties shall be classified as a temporary employee, and shall not become a contract employee. Service as a substitute on a day-to-day basis shall not be used for purposes of calculating eligibility for contract or regular status.

Screening for temporary faculty shall, insofar as possible, be conducted in accordance with District practices and procedures for employment of regular faculty. In particular,

there shall be consideration given to principles of selection that assure the greatest opportunity for participation by underrepresented groups as required by Board Policies and Procedures.

Also see AP 7120 titled Recruitment and Hiring

Office of Primary Responsibility: Human Resource Services

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**NOTE:** *This procedure is **legally advised**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was reviewed on September 12, 2008 by the Policy and Procedure Task Force.*

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**Date Approved:**

*(This is a new procedure recommended by the CC League and the League's legal counsel)*

Human Resources  
DRAFT as of 9/12/08

AP 7216 EMPLOYEE GRIEVANCE/COMPLAINT PROCEDURES

**Reference:**

Education Code Section 87610.1

**This procedure will be reviewed at the October 17, 2008 Task Force Meeting  
(See additionally proposed language in highlights below)**

Procedures for resolution of grievances or complaints involving contractual issues are contained in the applicable collective bargaining agreement or employee handbook.

Complaints involving non-contractual issues shall be resolved utilizing the guidelines for **Academic** collegial due process.

Other conflicts which may involve faculty members, administrative staff, classified staff, and/or students may be addressed through the District's Academic Due Process policy and procedure.

- ❖ **From current Palomar College Policy 3.06 titled Questions of Conduct or Grievance (93-16519)**

~~In questions of conduct or grievance, a faculty member uses the guidelines for Academic Due Process.~~

~~GB Rev. 6-28-94~~

Also see BP 7361 titled Academic Due Process

Office of Primary Responsibility: Human Resource Services

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**NOTE:** This procedure is **legally required**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The information in **black ink** is current Palomar Policy 3.06 titled Questions of Conduct or Grievance adopted on 6-28-94. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

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**Date Approved:**

(Replaces current Palomar Policy 3.06)

Human Resources  
DRAFT as of 8/10/07

AP 7235 PROBATIONARY PERIOD: CLASSIFIED EMPLOYEES

**Reference:**

Education Code Section 88013

Subject to provisions in the applicable collective bargaining agreement or employee handbook, the Governing Board establishes a probationary period of one year as permitted by statute.

Office of Primary Responsibility: Human Resource Services

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**Date Approved:**

(This is a new procedure recommended by the CC League and the League's legal counsel)

Human Resources  
DRAFT as of 9/12/08

AP 7337 FINGERPRINTING

References:

Education Code Sections 87013 and 88024;  
Penal Code Section 11077.1

**This procedure will be reviewed at the October 17, 2008 Task Force Meeting**

All academic, classified, and contract employees shall be required to have fingerprints taken via Live Scan ten (10) working days prior to the date of employment. The electronic fingerprints and applicable fees will be forwarded to the Department of Justice to ascertain if the applicant or employee has any record of previous arrests or convictions. The Department of Justice will forward any findings to the Human Resource Services Office. Human Resource Services will evaluate findings to ensure all criminal activity was reported and that no offense would disqualify the applicant from employment.

Student workers, substitute, and temporary employees employed for less than an academic year may be exempted from this procedure. All workers or volunteers in the Child Development Center and in other programs requiring fingerprinting must submit to Live Scan fingerprinting. The costs of Live Scan fingerprinting are the sole responsibility of the applicant.

Also see AP 7126 titled Background Investigations and AP 7127 titled Restrictions Governing the Employment of Applicants with Criminal Records.

Office of Primary Responsibility: Human Resource Services

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**Date Approved:**

*(This is a new procedure recommended by the CC League and the League's legal counsel)*

Human Resources  
DRAFT as of 9/12/08

AP 7346 EMPLOYEES CALLED TO MILITARY DUTY

**References:**

Military and Veteran's Code Sections 389 et seq.;  
Education Code Sections 87018, 87700, 87832, and 88116;  
Government Code Sections 19775 et seq.;  
38 U.S. Code Sections 4301 et seq.

**This procedure will be reviewed at the October 17, 2008 Task Force Meeting**

The following applies to any District employee, academic or classified, who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of any branch of the military service, during any period of national emergency declared by the President of the United States or during any war in which the United States of America is engaged.

**Leave**

Upon presentation of a copy of orders for active duty in the Armed Forces, the National Guard, or the Naval Militia, the District shall grant a military leave of absence for the period of active duty specified in the orders, but not to exceed five years for a permanent, probationary, or exempt employee, or for the remainder of a limited-term employee's appointment or a temporary employee's appointment.

**Salary**

Any District employee called to active duty who has been in the service of the District for at least one year will continue to receive his or her salary for the first thirty (30) calendar days of ordered military service. Employees who are members of the National Guard will continue to receive salary for the first thirty (30) calendar days of active service regardless of length of service with the District.

In addition, the District may provide for not more than 180 calendar days as part of the employee's compensation all of the following:

- The difference between the amount of his or her military pay and allowances and the amount the employee would have received as an employee, including any merit raises that would otherwise have been granted during the time the individual was on active military duty.
- All benefits that he or she would have received had he or she not been called to active military duty unless the benefits are prohibited or limited by vendor contracts.

Employees returning from military leave shall have their salary adjusted to reflect salary increases that are not based on merit.

### **Health Benefits**

An employee on military leave for less than 31 days shall continue to receive health insurance benefits.

Employees on leave for longer than thirty (30) days may elect to continue health care coverage for themselves and their eligible dependents for a maximum period of eighteen (18) months.

Returning veteran employees whose coverage was terminated because of military leave will not be subject to any exclusion or waiting period prior to reinstatement of health coverage.

### **Vacation and Sick Leave**

Employees on military leave accrue any benefits the District provides to other employees, e.g. if employees on other approved leaves are permitted to accrue vacation or sick leave, employees on military leave will do so as well.

Employees on military leave shall accrue any benefits afforded by any collective bargaining agreement negotiated during their absence.

Any employee on temporary military leave for training who has worked for the District for at least one year shall continue to accrue vacation, sick leave, and holiday privileges up to a maximum period of 180 days.

### **Reinstatement**

An employee on active duty military leave shall be entitled to return to the position held by him or her at the time of his or her entrance into the service within six months after the employee honorably leaves the service or is placed on inactive duty.

In the case of a contract academic employee, absence on military leave shall not count as part of the service required for the acquisition of tenure, but the absence shall not be construed as a break in the continuity of service. If the employee was employed by the District for more than one year, but had not yet become a regular academic employee of the District, he or she is entitled to return to the position for the period of time his or her contract of employment had to run at the time he or she entered military service.

