

CHAPTER 150

LEAVES OF ABSENCE

150.1 GENERAL PROVISIONS

- 150.1.1 **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.
- 150.1.2 **GUARANTEE OF RIGHT TO POSITION UPON RETURN:** The granting of a paid or unpaid leave of absence of six (6) months or less shall guarantee the employee the right to return to his same position.
- 150.1.3 **RIGHTS TO POSITION FOR LEAVES OVER SIX MONTHS:** The granting of a paid or unpaid leave of absence of more than six (6) months shall guarantee the employee the right to return to a position of equal status in the employee's same classification. However, the assignment may be in a different department or location. In no event would the assignment be on a different work shift than the previous position without the written voluntary permission of the returning employee.
- 150.1.4 **AUTHORIZED LEAVE IS NOT A BREAK IN SERVICE:** A paid leave, unpaid illness leave, industrial leave, military leave, or other leave as authorized by law does not constitute a break in service.
- 150.1.5 **CONTINUATION OF ALL BENEFITS DURING PAID LEAVES:** An employee on a paid leave of absence shall continue to accrue all benefits to which he is entitled as a regular employee.
- 150.1.6 **HEALTH COVERAGE MAY CONTINUE DURING ABSENCES:** An employee, who is otherwise eligible for district-paid health insurance shall continue to receive such benefits during all periods of paid leaves or periods of unpaid approved leaves thirty (30) calendar days or less. In the event that the employee is absent as the result of a district-approved unpaid leave exceeding thirty (30) calendar days, the employee shall be allowed to maintain his health insurance benefits by remitting monies to the District to cover the necessary costs of such insurance.

- 150.1.7 CANCELLATION OF VOLUNTARY LEAVES:** The Board of Trustees may cancel any voluntary leave of absence for good cause by giving the absent employee due notice.
Due notification shall allow sufficient time for the employee to return to work, but shall not be less than five (5) working days.
- 150.1.8 FAILURE TO REPORT FOR DUTY AFTER A LEAVE IS CANCELED:** Failure to report for duty within five (5) working days after a leave has been canceled shall be considered abandonment of position and the employee may be terminated by the Board of Trustees. Termination for abandonment shall be deemed termination for cause and treated as a disciplinary action.
- 150.1.9 EMPLOYEE MUST MAINTAIN LICENSES/CERTIFICATES:** Any required license or certificate held by the employee at the time the leave was granted must be valid at the time the employee returns to work.
- 150.1.10 ABSENT EMPLOYEES MAY NOT ACCEPT GAINFUL EMPLOYMENT:** An employee, while on leave of absence other than vacation, may not accept other gainful employment, except ordered military service, without express prior approval of the Board of Trustees.
- 150.1.11 ABSENCE REPORTS SUBMITTED WITH TIME SHEETS:** Completed absence request forms shall be filled out by every classified employee taking any leave of absence. Classified employees may request an unpaid leave of absence in accordance with the VVUHSD/CSEA Contract.
- 150.1.12 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.
- 150.1.13 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:
- 150.1.13.1** Industrial Accident and Illness Leave (if applicable).
 - 150.1.13.2** Accrued and advanced sick leave.
 - 150.1.13.3** Accrued or credited vacation days.

150.1.13.4 Compensatory time off.

150.1.13.5 Extended illness leave.

150.2 SICK LEAVE

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

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

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

150.2.2 NUMBER OF SICK LEAVE DAYS PER YEAR: Every regular classified employee shall earn sick leave in accordance with the current VVUHSD/CSEA Contract. Confidential employees shall earn sick leave as follows:

150.2.2.1 Beginning of service, 1.50

150.2.2.2 Three years of service completed, 1.75

150.2.2.3 Ten years of service completed, 2.00

Classified management and supervisory employees shall earn one ~~and one-half (1.5)~~ **one (1)** days per month of paid service.

The illness leave entitlement rates above shall revert to 1.50 upon the separation of an incumbent Confidential employee from the District in accordance with the Board of Trustees action on June 18, 2009.

Classified Management and Supervisory employees shall earn one and one-half days (1 ½) per month of paid service.

150.2.2.4 To qualify for a full month of sick leave, the employee must be in paid status through the fifteenth (15th) day of the month.

150.2.2.5 Employees assigned to a work year of less than twelve (12) months or less than forty (40) hours per week shall receive sick leave credit pro-rated in the same proportion as the number of months bear to twelve (12) and the number of hours worked per week bear to forty (40).

