

## CHAPTER 14

### LEAVES OF ABSENCE

BARGAINING UNITS REFER TO CONTRACT

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14.1 GENERAL PROVISIONS

14.1.A DEFINITION OF LEAVE OF ABSENCE: A leave of absence is an authorization for a regular employee to be absent from duty for a specific period of time for an approved purpose.

- 14.1.H ORDER OF AVAILABLE LEAVES FOR ILLNESS OR INJURY: An employee who is absent for any reason related to illness or injury shall utilize available leaves in the following order:
1. Industrial Accident and Illness Leave (if applicable).
  2. Accrued and advanced sick leave.
  3. Compensatory time off (if applicable).
  4. Accrued or credited vacation days (by request of employee).
  5. Extended illness leave.
  6. Unpaid leave (if approved).
- 14.1.I LEAVES NOT GRANTED AS A MATTER OF RIGHT: An employee shall not be entitled to a leave of absence as a matter of right. Upon request for a leave of absence signed by the employee and stating the reason for the leave, the appointing authority may approve or disapprove the request. Any denial of a leave may be appealed through the Personnel Commission's complaint procedure.
- 14.1.J VERIFICATION OF LEAVES: The District shall have the right to require verification of all leaves requested and taken by an employee.
- 14.1.K EMPLOYEE REQUIRED TO MAINTAIN LICENSES AND CERTIFICATES: Any required license or certificate held by the employee at the time a leave (paid or unpaid) is granted must be maintained and valid at the time the employee returns to active service with the District.
- 14.1.L\_ HOLIDAY PAY - PAID LEAVE OF ABSENCE: Authorized paid holidays which occur during the period in which an employee is on a paid leave of absence shall be paid as holiday pay an

1. Physical or mental inability to perform the usual and customary duties of the position due to illness, injury, or for legally established quarantine.
2. A visit to a licensed physician, dentist, medical practitioner, psychologist or other therapist for examination, treatment, consultation, or therapy.

14.2.B NUMBER OF SICK LEAVE DAYS PER YEAR: Every full time regular classified employee in a paid status shall be allowed full pay for absence caused by personal illness or injury for 13 working days per year for 12 calendar month employees, 12 working days per year for 11 calendar month employees, 11 working days per year for 217-day work year employees, and 10 working days per year for school session employees, regardless of the amount of service rendered during the year.

1. To qualify for a full month of paid status, the employee must be in a paid status for fifty percent (50%) or more of the work days during the month.

14.2.C PAY RATE FOR SICK DAYS: Employees shall earn sick days based on the formula outlined in Rule 14.2.B. When an employee takes a day of sick leave, pay for that day of sick leave shall be the same pay the employee would have received had the employee worked that day.

14.2.D CARRY-OVER OF SICK LEAVE: Sick leave accrued, but not used, shall carry over from one fiscal year to another with no limit on accumulation.

14.2.E PROBATIONARY EMPLOYEES' USE OF SICK LEAVE: New probationary employees may not use more than six (6) days of paid sick leave during their initial probationary period. This rule shall not apply to those regular classified employees who have previously completed a probationary period in the District.

14.2.F SICK LEAVE GIVEN IN ADVANCE AT START OF FISCAL YEAR: At the beginning of each fiscal year, the sick leave account of the employee shall be increased by the number of days of paid sick leave which would normally be earned in the ensuing fiscal year.

1. An employee's sick leave advance allotment shall be adjusted should a change in the employee's assignment alter the amount of sick leave which the employee can earn.



and/or responsibilities of his position; regardless of whether or not the employee has claimed or received paid benefits under provisions of these Rules and Regulations.

14.2.M NO SICK LEAVE PAYOFF WHEN EMPLOYEE LEAVES: If an employee leaves the employment of the District, accumulated unused sick leave will not be credited to the employee's final payment. Upon retirement, the unused accumulated illness leave of an employee who became a member of PERS prior to July 1, 1980, will be credited by PERS at the rate 0.004 year of service for each unused day of earned sick leave.

