

CHAPTER 15

LEAVES OF ABSENCE

15.1 GENERAL PROVISIONS

15.1.1 **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.

15.1.2 **CONTINUATION OF ALL BENEFITS DURING PAID LEAVES:**

An employee on a paid leave of absence shall continue to accrue all benefits to which entitled as a regular employee.

15.1.3 **HEALTH COVERAGE MAY CONTINUE DURING ABSENCES:**

An employee who is otherwise eligible for district-health insurance shall continue to receive such benefits during all periods of paid leaves, and in some instances is covered by the Family and Medical Leave Act for some portion of unpaid leaves as included in the Act. An employee who is absent as the result of a district-approved unpaid leave shall be allowed to maintain his/her health insurance benefits by remitting monies to the District to cover the necessary costs of such insurance.

15.1.4 **FAILURE TO REPORT FOR DUTY AFTER LEAVE EXPIRES:**

Failure to report for duty within three (3) working days after a leave expires, shall be considered abandonment of position and the employee may be terminated by the Board. Termination for abandonment shall be deemed termination for cause and treated as a disciplinary action.

15.1.5 **ABSENT EMPLOYEES MAY NOT ACCEPT GAINFUL EMPLOYMENT:**

An employee, while on leave of absence, may not accept other gainful employment, except ordered military service without express prior approval by the Board.

15.1.6 **ABSENCE REPORTS NOTED ON TIME SHEETS:**

All absences shall be identified on the employee's monthly time sheets with the appropriate identification codes and reasons. These time sheets shall be signed by the employee and supervisor.

15.1.7 **HOLIDAYS DURING PAID LEAVES:**

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 and shall not be deducted from any paid leave days being used or eligible to be used by the employee.

15.1.8 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:

- 15.1.8.1 Industrial Accident and Illness Leave (if applicable).
- 15.1.8.2 Accrued and advanced sick leave.
- 15.1.8.3 50% extended illness leave.
- 15.1.8.4 Other available paid leave time may be used to supplement additional sick leave paid at 50% at the election of the employee.

15.1.9 VERIFICATION OF LEAVES:

The District shall have the right to require pursuant to applicable sections of these rules, collective bargaining agreements, Board policies and procedures or other laws and codes, verification of all leaves requested and taken by an employee.

Reference: EC§ 45260 and 45261

15.2 SICK LEAVE

15.2.1 DEFINITION OF SICK LEAVE:

Sick leave is the authorized absence of a regular employee when the absence is due to:

- 15.2.1.1 Physical or mental inability to perform the usual and customary duties of the position due to illness, injury, or exposure to contagious disease.
- 15.2.1.2 A visit to a licensed physician, dentist, medical practitioner, psychologist or other therapist for examination, treatment, consultation, or therapy.

15.2.2 NUMBER OF SICK LEAVE DAYS PER YEAR:

Every regular classified employee who is employed five days a week, 8 hours per day for a fiscal year of service by the District shall be entitled to twelve (12) days of sick leave per year.

- 15.2.2.1 An employee, employed five (5) days per week who is employed for less than a full fiscal year is entitled to that proportion of twelve (12) days leave as the number of months employed bears to twelve (12).
- 15.2.2.2 An employee employed less than five (5) days per week shall be entitled for a fiscal year of service, to that proportion of twelve (12) days leave of absence for illness or injury as the number of days employed per week bears to five (5).

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15.2.3 **PAY RATE FOR SICK LEAVE:**

Pay for any days of sick leave shall be the same as the pay which would have been received had the employee worked during the day.

15.2.4 **PARTIAL DAY ABSENCE:**

Employees may use leave in quarter-hour increments.

15.2.5 **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.

15.2.6 **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. New probationary management classified employees may not use more than six (6) days of paid sick leave during the first six (6) months of their initial twelve (12)-month probationary period. This rule shall not apply to those regular employees who have previously completed a probationary period in a previous classification with the District.

15.2.7 **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.

15.2.7.1 If an employee does not render service for an entire year, but has used all credited sick leave, the amount of compensation received for sick leave taken but unearned shall be repaid to the District and the District shall have the right to make necessary adjustments to the last warrant.

15.2.8 **NOTIFICATION OF ABSENCE:**

In order to allow the District the opportunity to make arrangements for the services of a substitute, if required, the employee shall call in at least two (2) hours prior to the start of the absented work shift. Supervisors shall be responsible for establishing and notifying employees of a call in procedure under their supervision.

15.2.8.1 An employee becoming aware of the need for absence due to surgery or other predictable or previously scheduled cause shall submit a statement to the Classified H.R. Office from the employee's attending physician as far in advance of the disability date as possible. The physician's statement shall include the beginning date of the disability and the anticipated date of the employee's return to work.

