

Lompoc Unified School District  
Merit System Rules for the Classified Employees

**CHAPTER 15 - LEAVES OF ABSENCE**

**15. General Provisions**

This rule is applicable to all classified employees so long as there is no conflict with any lawful negotiated agreements between the District and any exclusive representative recognized by the District to represent an appropriate unit of employees.

**15.1 Definition**

A leave of absence is an authorization for an employee to be absent from duty for a specific amount of time.

A leave of absence shall not constitute a break in service, but time on unpaid leave, except military leave as provided in applicable federal or state laws, shall be deducted for purposes of salary increment, longevity and seniority credit for a period of time and for an approved purpose.

**15.2 Terms and Conditions**

- A. An employee on a paid leave of absence shall continue to accrue all benefits to which he/she is entitled as a regular classified employee.
- B. 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, and in some instances is covered by the Family Medical Leave Act for some portion of unpaid leaves, as included FMLA. An employee who is absent as the result of a district-approved unpaid leave shall be allowed to maintain his/her health insurance benefits by remitting monies to the District to cover the necessary costs of such insurance.
- C. The Board 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.
- D. Failure to report for duty within three (3) working days after a leave expires or has been canceled (pursuant to these rules) shall be considered abandonment of position and the employee may be terminated by the board. Termination for abandonment shall be deemed termination for cause and treated as a disciplinary action.
- E. 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.
- F. 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.
- G. Upon request for a leave of absence signed by the employee and stating the reason for the leave, the supervisor may recommend either to approve or disapprove the request. The request shall be submitted to the supervisor and then forwarded to Classified Human Resources.
- H. An employee, while on leave of absence, may not accept other gainful employment except ordered military service, without express prior approval of the Board of Education.

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- I. All absences shall be identified in the District's absence management system. If a timesheet is required, it should be signed by the employee and supervisor and submitted to the Payroll Department.
- J. The District shall have the right to require pursuant to applicable sections of these rules, collective bargaining agreements, Board policies and procedures or other laws and codes, verification of all leaves requested and taken by an employee. An employee's inability or refusal to provide reasonable verification shall be grounds for denying the requested leave of absence.
- K. An employee who is absent to any reason related to illness or injury shall utilize available leaves in the following order:
  - 1. Industrial Accident and Illness Leave (if applicable).
  - 2. Accrued and advanced sick leave.
  - 3. 100 days ½ pay sick leave (runs concurrently with Accrued and advanced sick leave).
  - 4. Other available paid leave time may be used to supplement the 100 days ½ pay sick leave.

15.3 Regular Sick Leave Provisions

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

- 1. Physical or mental inability to perform the usual and customary duties of the position due to illness, injury, pregnancy, miscarriage, childbirth or recovery therefrom, exposure to a contagious disease or for legally established quarantine.
- 2. A visit to a ~~state~~-licensed physician, dentist, medical practitioner, psychologist, or other therapist for examination, treatment, consultant or therapy.

For purposes of these rules, licensed physician, practioner, or a psychological or other therapist shall be defined per Labor Code Section 3209.3.

One day of sick leave, with full pay, shall be granted each full time classified employee for each full month he/she has completed service in the District. This sick leave is authorized only for the illness of the employee. If the employee does not use the full amount of sick leave in any school year, the number of days not used shall be accumulated from year to year with no limit to accumulation. Part-time employees shall be entitled to sick leave in the same proportion as the ratio of the number of hours he/she works daily is to an eight hour day. If employment is terminated, no compensation will be paid for unused sick leave. Annual sick leave accounts will be issued at the beginning of each fiscal year.

At the beginning of each fiscal year, the sick leave "bank" of the employee shall be increased by the number of days paid sick leave which he/she would normally earn in the ensuing fiscal year. An employee's sick leave "bank" shall be adjusted if a change of assignment alters the amount of sick leave earnable.

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Sick leave may be taken at any time, provided that employees with probationary status may use only six days of paid sick leave during the initial probationary periods.

Pay for any day of sick leave shall be the same pay rate the employee would have received if he/she had worked that day.

In order to receive compensation while absent on sick leave, the employee must contact his/her appropriate ~~answering service~~ absence system as soon as the need to be absent is known to permit the employer time to secure a substitute service or make other appropriate arrangements. Failure to provide adequate notice shall be grounds for denial of leave with pay or other disciplinary action unless the employee establishes that unforeseeable and unavoidable emergency circumstances make it impossible to fully comply with his/her obligations hereunder.

An employee shall not be allowed to return to work and shall be placed on leave without pay if the employee fails to notify the District of the employee's intent to return to work at least one (1) hour prior to the close of the preceding day if such failure results in a substitute being secured.

An employee absent more than three working days or more may be required to present a doctor's statement stating the nature of the illness or injury and the date the employee is able to return to work.

The District may require a doctor's statement for any illness absence spanning at least two consecutive days in cases where employees have been counseled, reprimanded or disciplined regarding frequent or unexcused absenteeism or tardiness.

