
Chapter 14

Leaves of Absence

Bargaining Units Refer to Contract

14.1 GENERAL PROVISIONS

14.1.1 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.

REFERENCE: Education Code Sections 45260 and 45261

14.2 SICK LEAVE

14.2.1 DEFINITION OF SICK LEAVE: Sick leave is the authorized paid absence of a regular employee when the absence is due to:

14.2.1.1 Physical or mental inability to perform the usual and customary duties of the position due to illness, injury, or for a legally established quarantine.

14.2.1.2 A visit to a licensed physician, dentist, medical practitioner, psychologist or other therapist for examination, treatment, consultation, or therapy.

14.2.2 NUMBER OF SICK LEAVE DAYS PER YEAR: Classified employees working eight (8) hours per day, five (5) days per week, are entitled to one day of paid sick leave for each month of service, not to exceed twelve (12) days per year.

Classified employees working less than eight (8) hours a day and/or five (5) days a week, are entitled to sick leave that shall be computed on a prorated basis.

14.2.2.1 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.

14.2.2.2 Sick leave is not earned for overtime or during any period of

leave of absence without pay.

14.2.2.3 Student help, temporary (provisional), and emergency employees do not earn sick leave.

14.2.3 PAY RATE FOR SICK DAYS: 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.

14.2.3.1 Authorized paid holidays occurring during the period in which an employee is on paid sick leave shall not be counted as sick leave.

14.2.3.2 An employee who is on sick leave may not continue to receive income from the District if he/she accepts other employment.

14.2.4 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.

14.2.5 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.

14.2.6 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.

14.2.6.1 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.

14.2.7 NOTIFICATION OF ABSENCE: In order to receive compensation for sick leave, the employee shall notify his/her immediate supervisor or designee prior to the start of the employee's working day if possible, but not later than the end of the first working hour of the first day of absence; unless conditions make such notification impossible. The burden of proof regarding the impossible conditions shall be upon the employee. If the employee is going to be absent more than one day, the employee must notify the supervisor or designee of the number of days of expected absence.

14.2.8 NOTIFICATION OF RETURN TO WORK: At least one day prior to the employee's expected return to work, the employee shall notify the

supervisor so that a substitute employee may be terminated. If the employee fails to notify the supervisor and both the employee and the substitute report to work, the substitute is entitled to the assignment, and the employee may not receive pay for that day.

14.2.9 DOCTOR'S NOTE MAY BE REQUIRED: The Superintendent or designee may request medical verification of an absence due to illness or injury. The statement of a licensed physician should include the nature of the illness or injury and the date on which the employee is able to return to work.

14.2.10 DOCTOR'S RELEASE REQUIRED AFTER HOSPITALIZATION OR EXTENDED ILLNESS: An employee returning from surgery, illness requiring hospitalization or extended illness regardless of the duration of the absence may be required to provide medical verification of fitness to fully perform all the duties of his/her assigned position. Extended illness is more than 10 working days.

14.2.11 SUBMISSION OF DOCTORS' NOTES: Doctor's report and/or clearances to return to work shall be submitted to the Personnel Office.

14.2.12 GENERAL DISTRICT RIGHT TO REQUIRE MEDICAL OR PSYCHOLOGICAL EXAM: The District shall have the right to have an employee examined by a state-licensed physician, at District expense, whenever there is a question as to the employee's physical, mental, or emotional ability to perform the duties and/or responsibilities of his/her position; regardless of whether or not the employee has claimed or received paid benefits under the provisions of these Rules and Regulations.

14.2.13 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. Upon retirement, the unused accumulated illness leave of an employee who is a member of PERS will be credited by PERS at the rate 0.004 year of service for each unused day of earned sick leave.

REFERENCE: Education Code Sections 45122, 45136, 45137, 45190, 45191, 45193, 45195, 45196.5, 45200, 45203, 45260, and 45261

14.3 ENTITLEMENT TO OTHER SICK LEAVE

14.3.1 ENTITLEMENT TO OTHER SICK LEAVE: Each employee shall once a year be credited with a total of 100 days sick leave in addition to the sick leave provided in 14.2.2 of these rules. Each day of sick leave provided by this section shall be compensated at the rate of fifty (50) percent of the employee's regular salary. The paid sick leave provided for under this section

shall be in addition to any other paid leave provided in these rules and regulations and shall be used after the exhaustion of the leaves provided in this section.

