

Management, Supervisory and Confidential Personnel

Leaves

The Governing Board shall provide for paid and unpaid leaves of absence for employees in accordance with law, Board policy, administrative regulation, and collective bargaining agreements as applicable.

Administrative and Supervisory Personnel

Certificated administrative and supervisory employees who are not subject to the District's bargaining agreement for certificated employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other certificated employees unless otherwise specified in individual contract, memorandums of understanding, Board policy, administrative regulation, or law.

Classified administrative and supervisory employees who are not subject to the District's bargaining agreement for classified employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other classified employees unless otherwise specified in individual contract, memoranda of understanding, Board policy, administrative regulation, or law.

Legal Reference:

EDUCATION CODE

22850-22856 Pension benefits, STRS members on military leave

44018 Compensation for employees on active military duty

44036-44037 Leaves of absence for judicial and official appearances

44043.5 Catastrophic leave

44800 Effect of active military service on status of employees

44962-44988 Leaves of absence (certificated)

45059 Employee ordered to active military/naval duty, computation of salary

45190-45210 Leaves of absence (classified)

FAMILY CODE

297-297.5 Registered domestic partner rights, protections and benefits

GOVERNMENT CODE

12945.1-12945.2 California Family Rights Act

20990-21013 Pension benefits, PERS members on military leave

LABOR CODE

230-230.2 Leaves for victims of domestic violence, sexual assault or specified felonies

230.3 Leave for emergency personnel

230.4 Leave for volunteer firefighters

230.8 Leave to visit child's school

233 Illness of child, parent, spouse or domestic partner

MILITARY AND VETERANS CODE

BP 4361(b)

395-395.9 Military leave

395.10 Leave when spouse on leave from military deployment

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993

UNITED STATES CODE, TITLE 38

4301-4334 Uniformed Services Employment and Reemployment Rights Act of 1994

Adopted: 2-17

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California

Management, Supervisory and Confidential Personnel

Personal Illness and Injury Leave

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed District absence form to his or her immediate supervisor.

The District may additionally require written verification by the employee's doctor or practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends or holidays or whenever clear evidence indicates that an absence is not related to illness or injury. Chronic absenteeism may be indicated when an employee has exhausted his or her entire ten day sick leave benefit during three or more of the past five years.

At its expense, the District may require an employee to visit a physician selected by the District in order to receive a report on the medical condition of the employee. If the report concludes that the employee's conditions do not warrant continued absence, the Superintendent or designee, after giving notice to the employee, may deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment may be asked to submit a letter from his or her doctor stating that he or she is able to return and stipulating any recommended restrictions or limitations. The District may, at District expense, require the opinion of a physician chosen by the District.

Notifications

An employee shall notify the District of his/her need to be absent as soon as such need is known, so that, if necessary, substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall again notify the District of the need for a substitute. If the duration of absence is unknown or becomes shorter than estimated, the employee shall notify the District of his or her intent to return by a least 3:00 p.m. of the working day preceding the day he or she returns. If failure to so notify the District results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Differential Pay for Parental Leave

During each school year, any certificated employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave (baby bonding) pursuant to Government Code 12945.2 shall receive differential pay for up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. Such parental leave shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. Eligibility for parental leave pursuant to Education Code 44977.5 shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 44977.5)

AR 4361.1(b)

During each school year, any classified employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave (baby bonding) pursuant to Government Code 12945.2 shall receive differential pay for up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. Such parental leave shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. Eligibility for parental leave pursuant to Education Code 45196.1 shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 45196.1)

Illness/Injury Leave Table

The following schedule indicates the relationship of illness/injury leave days earned to the number of contractual duty days.

<u>DUTY DAYS</u>	<u>LEAVE DAYS</u>	<u>DUTY DAYS</u>	<u>LEAVE DAYS</u>
0-4	0	140-148	8
5-13	1/2	149-157	8-1/2
4-22	1	158-166	9
23-31	1-1/2	167-175	9-1/2
32-40	2	176-184	10
41-49	2-1/2	185-193	10-1/2
50-58	3	194-202	11
59-67	3-1/2	203-211	11-1/2
68-76	4	212-220	12
77-85	4-1/2	221-229	12-1/2
86-94	5	230-238	13
95-103	5-1/2	239-247	13-1/2
104-112	6	248-256	14
113-121	6-1/2	257-265	14-1/2
122-130	7	266-274	15
131-139	7-1/2	275-283	15-1/2

Employees employed for less than a full day shall earn leave in proportion to the percentage of their contract.