If any employee leave the employment of the District, accumulated unused sick leave will not be credited to the employee's final payment.

On a case-by-case basis, any classified employee may donate up to ten (10) days of accumulated sick leave to another classified employee who has suffered a long-term non-industrial, catastrophic illness or injury and has exhausted all full paid leaves. Donating members must have accumulated at least twenty (20) days of sick leave. The recipient shall be paid at his/her regular rate of pay. The recipient shall utilize donated sick leave in the order donations are received. Donated sick leave not utilized shall be returned to the donor.

Employees who qualify and desire this benefit shall submit this request on a District form. The recipient is limited to one hundred (100) donated days.

15.3.1 Extended Sick Leave – 100 Days at 50% Pay

- A. After exhaustion of paid sick leave, an employee who is ill or injured will be required to use accumulated vacation (and compensatory time, if provided) to avoid leave without pay unless the employee requests otherwise.
- B. After the exhaustion of all accumulated sick leave entitlements, the District shall pay the employee for any compensatory time that he/she may have accumulated. If no

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compensatory time has been accumulated or if such has been exhausted, the employee will then use accrued and/or unaccrued vacation entitlements. In the event that the employee has exhausted all of his/her vacation entitlement, the District shall provide the employee 50% of his/her regular salary up to a maximum of 100 days (total absence, inclusive of full pay and half pay days) from the date that the absence began. ~~with differential pay (the amount of the employee's regular day's pay less the amount actually paid to a person serving as a substitute in the employee's position) for each day of absence up to a maximum of five (5) months (100 days) from the first day of paid absence resulting from the accident/illness.~~

Extended sick leave shall be limited to 100 workdays in each fiscal year. At the beginning of the fiscal year, 100 workdays shall be credited to the employee's account, whether or not the employee is currently drawing benefits subject to this rule.

All rules governing verification of illness absences outlined in these Rules and Regulations shall also apply to any absences taken under this rule.

All rules governing absence notification as outlined in these Rules and Regulations shall also apply to any absences taken under this rule.

After exhaustion of all paid leaves, a permanent employee may, upon request and with Board of Education approval, be placed on an unpaid leave of absence for a period not to exceed twelve months or placed on the 39-month reemployment list.

15.4 Returning from Sick Leave

- A. Following a 24-hour notice, 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. A doctor's release is required.
- B. If, at the conclusion of all sick leave and additional leave, paid or unpaid, granted under this rule, the employee is still unable to assume the duties of his/her position, he/she will be placed on a reinstatement list for a period of 39 months in the same manner as if he/she were laid off for lack of work or lack of funds.

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

15.5 Industrial Accident and Industrial Illness Leave

All regular and permanent classified employees who have completed 130 days or six months of paid service (whichever is lesser) shall be entitled to this leave. An eligible classified employee who is absent from duty from causes which are District related industrial accident, injury, or

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illness shall be entitled to not more than sixty (60) working days in any one (1) fiscal year for each industrial injury, accident, or illness. If the full sixty (60) working days will overlap into the next fiscal year, the employee shall be entitled only to that amount remaining at the end of the fiscal year in which the accident, injury, or illness occurred. Such leave is noncumulative and may be taken only during those periods when the employee would normally have been in a paid status.

- A. Paid industrial accident leave shall be reduced by one 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 illness leave to which an employee may be entitled.
- B. The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Section 45191. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workers' compensation the person shall be entitled to use only as much of the person's accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workers' compensation award, provided for a full day's wage or salary.
- C. During all paid leaves of absence, whether industrial accident leave as provided in this section, sick leave, vacation, compensated time off or other available leave provided by law or the action of the governing board, the employee shall endorse to the district wage loss benefit checks received under the workers' compensation laws of this state.
- D. Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the governing board authorizes travel outside the state.
- E. Allowable leave shall not be accumulative from year to year.
- F. Upon return to service from any unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a position in his/her former class ahead of any employee with a lesser amount of seniority. If no vacancy exists in his/her former class, he/she shall be placed on a reemployment list in accordance with Section L listed below. If an employee's former class has ceased to exist, the employee may be reassigned or placed on a suitable reemployment list.
- G. 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.
- H. 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

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list for the class from which he/she was on leave for a period not to exceed 39 months.

- I. An employee who fails to accept an appropriate assignment after being medically approved therefore shall be removed from the reemployment list. Appropriate assignment is defined as an assignment to the employee's former class, in his/her former status and time basis, and in assignment areas in which the employee has made himself available. Employees removed from a reemployment list under this Rule may appeal the removal to the Personnel Commission.
  
- J. Final allowance for permanent industrial disability settlements shall not be subject to remittance to the District under this rule.

15. 6 Reporting an 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.