In the case of an academic employee, absence on military leave shall not be construed as a break in the continuity of service.

In the case of a classified employee, absence on military leave shall not be construed as a break in the continuity of service.

Office of Primary Responsibility: [Human Resource Services](#)

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**NOTE:** This procedure is **legally advised**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

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**Date Approved:**

*(This is a new procedure recommended by the CC League and the League's legal counsel)*

Human Resources  
DRAFT as of 8/13/08

AP 7126 APPLICANT BACKGROUND CHECKS

References:

Civil Code Sections 47, 1785.16, 1785.20, and 1786.16 et seq.;  
Penal Code Sections 11075-11081;  
Fair Credit Reporting Act (Federal)

Applicants for positions may be subject to background or reference checks.

Where a background investigation is performed by a third party, the Vice President of Human Resource Services or designee shall make a clear and conspicuous disclosure to the applicant on a separate form before the report is procured. The applicant shall be provided an option to receive or not receive the report. If the applicant is not hired, or the District takes other action that adversely effects any applicant based in whole or in part upon the third-party report, the Vice President of Human Resource Services or designee shall provide oral, written, or electronic notice of:

- the adverse action to the applicant
- the name, address, and telephone number of the third party agency that furnished the report
- the applicant's right to obtain a free copy of the report and
- the applicant's right to dispute the accuracy or completeness of any of the information in the report

Also see AP 7337 titled Fingerprinting

Office of Primary Responsibility: Human Resource Services

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**Date Approved:**

*(This is a new procedure recommended by the CC League and the League's legal counsel)*

Human Resources  
DRAFT as of 10/2/08

AP 7145 PERSONNEL FILES

References:

Education Code Section 87031;  
Labor Code Section 1198.5

Personnel records are private, accurate, complete, and permanent. All personnel files shall be kept in locked cabinets with access limited to appropriate Human Resource Services personnel serving legitimate District purposes. To ensure privacy, files shall not be left open or unattended in unlocked office areas. Inspection of personnel files by authorized individuals shall occur within the Office of Human Resource Services in the presence of the Director of Human Resource Services or designee.

Every employee has the right to inspect personnel records pursuant to the Labor Code.

Information of a derogatory nature shall not be entered into an employee's personnel records unless and until the employee is given notice and an opportunity to review and comment on that information. The employee shall have the right to enter and have his or her own comments attached to any derogatory statement. The review shall take place during normal business hours and the employee shall be released from duty for this purpose without salary reduction.

The employee shall not have the right to inspect personnel records at a time when the employee is actually required to render services to the District.

Nothing in this procedure shall entitle an employee to review ratings, reports, or records that (a) were obtained prior to the employment of the person involved, (b) were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional examination or interview.

Inspection of personnel files by employee representatives is subject to the provisions in the applicable collective bargaining agreement or employee handbook. A signed release form from the employee is required prior to such access.

Office of Primary Responsibility: Human Resource Services

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**Date Approved:**

*(This is a new procedure recommended by the CC League and the League's legal counsel)*

Human Resources  
DRAFT as of 10/2/08

AP 7230 CLASSIFIED EMPLOYEES

Recommended for deletion

❖ ~~From current Palomar Policy 190 titled Definition (Classified Personnel)~~

~~Currently, there are two groups of classified personnel: those represented by Council of Classified Employees (CCE/AFT), and those classified administrators, supervisors, and confidential employees who are represented by the Administrative Association. represented by CCE/AFT are addressed in the "Handbook of Policies Covering Classified Employees in the Bargaining Unit Represented by the CCE/AFT." Policies specifically affecting classified Administrative Association members are contained within the "Administrative Team Handbook."~~

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**NOTE:** *This procedure is **optional**. The language in **black type** is current Palomar Policy 190 titled Definition (Classified Personnel) with no adoption date.*

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**Date Adopted:**

*(Replaces current Palomar Policy 190)*

**Human Resources**  
**DRAFT as of 10/2/08**

**AP 7234**     **CLASSIFIED EMPLOYEE OVERTIME**

**References:**

Education Code Sections 88027, 88028, 88029, and 88030

Overtime is defined to include any time required to be worked in excess of eight hours in any one day and in excess of 40 hours in any calendar week. If the Governing Board establishes a workday of less than eight hours but seven hours or more and a workweek of less than 40 hours but 35 hours or more for all of its classified positions or for certain classes of classified positions, all time worked in excess of the established workday and workweek shall be deemed to be overtime.

The foregoing provisions do not apply to:

- classified positions for which a workday of fewer than seven hours and a workweek of fewer than 35 hours has been established
- positions for which a workday of eight hours and a workweek of 40 hours has been established, but in which positions employees are temporarily assigned to work fewer than eight hours per day or 40 hours per week when such reduction in hours is necessary to avoid layoffs for lack of work or lack of funds and the consent of the majority of affected employees to such reduction in hours has been first obtained

For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensatory time off, or other paid leave of absence shall be considered as time worked by the employee.

When compensatory time off is authorized in lieu of cash compensation, such compensatory time off shall be granted within 12 calendar months following the month in which the overtime was worked and without impairing the services rendered by the District.

An employee having an average workday of four hours or more during the workweek shall, for any work required to be performed on the sixth or seventh day following commencement of the workweek, be compensated at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

An employee having an average workday of less than four hours during a workweek shall, for any work required to be performed on the seventh day following the commencement of his or her workweek, be compensated for at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

Persons serving in supervisory, administrative, or executive positions that are classified as administrators shall be excluded from these procedures regarding overtime.

Also refer to the applicable collective bargaining agreement or employee handbook

Office of Primary Responsibility: Human Resource Services

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**Date Approved:**

*(This is a new procedure recommended by the CC League and the League's legal counsel)*

AP 7250 EDUCATIONAL ADMINISTRATORS

**References:**

Education Code Sections 72411 et seq., 87002(b), and 87457-87460;  
Government Code Section 3540.1(g) and (m)

Educational administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Governing Board upon recommendation by the Superintendent/President. Educational administrators shall further be entitled to health and welfare benefits made available by action of the Governing Board upon recommendation by the Superintendent/President.

Educational administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, these policies, and administrative procedures adopted by the Superintendent/President.

Every educational administrator shall be employed by an appointment or contract of **up to four years in duration.**

The Governing Board may, with the consent of the administrator concerned, terminate, effective on the next succeeding first day of July, the term of employment and any contract of employment with the administrator, and reemploy the administrator on any terms and conditions as may be mutually agreed upon by the Governing Board and the administrator, for a new term to commence on the effective date of the termination of the existing term of employment.