REFERENCE:           1.     Education Code Sections 88021, 88035, 88036, 88080, 88081, 88190, 88191, 88193, 88195, 88196.5, 88200 and 88203  
                          2.     Board Policy 4600

### 14.3 EXTENDED SICK LEAVE

14.3.A EXTENDED SICK LEAVE: All regular classified employees who have exhausted all accrued and advanced sick leave shall receive extended sick leave benefits subject to the following conditions:

1.     Extended sick leave shall be paid at the 50% of the regular rate of pay during his absence. The 100 workday period shall commence with the first day of extended absence. During this period, full pay shall be given for accumulated sick leave, vacation and holidays.
2.     Extended benefits shall be limited to 100 workdays in each fiscal year. At the beginning of a fiscal year, 100 workdays shall be credited to the employee's account, whether or not the employee is currently drawing benefits subject to this Rule.
3.     These 100 workdays shall be exclusive and in addition to all other paid and compensable leaves such as vacation, industrial accident/illness leave and holidays.

14.3.B USED AFTER EXHAUSTION OF ALL OTHER PAID LEAVES: After entitlement to all regular sick leave, vacation, and other paid time available has been exhausted, an employee who is still absent from his employment shall begin to draw on the employee's 100 days of leave pursuant to Rule 14.3.A.

1.     For leave in excess of four (4) days consecutive an employee is eligible to file a written request for statutory when all other available paid leave are exhausted.

2. For leave of less than four (4) days consecutive requires no verbal or written request or physical's statement.

14.3.C USE EXTENDS INTO NEXT FISCAL YEAR: In the event that the entitlement to extended sick leave is not exhausted at the end of the present fiscal year, and the employee continues to be sick or disabled, the employee shall be entitled to receive the new regular and extended sick leave benefits available for that fiscal year.

14.3.D VERIFICATION OF ILLNESS: All rules governing verification of illness absences outlined in Rule 14.2 shall also apply to any absences taken under this Rule.

14.3.E ABSENCE NOTIFICATION: All rules governing absence notification outlined in Chapter 14.2 shall also apply to any absences taken under this Rule.

REFERENCE: Education Code Sections 88035,88036, 88080, 88081 88190, 88191, 88193, 88195, 88196, 88196.5, 88200 and 88203

#### 14.4 INDUSTRIAL ACCIDENT/ILLNESS LEAVE

14.4.A 60 DAYS OF FULL PAID LEAVE: All regular and permanent classified employees who have completed six months of paid service shall be entitled to this leave. An eligible classified employee who is absent from duty from causes which are District related industrial accident, injury, or illness shall be entitled to not more than sixty (60) working days in any one (1) fiscal year for each industrial injury, accident, or illness. If the full sixty (60) working days will overlap into the next fiscal year, the employee shall be entitled only to that amount remaining at the end of the fiscal year in which the accident, injury, or illness occurred. Such leave is noncumulative and may be taken only during those periods when the employee would normally have been in a paid status.

14.4.B



14.4.H PLACEMENT ON REEMPLOYMENT LIST AT EXHAUSTION OF LEAVES: When all available paid or unpaid leaves of absence have been exhausted, and if the employee is still not medically able to assume the duties of his/her position, he/she shall, if not voluntarily placed in another position, be placed on a reemployment list for a period of thirty-nine (39) months. When the employee is medically able to return to work during this thirty-nine (39) month period, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other candidates, except for a reemployment list established because of a layoff for lack of work or lack of funds, in which case he/she shall be listed in accordance with appropriate seniority regulations. An employee who has been placed on a reemployment list, as provided herein, and who has been medically released for return to duty, and who fails to accept an appropriate assignment, shall be dismissed. An appropriate assignment for purposes of this Rule shall be defined as a position in the previous class having the same or greater number of assigned hours per day, days per week, and months per year, and on the same approximate shift.