15.2.9 **NOTIFICATION OF RETURN TO WORK:**

In order to allow the District the opportunity to make arrangements for the return of an absent employee (such as terminating the services of a substitute), the employee shall call

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in prior to the end of the employee's regularly scheduled workday, as to whether he/she is returning to work on the following day. Failure to do so shall cause the employee to lose an additional sick leave day, if a substitute has been secured.

15.2.10 DOCTOR'S NOTE MAY BE REQUIRED:

The District may require a doctor's statement for any illness absence verifying the personal illness or injury and/or medical authorization to return to work.

15.2.11 SUBMISSION OF MEDICAL NOTES:

Doctor's notes and/or clearance to return to work shall be submitted to the Classified Human Resources Office.

15.2.12 GENERAL DISTRICT RIGHT TO REQUIRE MEDICAL EXAM:

When the District has a reasonable basis for believing that illness leave is being abused, it may require a verification of the illness or injury through a physical examination of the employee by a physician appointed by the District at District expense.

15.2.13 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.

Reference: EC§ 45122, 45136, 45137, 45190, 45191, 45193, 45195, 45196.5, 45200,45203,45260 and 45261

15.3 50% EXTENDED SICK LEAVE

15.3.1 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:

15.3.1.1 Extended sick leave shall be paid at 50% of the employee's regular rate of pay.

15.3.1.2 Extended benefits shall be limited to 100 work days in each fiscal year.

15.3.1.3 The one hundred (100) days of leave shall include all fully-paid sick leave but exclude paid vacation and holidays.

15.4 INDUSTRIAL ACCIDENT/ILLNESS LEAVE:

All regular classified employees who have served continuously with the District for a period of one year (12 months) shall be entitled to no more than sixty (60) working days on account of illness or accident which has qualified for Workers' Compensation benefits. The Board may provide for leave greater than sixty (60) working days, paid or unpaid. 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 or illness occurred.

15.4.1 REPORTING OF INJURY:

In the case of an industrial accident or injury the employee must report the incident to his/her supervisor the same day whenever possible. The supervisor shall complete the District's Industrial Accident/Illness Report and send it to the Business office within forty-eight (48) hours of the employee's notification.

15.4.1.1 The District reserves the right to secure proof of industrial accident or illness of any classified employee. Before salary payments will be made to an employee absent because of industrial accident or illness, a report of such accident or illness in the form prescribed by the District must be on file in the Business Office and the accident or illness must have qualifications for Worker' Compensation benefits.

15.4.2 LEAVE COMMENCES ON THE FIRST DAY:

An industrial accident or illness leave shall commence on the first day of absence and shall be reduced by one day for each day of authorized absence.

15.4.3 USE OF SICK LEAVE AFTER EXHAUSTION OF SIXTY (60) DAYS:

Upon exhaustion of the industrial accident/illness leave, the employee shall be entitled to use sick leave provided in Rule 15.2. This leave shall commence on the date of termination of the industrial leave of absence.

15.4.4 USE OF OTHER LEAVES AFTER EXHAUSTION OF SICK LEAVE:

After all accumulated sick leave has been exhausted an employee will be paid from any compensatory time off the employee may have accumulated. If no compensatory time is accumulated, the employee will then use accrued vacation credit, with employee approval. If no vacation credit is available or has been exhausted, the employee will then begin to use the 50% extended illness leave.

15.4.5 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 and/or the employee's treating physician.

15.4.6 PLACEMENT ON REEMPLOYMENT LIST AT EXHAUSTION OF LEAVES:

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 his or her position, the employee shall, if not placed in another position, be placed on a medical reemployment list for the classification from which the employee was on leave for a period of 39 months. The District shall comply with obligations to reasonably accommodate protected disabilities under state and federal law.

Reference: EC§ 45202, 45260, and 45261

15.5 UNPAID ILLNESS LEAVE

15.5.1 ONE (1) YEAR UNPAID LEAVE:

A permanent classified employee who has exhausted all paid leaves and who continues to be absent due to illness or injury may be granted an additional one (1) year unpaid leave of absence upon the approval of the Board of Education.

15.5.2 RIGHT TO RETURN TO CLASSIFICATION:

The granting of an unpaid leave of absence under this rule shall guarantee the employee the right to return to his/her former classification, and to a position with the same basic assigned number of hours and days per year of employment.

Reference: EC§ 45195, 45260, and 45261

15.6 BEREAVEMENT LEAVE

15.6.1 FOUR (4) TO FIVE (5) 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) days, and an additional one (1) day for out-of-state travel or necessary travel beyond 250 miles of the District. Additional days of absence beyond those described herein may be provided under the terms of Personal Necessity Leave provisions contained in Rule 15.7. 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 or the Education Code.

15.6.2 DEFINITION OF IMMEDIATE FAMILY:

Members of the immediate family are defined as the mother, mother-in-law, father, father-in-law, grandmother, grandmother-in-law, grandfather, grandfather-in-law, grandchild, grandchild-in-law, spouse/registered domestic partner, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, stepchild, step-parent, aunt, uncle, or any relative living in the immediate household of the employee.

