

## Article 17

### PROFESSIONAL DEVELOPMENT LEAVES

#### Eligibility

- 17.1 A faculty employee shall be eligible to apply for a Professional Development Leave of one, two, or three quarters under this article if he or she:
- 17.1.1 Is employed as a regular faculty employee in a non-management position;
  - 17.1.2 Has rendered service to the District as a contract or regular faculty employee who is employed at least half time for at least 18 consecutive quarters preceding the academic year in which the leave is to be taken;
  - 17.1.3 Notwithstanding Section 17.1.2, a regular faculty employee may apply any unused quarters of service earned in a former management position towards the eligibility requirements specified in Section 17.1.2 provided the three most recent quarters of service preceding the academic year in which the leave commences were earned as a regular faculty employee; and
  - 17.1.4 Has not taken any other paid professional leave during the eighteen quarters preceding the academic year in which the leave is to be taken. Notwithstanding the provisions of this section, if the leave is taken in separate years as provided in Section 17.2, the intervening quarters may be counted toward eligibility for subsequent leaves. For purposes of eligibility all quarters of service in active employment status between the first quarter of the year in which the leave is taken and the final quarter of the year in which the leave is completed (17.2) shall count toward eligibility for subsequent leaves (see Appendix P4).

No absence from the service of the District under a leave of absence shall be deemed a break in the continuity of service required by this section. However, time spent on an unpaid leave of one quarter or more shall not count toward a period of service.

#### Leave Duration, Configuration, and Load

- 17.2 No Professional Development Leave granted under this article shall exceed three quarters. It is expected that a Professional Development Leave shall be taken in one academic year. However, the leave may be taken in separate years if:
- 17.2.1 The faculty member's application demonstrates that the leave plan can be most effectively fulfilled in separate years;
  - 17.2.2 The proposal to take the leave in separate years is approved by the Division Dean prior to the submission of the application to the District Office of Human Resources for review by the District Professional Development Leave Committee as provided in Sections 17.5 through 17.8;
  - 17.2.3 The proposal to take the leave in separate years shall not create a hardship for the division in the judgment of the Division Dean; and

- 17.2.4 The leave is commenced and completed within three years beginning Fall quarter following date of approval.

Any leave granted for a period of three quarters shall release the applicant from a full annual load. "Full annual load" is the load for which the faculty employee would have been responsible had he or she not taken a Professional Development Leave. In disciplines where load is distributed unequally throughout the three academic quarters, the PDL leave shall not exceed the equivalent of a full annual load.

### **Granting of Leaves**

- 17.3 Professional Development Leaves shall be granted by the Board itself during the academic year preceding the year during which the leave is to be taken. The Board shall appropriate sufficient funds to permit the granting of a sufficient number of leaves to enable the equivalent of 6 percent of contract and regular faculty employees to be on leave during an academic year. The Board may grant additional quarters of leave at its discretion.
- 17.4 Within the limits established by Section 17.3, all of the quarters of leave available for an academic year shall be granted provided a sufficient number of eligible faculty employees have applied for such leaves and have received the approvals required by this article. If all of the quarters of leave available are not granted during a year, the number of quarters not granted shall be carried over to the next academic year.

### **Salary, Benefits, and STRS/PERS Service Credit**

- 17.5 Each faculty employee granted a Professional Development Leave under this article shall receive 85 percent of full salary during his or her leave, and in accordance with 17.2, for a maximum of three quarters during the regular academic year. "Full salary" is the salary a faculty employee would have received if he or she had not taken a Professional Development Leave.
- 17.5.1 Faculty employees on Professional Development Leave shall not receive any District assignment for extra pay (in excess of 85 percent of full salary), including Article 7 and/or Article 26 assignments that occur during the PDL quarters, unless exceptional circumstances exist and no other faculty employee is available for the assignment. No such assignments for extra pay shall be made without prior approval of the Vice Chancellor of Human Resources or his/her designee.
- 17.5.2 During a Professional Development Leave a faculty employee shall be credited with 85 percent of service by the applicable retirement system (STRS or PERS). The faculty employee may arrange to ensure full service credit for the period of the leave in one of the following ways:
- 17.5.2.1 Faculty may purchase service credit from the applicable retirement system. If the purchase is made from STRS within two years following the completion of return service for the leave, the District shall pay the employer portion specified in Education Code 22950(a) and 22951 of the creditable compensation upon which the contribution is based. Verification by the District through the District Office

of Human Resources is required for the purchase of professional development leave service credit.

17.5.2.2 Effective July 1, 2002 under STRS regulations, faculty employment under Article 7 and/or during summer session shall be creditable toward full annual service credit for the college year (July 1 to June 30). No faculty employee on professional development leave shall be assigned under Article 7 except in accordance with 17.5.1.