14.3.1.1 Benefits provided under this section may not be accumulated from year to year.

14.3.1.2 Entitlement to sick leave provisions under this section, shall be considered “entitlement to other sick leave” for the purposes of computing benefits under the provisions of the Education Code if the absence is for industrial accident/illness and shall be used after entitlement to all regular sick leave, accumulated compensating time, vacation, or other available paid leave has been exhausted.

14.3.1.3 After exhaustion of all paid leave, a permanent employee may be placed on unpaid leave upon request and with the approval of the Board of Education. When placed on unpaid leave, the employee shall not become eligible for paid leave until the commencement of a new fiscal year in which he/she has rendered service.

14.3.2 USE EXTENDS INTO NEXT FISCAL YEAR: In the event that the entitlement to other 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.

14.3.3 TERMINATION OF SICK LEAVE: An employee who has been placed on paid or unpaid sick leave may return to duty at any time during the leave, provided that he/she is able to resume the assigned duties. If the leave has been for more than twenty (20) working days, an employee may return to work with a physician’s release provided that the employee has notified the District of his/her return at least one (1) working day in advance.

If at the conclusion of all sick leave and additional leave granted under these rules, the employee is still unable to assume the duties of the position, the following steps must be taken:

14.3.3.1 The employee must make a request for a leave of absence without pay because of illness. This must be supported by a statement from the attending physician.

14.3.3.2 The request will be submitted to the Board of Education for its approval. Upon receipt the Board will do one or more of the following:

14.3.3.2.1 Approve the grant of leave of absence without pay for a period not to exceed one (1) year, or;

14.3.3.2.2 Deny the request for the leave of absence without pay, and;

14.3.3.2.3 Order the employee dismissed from the classified service because of being unable to perform the duties of his/her position.

14.3.3.3 If the employee is dismissed by the Board of Education, the employee will then be placed on a reemployment list for a period of thirty-nine (39) months in the same manner as though he/she were laid off for lack of work or lack of funds.

14.3.3.4 If the employee fails to request a leave of absence, the dismissal procedures shall be followed as outlined above in 14.3.3.3.

14.3.4 ABSENCE FOR MEDICAL, DENTAL OR OPTOMETRICAL APPOINTMENTS: Every effort should be made to schedule appointments outside of the normal working schedule if possible; however, every employee in the Classified service shall be permitted to be absent from duty during working hours for routine medical, dental and optometrical examination or treatment without deduction of pay, providing the time is made up or deducted from earned leave time. Employees shall make up such time by the end of the month following the month in which the time was taken. The employee shall notify his/her supervisor prior to the absence for such appointments.

REFERENCE:. Education Code Sections 45136, 45137, 45190, 45191, 45193, 45195, 45196, 45196.5, 45200, 45203, 45260, 45261

14.4 INDUSTRIAL ACCIDENT/ILLNESS LEAVE

14.4.1 SIXTY (60) DAYS OF FULL PAID LEAVE: Leaves resulting from an industrial accident/illness shall be granted in accordance with the provisions of the Education Code. An employee in the Classified service, who is absent from duty because of an illness or injury defined as an industrial accident or industrial illness under provisions of the Worker's Compensation Insurance Law, shall be granted paid industrial leave for each such accident or illness while receiving temporary disability benefits from workers' compensation.

14.4.1.1 Paid industrial accident leave shall be granted, according to the employee's assignment, from the first day of absence up to a maximum of sixty (60) days absence resulting from each industrial

illness or industrial injury.

14.4.1.2 Paid industrial accident leave shall be reduced by one (1) day for each day of authorized absence regardless of the temporary disability allowance made under workers' compensation. Days absent while on paid industrial accident leave shall not be deducted from the number of days of paid sick leave to which an employee may be entitled.

14.4.1.3 During the period that an employee is on any paid leave resulting from an industrial accident or illness, the employee shall report by telephone on a weekly basis to the supervisor, informing the supervisor of his/her condition. If the employee is unable to report personally, he/she will make every effort to see that the supervisor received word of the employee's condition from a family member or from the attending physician.

14.4.2 **REPORTING OF INJURY:** In the case of an industrial accident or injury, the employee shall report the incident to his/her supervisor the same day, whenever possible. All injuries not reported the same day require justification for the delay.

14.4.2.1 The supervisor shall complete the District's Industrial Accident/Illness Report and send it as soon as possible to the District department charged with processing workers' compensation claims.