- 150.2.3 SICK LEAVE SHALL BE EARNED IN HOURS:** Employees shall earn sick leave on the basis of accrual by hours. The pay for earned sick leave shall be determined based upon Rule 150.2.4.
- 150.2.4 PAY RATE FOR SICK LEAVE:** When an employee takes sick leave, pay for that sick leave shall be the same pay the employee would have received had he worked that day.
- 150.2.5 CARRY-OVER OF SICK LEAVE:** Sick leave accrued, but not used, shall carry over from one fiscal year to another without limit on accumulation.
- 150.2.6 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. This rule shall not apply to those regular classified employees who have previously completed a probationary period.

REFERENCE: Education Code Section 45191

- 150.2.7 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 hours of paid sick leave which would normally be earned in the ensuing Fiscal Year.

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

- 150.2.8 NOTIFICATION OF ABSENCE:** In order to receive compensation for sick leave, the employee shall notify the District in accordance with the VVUHSD/CSEA Contract. If such notification is impossible, the burden of proof of impossible conditions shall be upon the employee.

- 150.2.9 NOTIFICATION OF RETURN TO WORK:** In order to allow the District the opportunity to make arrangements for the return of an absent employee, the employee shall notify his immediate supervisor in accordance with the VVUHSD/CSEA Contract. If an employee fails to notify his supervisor, and a substitute has been assigned to work for the day when the employee returns to work, the employee may be sent home for the day without being paid for that day.

- 150.2.10 DOCTOR'S NOTE MAY BE REQUIRED:** If the District has reason to question an employee's absence from duty, the District may require the employee to present a statement from a state-licensed physician verifying the nature of the illness and/or a medical authorization to return to work in accordance with the VVUHSD/CSEA Contract. In addition, the District may send an employee to a District appointed physician for examination at the District's expense.
- 150.2.11 DOCTOR'S NOTE REQUIRED FOR ABSENCES EXCEEDING THREE (3) DAYS:** An employee who is absent more than three (3) working days shall be required, when requested orally or in writing, to present the District with a doctor's statement verifying his illness, or injury and/or medical authorization to return to work, and shall certify release to work with or without restriction or limitation. In addition, the District may send an employee to a District appointed physician for examination at the District's expense.
- 150.2.11.1** An employee returning from surgery or illness requiring hospitalization regardless of the duration of the absence shall be required to provide medical verification of fitness to perform all the duties of his assigned position with or without restriction or limitation.
- 150.2.11.2** An employee required to wear a cast or other orthopedic device while at work shall be required to provide medical verification of fitness to perform all the duties of his assigned position without restriction or limitation.
- 150.2.11.3** Employees who have been released by their doctor to return to work with limitations or restrictions may be eligible to participate in the District *Return to Work Program* and are encouraged to inquire about their eligibility.
- 150.2.12 SUBMISSION OF DOCTORS' NOTES:** Doctor's report and/or clearances to return to work shall be submitted to the Classified Personnel Services Office who shall forward them to the immediate supervisor.
- 150.2.13 GENERAL DISTRICT RIGHT TO REQUIRE MEDICAL 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 position; regardless of whether or not the employee has claimed or received paid benefits under the provisions of these rules and regulations.

150.2.14 **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.

150.2.15 **SICK LEAVE ON HOLIDAYS:** When paid sick leave is used on the working day immediately before or after a paid holiday, the holiday shall not be charged against sick leave.

150.3 EXTENDED SICK LEAVE

150.3.1 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:

150.3.1.1 Extended sick leave shall be limited to five (5) months per fiscal year or per single illness, beginning with the first day of illness.

150.3.1.2 When a regular classified employee has exhausted all accumulated sick leave and continues to be unable to resume the regular duties of his position due to illness or injury, the employee will be placed on extended sick leave.

150.3.1.3 In accordance with the VVUHSD/CSEA Contract, additional non-accumulated leave shall be available beginning on the first (1st) day of absence due to illness or injury, the sixty-first (61st) day due to industrial accident or injury, for a period not to exceed five (5) calendar months. For leave purposes herein, the amount deducted from the employee's salary shall be the amount actually paid to a substitute employee employed to fill the Bargaining Unit Member's position during the leave. If no substitute is hired, the employee shall receive full pay.