17.6 Each faculty employee on Professional Development Leave shall receive paid benefits in the same manner as all other full-time contract and regular faculty employees. Such benefits shall include eligibility to apply for training/retraining stipends in accordance with Article 35 and professional conference funds as described in Article 36 of this *Agreement*.

### **Terms and Conditions**

17.7 Each faculty employee, as a condition of being granted a Professional Development Leave, shall agree in writing to adhere to the plan of study, research or travel described in the leave application, and to submit a timely report about the leave as required by Section 17.16. Additionally, each faculty employee shall agree to render return service in the employ of the District equivalent to twice the regular full-time academic load for which he or she has been granted leave. If the leave is taken as a full academic year, return service begins in the Fall quarter of the following academic year. If the leave is taken in separate quarters under 17.2, return service is credited for the load performed in active employment subsequent to each quarter of leave (see Appendix P4).

17.8 The period of any Professional Development Leave granted under this article shall be included in determining eligibility for professional growth and advancement on the salary schedule.

### **Application Process and Timelines**

17.9 A regular faculty employee who wishes to apply for a Professional Development Leave shall file a written application (Appendix P1) with the District Office of Human Resources for review by the District Professional Development Leave Committee with a copy to the President or his or her designee by October 15 of the school year preceding the year during which the leave is to be taken. To be considered by the Professional Development Leave Committee, all application materials shall be received by the District Office of Human Resources by the October 15 deadline date. It is the responsibility of the faculty employee to deliver the completed and signed application materials and required copies to the District Office of Human Resources. Application materials not received by the deadline shall not be reviewed by the District Professional Development Leave Committee.

17.9.1 Notwithstanding the above, a faculty employee who, through no fault of his own or her own, has an application absent of the administrative comments required by Section 17.11, shall submit a copy of all remaining application materials to the District Office of Human Resources by the due date. In such cases, the application shall be considered timely.

- 17.10 The application shall include or be accompanied by the details of the faculty employee's plan of study, research or travel, together with a statement of the benefits that would accrue to the District and its students if the plan were approved. The application shall:
- 17.10.1 Set forth specific objectives for the study, the research or travel so as to demonstrate that the leave will enhance the job performance and professional growth of the faculty employee;
  - 17.10.2 Include a plan of appropriate substance and duration which is proportionate to the length of the leave requested for meeting the stated objectives and an anticipated calendar or timetable for carrying out the various activities.
    - 17.10.2.1 "Appropriate duration" is defined as the amount of time necessary to fulfill the stated objectives and proposed plan, not as the hours equivalent to the faculty employee's primary assignment during the academic year.
  - 17.10.3 Include the means by which a faculty member will report on or verify the objectives achieved.
- 17.11 At least five school days before filing an application with the District Office of Human Resources or no later than five school days before the October 15 application deadline, each faculty employee shall review his or her application with the Division Dean or appropriate administrator, who may consult with the President. The Division Dean or appropriate administrator shall inform the faculty employee if, in his or her professional judgment, the leave plan will not benefit the District and its students. The faculty employee may determine whether to proceed with the application, amend the application or withdraw the application. The Division Dean or appropriate administrator shall then append to the application:
- 17.11.1 A comment advising the Committee as to how the proposed leave will or will not benefit the District and its students; and, if appropriate,
  - 17.11.2 A statement of concern about the potential for a severe reduction in full-time faculty staffing within a specific department, if all applicants are granted leaves for the same time period.

### **Professional Development Leave Committee**

- 17.12 The District Professional Development Leave Committee shall consist of:

The Chancellor, or his or her designee, who shall serve as chairperson; an academic administrator from De Anza College appointed by the President; an academic administrator from Foothill College appointed by the President; two full-time regular faculty employees from each campus selected by the respective Academic Senates; two full-time regular faculty employees from each campus selected by FA. Members of the Committee shall not themselves be applicants.

- 17.12.1 The FA and the Academic Senates, when selecting representatives to the Professional Development Leave Committee, shall designate representatives who will not be applicants for a Professional Development Leave during their term as a Committee member. A Committee member who does

become an applicant for a leave shall step down from his or her Committee assignment.

