

ARTICLE 38

Banked Load and Banked Load Leaves

38.1 DEFINITION

Banked load leave is leave which is earned and results from an accumulation of overload, **summer and/or wintersession** assignments which the member has chosen to “bank” rather than **receive payment**. ~~be paid for during the academic year (July 1—June 30). Faculty load in excess of the normal 1.0 per semester load (an overload, as described in Articles 18.5 and 19.4.3) may be banked in lieu of pay for the uses described in this article.~~

Time spent on banked load leave shall be treated as any other paid leave with regard to continuance of fringe benefits, including retirement, and shall not be considered a break in service of the member. (Reference: Education Code §87790)

38.2 ELIGIBILITY

Regular and contract full time members in satisfactory evaluation status are eligible to accumulate banked load. The following are not eligible to accumulate banked load:

- first year contract members
- members on any kind of district leave
- members on any reduced load (does not refer to reassigned time)
- members on **Regular Full Semester and Pre-Retirement Banked Load Leave**.

Eligibility of members to receive and bank overload assignments is specified in Article 18.5; eligibility of members to receive and bank summer and/or wintersession assignments is specified in Article 19.8.

38.3 **REQUEST TO BANK AN OVERLOAD ASSIGNMENT**

Each member shall be allowed to maintain two separate banks subject to eligibility requirements: a Regular Bank and a Pre-retirement Bank, each to be described later in this Article. An assignment to be banked must be identified by the member at the time the contract is signed. Each contract shall include a section directing the member to indicate 1 of 3 options: be paid for the assignment, bank the load in the member’s regular bank, or bank the load in the member’s pre-retirement bank.

If both of the member's banks are at their maximum accumulation limit (described later in this Article), the member may no longer request that assignments be banked—if the member submits the contract with a request to bank, the member shall be notified by Human Resources and Human Resources shall direct the Payroll Department to pay the member for the assignment.

Human Resources shall keep track of the accumulated banked load in each bank and shall report the accumulated balances of each bank to the member annually. However, before applying for any banked load leave, the member should verify their accumulated banked load balances with Human Resources.

38.4 REGULAR BANK

38.4.1 Maximum Accumulation

Load in the member's regular bank may be accumulated up to a limit of 2.0, which is currently the equivalent of a full load for one contract year per Article 18.3. For counselors, librarians or others accumulating overload on an hourly basis, a full load for one contract year shall be defined as 1050 hours (a full semester load being defined as 525 hours.)

38.4.2 Full Semester Leave

A member may withdraw 1.00 load (which is currently the equivalent of a full load for one semester) from their regular bank and take a full semester leave. A member may take only one full semester leave in any time period. A time period starts when a member returns from a full semester banked leave and extends for a minimum of five (5) years.

Partial leaves (as described in Article 38.4.3) may be taken during the five-year period.

Members on full semester leave shall be paid at their full-time pay rate in effect at the time the leave is taken. Members on full semester leave shall be ineligible to teach overloads during the regular academic year. (See Article 18.5)

38.4.3 Partial Leave

Any withdrawal from the bank of less than 1.00 to fulfill a member's full semester load requirement of 1.00 is considered a partial leave.

- a. Planned. A member may request a schedule that results in the member having less than a 1.0 load—the member shall then request a withdrawal from the regular bank to balance out their load to a full load. A member may make partial leave withdrawals from their regular bank up to a maximum of two times in any five year period.
- b. Unplanned. As described in Article 18.4, a withdrawal from the member's regular bank is one option for the member to balance an unplanned underload. No overload may be paid or banked while a member has an unresolved underload.

38.4.4 Banked Load Leave Application Procedures

38.4.4.1 Full Semester and Planned Partial Leaves

An *Application for Banked Load Leave* form is available from the Human Resources Department and must be submitted by the member requesting the banked load leave to the appropriate Department Chair or appropriate supervising administrator by the third Friday of the semester prior to the semester in which the leave is to be taken.

The *Application for Banked Load Leave* must be reviewed by the Department Chair, or appropriate supervising administrator, who shall provide an analysis of program impact including recommendations for alternative coverage.

Approval of leaves shall be contingent in part upon the ability of the department to maintain its offerings. Additionally, at least 50% of the regular/contract members of a department should be on duty each semester.

In departments receiving multiple applications for banked leave and/or if more than fifty percent (50%) of a department applies for banked load leave, approvals shall be based on the following criteria: 1) availability of replacements, 2) prior applications and rejections, and 3) departmental seniority, with priority given to those members who have not taken a banked leave within the past five (5) years.