150.3.1.4 Accrued and advanced sick leave, compensatory time, and vacation, when used for illness, shall be included in the five (5) month period.

150.3.1.5 In order to be eligible for extended sick leave, the employee shall use available sick leave in the following order:

- a. All industrial accident or illness leave, when applicable.
- b. All accrued and advanced sick leave.
- c. All earned vacation.
- d. All accumulated compensatory time off.

150.3.2 **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.

150.3.3 **VERIFICATION OF ILLNESS:** All rules governing verification of illness absences outlined in Rule 150.2 shall also apply to any absences taken under this rule.

150.4 INDUSTRIAL ACCIDENT/ILLNESS LEAVE

150.4.1 SIXTY (60) WORKING DAYS OF FULL PAID LEAVE: 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 Workers' Compensation Insurance law for causes which are District related, shall be entitled to not more than sixty (60) working days paid industrial accident leave for each such accident or illness while receiving temporary disability benefits from Workers' Compensation. Should the sixty (60) working days 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 industrial accident occurred. Such leave is non-accumulative and may be taken only during those periods when the employee would normally have been in paid status.

REFERENCE: Education Code Section 45192

150.4.2 START OF PAID ACCIDENT LEAVE: Paid industrial accident leave shall be granted, as indicated in the employee's assignment, from the first day of absence to and including the last day of absence resulting from each separate industrial illness or industrial injury.

150.4.3 REDUCTION OF PAID ACCIDENT LEAVE: 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 Workmen's Compensation. Days absent while on paid industrial accident leave shall not be deducted from the number of days of paid illness leave to which an employee may be entitled.

150.4.4 USE OF PAID ILLNESS LEAVE AFTER EXHAUSTION OF ACCIDENT LEAVE: 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 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, provided the employee continues to receive temporary disability indemnity, resulting in a payment to him of not more than his full salary.

- 150.4.5** **USE OF OTHER LEAVES AFTER EXHAUSTION OF ILLNESS LEAVE:**
After all accumulated illness leave has been exhausted an employee will be paid from accrued vacation to the extent necessary to make up the employee's regular salary. Upon exhaustion of accrued vacation, the employee will then use all available accumulated compensatory time off. If no compensatory time off is available, the employee will then use any unused extended illness leave provided in Rule 150.3 and in accordance with the VVUHSD/CSEA Contract.
- 150.4.6** **WORKER'S COMPENSATION CHECK ENDORSED TO DISTRICT:**
During leaves resulting from an industrial accident or industrial illness, the employee shall endorse to the District temporary disability indemnity checks received on account of his industrial accident or illness. The District shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary, and/or leave benefits and shall deduct normal retirement and other authorized contributions. Final allowance for permanent industrial disability settlements shall not be subject to remittance to the District under this rule.
- 150.4.7** **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 Trustees.
- 150.4.8** **PLACEMENT ON RE-EMPLOYMENT 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 position, he shall be placed on a re-employment 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 shall be employed in a vacant position in the class of his previous assignment over all other candidates, except for a re-employment list established because of a layoff for lack of work or lack of funds, in which case he shall be listed in accordance with appropriate seniority regulations. An employee who has been placed on a re-employment list, as provided herein, and who has been medically released for return to duty, and who fails to accept an appropriate assignment, shall be removed from the re-employment list.

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.

- 150.4.9** **ABOLISHMENT OF PREVIOUS CLASSIFICATION:** If the employee's class has been abolished during his 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 Classified Personnel Services and approved by the Personnel Commission.
- 150.4.10** **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 medical release from the District appointed physician or employee's pre-designated treating physician. The release shall certify that the employee is able to return to his position with or without medical limitations or restrictions. If the medical release limits the work activities of the employee, the District shall determine if 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.
- 150.4.11** **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.

150.5 TRANSFER OF SICK LEAVE

150.5.1 TRANSFER OF SICK LEAVE FROM ANOTHER DISTRICT: Any classified employee of another school district, county superintendent's office, community college, or other public school agency deemed a school district by California law, who was not terminated from that agency for cause, who accepts employment with the District within one (1) calendar year from the date of the termination of employment with the other district shall be allowed to transfer his accumulated sick leave from that agency to this district. In order to effectuate the transfer of the accumulated sick leave, the newly-hired employee shall request the Director of Classified Personnel Services to secure the necessary information from the former school agency and submit it to the Classified Personnel Services office for review and inclusion in the employee's sick leave accumulation bank.