14.4.I ABOLISHMENT OF PREVIOUS CLASSIFICATION: If the employee's class has been abolished during his/her absence, and the employee has been released to return, the employee shall be placed in a vacant position in a comparable class for which the employee is qualified as determined by the Director of Human Resources and approved by the Personnel Commission.

14.4.J RETURN TO SERVICE AFTER INDUSTRIAL LEAVE: An employee shall be permitted to return to service after an industrial accident or illness leave only upon presentation of a release from the District appointed physician. The release shall certify that the employee is able to return to his/her position without restrictions or limitations. If the medical release limits the work activities of the employee, the District shall determine if a reasonable accommodation can be made.

14.4.K ABSENCES NOT CONSIDERED A BREAK IN SERVICE: Any leave under this Rule, either paid or unpaid, shall not be considered a break in service and the employee, while on such leaves, shall continue to accrue seniority credit.

REFERENCE: Education Code Sections 88080, 88081, 88190 and 88192

14.5 TRANSFER OF SICK LEAVE

14.5.A TRANSFER OF SICK LEAVE FROM ANOTHER DISTRICT: Any classified employee of another school district, county superintendent's





14.7 BEREAVEMENT LEAVE

14.7.A. FOUR TO SIX DAYS OF PAID LEAVE: In the event of the death of a member of the immediate family, an employee shall be granted necessary leave of absence, not to exceed four (4) consecutive working days, and an additional two (2) working days for out-of-state travel or necessary travel beyond two hundred and fifty (250) miles of the District (as measured by the shortest land route). Additional days of absence beyond those described herein may be provided under the terms of Personal Necessity Leave provisions contained in Rule 14.8. Employees granted bereavement leave under this Rule shall suffer no deduction from their salary, nor shall such leave be deducted from leave granted by other sections of these Rules and Regulations or the Education Code.

1. Regular employee shall be entitled to two days imminent death leave per fiscal year at full pay. Upon request of the employee, such leave shall be authorized when it is believed the death of a member of the immediate family is imminent.
2. Imminent death leave is not cumulative.

REFERENCE: Board Policy 4600.4

14.7.B. DEFINITION OF IMMEDIATE FAMILY: Members of the immediate family are defined as the mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the employee or of the spouse of the employee, or any relative who has been living in the immediate household of the employee.

REFERENCE: Education Code Sections 88080, 88081 and 88194

14.8 PERSONAL NECESSITY LEAVE

14.8.A. USE UP TO SEVEN DAYS: An employee may use, at his/her election, not more than seven (7) days accumulated sick leave benefits in any fiscal year, in the following cases of emergency:

1. Death of a member of the immediate family as defined in Rule 14.7, when rights to bereavement leave outlined have been exhausted.
2. Accident involving his/her person or property, or property of a member of the employee's immediate family as defined in Rule 14.7, of such a nature that the i

3. Illness involving a member of the employee

medically required can be granted pursuant to Rule 14.20 and the Family Leave Act.

- 14.9.B. SICK LEAVE DURING MEDICALLY CERTIFIED ABSENCE: Paid leave, including regular sick leave and extended sick leave may be used for the period of absence medically certified by the employee's attending physician.
- 14.9.C CERTIFICATION OF LAST DAY ABLE TO WORK: Prior to the eighth month of pregnancy, the employee shall furnish the District a medical certificate stating the last date on which she will be able to work, accompanied by a verification of her disability.
- 14.9.D RELEASE TO RETURN TO WORK: Prior to returning to work, the employee shall present to the District a release to return to work without limitations from the treating physician. In addition, the District may require that the employee be examined by-0.1777VdU(retObia4(r)-2.2(omGppoi2(omGmplo

without loss of pay. Any compensation, excluding reimbursements for meals, mileage, and parking allowances, received by an employee as a member of a jury shall be remitted to the District.





any fiscal year in accordance with CA Military and Veterans Code. Regular classified employees with less than a year of service with the District or active military service who are called to active military service or active reserve duty shall be granted military leave without pay. No fringe benefits, such as sick leave, vacation, or health insurance shall accrue or be paid for any unpaid portions of leave provided in accordance with the above section. Classified employees who are in an "inactive duty" status who participate in weekend, day or evening military activities are not covered by the provisions of this rule and, therefore, not entitled to any components provided by this rule.