Based on the analysis of program impact, the Department Chair, or appropriate supervising administrator, must make a recommendation of approval or denial of the banked load leave and must sign the *Application* form. If denied, the Department Chair must notify the member, in writing, of the rationale for denial.

If approved, the *Application* form shall be reviewed by the Division Chair, who must make a recommendation of approval or denial of the banked load leave and must sign the *Application* form. If denied, the Division Chair must notify the member, in writing, of the rationale for denial.

If approved, the *Application* form shall be reviewed by the Vice-President, who must make a recommendation of approval or denial of the banked load leave and must sign the *Application* form. The Vice-President's review should be completed by the seventh Friday of the semester prior to the semester in which the leave is to be taken. If denied, the Vice-President must notify the member, in writing of the rationale for denial.

If approved, the Application for Banked Load Leave shall be forwarded by the appropriate Vice-President to Human Resources for processing.

Upon completion of the banked load leave, Human Resources shall then make the appropriate withdrawal from the member's regular bank.

If denied at any point in the review process, the member shall be given the rationale for the denial in writing. A member requesting use of a banked load leave should not be turned down for such leave more than once by the college. Within five (5) days of notification of denial of a

banked load leave request, the member may appeal to the college President. The decision of the college President is final.

38.4.4.2 Unplanned Partial Leaves

If a member chooses to make a withdrawal from his/her regular bank to balance an unplanned underload, the member should request an Application for Banked Load Leave form from Human Resources. After completing the form, the member should forward the form to the appropriate Vice-President, to notify the Vice-President that the underload has been resolved. The Vice-President should then forward the form to Human Resources. Human Resources shall then make the appropriate withdrawal from the member's regular bank.

38.4.5 Regular Bank Cash Out Procedures

A member may choose to cash out any load in their regular bank as described in Article 38.6.

38.4.6 Use of Regular Bank for Retirement

Under certain conditions, unused regular bank may be used in conjunction with certain types of early retirement leaves immediately preceding the member's retirement date. These leaves, including eligibility requirements and application process, are described in Article 15.

38.5 PRE-RETIREMENT BANK

38.5.1 Description

The Pre-retirement Bank was established as one means of encouraging members to do some significant planning in anticipation of their retirement and to ease the transition into this new life phase. The pre-retirement bank may be utilized by the member to take one of several types of early retirement leaves immediately preceding their retirement date. These leaves, including eligibility requirements and application process, are described in Article 15 of this contract.

38.5.2 Maximum Accumulation

Load in the member's pre-retirement bank may be accumulated up to a limit of 2.0 (a full load for one academic year.) If the member's regular bank has a zero accumulated balance and the member has not submitted an Application for Pre-Retirement Leave, the load in the member's pre-retirement bank may be used for a full semester leave or a partial leave as described in Article 38.4 above—upon submission of the *Application for Banked Load Leave* to Human Resources, the appropriate load shall be deducted from the member's Pre-Retirement Bank.

38.6 BANKED LOAD CASH DISBURSEMENT PROVISIONS

38.6.1 Description

Banked load not used for the specific purposes described earlier in this article may be converted to cash disbursement as follows:

38.6.2 Active Members

Any amount of accumulated banked load (regular and/or pre-retirement) removed from banked load status for cash shall be paid at the prevailing associate faculty rate. (The cash disbursement chart does not apply.)
Prevailing associate faculty rate refers to a member's placement on the associate faculty salary scale at the time a banked load cash disbursement is made. The member must submit a request in writing to Human Resources.

38.6.3 Severance from Faculty Employment

Effective July 1, 2007, any unused banked load of members who resign from faculty employment shall be paid in accordance with the cash disbursement chart below. In the event of the death of a member, the unused banked load of the member shall be paid to the member's estate in accordance with the cash disbursement chart below.
Any former members who have been appointed to a permanent administrative position within the District shall be paid for their unused banked load per the cash disbursement chart below.