REFERENCE: Education Code Sections 45202, 45260, and 45261.

150.6 UNPAID ILLNESS LEAVE

150.6.1 SIX MONTH 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 six (6) month unpaid leave of absence upon recommendation of the Director of Classified Personnel Services and approval of the Board of Trustees. This leave may be extended for two additional six (6) month periods. If placed on unpaid leave, the employee shall not again become eligible for paid leave because of the commencement of a new fiscal year until he has rendered service.

150.6.2 FACTORS THAT MUST BE CONSIDERED: Prior to granting or not granting this leave the following factors shall be considered:

150.6.2.1 The likelihood that the employee will be able to return to regular duties at the conclusion of the leave.

150.6.2.2 The length of service and work record of the employee.

150.6.2.3 The employee's previous leave history and attendance record.

150.6.2.4 The number of positions in the employee's class.

150.6.2.5 The uniqueness of the duties performed, and the availability of a substitute.

150.6.3 RIGHT TO RETURN TO CLASS: The granting of an unpaid leave of absence under this rule shall guarantee the employee the right to return to a position in his former classification.

REFERENCE: Education Code Sections 45195, 45260, and 45261

150.7 BEREAVEMENT LEAVE

150.7.1 FIVE 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 five (5) days in accordance with the VVUHSD/CESA Contract. Additional days of absence beyond those described herein may be provided under the terms of Personal Necessity Leave provisions contained in Rule 150.8. 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 or the Education Code.

150.7.2 DEFINITION OF "IMMEDIATE FAMILY": The "immediate family" is defined as spouse, parent(s), grandparent(s), grandchild(ren), sibling(s), child(ren), aunt, uncle, niece, nephew, spouse's "family", in-law(s), and any person living in the immediate household of the employee.

REFERENCE: Education Code Sections 45194, 45260, and 45261

150.8 PERSONAL NECESSITY LEAVE

150.8.1 USE UP TO SEVEN DAYS: An employee may use, upon District approval, not more than seven (7) days accumulated sick leave benefits in any fiscal year, in the following cases of personal emergency:

150.8.1.1 Death of a member of the immediate family as defined above, when rights to bereavement leave outlined in Rule 150.7 have been exhausted.

150.8.1.2 Accident involving his person or property, or property of a member of his immediate family as defined in Rule 150.7, of such a nature that the immediate presence of the employee is required during his working day.

150.8.1.3 Illness involving a member of his immediate family as defined in Rule 150.7, of such a nature that the presence of the employee is required during his working day.

150.8.1.4 Appearance in court or before any administrative tribunal as a litigant or party.

150.8.1.5 In any other situations of urgency as judged acceptable to the District, not more than two (2) days for the purpose of conducting personal business which is impossible to transact at other than school district working hours. Such leave may not be used for seeking other employment, rendering paid services, or working either with or without remuneration for oneself or for anyone else; for recreational activities; or for withholding of services. The permissive sections of this leave as outlined in Rule 150.8.1.5 may not be granted on the first or last day of the school year, nor on the first working day preceding or following a vacation or holiday period including weekend holidays.

150.8.1.6 Paternity leave.

150.8.2 NOTIFICATION OF LEAVE USAGE: Classified employees desiring to use such leave shall submit their request in advance of the anticipated absence, except in emergencies or unexpected events, in accordance with the VVUHSD/CSEA Contract. The general reason for the personal necessity shall be clearly stated on the absence notification form.

150.8.3 PERSONAL NECESSITY NOT CUMULATIVE: Personal necessity leave is non-cumulative. Employees are limited in each fiscal year to the amount of usage outlined in Rule 150.8.1.

REFERENCE: Education Code Section 45207, 45260, and 45261

150.9 PREGNANCY DISABILITY LEAVE

PC Approved Rev. 2007-12-18 (Chapter)
PC Approved Rev. 2009-08-25 (150.2.2)

150-17

Victor Valley Union High School District
Personnel Commission Rules

150.9.1 **ENTITLED TO ALL SICK LEAVE BENEFITS:** Regular female classified employees who must be absent from their duties because of pregnancy or convalescence following childbirth shall be entitled to utilize all regular and extended sick leave benefits to which they may be entitled under these Rules and the VVUHSD/CSEA Contract.