Management, Supervisory and Confidential Personnel

Industrial Accident and Illness Leave

When a leadership employee is absent from his/her duties because of an industrial accident or illness, the following rules shall apply:

1. Allowable leave for any single accident or illness shall be for not less than 60 days during which the schools of the District are in session, or when the employee would otherwise have been performing work for the District in any one school year.
2. Allowable leave shall not accumulate from year to year.
3. Industrial accident or illness leave shall start on the first day of absence.
4. An employee on allowable leave for industrial accident or illness shall be paid such portion of the salary due for any month in which the accident occurs as, when added to the temporary disability indemnity under Division 4 or 4.5 of the Labor Code, will result in a payment to the employee of not more than his or her full salary. (E.C. 44984(d))
5. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a temporary disability indemnity award.
6. When an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury. On expiration of allowable leave for an industrial accident or illness leave the employee may use personal illness and injury leave as provided by E.C. 44977, 44978 and 44983. If the employee continues to receive temporary disability indemnity, he may elect to take as much of the accumulated sick leave which, when added to his or her temporary disability indemnity, will result in a payment to the employee of not more than the employee's full salary.

During any paid leave of absence the employee may endorse to the District the temporary disability indemnity checks received on account of his or her industrial accident or illness. In those cases, the District will issue appropriate salary warrants for payment of the employee's salary, and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by such salary warrants.

Legal Reference:

EDUCATION CODE

44984 Required rules for industrial accident and illness leave of absence.

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California

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Management, Supervisory and Confidential Personnel

Personal Leaves

Unpaid Personal Leave

Leadership employees who obtain employment outside the District shall not be granted unpaid leave while continuing such employment.

Personal Necessity

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions. (E.C. 44981, 45207)
2. An accident involving the employee's person or property or the person or property of a member of the immediate family. (E.C. 44981, 45207)
3. An illness of a member of the employee's immediate family. (E.C. 44981)
4. Fire, flood, or other immediate danger to the home of the employee.
5. Required court appearance other than those identified as legal or civic duties and those required when the employee is an agent of the District. (E.C. 45207)
6. Personal business of a serious nature which the employee cannot disregard.

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation period, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a particular request reflects true personal necessity.

The employee shall request advance permission for personal necessity leave, except in urgent situations such as the death or serious illness of a member of the immediate family or an accident involving the employee's person or property or the person or property of a member of the immediate family. (E.C. 44981)

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed District absence form to his/her immediate supervisor.

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (E.C. 44985, 45194)

At the employee's request, bereavement leave may be extended under personal necessity leave provisions. (E.C. 44981, 45207)

Members of the immediate family shall include: the employee's mother, father, grandmother, grandfather or grandchild; the grandchild of the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother or sister, brother-in-law, sister-in-law; or any relative, step-child or close personal friend living in the employee's immediate household. (E.C. 44985, 45194)

At his/her discretion, the Superintendent or designee may grant additional unpaid bereavement leave.

Legal and Civic Duties

Employees shall be granted leave with pay to appear in court as jurors or as witnesses other than litigants. (E.C. 44036)

The employee shall turn over to the District any jury or witness fees received, minus the cost of mileage and other expenses necessitated by the court appearance. (E.C. 44036)

Notices, summons and subpoenas for court appearances shall be submitted to the District office when requesting leave.

Employees shall be granted up to 20 days of paid leave per year for service performed within the state on any boards, commissions, committees or groups authorized by Education Code 44987.3, provided the organization in question informs the District of the service and agrees to reimburse the District for all compensation paid to the employee on account of this leave. (E.C. 44987.3)

Management, Supervisory and Confidential Personnel

Sabbatical Leave

Leadership employees may be granted a sabbatical leave for the purpose of working with other educational agencies; e.g., State Department of Education, County Department of Education, or any other purpose that, in the District's view, helps achieve the District's goals.