Reference: EC§ 45194, 45260, and 45261

15.7 PERSONAL NECESSITY LEAVE

15.7.1 USE UP TO EIGHT (8) DAYS:

An employee may use, at his/her election, not more than eight (8) days accumulated sick leave benefits in any school year, for purposes of personal necessity or compelling personal leave. Personal leave shall be limited to:

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- 15.7.1.1 Death or serious illness of the employee's family.
- 15.7.1.2 An accident involving the employee's person or property, or the person or property of an employee's immediate family.
- 15.7.1.3 The illness of a child of an employee.
- 15.7.1.4 Required appearance in court or before any administrative tribunal.
- 15.7.1.5 Religious holiday observances.
- 15.7.1.6 Paternity or adoption absences.
- 15.7.1.7 Legal or financial consultations.
- 15.7.1.8 Death not covered by bereavement leave.
- 15.7.1.9 Family crisis which would endanger the well-being of the immediate family.
- 15.7.1.10 Marriages, divorces, births, and graduations of the employee's immediate family.
- 15.7.1.11 Employees may use two (2) days of the eight (8) days of personal necessity leave/compelling personal leave without providing a reason for the absence.
- 15.7.1.12 Other reasons approved by the Superintendent or designee, which may only be handled during an employee's normal working hours.

Reference: EC§ 45207, 45260, and 45261

15.8 PREGNANCY DISABILITY LEAVE

15.8.1 ENTITLED TO ALL SICK LEAVE BENEFITS:

Employees are entitled to use sick leave and extended illness leave, as set forth in Rule 15.2, for that period of time verified by the employee's physician that the employee is unable to continue to perform assigned duties because of temporary disabilities caused or contributed by pregnancy, miscarriage, childbirth, and recovery therefrom, on the same terms and conditions governing leaves of absence from other illness or medical disability. Such leave shall not be used for child care, child rearing, or preparation for child bearing but shall be limited to those temporary disabilities as set forth.

Reference: EC§ 45193, 45260, and 45261

15.9 JURY DUTY LEAVE

15.9.1 LEAVE OF ABSENCE FOR JURY DUTY:

Regular classified employees who are called to serve on a jury shall be entitled to be absent from duty without loss of pay. The employee shall submit a written request for an approved leave of absence immediately upon receipt of notice of jury duty. Such request shall be submitted to the employee's immediate supervisor. The District may require verification of jury service.

15.9.2 RETURN FROM JURY DUTY:

An employee who has received leave of absence for jury duty shall be available for work during hours when his/her presence is not required in court.

15.10 MILITARY LEAVE

15.10.1 ALL REGULAR EMPLOYEE GRANTED MILITARY LEAVE:

Regular classified employees under official orders, who are called to active duty in the Armed Services of the United States of America (including the Coast Guard) or who are inducted, enlisted, or otherwise ordered to active duty shall be granted military leave and compensated for the period of service in accordance with the California Military and Vets Code and the Uniformed Services Employment and Reemployment Rights Act. The employee shall retain all rights and privileges granted by law.

15.10.2 OFFICIAL ORDERS MUST BE SUBMITTED:

In order for a paid leave of absence to be granted the employee must submit to the Director Human Resources-Classified his/her official orders to active duty or reserve duty, stating the dates to report to duty.

15.11 LEAVES OF ABSENCE WITHOUT PAY

15.11.1 WHEN GRANTED:

Leaves of absence without pay may be granted to a permanent classified employee upon written request of the employee, and the approval of the District, subject to the restrictions and conditions outlined in this rule.

15.11.2 LENGTH OF LEAVE:

An employee may request a personal leave without pay for periods in excess of ten (10) days.

15.11.3 UNPAID LEAVE OF TEN (10) DAYS OR LESS:

Employees may be granted personal leave without pay at the sole discretion of the Superintendent or designee not to exceed ten (10) days during any one school/fiscal year.

15.11.4 OTHER EMPLOYMENT WHILE ON LEAVE:

Leaves will not be granted and may not be used to take employment which conflicts with the employee's employment with the District.

15.11.5 **FILLING VACANCY:**

When a leave of absence without pay is granted it shall be understood that the vacancy thus caused may be filled for the duration of the leave only, and that the position is being held open for the employee who is on leave.

15.11.6 **FAILURE TO RETURN FROM LEAVE:**

Failure to report for duty after the deadline for returning from a leave, shall be considered abandonment of position and subject the employee to disciplinary action up to and including termination from employment. The employee may present evidence to the Director Human Resources-Classified to show why the failure to return was excusable, and if found acceptable, the employee shall be reinstated with no further action. Termination under this section shall be subject to the same due process rights as any other dismissal for cause.

Reference: EC§ 45122, 45136, 45137, 45190, 45191, 45193, 45195, 45196.5, 45199, 45260, and 45261