150.9.2 **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 and approved by the Director of Classified Personnel Services.

150.9.3 **CERTIFICATION OF LAST DAY ABLE TO WORK:** Prior to the eighth month of pregnancy, the employee shall furnish the Classified Personnel Services Office a medical certificate stating the last date on which she will be able to work, accompanied by a verification of her disability.

150.9.4 **RELEASE TO RETURN TO WORK:** Prior to returning to work, the employee must present to the Classified Personnel Services Office, a release to return to work with or without limitations, from the treating physician. In addition, the Director of Classified Personnel Services may require that the employee be examined by a District appointed physician to confirm the employee's ability to return to work.

REFERENCE: 1. Education Code Section 45193, 45260, and 4526
 2. Government Code Section 12945

150.10 UNPAID CHILD REARING LEAVE

- 150.10.1 GRANTING OF UNPAID CHILD REARING LEAVE:** An unpaid child rearing leave may be granted to an employee within the time lines outlined in this rule. Periods of absence related to maternity which are medically required and/or disabling are covered by Rule 150.9.
- 150.10.2 ELIGIBILITY AND TIMELINES FOR LEAVE:** A regular classified employee who is the natural or adoptive parent of a child shall be entitled to an unpaid child rearing leave, when medical disability is not a factor, three (3) calendar months before the expected date of pregnancy termination, and may extend a maximum period of one (1) year beyond the birth of the child or the completion of the appropriate adoption procedures.
- 150.10.3 ESTABLISHMENT OF BEGINNING / END DATES:** The employee is expected to establish a beginning and ending date for the child rearing leave with his/her supervisor as far in advance of the start of the child rearing leave as possible in order to plan for a temporary replacement.
- 150.10.4 EMPLOYEE MAY RETURN EARLIER:** An employee who has been granted an unpaid child rearing leave may return early from that leave with at least a ten (10) working days notice to the Classified Personnel Services Office.
- 150.10.5 NOTIFICATION:** An employee will notify the District at least four (4) weeks prior to the anticipated date when the one (1) year unpaid child rearing leave ends.
- 150.10.6 INSURANCE COVERAGE:** Any employee who has been granted a child rearing leave may participate in the District insurance programs provided he/she pay, on a monthly basis, the cost of the premiums for such insurance

150.11 JURY DUTY LEAVE

150.11.1 LEAVE OF ABSENCE FOR JURY DUTY: Leave of absence for jury service shall be granted to any classified employees who have 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 jury duty. The employee shall turn in to payroll the Jury Service Waiver Form. Any meal, mileage, and or parking allowance provided the employee for jury duty shall not be considered in the amount received for jury duty. Request for jury service should be made by presenting the official court summons to jury service to the immediate supervisor.

REFERENCE: Civil Code of Procedures Section 215

150.11.2 REPORTING FOR NORMAL DUTIES: Any day during which any employee is required to serve at least one half ($\frac{1}{2}$) or more of his regularly assigned hours on jury duty, shall be relieved from work for that day without loss of salary. Employees shall not be required to report to work in the morning prior to reporting for jury duty in accordance with the VVUHSD/CSEA Contract. The term "regularly assigned hours" means the total number of daily hours normally worked as opposed to the employee's normal starting and ending time. In no event shall an employee be expected to work more hours, when combining jury duty hours (including travel time) and regular work hours, than his number of regular assigned hours.

REFERENCE: Education Code Section 44037, 45260, and 45261

150.12 WITNESS LEAVE

150.12.1 WITNESS LEAVE OF ABSENCE: Leave of absence to serve as a witness in a court case shall be granted an employee when he has been served a subpoena to appear as a witness, not as the litigant in the case or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. The length of the leave shall be for the number of days in attendance in the court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period.

150.12.2 REPORTING FOR NORMAL DUTIES: Any day during which any employee is required to serve at least one half (½) or more of his regularly assigned hours on witness duty, shall be relieved from work for that day without loss of salary in accordance with the VVUHSD/CSEA Contract. Employees shall not be required to report to work in the morning prior to reporting for witness duty. The term "regularly assigned hours" means the total number of daily hours normally worked as opposed to the employee's normal starting and ending time.

REFERENCE: Education Code Section 44036, 45260, and 45261

150.13 RELEASE TIME FOR PERSONNEL ACTIVITIES

150.13.1 LEAVE TO TAKE DISTRICT EXAMINATION: Any employee in the classified service of the District shall be permitted to take any examination given by the District during his regular working hours without deduction of pay or other penalty. The employee shall provide at least two (2) days' notice to his immediate supervisor.

