

Eligible Child

An eligible child is defined as:

1. a biological, adopted or foster child, a stepchild, or a legal ward under the age of 18, or
2. an adult dependent child over the age of 18 who is incapable of self-help due to a mental or physical disability, or
3. a child under 18 who is treated as the employee's child or for whom the employee has been "in loco parentis."

Applications for Leave

A request for Family Medical Leave must be made in writing by completing the Family Medical Leave application form. The application must be submitted to the employee's administrator and then forwarded to the Office of Human Resources at least thirty days before the requested start of the leave unless the reason for the leave is due to an emergency, in which case the request must be made immediately. The completed application must state the reason for the leave and the beginning and ending dates of the leave.

Conditions of Leave

1. An employee who requests medical leave for their own serious health condition is required to use all accrued paid leave, including vacation time, sick leave and extended sick leave if applicable concurrently with the Family Medical Leave Act leave. Because Family Medical Leave is limited to twelve workweeks, it is unlikely that an employee will run out of extended sick leave within the duration of this leave.
2. An employee who requests Family Medical Leave to care for their spouse, child, parent or member of the immediate household with a serious medical condition must first use all available paid leave, including vacation time and personal necessity and then sick leave to the extent allowed in the employee's relevant bargaining unit agreement for care of family members. At the exhaustion of all paid leaves, the remainder of the leave - up to a maximum of twelve weeks - will be unpaid.
3. Leave taken because of the serious health condition of an employee, spouse, child, parent or member of the immediate household may be taken intermittently or on a reduced medical schedule when medically necessary. Leave may be counted in full or partial days or full or partial weeks. Such intermittent or reduced time schedule leave may require the employee to transfer temporarily to another position. Leave taken because of the birth or placement of a child may not be taken intermittently or on a reduced schedule leave unless expressly approved by the Associate Vice Chancellor, Human Resources.

4. While in unpaid status under Family Medical Leave, an employee will not accrue additional benefits such as sick leave, vacation, or seniority. However, Family Medical Leave is counted as active work status for the purposes of pension vesting or eligibility in pension plans.
5. If both a husband and wife work for the District, their leave is limited to a combination of twelve weeks for the qualifying event of a birth, adoption, or foster care placement.

Medical Certification Statement

An application for leave based on the serious health condition of the employee or the employee's spouse, child, parent or member of the immediate household must be accompanied by a Medical Certification Statement completed by a health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition. If leave is for the care of a family member, it should also estimate the amount of time that the employee will be needed to care for the patient. If leave is for the employee's own health condition, certification should also state that the employee is unable to perform the functions of their own position. The District may require the employee to obtain a second medical opinion at District expense. If the two medical opinions conflict, the opinion of a third medical provider, approved jointly by the employee and the District, may be required at District expense, and the third opinion will be final and binding. If additional leave is requested beyond the period stated in the certification, the District may require recertification in accordance with these procedures.

Return From or Failure To Return From Leave

The employee is expected to return to work on the date stated in the application for leave. If the employee wishes to return earlier, both the employee's administrator and the office of Human Resources should be notified at least 5 days before the employee's planned return. Failure to return from leave without notification may be construed as an abandonment of the employee's position. The District will require a certification that the employee is physically able to return to work upon return from leave due to the employee's own serious health condition. However, if an employee returning from Family Medical Leave due to their own serious medical condition is unable to perform the essential functions of their job because of a physical or mental condition, the Americans with Disabilities Act may govern.

Reinstatement Rights

Unless considered a "key" employee, an employee on Family Medical Leave is entitled to be returned to the same position held prior to the leave, if still available, or to a comparable position with equivalent pay, benefits, if applicable, and other terms and conditions of employment, subject to provisions of the contract with the relevant bargaining unit. A "key" employee is one who is among the highest paid 10% of the District's employees and whose reinstatement would cause substantial economic injury to the district's operations. An employee on Family Medical Leave will not suffer the loss of any other employment benefit that the employee earned or was entitled to before using the leave.

Health Care Benefits (if applicable):

District paid benefits will continue during the period of Family Medical Leave. If the employee does not return from leave for a reason other than continuation or recurrence of the serious health condition that entitled the employee to leave in the first place and employment is terminated, the District can recover the cost of the health care premiums from the employee.

Coordination with Pregnancy Disability Leave

Family Medical Leave is separate and distinct from disability leave for pregnant employees. Pregnant employees may be entitled to a disability leave in addition to the Family Medical Leave.

An eligible employee may be entitled to take a pregnancy disability leave of up to four months and a Family Medical Leave of up to twelve weeks for a combination of approximately seven months.

Reference

The Family Medical Leave Act became effective on August 5, 1993.