CASH DISBURSEMENT CHART

To be used in the event of a member's severance from faculty employment or in the event of the member's death:

ACCUMULATED BANKED LOAD (pre-retirement and/or regular bank)	PAY RATE
Less than 1.0	prevailing associate faculty rate for that member
1.0 (whole number)	the member's current full-time salary
Greater than 1.0, but less than 2.0	first 1.0 at member's current full-time salary, excess over 1.0 at prevailing associate faculty rate for that member
2.0 (whole number)	the member's current full-time salary
Greater than 2.0	first 2.0 at member's current full-time salary; excess over 2.0 at prevailing associate faculty rate for that member

~~38.2.1 — **Request to Bank Load**~~

~~Load to be banked must be identified and requested at the time the overload contract is signed and no later than the sixth week of any semester for semester length classes or the first day of instruction for course of less than semester length.~~

~~Load for a Pre-Retirement Banked Load Leave may be designated and banked only after the request to bank for Pre-Retirement Banked Load Leave has been submitted and acknowledged by the Human Resources Office.~~

~~38.2.2 — Banked load may be accrued up to a limit of 2.0, with the single exception which applies to faculty who have filed with Human Resources an intent to use Pre-retirement Banked Load Leave as described later in this Article. (A “full load” will be determined by using the Load Book in effect at the time the member applies for leave). For counselors, librarians or others accumulating overload on an hourly basis, a full semester load shall consist of 525 hours or 1050 hours for a year.~~

~~38.3 — **Banked Load Leave (exclusive of Pre-retirement Banked Load Leave)**~~

~~A member may take a maximum of one 1.00 semester leave in any time period. A time period will be considered as starting when a member returns from any previous 1.00 semester banked leave and extends for a minimum of five (5) years. Partial leaves may be taken during the five-year period.~~

~~38.3.1 — **Partial Leave**~~

~~Any withdrawal from the bank of less than 1.00 to fulfill a full (1.00) semester assignment is considered a partial leave.~~

~~a. Voluntary. Withdrawals may be made from the bank to balance a voluntary partial leave for a maximum of two times in any five-year period.~~

~~b. Involuntary. Withdrawals may be made from the bank to balance a full load any semester when scheduling has resulted in the member being “underloaded” (as described in Article 18.4). Underloads for more than one (1) semester should be brought to the attention of the appropriate Vice President and will be subject to the scheduling provisions of Article 19.~~

~~38.3.2 — At least 50% of the regular/contract members of a department should be on duty each semester. Approval of leaves will be contingent in part upon the ability to maintain the department’s offerings.~~

~~38.3.3 — If more than fifty percent (50%) of a department applies for banked load leave, leave will be granted according to department seniority among members who have not taken a banked load leave within the past five (5) years.~~

~~38.3.4 — Members on banked load leave will be paid at their full time pay rate at the time the leave is taken.~~

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~~38.4 — **BANKED LOAD LEAVE PROCEDURES**~~

~~38.4.1 — An application for banked load leave is available from the Human Resources Department and must be submitted to the appropriate Vice President and Department Chair by the third Friday in September and the second Friday in February of the semester prior to the semester in which the leave is to be taken.~~

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~~38.4.2 — The request for leave must be reviewed by the Department Chair, who will provide an analysis of program impact and recommendation of alternative coverage. If the applicant will be replaced, banked load leave will not be approved in departments without an appropriate associate registry from which to draw.~~

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~~38.4.3 — Applications will be submitted by the Department Chair to the appropriate Vice President by the first Friday in October and the last Friday in February.~~

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~~38.4.4 — The members will be notified of the approval or denial of the leave request by the first Friday in October or the third Friday in February. If denied, the member will be given the rationale for the denial in writing. A member requesting use of a banked load leave should not be turned down for such leave more than once by the college. In departments receiving multiple applications for banked load leave, approval will be determined in the following order: 1) availability of load replacements, 2) prior applications and rejections, and 3) seniority.~~

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~~38.4.5 — The decision of the Vice President may be appealed within five (5) days of notification to the college President. Decision of the college President is final.~~

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~~38.4.6 — Banked load leave may be combined with sabbatical, rejuvenation and retraining or other one semester leave, but any combination of leaves should not exceed one (1) year.~~

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~~38.5 — **PRE-RETIREMENT BANKED LOAD LEAVE**~~

~~Pre-retirement Banked Load Leave has been established as one means of encouraging members to do some significant planning in anticipation of their retirement and to ease the transition into this new life phase. Any member who has accrued at least 1.0 banked load and who has at least ten years of service in the District may file a pre-retirement banked load leave plan. The actual date of retirement may be determined at a later date, but it must be no later than one semester prior to the actual date of the initiation of the pre-retirement banked load leave.~~

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~~A. All eligible regular members have the option of banking load to be utilized as a Pre-Retirement Banked Load Leave. This Pre-Retirement Banked Load Leave will allow a member to reduce the member's workload to a~~