150.13.2 ATTENDANCE AT INTERVIEW: Any employee in the classified service of the District shall be permitted release time to attend an interview for promotion or transfer in the District during his regular working hours without deduction of pay or other penalty. The employee shall provide notice to his immediate supervisor as soon as possible after notification by the Classified Personnel Services Office of the interview time.

150.13.3 ATTENDANCE AT PERSONNEL COMMISSION / BOARD OF TRUSTEES MEETING: Any employee in the classified service of the District shall be permitted release time to attend a Personnel Commission or Board of Trustees meeting at which a recommendation affecting the employee's classification, salary or status is being presented, without deduction of pay or other penalty. The employee shall provide at least twenty-four (24) hours notice to his immediate supervisor. Notification shall be provided employees at least two (2) hours prior to the scheduled meeting.

REFERENCE: Education Code Sections 45260, 45261, and 45272

150.14 ABSENCE DUE TO EPIDEMICS OR EMERGENCIES

150.14.1 ABSENCE DUE TO EPIDEMICS OR EMERGENCIES: An employee shall be paid his regular salary for any period during which his 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 customary or other reasonable and suitable duties. During this period, the District shall endeavor to assign the employee to work elsewhere.

150.14.2 ABSENCE DUE TO SNOW: In the event of snow, the Superintendent or his designee may delay the start of school or may declare a no school day. In the event the District is forced to close down, all Classified employees, except Classified Management Supervisory and Confidential employees, shall be sent home in accordance with the VVUHSD/CSEA Contract, Article 5.2.6.

REFERENCE: Education Code Sections 45260, and 45261

150.15 MILITARY LEAVE

- 150.15.1 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 military leave of absence for the period of service.
- 150.15.2 RESERVE SERVICE:** Regular classified employees who are members of a reserve corps, and who must be temporarily absent due to active duty training or exercises shall be granted temporary military leave of absence.
- 150.15.3 30 DAYS LEAVE WITH PAY:** Regular classified employees shall be granted full pay for the first thirty (30) calendar days of the leave. Employees on military leave shall be granted salary advancement and shall continue to accrue seniority for purposes of layoff. No other fringe benefits, such as sick leave or vacation shall accrue during any unpaid portion of the leave. However, medical insurance shall remain in effect for the family.
- 150.15.4 OFFICIAL ORDERS MUST BE SUBMITTED:** In order for a paid leave of absence to be granted the employee must submit official orders to active duty or reserve duty, stating the dates to report.
- 150.15.5 RETURN FROM MILITARY LEAVE:** Upon return from military leave the employee shall be reinstated to his same regular position or an equal position in the same class, within thirty (30) days of release from active duty, return to inactive reserve status or discharge from active duty.

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

- 150.15.6 LEAVE FOR MILITARY SPOUSES:** A qualified employee who is a spouse of a qualified member of the Armed Forces, National Guard, or Reserves may take up to 10 days of unpaid leave during a qualified leave period. An employee working 20 or more hours per week average are eligible to take this leave. Notice of intent to take this leave must be provided by a qualified employee within two (2) business days of receiving official notice that their qualified spouse will be on leave. Written documentation that the qualified employee's spouse will be on leave from deployment during the leave time requested must be provided to the District.

REFERENCE: Military and Veterans Code 395.10

150.16 VOTER LEAVE OF ABSENCE

150.16.1 TIME OFF TO VOTE: If a voter does not have sufficient time outside of his working hours within which to vote at any general, direct primary, or presidential primary election, he may, without loss of pay, take time to vote.

150.16.2 TIME OFF WILL NOT EXCEED TWO HOURS: Members of the classified service of the District who are registered to vote and have reason to believe that they will be denied the opportunity to vote because of their scheduled work hours or the length of their work day as scheduled for the day of the election shall be allowed so much time off at the beginning or the end of the work day, without loss of pay or other penalty, that when combined with the employees' personal time will allow them the opportunity to vote. However, such time off shall not exceed two (2) hours.