If the Governing Board determines that the administrator is not to be reemployed when his or her appointment or contract expires, notice to an administrator shall be in accordance with the terms of the existing contract. If the contract is silent, notice shall be in accordance with Education Code Section 72411.

An educational administrator who has not previously acquired tenure as a faculty member in the District shall have the right to become a first year probationary faculty member once his or her administrative assignment expires or is terminated, if the following criteria are met:

- The administrator meets the criteria established by the District for minimum qualifications for a faculty position, in accordance with procedures developing jointly by the Superintendent/President and the Academic Senate and approved by the Governing Board. The Board shall rely primarily on the advice and

judgment of the Faculty Senate to determine that an administrator possesses minimum qualifications for employment as a faculty member.

- The requirements of Education Code Section 87458(c) and (d), or any successor statute, are met with respect to prior satisfactory service and reason for termination of the administrative assignment.
- The administrator was not hired prior to July 1, 1990 and/or is not part of the classified service.

Refer to the current Administrative Association Handbook for details regarding retreat rights.

#### ❖ **From current Palomar Policy 27 titled Administrator Retreat Rights**

~~In accordance with Education Code Section 87458 an instructional or student services administrator hired after June 30, 1990, who was not previously tenured shall have the right to become a first-year probationary faculty member at the conclusion of the administrative assignment if all of the following apply:~~

- ~~A. The administrator meets the minimum qualifications for the discipline in accordance with Education Code 87356.~~
- ~~B. The administrator has completed at least two years of satisfactory District service as a faculty member or as an instructional or student services administrator.~~
- ~~C. The termination of the administrative assignment is for any reason other than cause.~~

~~*This policy does not apply to:*~~

- ~~A. administrators who were hired prior to July 1, 1990.~~
- ~~B. administrators who are part of the classified service.~~

#### ❖ **From current Palomar Policy 154.1 titled Supervision of Faculty**

~~Faculty members are under the supervision of the department chairperson/director, the dean of the appropriate division, and the Assistant Superintendent/Vice President for Instruction with reference to their teaching duties. The faculty in conduct of their instruction are to be facilitated in every possible way by all members of the administrative staff.~~

#### ❖ **From current Palomar Procedure 154.1 titled Supervision of Faculty**

### **Division Organization**

#### ***Instruction***

~~The educational program consists of five instructional divisions:~~

- ~~• ARTS AND LANGUAGES DIVISION~~
- ~~• MATHEMATICS AND THE NATURAL AND HEALTH SCIENCES DIVISION~~
- ~~• MEDIA, BUSINESS, AND COMMUNITY SERVICES DIVISION~~

- ~~HUMAN ARTS AND SCIENCES DIVISION~~
- ~~VOCATIONAL TECHNOLOGY DIVISION~~

~~The deans of the five instructional divisions are responsible to the Assistant Superintendent/Vice President for Instruction. Their duties require extensive communication with chairpersons and directors, with each other, and with the Assistant Superintendent/Vice President for Instruction in the interest of maintaining a viable program which uses all college resources in meeting the needs of the entire community.~~

~~The instructional departments and programs are: American Indian Studies; Art; Athletics; Behavioral Sciences; Business Education; Chemistry; Child Development; Communications; Computer Science and Information Systems; Cooperative Education; Counseling, Guidance, and Career Development; Dental Assisting; Earth Sciences; Economics, History, and Political Science; Emergency Medical Education Programs; English; English as a Second Language; Family and Consumer Sciences; Foreign Languages; Library/Media Center; Life Sciences; Mathematics; Multicultural Studies; Nursing Education; Performing Arts; Physical Education; Physics and Engineering; Public Safety Programs; R.O.P.; Reading Services; Special Education; Speech Communication/Forensics/ASL; Trades and Industry; and Vocational Programs.~~

### ***Student Services***

~~Student Services is divided into six primary areas of responsibility: Enrollment Services; Counseling, Guidance, and Career Development; Student Support Programs; Student Affairs, Intercollegiate Athletics, and Matriculation.~~

~~Enrollment Services covers the entire admissions and registration process as well as records evaluation for the purpose of determination of graduation eligibility. The process of veteran benefit eligibility and monitoring is also a part of this area.~~

~~Counseling, Guidance, and Career Development includes all functions of counseling on and off campus.~~

~~It includes the Counseling Center, Career Center, Transfer Center, and Assessment. Counseling is also an integral part of the Disabled Student Programs and Services (DISABILITY RESOURCE CENTER) and the Extended Opportunity Program and Services (EOP&S).~~

~~Student Support Programs includes a wide diversity of services including Financial Aid and Scholarships, Extended Opportunity Programs and Services (EOP&S), Disabled Student Programs and Services (DISABILITY RESOURCE CENTER), Student Job Placement, Tutorial Services, Health Services, GEARUP, TRIO/SSS, and Upward Bound Program.~~

~~Student Affairs includes the areas of Student Government, student clubs and activities, and discipline.~~

~~Matriculation activities span a number of different programs and services and reports organizationally to the Assistant Superintendent/Vice President for Student Services, but has reporting responsibilities to the Assistant Superintendent/Vice President for Instruction as well, due to secondary effects of the programs on instruction and curriculum.~~

~~Intercollegiate Athletics includes men's and women's athletics, athletic trainers, and athletic equipment and facilities.~~

Office of Primary Responsibility: [Human Resource Services](#)

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**NOTE:** *This procedure is **suggested as good practice**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **black type** is current Palomar Policies 27 titled Administrator Retreat Rights and 154.1 titled Supervision of Faculty with no adoption date and Procedure 154.1 titled Supervision of Faculty with no date. The language in **green ink** reflects revisions/additions made by Human Resource Services.*

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**Date Approved:**

*(Replaces current Palomar Policies 27 and 154.1 and Procedure 154.1)*

Human Resources  
DRAFT as of 10/2/08

AP 7270 STUDENT WORKERS

**References:**

Education Code Sections 69960(f) and 88003

Only enrolled Palomar College students can be employed as student workers. A student worker's primary role at the District is as a student. Student workers may only be employed as student assistants hired by specific departments or placed in particular departments/offices through the work-study program while enrolled in classes.

Full and part-time Palomar College students shall only be employed part-time regardless of funding source and shall not be a part of the classified service nor perform tasks commensurate with an established classified position. Student workers are hired to gain work experience and develop new skills. Tuberculosis tests are required for all student workers. Certain additional clearances (e.g., fingerprinting, etc.) may be required based on the work location and assigned responsibilities. Student assistants can only work in one capacity (i.e., cannot work as a student assistant and a short-term or professional expert or substitute).

Specific procedures governing hiring processes, applications, and eligibility requirements for student workers can be found in the Palomar College Short-Term and Student Employee Information Booklet available on the Human Resource Services website.