14.4.3 **USE OF SICK LEAVE AFTER EXHAUSTION OF 60 DAYS:** If the employee is still unable to return to duty after exhausting paid industrial accident leave, the employee shall be placed on paid illness leave if he/she is eligible therefore. Accumulated illness leave will be reduced only in the amount necessary to provide a full day's wages or salary, as indicated in the employee's assignment, when added to benefits received from workers' compensation.

14.4.4 **USE OF OTHER LEAVES AFTER EXHAUSTION OF SICK LEAVE:**

14.4.4.1 After all paid illness leave has been exhausted following a paid industrial accident leave, an employee may choose to receive pay from accrued vacation to the extent necessary to make up the employee's regular salary when receiving temporary disability allowance from the workers' compensation carrier.

14.4.4.2 After the expiration of all paid leave privileges, the appointing authority may place the employee on an industrial accident leave

without pay. The total time of all leave benefits provided under this rule, including unpaid industrial accident leave, shall not exceed thirty-six (36) months for any one industrial accident or industrial illness.

14.4.5 EMPLOYEE MUST REMAIN IN STATE OF CALIFORNIA: An employee receiving benefits under the provisions of this Rule shall, during the period of the leave, remain within the State of California unless out-of-state travel is authorized by the Board of Education.

14.4.6 PLACEMENT ON REEMPLOYMENT LIST AT EXHAUSTION OF LEAVES: When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness, the employee's name shall be placed on the reemployment list for the class from which he/she was on leave for a period not to exceed thirty-nine (39) months.

14.4.6.1 An employee who fails to accept an appropriate assignment after being medically approved shall be removed from the reemployment list. Appropriate assignment is defined as an assignment to the employee's former class, in the same status and time basis, and in assignment areas in which the employee is eligible. Employees removed from a reemployment list under this rule may appeal the removal to the Personnel Commission.

14.4.7 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 attending 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. An employee who is medically released to return to work and who fails to accept an appropriate assignment shall be dismissed.

14.4.7.1 Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a position in the former class ahead of any employee with a lesser amount of seniority. If no vacancy exists in the former class, he/she may displace the most recently appointed employee in the class with less seniority. If an employee's former class has ceased to exist, the employee may be reassigned or placed on a suitable reemployment list.

14.4.8 ABSENCES NOT CONSIDERED A BREAK IN SERVICE: An employee returning from such paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically

provided in applicable provisions of the Education Code and Personnel Commission rules. An employee shall continue to receive seniority credit for all purposes while on such a paid or unpaid leave of absence.

REFERENCE: Education Code Sections 45190, 45192, 45260, and 45261

14.5 TRANSFER OF SICK LEAVE

14.5.1 TRANSFER OF ACCUMULATED SICK LEAVE: Any Classified employee who has been employed for a period of one calendar year or more whose employment is terminated for reasons other than action initiated by the employer for cause and who subsequently accepts employment with another school district within one year of such termination of former employment, shall have transferred to the second district the total amount of earned leave of absence for illness or injury to which the employee is entitled.

In any case where an employee was terminated as a result of action initiated by the employer for cause, such a transfer may be made if agreed to by the governing board of the district newly employing the employee.

REFERENCE: Education Code Sections 45202, 45260, and 45261

14.6 BEREAVEMENT LEAVE

14.6.1 THREE TO FIVE DAYS OF PAID LEAVE: Every person (permanent, probationary, provisional (temporary) or limited-term) employed in the Classified service of this District shall be granted necessary leave of absence, not to exceed three (3) days, or five (5) days if travel beyond a three-hundred (300) mile radius is necessary in connection with the death of any member of the immediate family of the employee. No deduction shall be made from the salary of such nor shall such leave be deducted from leave granted by other sections of the Education Code or as may be provided by the Board of Education.

14.7 PERSONAL NECESSITY LEAVE

14.7.1 USE OF ILLNESS LEAVE DAYS: Any day of absence for illness or injury earned pursuant to these rules may be used by the employee, at his/her election, as personal necessity leave, for the following reasons:

14.7.1.1 Death of a member of an employee's immediate family when additional leave is required beyond that provided in Rule 14.6.

14.7.1.2 An accident involving the employee's person or property, or the person or property of a member of the immediate family of the

employee.

14.7.1.3 Appearance in any court or before any administrative tribunal as a litigant, party or witness under subpoena or any order made with jurisdiction.