1. All Leadership employees may apply for the sabbatical leave.
2. The duration of the leave will adhere to the following criteria:
 - a. No more than one year, if not covered by an agreement contract with another educational agency.
 - b. In no case will any sabbatical leave last longer than two consecutive years, without the Board granting an extension.
3. A maximum of one percent (1%) of the total leadership employee staff may be on sabbatical leave during one school year.
 - 1) If more requests are received than the available quota allows, preference shall be given on the basis of quality of the request presented, and the benefit to the District.
4. Applications for sabbatical leave will be submitted to the Human Resources Department.
 - 1) The Human Resources Department will verify the eligibility of the applicant's request as stipulated in the "Eligibility" section of the sabbatical leave policy.
 - 2) The sabbatical leave application will be reviewed by the Superintendent's Executive Cabinet to evaluate the merits of the request.
 - 3) The Executive Cabinet will make a recommendation for approval or denial.
 - 4) The Superintendent or designee will make a recommendation to the Board of Education for final approval or denial.
 - 5) Applicants shall be notified after the Board of Education has made its decision on the sabbatical leave request.
5. Leadership employees who are granted a sabbatical leave shall be subject to the conditions below in terms of compensation.
 - a. If a contract is agreed to between the District and another educational agency for compensation of the leadership employee, then the District shall continue to pay the employee only to the amount reimbursed by the educational agency.

AR 4361.3(b)

- b. In no case shall a paid sabbatical leave be granted to any Leadership employee unless approved by the Board of Education.
6. A sabbatical leave shall count toward the Leadership employee's retirement pursuant to the rules and regulations of STRS/PERS. The annuity contribution shall be deducted from the salary warrant in the usual manner.
7. A Sabbatical Leave shall count as a regular period of service and shall not interrupt the Leadership employee's progress on the salary schedule.
8. Upon return from a sabbatical leave, the Leadership employee shall be reinstated to the same position, if the position is vacant.
9. If the position vacated by a Leadership employee is not vacant upon his/her return from sabbatical leave, the District reserves the right to place the Leadership employee in any position where the District deems a need.

Legal Reference:

EDUCATION CODE

8000) Vocational Education

44987.3 Leaves of Absence

Approved: 3-01

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California

Management, Supervisory and Confidential Personnel

Military Leave

The District shall grant military leave to District employees called to active service. Such employees shall retain those rights and privileges guaranteed by law.

The following employees shall be entitled to receive their salary for the first 30 calendar days of military absence from District duties.

1. Temporary Military Leave. Employees on temporary leave of absence for active military training, encampment, naval cruises, special exercise or like activity provided:

- a. The ordered duty does not exceed 180 calendar days, including coming and going time; and
- b. The employee of the District for not less than one year prior to the day the military leave commences. There is no entitlement to salary for scheduled reserve drill periods. Service in the military service shall count toward the period of time that the employee has been employed by the District. (M.&V.C. 395.01)

2. Military Leave Other than Temporary Leave. Employees ordered into active military duty as a member of the reserves, National Guard, naval militia, or otherwise (e.g. enlistee) ordered into active duty as a member of the armed forces of the United States on other than a temporary basis. The employee must have been a District employee for not less than one year prior to the date on which the military leave begins. There is no tacking for military service as with temporary leaves. (M.&V.C. 395.02)

3. State of Extreme Emergency. Members of the National Guard, however long employed by the District, who are engaged in military or naval duty during states of extreme emergency as declared by the Governor or pursuant to the Governor's call of the militia into active service; provided the leave does not exceed the duration of the emergency. (M.&V.C. 395.05)

For leadership employees, 30 days' compensation shall be one month's salary.

(Legal Reference next page)

Legal Reference:

EDUCATION CODE

44800 Effect of active military service on status of employees

45059 Salary computation for employee ordered to military/naval duty

MILITARY AND VETERANS CODE

395 Temporary military leave; public employees

395.01 Compensation of public employees on temporary military leave

395.02 Salary while absent on military leave other than temporary

395.03 Return to employment after termination of active military service

395.05 Military duty during state of extreme emergency

395.1 Public employees; return to position after active service

395.2 Non-certificated employees; return to position after active service

395.3 Resignation to enter military service, return to employment

19 OpsAttyGenl 132

63 OpsAttyGenl 924

69 OpsCalAttyGen 185

BOWERS v. SAN BUENAVENTURA (1977) 75CalApp3d 65

WRIGHT v. CITY OF SANTA CLARA (1989) 213 CalApp3d 1503

38 UNITED STATES CODE 2024