Office of Primary Responsibility: Human Resource Services

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**Date Approved:**

(This is a new procedure recommended by the CC League and the League's legal counsel)

AP 7340 LEAVES

**References:**

Education Code Sections 87763 et seq. and 88190 et seq.;  
Labor Code Section 234

The District recognizes several different forms of leave for employees as delineated in the collective bargaining agreements and employee handbooks. Employees are responsible for completing and filing appropriate leave forms at the earliest possible date. Information relative to absences and leaves exclusive of medical information shall be made a matter of record included in the employee's personnel file.

❖ **From current Palomar Policy 156 titled Absences and Leaves**

**Absences and Leaves**

~~Leaves of absence may be granted academic personnel under contract with the College for reasons other than those stipulated in the College's Sabbatical Leave Policy. The granting of such leaves shall comply with the rules and regulations set forth in Section 87763-87789 of the Education Code.~~

❖ **From current Palomar Policy 156.1 titled Reporting Absences**

**Reporting Absences**

~~An instructor who must be absent from class must notify the Office of the Assistant Superintendent/Vice President for Instruction. It is the responsibility of the department chairperson to make arrangements for classes of absent instructors insofar as possible. Instructors are expected to notify their department chairperson if they are to be absent for more than one day.~~

[Also see AP 7344 titled Notifying District of Illness](#)

❖ **From current Palomar Policy 156.2 titled Sick Leave**

~~All academic employees on ten-month contracts are entitled to ten (10) days' leave of absence for illness or injury with full pay for each year of service. Academic employees on contracts longer than ten months are given an additional day for each extra month of contract service.~~

~~Every person employed five days a week by a school District in an academic position shall be entitled to ten (10) days' leave of absence for illness or injury and such additional days in addition thereto as the Governing Board may allow for illness or injury, exclusive of all days he/she is not required to render service to the District, with full pay for a school year of service. An academic employee employed for less than five school days a week shall be entitled, for a school year of service, to that proportion of ten (10) days' leave of absence for illness or injury as the number of days he/she is employed per week bears to five (5) and is entitled to such additional days in addition thereto as the Governing Board may allow for illness or injury to academic employees employed for less than five (5) school days a week; pay for any day of such absence shall be the same as the pay which would have been received had the employee served during the day. Credit for leave of absence need not be accrued prior to taking such leave by the employee and such leave of absence may be taken at any time during the school year.~~

~~If such employee does not take the full amount of leave allowed in any school year under this section, the amount not taken shall be accumulated from year to year with such additional days as the Governing Board may allow.  
EC 87781, 87765~~

**❖ From current Palomar Policy 156.22 titled Accumulation of Sick Leave – Adjunct Faculty (82-9509)**

**~~Accumulation of Sick Leave – Adjunct Faculty~~**

~~Adjunct (hourly) faculty will earn sick-leave benefits at the rate of 0.056 hours of sick leave for each hour of service rendered. The employee will be paid one hour of earned sick-leave benefits for each hour of absence for injury or illness. If the employee does not take the full amount of earned sick leave allowed in any semester, the amount not taken shall be accumulated from semester to semester and from year to year.  
GB 4-26-83~~

**❖ From current Palomar Policy 156.23 titled Verification of Illness**

**~~Verification of Illness~~**

~~Proof of illness or injury which has resulted in the absence from duty of any employee may be required by the Governing Board or administration. Such proof shall be obtained from a licensed physician or Christian Science practitioner.  
EC 87781, 88191; 1957 County Counsel Opinion/1964 Attorney General Opinion~~

**❖ From current Palomar Policy 156.3 titled Other Leaves of Absence**

**~~Other Leaves of Absence~~**

~~All leaves of absence will be granted in accordance with one of the following:~~

- ~~a) leave of absence with pay and with fringe benefits~~
- ~~b) leave of absence without pay but with fringe benefits; and~~

~~e) leave of absence without pay and without fringe benefits.~~

~~Benefits referred to are medical, dental, vision, life, and long-term disability insurance. Whenever possible, leaves of absence are to start on the first of the month.~~

**❖ From current Palomar Policy 156.31 titled Leave of Absence for Any Reason**

**Leave of Absence for Any Reason**

~~In conformity with Section 87764 of the Education Code, the following rules and regulations have been adopted for the granting of leaves of absence for any reason to employees under contract in academic positions.~~

~~Conditions governing the granting of leave of absence under this policy:~~

~~A. The leave of absence for any reason shall be with or without pay or other benefits except as expressed herein, and may be granted for a period of either 1) one semester, 2) one college year, 3) two semesters, or 4) equivalent, each occurring in separate college years, within a six-year period.~~

~~B. A leave of absence under this policy may be granted to any academic employee regardless of number of years of service.~~

~~C. The granting of a leave of absence under this policy is contingent upon the availability of a suitable replacement for the position to be vacated by the employee requesting the leave of absence, if necessary.~~

~~D. The employee on a leave of absence under this policy shall notify the Assistant Superintendent/Vice President for Instruction in writing no later than November 15 of the fall semester, or March 15 of the spring semester, whichever is the concluding semester of the leave, of intention to terminate employment.~~

~~E. The employee's rights shall remain in force during a leave of absence and the position on the salary schedule will remain constant. By law, the year of the leave may not be counted toward retirement.~~

~~F. For a part-time leave of absence for medical reasons or pregnancy, a letter from a licensed physician releasing the employee for work must be on file in the Office of Human Resource Services.~~

~~EC 87764~~

**❖ From current Palomar Policy 156.32 titled Jury Duty**

**Jury Duty**

~~An academic staff member shall receive regular earnings while serving on jury duty, and any jury fees will be relinquished to the District.~~

~~All instructors are asked to notify the office of the Assistant Superintendent/Vice President for Instruction in advance when they are notified of pending jury duty service.~~

**❖ From current Palomar Policy 156.33 titled Pregnancy Leave**

**Pregnancy Leave**

~~In conformity with Section 87766 of the Education Code, the following rules and regulations have been adopted for leave of absence for pregnancy for employees, who so desire, under contract for positions requiring certification qualification. Conditions for granting a leave of absence under this policy:~~

~~A. The Governing Board shall grant a leave of absence for any academic employee who is required to be absent from duties because of pregnancy, miscarriage, childbirth, and recovery therefrom.~~

~~B. The length of the leave of absence, including the date on which the leave shall commence and the date on which the employee shall resume duties, shall be determined by the employee and the employee's physician.~~

~~C. An extension of the leave of absence for pregnancy for reason of complications or other factors resulting from pregnancy or delivery may be granted by the Governing Board, but only upon the advice, presented in writing, of a licensed medical practitioner.~~