150.16.3 MAY NOT BE USED FOR OTHER PURPOSES: Although the District wants its employees to become registered voters and to exercise their rights to vote, and encourages all of its employees to do so, the Personnel Commission does not intend to allow time off under this rule to be used for any other purpose. Therefore, it is the responsibility of the employee who is requesting the time off to vote, to show that he needs time off in order to be able to vote in the election, and to show that he needs the amount of time being requested.

150.16.4 ADVANCE NOTICE IF POSSIBLE: Except in cases of emergency or unforeseen circumstances, employees shall provide their supervisors with advance notice of the need for time off to vote. The burden of proof as to the emergency or unforeseen circumstances shall rest upon the employee.

REFERENCE: Education Code Sections 45136, 45137, 45190, 45260, and 45261

150.17 LEAVE TO SERVE IN EXEMPT/TEMP/LIMITED TERM POSITION

150.17.1 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 as serving in his regular position, and such assignment shall not be considered to be a separation from service.

150.17.2 VOLUNTARY RETURN TO REGULAR POSITION: Such employee may, with the approval of the appointing authority, voluntarily return to his regular position or to a position in the class of his permanent status prior to the completion of service in the exempt, temporary, or limited-term assignment. Failure to complete the required service in the exempt, temporary, or limited-term assignment, unless approved as specified herein, could constitute abandonment of position and may be grounds for a disciplinary action.

REFERENCE: Education Code Sections 45260 and 45261.

150.18 LEAVES OF ABSENCE WITHOUT PAY

150.18.1 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.

150.18.2 LENGTH OF LEAVE: Leave of absence without pay may be granted for any period not exceeding six (6) months, but may be extended for six (6) months with the approval of the District and Personnel Commission. In accordance with the VVUHSD/CSEA Contract, Article 9.6, a regular classified employee may request an unpaid leave of absence for a maximum of one (1) year.

REFERENCE: Education Code Section 45195

150.18.3 REASONS: A leave of absence may be granted an employee provided he meets all other requirements set forth in this rule:

150.18.3.1 An employee who desires to attend an educational institution or to enter training to improve the quality of his service.

150.18.3.2 For reasons already enumerated in Chapter 150 of these Rules.

150.18.3.3 For reasons deemed satisfactory to the District and the Commission.

150.18.4 DENIAL: A leave of absence may not be used for completing temporary, probationary or trial employment elsewhere.

150.18.5 RIGHT TO RETURN: The granting of a leave of absence without pay gives the employee the right to return to his position at the expiration of his leave of absence, or before, with the concurrence of the appointing authority and/or in conformance with procedures contained in Chapter 150 of these rules and regulations, if such a position still exists. If the position does not exist, layoff rules will be in effect. Such leaves are granted only to employees who desire to return to their former position. A physical examination may be required by the Personnel Commission before the employee returns to work.

- 150.18.6 CANCELLATION OF UNPAID LEAVE OF ABSENCE:** The Board of Trustees may, for good cause, cancel any leave of absence by giving the absent employee due notice. The employee may appeal the cancellation to the Personnel Commission which shall investigate and hear the appeal. The appeal by the employee will stay the cancellation directive of the Board of Trustees until action by the Personnel Commission, which shall be final and binding.
- 150.18.7 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.
- 150.18.8 REPORT OF REINSTATEMENT:** Report of the employee's return to work at or before the expiration of a leave of absence without pay, shall be made directly to the Director of Classified Personnel Services, prior to the employee returning. At the same time, notice to the employee who has been filling the position temporarily shall be made by the Director of Classified Personnel Services.
- 150.18.9 FAILURE TO RETURN:** Failure to report for duty within five (5) working days 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 of Classified Personnel Services to show why the failure to return was excusable, in which case the employee shall be reinstated with no further action.
- 150.18.10 COUNTING TIME FOR SENIORITY OR SALARY ADJUSTMENT:** Time spent on leave of absence without pay of over one (1) month shall not count towards seniority except in cases of military leave, illness leave, pregnancy disability leave, child-rearing leave, industrial accident/illness leave, retraining & study leave, and Family Medical Leave Act.
- 150.18.11 UNPAID LEAVES OF FIVE (5) DAYS OR LESS:** A voluntary informal unpaid leave of absence may be granted by the immediate supervisor for a period of five (5) working days or less without approval of the Director of

Classified Personnel Services. However, this unpaid leave must be reported on the employee's time sheet and an absence notification form must be filled out and attached to the time sheet.