- 17.12.2 The Professional Development Leave Committee, or a duly authorized sub-Committee, shall conduct its work only at regularly called meetings which all members have the opportunity to attend.
  - 17.12.3 The Professional Development Leave Committee shall meet early in the Fall quarter to agree on a calendar by which the Committee shall carry out its responsibilities and enable it to make its leave application recommendations to the Board at the first Board meeting in February.
- 17.13 The District Professional Development Leave Committee shall review all timely applications and college recommendations submitted to it and shall approve an application only if satisfied that the faculty employee is eligible for the leave and that he or she shall, during the leave, engage in study, research or travel that will:
- 17.13.1 Substantially benefit the District and its students; and
  - 17.13.2 Enhance the faculty employee's job performance and professional growth; and
  - 17.13.3 Relate significantly to the faculty employee's profession, assignment or planned assignments.

The committee shall assess each plan on a holistic basis, with consideration of the way in which a variety and/or number of activities can meet the objectives of the leave.

### **Leave Approval Process**

- 17.14 After reviewing all timely applications and campus recommendations submitted to it, the District Professional Development Leave Committee shall forward the names and descriptions of proposals of the approved applicants for whom leaves are available and the names of all approved alternates, if any, to the Board itself with a request that the leaves be granted. The Committee shall list the names of the approved applicants and all approved alternates, if any, in the order of their quarters of service since last having taken a Professional Development Leave.
- 17.14.1 If members of the Committee are in disagreement among themselves over the approval of an application, they shall communicate with the applicant and with the appropriate administrator to gather information and/or clarification which will assist the members in making an unbiased recommendation.
  - 17.14.2 In carrying out their responsibilities, the Committee shall not be arbitrary, capricious or discriminatory.

The Board itself shall grant the leave as required by Section 17.3, and in the order listed by the Professional Development Leave Committee, except that the Board itself may defer an individual recommendation for a period of time not exceeding one year for an employee who has been subject to disciplinary action pursuant to Education Code Section 87660 and following during the preceding year or against whom disciplinary action is pending or will be pending within 30 days, allowing time for the

cause of the disciplinary action to be corrected before the recommendation is reconsidered.

### **Changes to the Leave Plan**

- 17.15 If an employee on a Professional Development Leave changes his or her plan of study, research, or travel described in the leave application, he or she shall submit the plan change (Appendix P2) to the District Office of Human Resources for review by the Professional Development Leave Committee prior to implementing the change. If such prior notification is not possible, the employee shall notify the District Office of Human Resources no later than the end of the second week of the quarter or, where verifiable extenuating circumstances exist, at the earliest date possible. In all circumstances, changes in the plan shall continue to meet the stated objectives of the leave. The Committee shall review the proposed changes in consultation with the Division Dean or appropriate administrator. The Committee shall either approve or disapprove the amended plan and immediately so inform the faculty employee.
- 17.15.1 If the amended plan is disapproved after the leave has commenced, the faculty employee is expected to end the leave at the conclusion of the quarter in which the faculty employee is notified of the disapproval. The faculty employee shall request and receive approval for an amended plan before continuing the leave. However, the faculty employee can declare that ending the leave at the conclusion of the quarter would cause an undue personal hardship, in which case the leave can be completed for the current year subject to the provisions of Section 17.17, including a review of the objectives of the leave and the appropriateness of the undue hardship declaration.
- 17.15.2 In cases where the leave was granted under Section 17.2, in separate years, the faculty employee shall notify and receive Committee approval before continuing the remaining quarters of the leave.

### **Professional Development Leave Report**

- 17.16 Within 30 days following his or her return from the completed leave, each faculty employee shall submit a report (Appendix P3) to the District Office of Human Resources for review by the District Professional Development Leave Committee, with a copy to the Division Dean or appropriate administrator, that identifies the manner in which the employee accomplished the objectives of the leave and planned activities as described in the application and any amendments as provided in Section 17.15. It is the responsibility of the faculty employee to deliver the report to the District Office of Human Resources. Unless otherwise agreed, if the faculty employee fails to provide the required leave report to the District Office of Human Resources by the deadline, the matter shall be referred to the President of the college for action as stated in Section 17.17.
- 17.17 The Professional Development Leave Committee is also responsible for collecting, reviewing and approving the leave reports required by Section 17.16. After reviewing the report, the District Professional Development Leave Committee shall either, approve the report and file it with the Board itself or request further information or refinement of the report from the faculty employee. If the Committee is unable to establish that the conditions under which the leave was granted have been satisfied, the report shall be referred to the President. The President, after consultation with those

deemed appropriate, and after considering possible mitigating circumstances, may recommend that the faculty employee be required to compensate the District for the expense of the leave. If the Board itself accepts the President's recommendation, the faculty employee may grieve the decision as specified in Article 5 (Grievance Procedure) of this *Agreement*.

**Re-opener**

17.18 Either the Board or FA may reopen negotiations on this article at any time by delivering a written agreement to reopen to the other party.