~~D. Nothing in this policy shall be construed to deprive the employee of the right to the use of accumulated sick leave for absences due to illness or injury resulting from pregnancy.~~

~~E. A leave of absence under this policy is in addition to any other leave to which the employee may be entitled by law. The employee's rights shall remain in force during the leave of absence.~~

~~F. For a part-time leave of absence for medical or maternity purposes, a letter from a licensed physician or medical practitioner releasing the employee for work must be on file in the Office of Human Resource Services.~~

~~EC 87766~~

**❖ From current Palomar Policy 156.35 titled Accident, Illness, or Quarantine Leave**

**~~Accident, Illness, or Quarantine Leave~~**

~~In conformity with Section 87765 of the Education Code, the following rules and regulations have been adopted for accident, illness, or quarantine leaves of absence for employees under contract for academic positions:~~

~~A. The Governing Board may, at its discretion, grant a leave of absence without pay, for reasons of accident, illness, or quarantine for a period of time commencing with the termination of the employee's accumulated sick leave up to one year from the beginning of the employee's absence from his/her duties due to the condition of injury, illness, or quarantine. If, at the end of that period of time, the employee is unable to resume his/her duties, the Governing Board may, at its discretion, extend the leave of absence to either 1) the end of the current semester, or 2) the end of the current school year.~~

~~B. The employee or a bonafide representative, shall initiate the request for the leave of absence under this policy prior to the termination of the employee's accumulated sick leave, and he/she shall initiate the request for an extension of the leave of absence prior to the termination of the original leave.~~

~~C. Proof of illness, injury, or quarantine which results in a request for a leave of absence or an extension of a leave of absence under this policy may be required by the Governing Board or the administration. Such proof shall be obtained by the employee~~

~~from a competent medical authority at the District's expense in accordance with the employee's religious beliefs.  
EC 87765~~

[Also see AP 7343 titled Industrial Accidents and Illness](#)

❖ **From current Palomar Policy 156.36 titled Bereavement Leave**

**~~Bereavement Leave~~**

~~In conformity with Section 87788, as amended, of the Education Code, every person employed by a school District in an academic position is entitled to a leave of absence not to exceed three days, or five days if out-of-state travel is required, on account of death of any member of his/her immediate family. No deduction is made from the salary of the employee nor is such leave deducted from other leave granted under the law or regulations of this Board. Members of the immediate family mean the mother, father, grandmother, grandfather, or grandchild of the employee or of the spouse of the employee; son, son-in-law, daughter, daughter-in-law, brother or sister of the employee. The above-mentioned are in addition to the spouse. The Governing Board may enlarge the benefit of membership.  
EC 87788~~

❖ **From current Palomar Policy 156.37 titled Personal Necessity Leave**

**~~Personal Necessity Leave~~**

~~Any days of leave of absence for illness or injury allowed pursuant to Section 87781 may be used by the employee, at his/her election, in cases of personal necessity including any of the following:~~

- ~~A. Death or serious illness of a member of his/her immediate family~~
- ~~B. Accident involving his/her person or property, or the person or property of a member of his/her immediate family~~
- ~~C. Appearance in court as a litigant or as a witness under an official order~~
- ~~D. In cases of compelling personal importance.~~

~~No such accumulated leave in excess of six days may be used in any school year for the purposes enumerated in this section.  
EC 87784~~

❖ **From current Palomar Policy 156.371 titled Personal Business Leave**

**~~Personal Business Leave~~**

~~Academic employees working on a contract basis may be excused from duty with verbal permission from the department chairperson/director or other supervisor, without loss of pay, for a period of not more than two (2) hours, not to exceed four (4) two-hour periods in any one school year. Valid reasons for and conditions of personal leave include, but are not limited to:~~

- ~~A. Death or illness in immediate family~~

- ~~B. Unavoidable transportation delay~~
- ~~C. Legal matters~~
- ~~D. Attendance at graduation ceremonies (immediate family)~~
- ~~E. Participation in college graduation ceremonies~~
- ~~F. Funeral attendance~~
- ~~G. Emergency child-care problems~~
- ~~H. Taking examinations.~~

~~Leaves are not granted to extend a vacation period or provide additional days off immediately preceding or following a holiday. Leaves are not granted for attendance at grade-school graduation ceremonies.~~

~~Report of these leaves must be filed with the Office of Instruction on the form, "Leave for Personal Business." Such report is to be filed on the day of the absence, or not later than the following business day.~~

❖ **From current Palomar Policy 170 titled Reduced Workload (80-8013)**

**Reduced Workload**

~~The Governing Board authorizes participation in the State Teachers' Retirement System (STRS) academic reduced workload program.~~

~~EC 22724, 44922, 87483, 89516;~~

~~GB 7-22-80~~

❖ **From current Palomar Policy 171 titled Early Retirement (80-8013)**

**Early Retirement**

~~The Governing Board authorizes participation in the State Teachers' Retirement System (STRS) Optional Retirement Plan (early full-time retirement).~~

~~EC 24210;~~

~~GB 7-22-80~~

❖ **From current Palomar Policy 172 titled Vacation (88-12639)**

**Vacation**

~~This section applies to only twelve-month educational administrators.~~

❖ **From current Palomar Policy 172.1 titled Entitlement**

**Entitlement**

~~A. Each member of executive administration, senior administration, and administration appointed on a 12-month basis is entitled to 22 working days of vacation with pay annually, accrued at the rate of 1.834 working days per month.~~

~~B. Eligible employees who are employed in restricted programs in specially funded positions are subject to any special provisions contained in such restricted programs and are not eligible to use accrued vacation beyond the duration of the funded program. Vacation accruals not used within the time frame allowed are forfeited.~~

~~C. Each part-time member of executive administration, senior administration, and administration appointed on a 12-month basis is entitled to accrue vacation leave at a rate consistent with the percentage of time worked.~~

~~❖ From current Palomar Policy 172.2 titled Use of Vacation~~

~~**Use of Vacation**~~

~~A. Accrued vacation must be taken within the year it is earned or during the next accrual year.~~

~~Vacation days earned and not used may be accumulated up to a maximum of 30 days that may be carried over from year to year. Accrued vacation beyond 30 days not used in the current or succeeding accrual year will be lost and no compensation shall be paid to employees who fail to use their vacation entitlement.~~

~~B. Employees eligible for the special provisions in 172.6. a. and 172.6. b. may carry over 44 accrued vacation days from year to year. Accrued vacation beyond 44 days not used in the current or succeeding accrual year will be lost, and no compensation shall be paid to employees who fail to use their vacation entitlement.~~