14.7.1.4 Serious illness to one of the members of the immediate family of the employee. Proper verification by the attending physician may be requested for such leave.

14.7.1.5 Imminent danger to the home of an employee, occasioned by a factor such as flood, fire or earthquake, serious in nature, which under circumstances the employee cannot reasonably be expected to disregard, and which requires the attention of the employee during the employee's assigned hours of service.

14.7.1.6 Observance of the employee's recognized religious holiday.

14.7.2 NOTIFICATION OF LEAVE USAGE: Classified employees desiring to use such leave shall submit their request at least three (3) working days in advance of the anticipated absence, except in emergencies or unexpected events. In such cases, the employee shall apply as soon as possible. The employee shall complete an Employee Leave of Absence Request Form and have the supervisor approve the requested personal necessity usage. The general reason for the personal necessity shall be clearly stated on the Employee Leave of Absence Request Form.

Such form shall be approved for payment by the supervisor and shall be submitted to the Director of Classified Personnel for final approval.

14.7.3 LIMITATIONS AND CONDITIONS OF PERSONAL NECESSITY LEAVE: The total number of days allowed in a school year shall not exceed the leave accrued, and are chargeable to personal sick leave.

14.7.3.1 The days allowed shall be deducted from and may not exceed the number of full days to which the employee is entitled under the sick leave policy.

14.7.3.2 An employee must reimburse the District for any overpayment of sick leave.

14.7.3.3 Personal necessity leave may be granted during a scheduled vacation or a leave of absence in accordance with provision in Rule 13.1.14.1.

REFERENCE: Education Code Sections 45207, 45260, and 45261

14.8 PREGNANCY/MATERNITY DISABILITY LEAVE

14.8.1 ENTITLED TO ALL SICK LEAVE BENEFITS: Any permanent Classified employee may be granted leave for pregnancy, miscarriage, childbirth and recovery therefrom. Such leave will be administered as an illness absence unless otherwise requested by the employee.

14.8.2 SICK LEAVE DURING MEDICALLY CERTIFIED ABSENCE: The employee shall provide the District with a letter from the physician indicating the anticipated date of the beginning of the disability leave due to pregnancy.

14.8.3 RELEASE TO RETURN TO WORK: The employee shall provide the District with a letter from the physician indicating the date when the disability terminates and the employee is able to return to work.

14.8.3.1 The District may grant unpaid leave for child rearing after the employee has been released by the physician. Such leave would be subject to approval by the Board of Education.

REFERENCE: Education Code Sections 45193, 45260, and 45261

14.9 JURY DUTY LEAVE

14.9.1 LEAVE OF ABSENCE FOR JURY DUTY: Leave of absence for jury service shall be granted to any classified employee who has been officially summoned to jury duty in local, state or federal court. Leave shall be granted for the period of the jury service. The employee shall receive full pay while on leave provided that the jury service fee from such leave is assigned to and the subpoena or court certification is filed with the District. Request for jury service leave should be made by presenting the official court summons to jury service to the Director of Classified Personnel. Verification of time served shall be requested by the District upon completion of jury service.

14.9.1.1 No more than two (2) percent of the classified staff shall be granted such leave at any one time.

14.9.1.2 The jury service fee referred to does not include reimbursement for transportation expenses.

14.9.1.3 An employee who has received a leave of absence under this rule shall make himself/herself available for work during hours when

his/her presence is not required in court.

REFERENCE: Education Code Sections 44037, 45260, and 45261

14.10 **MILITARY LEAVE**

14.10.1 ALL REGULAR EMPLOYEES 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, shall be granted a military leave of absence for the period of service.

Military leave of absence shall be granted and compensated in accordance with the Military and Veterans' Code Sections 389 and 395 et.seq., and that of Rule 14.13.1.1

14.10.2 RESERVE SERVICE: Regular classified employees who are members of the reserve components including the (Air/Army) National Guard of the United States of America and who must be temporarily absent due to "active duty" training or exercises, shall be granted temporary military leave of absence for a period of the first ninety (90) calendar days or less. For periods longer than 91 days for attendance at a service school/training to increase their military proficiency, a leave of absence shall be granted which includes stopping of fringe benefits during said leave.

14.10.3 THIRTY DAYS LEAVE WITH PAY: Regular classified employees who have been employed by the District (or have prior active military service) for at least one (1) full year shall be granted full pay for the first thirty (30) calendar days of military leave provided in the above section; however, such paid leave time shall be limited to a maximum of thirty (30) days in any fiscal year in accordance with 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.