The California Family Rights Act was amended by AB 1460 to conform the state law to the federal Family Medical Leave Act. These amendments were effective on October 5, 1993.

APPENDIX G

**JOINT CLASSIFICATION AND
COMPENSATION STUDY
IMPLEMENTATION
AGREEMENT**

MEMORANDUM OF UNDERSTANDING

ASSOCIATION OF CLASSIFIED EMPLOYEES AND FOOTHILL DE ANZA COMMUNITY COLLEGE DISTRICT

This memorandum of understanding is entered into by and between the Foothill-De Anza Community College District (“District”) and the Association of Classified Employees (“ACE”) addressing the agreement reached between the parties regarding the ACE Classification Study and its results.

The parties recognized that over the years the internal alignment of classifications had become skewed and were in need of adjustment to ensure proper representation of duties and their assigned salary range relative to other District classifications. In addition, the responsibilities of certain positions had evolved over time and were in need of review for possible reclassification.

The parties entered into an agreement to engage an outside consultant, Koff and Associates (“Koff”), to conduct a classification study of all ACE positions and provide a report of recommendations for consideration and negotiation by the parties. Employees had an opportunity to submit updated position questionnaires and many were invited by Koff for interview as part of its review. The parties have negotiated the results of that study and reached the following agreements. The parties acknowledge the entire agreement is contingent upon ratification by ACE and approval of the Board of Trustees.

Effective Date – July 1, 2019

All salary range assignment and classification changes shall be effective July 1, 2019.

Changes for affected employees are applicable to ACE employees in active status as of the effective date of ratification by ACE or approval of the Board of Trustees, whichever occurs first. Individuals with salary placement to a higher range as a result of reclassification or higher placement of their current classification will be placed on the same salary step as they currently hold; for example, an employee at Range 39, Step 4 whose position is reassigned to Range 42 will be placed on Range 42, Step 4. Nonetheless, irrespective of lacking current ACE employee status and irrespective of the lack of ACE representation of these employees, in the event there are current active employees who through transfer or recruitment and without a break in service are no longer represented by ACE subsequent to July 1, 2019, those employees shall be included in the application of this agreement on a one-time, non-precedent setting basis.

Y-Rating

An employee whose position or classification is assigned to a Salary Range that is lower than the employee’s current Salary Range shall have their salary Y-Rated as follows. As of the effective date of the parties’ signatures to the Tentative Agreement (February 3, 2021), an employee whose current salary assignment is above the maximum of the new range placement

shall retain their current salary and shall not receive any additional step increases and shall not receive any COLA increase applicable to the salary schedules until such time as the maximum of the new range exceeds the employee's current salary assignment. Subsequent to the effective date of the parties' signatures to this Tentative Agreement the employee's Salary (based on current Step and Salary Range) shall be held static (Y Rated) and the employee shall receive Step and COLA increases only up to the maximum of the new range.

Irrespective of Y-Rating an employee's current salary assignment, an employee's salary may be reduced based on the implementation of the parties' compensation agreement currently in effect and adjusting all salary effective July 1, 2021 (see Compensation Agreement for the 2019-2020, 2020-2021, and 2021-2022 year). For example, an employee on Range 52, Step 5 will have their salary amount changed to the adjusted Range 52, Step 5.

Reclassification

The District and ACE are aware that future changes to current staffing and position expectations are likely, as a result of impending budget cuts currently projected for July 2022, or July 2023 at the latest. Employees may continue submission of reclassification requests under the following condition: the completed reclassification request shall be received by the District Office of Human Resources by August 31, 2021 in the event budget cuts are anticipated for July 1, 2022. In the event budget cuts are delayed until July 1, 2023, the completed reclassification request shall be received by the District Office of Human Resources by August 31, 2022.

The District shall contract with Koff (who is now quite familiar with the District's positions) to conduct the evaluation and analysis of timely submitted reclassification requests. ACE and the District shall share equally in the cost of the Koff reclassification review and analysis.

Working Out of Class

Classification analysis for an employee working out of class was conducted on the job duties of the employee's permanent assignment and not the WOC duties. Hiring decisions for a vacant position currently filled by WOC assignment shall be filled via a recruitment process and not through reclassification of the employee temporarily filling the position. In the case of a WOC assignment due to additional duties assigned the incumbent, in the event such duties become permanent, the employee may submit a request for review under the reclassification procedure, subject to the timeline criteria noted above.

Classifications Not Currently in Use

The following classifications not currently in use shall be eliminated or retained as follows.

TITLE	RANGE	ACTION	NOTES
Allied Health & Nursing Specialist	42	ELIMINATE	
Broadcast Production Coordinator	54	ELIMINATE	