~~That is, an eligible employee may have a "reserve" of 30 or 44 vacation days that he/she may elect to use or to be paid for at termination, resignation, or retirement. Ongoing accruals must be used in the year in which they are earned or in the following year, or they are forfeited without pay.~~

~~C. Vacation may be taken in advance under extenuating circumstances upon recommendation of the appropriate vice president and authorization of the Superintendent/President.~~

~~❖ From current Palomar Policy 172.3 titled Changes in Appointment~~

~~**Changes in Appointment**~~

~~A. Twelve-month employees accepting appointments to positions which are not eligible for accrual of vacation shall use all accrued vacation leave prior to the effective date of the new appointment.~~

~~If it is not possible to use the accrued leave prior to the effective date of the new appointment, a maximum of 30 days unused accrued vacation may be paid to the employee before beginning the new assignment (except that 44 days would be paid per section 172.6, Special Provisions).~~

~~B. Employees accepting a position which is eligible for accrual of vacation shall begin accruing vacation as described in the policy effective at the beginning date of the appointment.~~

~~C. The accrued vacation of an employee accepting an assignment to a position which is eligible for accrual of vacation shall be transferred to the department to which he/she~~

is transferred or reassigned and the vacation accrual becomes the obligation of the new department.

❖ **From current Palomar Policy 172.4 titled Payment of Unused Vacation**

**Payment of Unused Vacation**

~~A. Upon termination, retirement or resignation from the District, employees are entitled to be paid for unused vacation earned in the current or previous accrual year up to a maximum of 30 days at their current rate of pay (except that 44 days would be paid per 172.6, Special Provisions).~~

~~B. The value of unused vacation credits up to a maximum of thirty (30) days earned in the current and previous accrual year by an employee who dies in District service will be paid to the employee's estate (except that 44 days would be paid per 172.6, Special Provisions).~~

❖ **From current Palomar Policy 172.5 titled Other**

**Other**

~~A. Employees are not entitled to accrue vacation while on leave without pay, during a break in service, or after the last day that service is performed.~~

~~B. Holidays which occur during vacation periods will not be charged to vacation.~~

❖ **From current Palomar Policy 172.6 titled Special Provisions**

**Special Provisions**

~~A. Classified employees employed prior to July 1, 1988, are subject to the following:~~

~~1. A maximum of 44 days of earned vacation may be accrued and used anytime upon approval. Upon termination, retirement, or resignation from the District, such employees shall be eligible to be paid for a maximum of 44 days accrued vacation at their current rate of pay.~~

~~2. Employees who have accumulated in excess of 44 days shall be required to use all excess vacation by December 31, 1994. One-sixth of such excess days should be used each year in addition to the yearly accrual during each year. Any unused days in excess of 44 will be forfeited on December 31, 1994, with no compensation paid to the employee for those forfeited days.~~

~~B. By previous agreement, twelve-month (12) academic employees employed prior to July 1, 1985, are subject to the following provisions:~~

~~1. A maximum of 44 days of earned vacation may be accrued and used anytime upon approval. Upon termination, retirement, or resignation from the District, such employees shall be paid for a maximum of 44 days accumulated vacation at their current rate of pay.~~

~~2. Employees who prior to July 1, 1985, have accumulated in excess of 44 days shall be required to use all excess vacation by June 30, 1991. It is recommended that a minimum of one-sixth of such excess vacation days be used each fiscal year. Deviations from this recommended minimum must be agreed upon by the employee~~

~~and the employee's supervisor and with the concurrence of the Superintendent/President. Any unused days in excess of 44 will be forfeited as of June 30, 1991.~~

~~GB 8-31-88~~

❖ **From current Palomar Procedure 156 titled Absences and Leaves**

**Absences and Leaves**

~~Leaves of absence may be granted academic personnel under contract with the College for reasons other than those stipulated in the College's Sabbatical Leave Policy. The granting of such leaves shall comply with the rules and regulations set forth in Section 87763-87789 of the Education Code.~~

❖ **From current Palomar Procedure 156.1 titled Reporting Absences**

**Reporting Absences**

~~Faculty members are responsible for recording absences on their monthly Employee Absence Report and returning the report to Payroll Services.~~

~~In the event that a faculty member is absent he/she will contact the following people in the following order until he/she has reported his/her absence:~~

- ~~• Academic Department Office~~
- ~~• Office of the Director/Manager of the Palomar College Escondido Center, or Palomar College site (only if the class is offered at a site other than the San Marcos Campus)~~
- ~~• Office of the Division Dean~~
- ~~• Office of the Asst. Superintendent/Vice President for Instruction~~
- ~~• Campus Police~~

**Posting Classes**

~~Once notified by the faculty member, the person contacted will be responsible for posting the official notice on the appropriate classroom door(s).~~

~~03-08-05~~

❖ **From current Palomar Procedure 156.2 titled Sick Leave**

**Sick Leave**

~~Sick leave may be used whenever faculty are unable to perform their duties because of temporary disability caused by illness, injury, pregnancy, and/or childbirth. Sick leave may also be used for medical, psychological, dental, or optical examinations or treatment.~~

~~All instructors teaching on an hourly basis shall accrue sick leave for all hours taught. Sick leave will be accrued by part-time faculty members teaching hourly during the summer, fall, and spring semesters; sick leave will be accrued by contract faculty~~

~~members teaching hourly as paid overload during the summer, fall, and spring semesters.~~

~~Hours accrued for sick leave by contract faculty teaching an overload on an hourly basis must be recorded separately from days accrued on contract work. State Teachers' Retirement System mandates that these accruals may not be commingled. Hours accrued on hourly work may not be used as credit toward retirement, whereas days accrued on contract work may.~~

#### **❖ From current Palomar Procedure 156.3 titled Other Leaves of Absence**

##### **~~Other Leaves of Absence~~**

~~Methods of obtaining a leave of absence for reasons other than Sabbatical Leave or exchange participation:~~

- ~~A. The employee shall obtain an "Application for Leave of Absence" from the Human Resource Services Office, secure the endorsements of the department chairperson/director and the appropriate division dean, and/or Vice President, and submit the completed form to the Office of Instruction for endorsement. All endorsements, whether favorable or unfavorable, shall be shown in writing on the application. The completed application shall be submitted to the Superintendent/President's Office for final action by the Governing Board.~~
- ~~B. There shall be no priority of consideration established by the date on which the application is filed with the Assistant Superintendent/Vice President for Instruction.~~
- ~~C. Compliance with these requirements does not imply an automatic granting of leave of absence under this policy.~~

#### **❖ From current Palomar Procedure 156.32 titled Jury Duty**

##### **~~Jury Duty~~**

~~When a faculty member is called for jury duty, an attempt shall be made by the department or instructional area to cover the instructor's classes from within the department or discipline. The substitute will be paid on an hourly basis. If classes cannot be covered from within the College, an effort shall be made to find qualified instructors outside the institution to cover classes. Jury duty leave is reported on the Academic Absence Report.~~