14.12.D OFFICIAL ORDER/LETTER: In order for a paid leave to be granted as provided in the above sections, the employee shall submit his/her official orders/letter to Human Resources office via his/her supervisor/manager. The orders must contain the date that the employee is required to report for active service or active reserve duty, and the projected duration of such service.

14.12.E RETURN FROM MILITARY LEAVE: Upon return from military leave the employee shall be reinstated to his/her same regular position or an equal position in the same class.

14.12.F TIME LINES FOR NOTICE OF INTENT TO RETURN TO EMPLOYMENT: The individual must provide notice to his/her supervisor of his/her intent to return to work after serving in the military. The time frame within which the notice is required depends upon the length of time of military service, as follows:

- i. Less than 31 days of service or fitness for duty exam - Must report no later than the beginning of the first full regularly scheduled work period on the first full calendar day following completion of service, plus time for safe transportation back to the person's residence, plus eight hours.
- ii. More than 30 days but less than 181 days of service - Must submit an application for re-employment with the District not later than 14 days after the completion of service.
- iii. More than 180 days of service - Must submit an application for re-employment with the District not later than 90 days after completion of service.

- REFERENCE:
1. Education Code Sections 88080, 88081 and 88190
  2. California Military and Veterans Code Sections 389,395, 395.01-395.05, 395.1-395.4
  3. Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA), 38 U.S.C. 4301







leave, and industrial accident/illness leave. Time spent on leave of absence without pay shall not count towards step increases. Before an employee receives a salary adjustment the employee must serve the required service time.

REFERENCE: Education Code Sections 88021, 88035, 88036, 88080, 88081, 88190, 88191, 88193, 88195, 88196.5, 88198 and 88199

14.15.B ABSENCE DUE TO EPIDEMICS OR EMERGENCIES

14.16.A ABSENCE DUE TO EPIDEMICS OR EMERGENCIES: An employee shall be paid his/her regular salary for any period during which the employee's place of employment is closed because of quarantine, epidemics, or other conditions involving the health or safety of employees provided that the employee is ready, able and willing to perform his/her customary or other reasonable and suitable duties. During this period, the District shall endeavor to assign the employee to work elsewhere.

14.18 LEAVE OF ABSENCE FOR STUDY

14.18.A STUDY LEAVE (S): Every regular classified employee who has completed seven (7) consecutive years of service in regular status with the District (at the time application for such leave is made) shall be eligible to apply for a leave of absence for purposes of study. The granting of such leave shall be entirely discretionary with the District. However, once a study leave has been granted and taken, the employee taking the leave shall not again be eligible for such leave until the employee has completed an additional period of seven (7) consecutive years from the date of completion of the previous study leave.

14.18.B TIME LIMITS FOR STUDY LEAVES: A study leave can be scheduled for any period of time to a total maximum of one (1) year leave of absence. With the approval of the District, the periods of time for the study leave need not be consecutive. However, the total period of the leave (to the maximum period of one year) must be completed within a period of three (3) years from the initial date of the start of the leave.

14.18.C A STUDY LEAVE IS NOT A BREAK IN SERVICE: Any leave granted and taken in accordance with this section shall not constitute a break in service for any purpose, but the leave time shall not count toward eligibility for a future study leave. However, if t

3. Show that the retraining will clearly benefit the District.
4. Indicate a willingness to undergo the prescribed training program.
5. Indicate a willingness to serve in the employ of the District for at least two (2) years after the successful completion of the training or retraining program.

14.19.B DISTRICT SHALL PR

employee in providing necessary care or supervising the person receiving such care during the period of treatment, when such care is being provided in either: (1) Inpatient care in a hospital, hospice, or residential health care facility; or (2) Continuing supervision of person receiving treatment under direction of a health care provider.