~~minimum of 50% per year and to use accumulated banked load to make up the other percentage of the full 2.0 annual load. The member will receive the service credit that the member would receive if the member were assigned on a full-time basis. The retirement allowance, as well as other benefits to which the member is entitled, will be based upon the salary that the member would receive if scheduled for a full load.~~

~~B. An approved Pre-Retirement Banked Load Leave plan, once activated, may be utilized for up to two years immediately prior to retirement or until a member ceases to be an employee of the District, whichever comes first.~~

~~1. A member may plan a Pre-Retirement Banked Load Leave of:~~

~~a. A full load (2.0) for one academic year immediately prior to retirement (This would require an amount of 2.0 banked FTE.);~~

~~OR~~

~~b. Up to a maximum of fifty percent leave each year for one to two years. (This would require up to 2.0 banked FTE.)~~

~~C. Members on Pre-Retirement Banked Load Leave may teach or serve an overload assignment and any "re-assigned time" activity shall be included in the load limits of the plan. Any overload courses shall be paid at the prevailing associate faculty rate and cannot be banked.~~

~~D. A member who elects to utilize a Pre-Retirement Banked Load Leave must retire at the end of the term specified in the approved plan.~~

~~F. Members who have activated Pre-retirement Banked Load Leave are not eligible for additional leaves, retirement incentives or "golden handshake" plans.~~

~~38.5.1 ELIGIBILITY CRITERIA FOR PRE-RETIREMENT BANKED LOAD LEAVE~~

~~To be eligible for Pre-retirement Banked Load Leave, the member must meet all of the following criteria at the time Pre-retirement Banked Load Leave is activated. The member must:~~

~~A. Be at least 50 years of age at the time the Pre-retirement Banked Load Leave plan is filed and at least 55 years of age by the beginning of the semester in which the Pre-retirement Banked Leave is to begin.~~

~~B. Have at least 10 years of service with the District prior to beginning the Pre-retirement Banked Load Leave.~~

~~C. Be eligible to retire from service under STRS (or PERS) upon the completion of the Pre-Retirement Banked Load Leave.~~

~~D. Have served full time, without a break in service, for at least three years immediately preceding the beginning of a Pre-Retirement Banked Load~~

~~Leave. For this purpose sabbaticals and other approved leaves of absence shall not constitute a break in service, provided any pay-back commitment has been fulfilled. Time spent on a sabbatical or other approved leave of absence shall not be used in computing the three-year full-time service requirement.~~

~~38.5.2~~ ~~**PRE-RETIREMENT BANKED LOAD LEAVE FILING AND APPLICATION PROCEDURES**~~

- ~~A. Step One: Using an ACE/District authorized form, the eligible member (who has accrued a minimum of 1.0 and maximum of 2.0 banked load) must file with Human Resources an intent to use accrued banked load for the purposes of Pre-Retirement Banked Load Leave. This filing may precede the actual activation of Pre-Retirement Banked Load Leave by years, or it may coincide with the submission of an activation plan as described in the following Step 2.~~

~~Upon filing the intent form, the member becomes eligible, on a one-time basis, to earn and accrue up to an additional 2.0 banked load. While the member remains an active employee, or prior to the activation of his or her pre-retirement banked load leave, any banked load accrued in excess of the 1.0 or 2.0 to be used for the pre-retirement banked load leave may be used to balance underloads, to apply for and use banked load leave (see 38.3.1, et seq.) or for cash disbursement (as specified later in this article). Such use of banked load shall be in accordance with other provisions of this Article.~~

- ~~B. Step Two: To initiate activation of a Pre-Retirement Banked Load Leave the eligible member must submit to the college President a written request on a form (agreed upon by ACE and the District) supplied by the District which includes a plan that has been developed with the Department Chair and approved by the appropriate Vice President by the first Friday in February for a Pre-Retirement Banked Load Leave beginning the following fall semester OR by the first Friday in October for a Pre-Retirement Banked Load Leave beginning the following spring semester.~~

~~The request/plan should contain:~~

- ~~A. The effective date (must be the first duty day of a semester) and duration.~~
- ~~B. The proposed assignment as specified in the plan.~~
- ~~C. The percentage of contract that the member is proposing to work each semester.~~
- ~~D. The effective date of the member's retirement.~~

~~38.5.3~~ ~~**APPROVAL OF PRE-RETIREMENT BANKED LOAD LEAVE**~~

~~Approval of a Pre-Retirement Banked Load Leave will be contingent in part upon the ability to maintain the department's or area's offerings or services.~~