#### **❖ From current Palomar Procedure 156.36 titled Bereavement Leave**

##### **~~Bereavement Leave~~**

~~Bereavement leave, including the relationship of the deceased, is reported on the Academic Absence Report.~~

#### **❖ From current Palomar Procedure 156.37 titled Personal Necessity Leave**

##### **~~Personal Necessity Leave~~**

~~Personal necessity leave, including the reason for the leave, is reported on the Academic Absence Report.~~

❖ **From current Palomar Procedure 156.371 titled Personal Business Leave**

**Personal Business Leave**

~~Personal business leave is reported on the Academic Absence Report.~~

❖ **From current Palomar Procedure 172 titled Vacation**

**Vacation**

~~This section refers to 12-month administrators. For other procedures, refer to the Administrative Team Handbook.~~

[Also see AP 7347 titled Family Medical Leave](#)

[Office of Primary Responsibility: Human Resource Services](#)

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**NOTE:** This procedure is **suggested as good practice**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **black type** is current Palomar Policies 156 titled Absences and Leaves with no adoption date, 156.1 titled Reporting Absences with no adoption date, 156.2 titled Sick Leave with no adoption date, 156.22 titled Accumulation of Sick Leave – Adjunct Faculty (82-9509) adopted on 4-26-83, 156.23 titled Verification of Illness with no adoption date, 156.3 titled Other Leaves of Absence with no adoption date, 156.31 titled Leave of Absence for Any Reason with no adoption date, 156.32 titled Jury Duty with no adoption date, 156.33 titled Pregnancy Leave with no adoption date, 156.35 titled Accident, Illness, or Quarantine Leave with no adoption date, 156.36 titled Bereavement Leave with no adoption date, 156.37 titled Personal Necessity Leave with no adoption date, 156.371 titled Personal Business Leave with no adoption date, 170 titled Reduced Workload adopted on 7-22-80, 171 titled Early Retirement adopted on 7-22-80, 172 titled Vacation with no adoption date, 172.1 titled Entitlement with no adoption date, 172.2 titled Use of Vacation with no adoption date, 172.3 titled Changes in Appointment with no adoption date, 172.4 titled Payment of Unused Vacation with no adoption date, 172.5 titled Other with no adoption date, and 172.6 titled Special Provisions adopted on 8-31-88. Additional language in **black type** includes current Palomar Procedures 156 titled Absences and Leaves with no date, 156.1 titled Reporting Absences dated 3-8-05, 156.2 titled Sick Leave with no date, 156.3 titled Other Leaves of Absence with no date, 156.31 titled Jury Duty with no date, 156.36 titled Bereavement Leave with no date, 156.37 titled Personal Necessity Leave with no date, 156.371 titled Personal Business Leave with no date, and 172 titled Vacation with no date. The language in **green ink** reflects revisions/additions made by Human Resource Services.

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**Date Approved:**

*(Replaces current Palomar Policies 156, 156.1, 156.2, 156.22, 156.23, 156.3, 156.31, 156.32, 156.33, 156.35, 156.36, 156.37, 156.371, 170, 171, 172, 172.1, 172.2, 172.3, 172.4, 172.5, and 172.6 as well as Palomar Procedures 156, 156.1, 156.2, 156.3, 156.31, 156.36, 156.37, 156.371, and 172)*

Human Resources  
DRAFT as of 10/2/08

**AP 7343 INDUSTRIAL ACCIDENTS AND ILLNESS**

**References:**

Education Code Sections 87787 and 88192

The specific procedures for industrial accident leaves of absence are contained in the appropriate collective bargaining agreement and employee handbooks.

**Academic Employees**

Academic employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness in any one fiscal year for the same accident.

Allowable leave shall not be accumulated from year to year.

Industrial accident or illness leave shall commence on the first day of absence.

When an academic employee is absent from his or her duties on account of an industrial accident or illness, the employee shall be paid the portion of the salary due him or her for any month in which the absence occurs as, when added to his or her temporary disability indemnity under the Labor Code, will result in a payment to the employee of not more than his or her full salary. "Full salary," shall be computed so that it shall not be less than the employee's "average weekly earnings" as that phrase is used in Section 4453 of the Labor Code. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in Section 4453 of the Labor Code shall otherwise not be deemed applicable.

Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award.

When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due him or her for the same illness or injury.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in Education Code Sections 87780, 87781, and 87786, and, for the purposes of each of these sections, his or her absence shall be deemed to have commenced on the date of termination of the industrial accident or illness leave. However, if the employee continues to receive temporary disability indemnity, he or she may elect to take as much of his or her accumulated sick leave which, when added to

his or her temporary disability indemnity, will result in a payment to the employee of not more than his or her full salary.

During any paid leave of absence, the employee may endorse to the District the temporary disability indemnity checks received on account of his or her industrial accident or illness. The District shall issue the employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by the salary warrants.

Any employee receiving benefits as a result of this section, during periods of injury or illness, shall remain within the State of California unless the [Governing Board](#) authorizes travel outside the state.

### **Classified Employees**

Classified employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness, in any one fiscal year for the same accident.

Allowable leave shall not be accumulative from year to year.

Industrial accident or illness leave of absence will commence on the first day of absence.

Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.

Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workers' compensation.

When an industrial accident or illness occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Education Code Section 88191. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workers' compensation, the person shall be entitled to use only so much of the person's accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.

Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

During all paid leaves of absence, whether industrial accident leave as provided in this procedure, sick leave, vacation, compensated time off, or other available leave provided by law or the action of the District, the employee shall endorse to the District wage loss benefit checks received under the workers' compensation laws of this state. The District, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this procedure.

When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of the person's position, the person, if not placed in another position, shall be placed on a reemployment list for a period of 39 months. When available, during the 39-month period, the person shall be employed in a vacant position in the class of the person's previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the **Governing Board** authorizes travel outside the state.

An employee who has been placed on a reemployment list, as provided above, who has been medically released for return to duty and who fails to accept an appropriate assignment, shall be dismissed.