14.10.4 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 Personnel Services 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.

14.10.5 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.

REFERENCE:

1. Education Code Sections 45190, 45260, and 45261
2. California Military and Veterans Code Sections 389, 395, 395.01-395.05, 395.1-395.4

14.11 EXEMPT/TEMP/LIMITED-TERM POSITION

14.11.1 LEAVE TO SERVE IN EXEMPT/TEMP/LIMITED-TERM POSITION: Any permanent classified employee who accepts an assignment within the District to an exempt, temporary or limited-term position shall, during such assignment, be considered for status purposes as serving in a regular position, and such assignment shall not be considered separation from service.

14.11.2 VOLUNTARY RETURN TO REGULAR POSITION: The employee may, with the approval of the appointing authority voluntarily return to his or her position or a position in the class of the employee's permanent status prior to the completion of service in an exempt, temporary, or limited-term position. Failure to complete the required service, unless approved as specified herein, will constitute abandonment of position and may be grounds for disciplinary action by the appointing authority.

REFERENCE: Education Code Sections 45260 and 45261

14.12 RELEASE TIME FOR DISTRICT PERSONNEL-RELATED ACTIVITIES

14.12.1 RELEASE TIME TO TAKE DISTRICT EXAMINATIONS: Every employee in the Classified service shall be permitted to be absent from duty during working hours in order to take any examination for promotion in the District without deduction of pay or other penalty, provided that the employee gives two days notice to his/her immediate supervisor.

14.12.2 RELEASE TIME FOR DISTRICT INTERVIEWS: The same provisions (as Rule 14.12.1) shall hold true for an employee who is to be interviewed for a transfer, promotion or other interview to be held in connection with their employment.

14.12.3 ATTENDANCE AT DISTRICT BOARD/COMMISSION

MEETINGS: A classified employee of the District shall be provided with release time without deduction of pay or other penalty in order to attend any Board of Education or Personnel Commission meeting at which a recommendation or action is being considered that would affect the employee's status, classification or salary. The employee shall provide his/her supervisor with notice of the need for release time at least twenty-four (24) hours prior to the scheduled meeting. If released time is granted, the employee shall be notified at least two hours prior to the scheduled meeting.

REFERENCE: Education Code Sections 45260, 45261 and 45272

14.13 LEAVES OF ABSENCE WITHOUT PAY

14.13.1 WHEN GRANTED: Leave of absence without pay may be granted to a permanent classified employee, upon written request subject to the following restrictions:

14.13.1.1 Leave of absence without pay may be granted for any period not exceeding one (1) year, except that leave of absence for military service shall be granted as provided by the Education Code and the Military and Veterans' Code, and leave of absence for service in the Peace Corps may be granted for a period not to exceed twenty-four (24) months.

14.13.1.2 The granting of a leave of absence without pay gives the employee the right to return to his/her position at the expiration of the leave of absence, provided that the employee is physically and legally capable of performing the duties. The position may be filled only for the duration of the leave, and the employee so assigned must be reassigned upon completion of the leave.

14.13.1.3 The Board of Education may, for a good cause, cancel any leave of absence by giving the absent employee due notification.

14.13.2 REQUEST TO RETURN: An employee may make written request to the Board of Education to return to work prior to the expiration date of the leave. The Board may approve or reject the request.

14.13.3 REPORT OF REINSTATEMENT: An employee shall notify the Personnel Office of his/her intent to return to work prior to the expiration of the unpaid leave of absence. At the same time, notice to the employee who has been filling the position temporarily shall be made.

14.13.4 FAILURE TO RETURN: Failure to report for duty within five (5) working days after a leave has been cancelled or expires shall be considered

abandonment of the position and the employee may be terminated by the Board of Education. The termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause.

14.13.5 POSITION AVAILABILITY: If the employee's classification has been abolished during the leave of absence, the employee shall be laid off for lack of work and placed on the reemployment list for the class effective on the date of termination of leave. The employee may choose to be returned to a vacant position in a class at the same or lower salary level for which he/she is qualified.

REFERENCE: Education Code Sections 45122, 45136, 45137, 45190, 45191, 45193, 45195, 45196.5, 45198, 45199, 45260, and 45261

14.14 VOTER LEAVE OF ABSENCE

14.14.1 TIME OFF TO VOTE: Employees who are voters may claim necessary time off to vote at general, direct primary or presidential primary elections under the following provisions of the state elections code:

14.14.1.1 If a voter does not have sufficient time outside of working hours within which to vote at any general, direct primary or presidential primary election, the voter may, without loss of pay, take off so much working time as will, when added to the voting time outside of working hours, enable him/her to vote.