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

150.19 FAMILY CARE LEAVE

150.19.1 ELIGIBILITY AND DURATION: A regular classified employee who has 1,250 or more hours of continuous service with the District shall, upon written request, be granted a family care leave of up to 12 weeks per fiscal year in accordance with the VVUHSD/CSEA Agreement, 9.9.

REFERENCE: Government Code Section 12945.2(a)

150.19.2 DEFINITIONS FOR PURPOSES OF THIS RULE:

150.19.2.1 Child - A “biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.” The child must be under age 18, or an adult dependent child.

150.19.2.2 Parent - A biological, foster, or adoptive parent, a stepparent, or a legal guardian, or other person who stood in loco parentis to the employee when the employee as a child.

150.19.2.3 Serious Health Condition - An illness, injury, impairment, or physical or mental condition that involves either of the following: a) inpatient care in a hospital hospice, or residential health care facility, b) continuing treatment or continuing supervision by a health care provider.

REFERENCE: Government Code Sections 12945.2(c)(1), 12945.2(c)(7), and 12945.2(c)(8)

150.19.3 “FAMILY CARE AND MEDICAL LEAVE” MEANS ANY OF THE FOLLOWING:

150.19.3.1 Leave for reason of the birth of a child of the employee, placement of a child with an employee in connection with the adoption or foster care of the child by the employee, or the serious health condition of a child of the employee.

150.19.3.2 Leave to care for a parent or spouse who has a serious health condition.

150.19.3.3 Leave because of an employee's own serious health condition that makes the employee unable to perform the functions of the position of that employee, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions.

REFERENCE: Government Code 12945.2(c)(3)(A), 12945.2(c)(3)(B), and 12945.2(c)(3)(C)

150.19.4 **COMPENSATION:** The family care leave will be an unpaid leave unless the employee elects, and the employee's administrator approves or the District requires the employee, to use accrued vacation leave during the family care leave. However, an employee shall not use sick leave during the family care leave unless the reason for the leave is the health of the employee or the employees' family member. The District will maintain the employees coverage under its' group medical plans.

150.19.5 **VERIFICATION REQUIRED FOR FAMILY CARE LEAVE TAKEN FOR MEDICAL REASONS** The employee's administrator may require than employee's request for leave to care for a child, spouse, or a parent who has a serious health condition be supported by written verification from the health care provider. The verification should include the date on which the serious health condition commenced, the probable duration of the condition; an estimate of the amount of time the employee needs to care for the individual requiring care; and a statement that the serious health condition warrants the participation of the employee. In the case of the employee's own serious health condition, the employer may require a statement that the employee is unable to perform the function of his or her position. If leave is required beyond the initial estimated date provided by the health care provider, the employee's administrator may require new verification before additional leave is granted.

150.19.6 **EMPLOYEE STATUS DURING AND UPON RETURN FROM FAMILY CARE LEAVE** The period of a family care leave shall not be considered a break in service for the employee and, upon return to service from the leave, the employee shall have no less seniority than the employee had when the leave commenced. Additionally, upon return to service from a family care leave, an employee shall be restored to the same classification held prior to the leave.

150.19.7 CONCURRENT LEAVE: Leaves authorized under the Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA) will run concurrently, as permitted by law, and shall run concurrently with all other leaves except pregnancy disability leaves. Employees on maternity leave exceeding twelve (12) weeks shall only receive paid health care for twelve (12) weeks in accordance with the VVUHSD/CSEA Contract, Article 9.7.

REFERENCE:

1. Government Code Section 12945.2
2. 29CFR 825.208

150.20 FAMILY-SCHOOL PARTNERSHIP ACT

150.20.1 UP TO FORTY (40) HOURS LEAVE: An eligible employee shall be entitled, with District approval, to not more than forty (40) hours off during each fiscal year, not to exceed (8) eight hours in a calendar month, to participate in school activities.

150.20.1.1 For the purposes of this leave, an eligible employee must be a parent, guardian or grandparent having custody of one (1) or more children in grades K - 12.

150.20.1.2 Employees shall use existing vacation, personal leave, compensatory time off or unpaid leave for the period of their absence.

150.20.2 NOTIFICATION OF LEAVE USAGE: Classified employees desiring to use such leave shall submit an Employee Absence Request form at least three (3) working days in advance of the anticipated absence for approval by their supervisor. Written proof of the school participation by the employee must accompany the absence request form.

REFERENCE: Labor Code Section 230.8