~~No application is approved until the recommended action of the President is approved by the Board of Trustees. The applicant will be notified in writing by the Human Resources Department when the application has been authorized by the Board.~~

~~Recommendations and approval shall not be withheld, except for good cause and shall be based on the criteria outlined in 38.2, 38.3.2, 38.3.3 and 38.5.2.~~

~~38.5.4 REVISIONS AND MODIFICATIONS TO PRE-RETIREMENT BANKED LOAD LEAVE~~

~~Once approved and implemented by written notification, any proposed pre-retirement plan revision or modification must be submitted in writing at least six months before the desired modification is to begin. Any proposed modification will be considered on its particular merits and ramifications and may or may not be approved by the department chair and college President.~~

~~38.5.4.1 Members wishing to use pre-retirement banked load may withdraw load at anytime to balance an underload.~~

~~38.5.5 COMPENSATION FOR PRE-RETIREMENT BANKED LOAD LEAVE~~

~~If the member institutes a Pre-Retirement Banked Load Leave that results in less than a full-time schedule, the member shall be paid a pro-rata share of the member's full-time salary. The District and the member will make contributions toward STRS (or PERS) in the same manner and amount required had the member been employed full-time.~~

~~38.6 BANKED LOAD CASH DISBURSEMENT PROVISIONS~~

~~38.6.1 DEFINITION~~

~~Banked load not used for the specific purposes described earlier in this article may be converted to cash disbursement under strict limitations for both actively employed members and those pursuing retired status. The chart depicted below describes the limitations imposed on any cash disbursement of banked load. Prevailing associate faculty rate refers to a member's placement on the associate faculty salary scale at the time a banked load cash disbursement is made.~~

~~38.6.2 Active Faculty Employees~~

~~Any amount of accrued banked load removed from banked load status for cash will be paid at the prevailing associate faculty rate. (The cash disbursement chart does not apply.)~~

~~38.6.3 Voluntary Severance of Employment~~

~~Voluntary severance of active employment (such as, resignation) by a member, except for retirement, will cause that member's banked load accrual to be paid at the prevailing associate faculty rate when the member officially terminates employment with the District. (The cash disbursement chart does not apply.)~~

~~38.6.4 — Retirement or Involuntary Discontinuance of Active Employment:~~

~~A. — Non-Pre-retirement Banked Load Leave~~

~~A faculty member with accrued banked load who has not filed for the Pre-retirement Banked Load Leave program may elect to receive a cash disbursement in a lump sum as per the cash disbursement chart. That member's retirement becomes effective at the time the lump sum is paid and STRS/PERS credit will no longer be accrued by the member. Members who elect this option are not eligible for additional leaves, retirement incentives or "golden handshake" plans.~~

~~B. — Pre-retirement Banked Load Leave~~

~~Excess accumulation of banked load beyond the amount established in the leave plan shall be paid out as per the cash disbursement formula at the time of retirement. A member who has elected to begin pre-retirement banked load leave and who voluntarily leaves the program at any time will have any remaining amount of banked load paid in accordance with the cash disbursement chart. That member's retirement becomes effective at the time the lump sum is paid and STRS/PERS credit will no longer be accrued by the member. Members who elect this option are not eligible for additional leaves, retirement incentives or "golden handshake" plans.~~

~~C. — Involuntary Discontinuance of Active Employment~~

~~In the event a member leaves active employment with the District due to death or reduction in force, that member (or the member's estate) shall be eligible to receive a lump sum cash disbursement as per the cash disbursement chart.~~

~~Cash disbursement chart applicable to a member's retirement or involuntary discontinuance of active employment:~~

ACCRUED BANKED LOAD	PAY RATE
Less than 1.0	prevailing associate faculty rate for that member
1.0 (whole number)	the member's current salaried rate
Greater than 1.0, but less than 2.0	first 1.0 at member's current full-time salary; excess over 1.0 at prevailing associate faculty rate for that member
2.0 (whole number)/greater than 2.0	first 2.0 at member's current full-time salary; excess over 2.0 at prevailing associate faculty rate for that member

~~38.7 — Banked load will be maintained by the Human Resources Department, and each member will receive an annual statement regarding their banked load.~~

~~38.8 — Time spent on banked load leave will be treated as any other paid leave with regard to continuance of fringe benefits, including retirement, and shall not be considered a break in service of the member.~~

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~~— Reference: Education Code §87790~~

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