14.14.1.2 An employee may take off so much time as will enable him/her to vote, but not more than two (2) hours of which shall be allowed time off for voting only at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed

14.14.1.3 If the employee on the third working day prior to the election, knows or has reason to believe, that he/she will need time off to vote on election day, he/she shall give the employer at least two (2) working days notice that time off is needed in accordance with the provisions of this section.

REFERENCE: Education Code Sections 45136, 45190, 45260 and 45261

14.15 FAMILY CARE LEAVE (UNPAID)

14.15.1 GRANTING OF LEAVE: The District shall grant unpaid family care leave to eligible classified employees, without discrimination, when such

leave does not constitute an undue hardship upon the District or its operations.

14.15.2 **ELIGIBILITY:** A classified employee who has been regularly employed by the District for twelve or more months for a total of 1250 hours immediately preceding the requested leave shall be eligible for unpaid family care leave.

14.15.3 **REASONS FOR LEAVE:** Unpaid family care leave may be requested and granted for the following reasons:

14.15.3.1 Birth of the employee's child

14.15.3.2 Placement of a child with the employee in connection with adoption procedures instituted by the employee

14.15.3.3 Serious illness of the employee's child. For purposes of this Rule, "child" shall be interpreted to mean the biological, adopted, or foster child, a stepchild, or legal ward of the employee, or a child for which the employee has standing "In Loco Parentis" having the legal right to act in place of the parent; provided that the "child" has not yet attained the age of 18 years.

14.15.3.4 Serious health condition of the employee's parent or spouse. "Serious Health Condition" shall be interpreted to mean: an illness, injury, impairment or physical condition or mental condition which warrants or requires the participation of the 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.

14.15.4 **CONDITIONAL REQUIREMENTS**

14.15.4.1 If an employee's need for an unpaid family care leave is foreseeable, the employee shall give the District reasonable advance notice.

14.15.4.2 If unpaid leave is needed for a planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision in such a manner as to avoid disruption of District operations; subject to the health care provider's approval.

14.15.4.3 In submitting a request for an unpaid leave to care for a child, spouse, or parent who has a serious health condition, the

employee should submit a certification from the health care provider regarding the condition of the person requiring the care. The District may require the employee to submit such a certification as a condition for granting the leave requested. The certification shall include the date on which the serious health condition began; the probable duration of the condition and/or need for continued care; an estimate of the amount of time the health care provider believes the employee needs to care for the person requiring such care; a clear statement that the serious health condition warrants the participation of the family member to provide care during a period of treatment, or to provide supervision of the person requiring care. In the event that additional leave time is needed when the time estimated by the health care provider expires, the employee shall provide a recertification in accordance with the provisions noted above.

14.15.5 EMPLOYEE RIGHTS

14.15.5.1 The employee shall retain his/her status during the period of the unpaid leave, and the leave shall not constitute a break in service for purposes of longevity, seniority, or any employee benefit plan.

14.15.5.2 The employee shall continue to be entitled to participate in any health benefit, pension, or retirement plans, or any supplemental unemployment benefit plan, to the same extent and under the same conditions as apply to an unpaid leave taken for any other purpose.

14.15.6 DURATION AND TIMING OF LEAVE: Unpaid family care leave may be taken in one or more incremental periods; mutually agreed to by the District and the employee, not to exceed a total of 12 workweeks within a twelve (12) month period, unless otherwise agreed to by the employee and the District. A 12- month period is measured backward from the date leave is taken.

14.15.7 NO DISCRIMINATION: The District shall not refuse to hire or promote, and shall not discharge, fire, suspend, expel, or discriminate against any employee because he/she exercises a right to unpaid family care leave or because he/she gives testimony related to his/her or another person's leave request in an inquiry into unpaid family leave rights.

14.15.8 REINSTATEMENT FOLLOWING LEAVE: An employee who has been granted an unpaid family care leave of absence shall be reinstated, upon returning from such leave, in the same or a comparable position to that held prior to the start of the leave.

REFERENCE:

1. Education Code Sections 45260 and 45261
2. Government Code 12945, 12945.2 and 29 U.S.C. 2600 et seq. □