❖ **From current Palomar Policy 156.34 titled Industrial Accident or Illness Leave**

~~In conformity with Section 87787 of the Education Code, the following regulations for industrial accident or illness leaves of absence for academic employees have been adopted:~~

- ~~A. Allowable leave shall be for not less than sixty (60) days during which the schools of the District are required to be in session or when the employee would otherwise have been performing work for the District in any one fiscal year for the same accident.~~
- ~~B. Allowable leave shall not be accumulated from year to year.~~
- ~~C. Industrial accident or illness leave shall commence on the first day of absence.~~
- ~~D. When an academic employee is absent from his/her duties on account of an industrial accident or illness, the employee shall be paid such portion of the salary due him/her for any month in which the absence occurs as, when added to his/her temporary disability indemnity under Division 4 or Division 4.5 of the Labor Code, will result in a payment to him/her of not more than his/her full salary.~~
- ~~E. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award.~~

- ~~F. When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due him/her for the same illness or injury.~~
- ~~G. Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in Sections 87780, 87781, and 87786, and for the purposes of each of these sections his/her absence shall be deemed to have commenced on the date of termination of the industrial accident or illness leave, provided that if the employee continues to receive temporary disability indemnity, he/she may elect to take as much of his/her accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than his/her full salary.~~
- ~~H. During any paid leave of absence, the employee may endorse to the District the temporary disability indemnity checks received on account of his/her industrial accident or illness. The District, in turn, shall issue the employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by such warrants.~~
- ~~I. Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the Governing Board authorizes travel outside the state.~~

~~EC 87765, 87787~~

Office of Primary Responsibility: [Human Resource Services](#)

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**NOTE:** This procedure is **legally required**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The information in **black ink** is current Palomar Policy 156.34 titled *Industrial Accident or Illness Leave* with no adoption date. The language in **green ink** reflects revisions/additions made by Human Resource Services.

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**Date Approved:**

(Replaces current Palomar Policy 156.34)

Human Resources  
DRAFT as of 10/2/08

AP 7344 NOTIFYING DISTRICT OF ILLNESS

**Reference:**

Education Code Section 88191

Procedures for notification of employee illness are delineated in the applicable collective bargaining agreement or employee handbook.

Office of Primary Responsibility: Human Resource Services

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**NOTE:** The language in **red ink** is recommended by the Community College League and the legal firm of Liebert Cassidy Whitmore. This procedure is **suggested as good practice**. The information in **blue type** is additional language to consider including in this procedure.

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**Date Approved:**

(This is a new procedure recommended by the CC League and the League's legal counsel)

Human Resources  
DRAFT as of 10/2/08

AP 7375      TAX-SHELTERED      ANNUITIES/DEFERRED      COMPENSATION  
                 PROGRAMS

**Reference:**

No reference

- ❖ **From current Palomar Policy 528.2 title Tax-Sheltered Annuity Program (87-12287, 96-18068)**

With the exception of student employees and employees whose contributions would not exceed \$200 per year and subject to applicable collective bargaining agreements or employee handbooks, the District authorizes the participation of District employees in tax-sheltered annuities and deferred compensation programs. Detailed information regarding investment options and associated enrollment forms are available online via the Human Resource Services website.

[Also see BP 7130 titled Compensation and BP 7385 titled Salary Deductions](#)

[Office of Primary Responsibility: Human Resource Services](#)

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**NOTE:** The wording in **blue ink** is additional language to consider including in this policy. The information in **black ink** is current Palomar Policy 528.2 titled Tax-Sheltered Annuity Program dated 3-8-88 and revised on 1-14-97. The language in **green ink** reflects revisions/additions made by Human Resource Services.

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**Date Adopted:**

(This is Palomar Policy 528.2 just re-numbered)

AP 7500 VOLUNTEERS AND INTERNS

**References:**

Education Code Sections 72401, 87009-87011, 87405, 88023 and 88249;

Government Code Section 3119.5;

Labor Code Section 3364.5

**Purpose and Scope**

The purpose of this procedure is to outline the District practice involving volunteers and interns. Each volunteer/intern is subject to the screening process set forth below, with the following exceptions:

- Volunteers/interns serving in single day District events and
- Individuals serving as volunteers/interns in the Associated Student Government (ASG) officer positions at the District. ASG officers are not entitled to defense and indemnity by the District.

The Chief Human Resources Officer or designee may authorize suspension of the screening process when he/she believes that this process is not necessary for the volunteers/interns serving in the particular event.

**General**

The District may enter into agreements with outside organizations to provide volunteers/interns to the District to work at college locations. Such agreements will contain appropriate defense and indemnification language to protect the District from liability in connection with the volunteer's/intern's services.

Volunteers/interns serve the District in an "at will" capacity. The District may terminate a volunteer's/intern's services for any reason or no reason at all.

Pursuant to Government Code Section 3119.5, no person aged 60 years or older may be excluded from volunteer/intern service if the person is physically, mentally, and professionally capable of performing the services involved. A person shall be deemed "professionally capable" if he/she can demonstrate reasonable proficiency or relevant certification and performs his/her professional duties in accordance with laws, regulations, or the technical standards that govern his/her area of volunteer/intern responsibility.

Volunteers/interns may not be used in lieu of classified employees. The District may not refuse to employ a person in a vacant classified position and use volunteers/interns instead, nor may it abolish any classified positions and use volunteers/interns instead.

### **Screening**

The District shall use a written application form that requires, at a minimum, the volunteer's/intern's name, address, phone number, and history of convictions.

A volunteer's/intern's service record shall be maintained by the District.

Subject to the limitations of this procedure, employees assigned to other positions within the District may serve as volunteers/interns during off-hours.

Fingerprints of each volunteer/intern may be required ([see AP 7337 titled Fingerprinting](#)) for the purpose of running a criminal background check.

No person may serve as a volunteer/intern in the District if:

- He/she has been convicted of or if he/she has charges pending which pertains to any sex offense (as defined in Education Code Section 87010), or controlled substance offense (as defined in Education Code Section 87011)
- He/she has been convicted of a crime and the Chief Human Resources Officer or designee determines that: the nature of the crime is too serious to serve as a volunteer/intern; the crime was too recent; and/or the crime is inconsistent with obligations in performing assigned duties as a volunteer/intern
- He/she has a health condition that would preclude him/her from satisfactorily performing essential duties of the position and/or
- He/she makes a false statement or omits a statement as to any material fact on the application form

### **Expenses**

Persons serving without pay as volunteers/interns may receive reimbursement for incidental expenses.

### **Benefits**

Volunteers/interns are employees of the District only for the purpose of worker's compensation benefits for injuries sustained while engaged in the performance of any service under the direction and control of the District. With the exception of worker's compensation (Education Code Section 72401), volunteers/interns shall serve without any type of compensation or any other benefits granted to District employees. Volunteers/interns shall not be entitled to defense and indemnity from the District.

Office of Primary Responsibility: [Human Resource Services](#)

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**NOTE:** This procedure is **legally advised**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was reviewed on April 18, 2008 by the Policy and Procedure Task Force.

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**Date Approved:**

*(This is a new procedure recommended by the CC League and the League's legal counsel)*