15. 7 Leave Commences on First Day

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

15.8 Use of Sick Leave after Exhaustion of Sixty Days

Upon exhaustion of the industrial accident/illness leave, the employee shall be entitled to use sick leave provided in accordance with District policies, collective bargaining agreements, and these Rules. This leave shall commence on the date of termination of the industrial leave of absence. Provided the employees continues to receive temporary disability indemnity, the employee may elect to take as much of accumulated sick leave which when added to his/her temporary disability, indemnity (Workers' Compensation check) will result in a payment to the employee of not more than his/her full salary. (Example: An employee has a temporary disability indemnity equal to 1/2rd normal salary. The District pays the employee full salary and deducted 2/4rds of a day of sick leave from the employee's accumulated sick leave account.)

**15.9 Workers' Compensation Check Endorsed to District**

During a leave taken under these rules, the employee shall endorse to the District the temporary disability indemnity checks (Workers' Compensation) received on account of his/her industrial accident or illness. The District, in turn, shall issue the employee appropriate salary warrants for payment of the employee's full salary and shall deduct normal retirement and other authorized contributions.

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15.10 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.

Education Codes; 45190, 45192, 45260 and 45261

15. 11 Use of Sick Leave after Exhaustion of Sixty Days

Upon exhaustion of the industrial accident/illness leave the employee shall be entitled to use accumulated sick leave. Other available paid leaves will commence on the date of termination of the industrial leave of absence. Provided the employee continues to receive temporary disability indemnity, the employee may elect to take as much of accumulated sick leave which when added to his/her temporary disability, indemnity (Worker's Compensation check), will result in a payment to the employee of not more than his/her full salary. (Example: An employee has a temporary disability indemnity equal to 1/3 normal salary. The District pays the employee full salary and deducts 2/3rds of a day of sick leave from the employee's accumulated sick leave account.)

15.12 Use of Other Leaves after Exhaustion of Sick Leave

After all accumulated sick leave has been exhausted an employee will then use accrued compensatory time. If no compensatory time is available, or has been exhausted, the employee then may begin to use accrued vacation credit. If no vacation credit is available or has been exhausted, the employee may then use the extended illness leave (100 days ½ salary). The use of leaves outlined in this section shall be governed by the coordinated use of temporary disability benefits outlined in the District's policies and procedures.

15. 13 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 Governing Board.

15.14 Placement on Reemployment List at Exhaustion of Leaves

When all available paid or unpaid leaves of absence have been exhausted, and if the employee is still not medically able to assume the duties of his/her position, he/she shall, if not voluntarily placed in another position, be placed on a reemployment list for a period of 39 months. When the employee is medically able to return to work during this 39 month period he/she shall be employed in a vacant position in the class of his/her previous assignment over all other candidates, except for a reemployment list established because of a layoff for lack of work or lack of funds, in which case, he/she shall be listed in accordance with appropriate seniority regulations. An employee who has been placed on a reemployment list, as provided herein, and who has been medically released for return to duty, and who fails to accept an appropriate assignment, shall be dismissed. An appropriate assignment for purposes of this rule shall be

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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.

15.15 Action upon Exhaustion of Leave of Absence for Employees Eligible for Disability Retirement

When all paid or unpaid leaves of absence have been exhausted, and if the employee is still not medically able to assume the duties of his/her position, the district shall apply for disability retirement on behalf of the employee in accordance with California Government Code Section 21153. The employee shall remain employed while the Public Employees Retirement System (PERS) determines whether the employee qualifies for disability retirement. At that time, the district, pursuant to the Education code, will place the employee on a 39-month reemployment list. If during the 39-month period following the effective date of the disability retirement, the employee is medically able to return to work during this 39-month period, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other candidates, except for a reemployment list established because of a layoff for lack of work or lack of funds, in which case he/she shall be listed in accordance with appropriate seniority regulations. However, to be reemployed, the employee would have to seek reinstatement from retirement from PERS. If such reinstatement is granted, the employee can exercise his/her rights to return to work in a vacant position in his/her class. An employee who has been placed on a reemployment list, as provided herein, and who has been medically released for return to duty, and who fails to accept an appropriate assignment, shall be dismissed. An appropriate assignment for purposes of this Rule shall be defined as a position in the previous class having the same or greater number of assigned hours per day, days per week, and months per year, and on the same approximate shift.

15.16 Abolishment of Previous Classification

If the employee's class has been abolished during his/her absence, and the employee has been released to return to duty, the employee shall be placed in a vacant position in a comparable class for which the employee is qualified as determined by the Director for the Personnel Commission and approved by the Personnel Commission.

15.17 Return to Service after Industrial Leave

An employee shall be permitted to return to service after an industrial accident or illness leave only upon presentation of a release from the district appointed physician. The release shall certify that the employee is able to return to his/her position without restrictions or limitations. If the medical release limits the work activities of the employee, the District shall determine if a reasonable accommodation can be made. An employee who is medically released to return to work and who fails to accept an appropriate assignment shall be dismissed.

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15.18 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.

Education Codes: 45190, 45192, 45260 and 45261

15.19 Pregnancy Disability Leave

At such time as it is determined by a state-licensed physician that an employee is no longer capable of performing the duties and responsibilities of her position due to pregnancy related disability involving undue risks to her or her unborn child(ren), the employee shall be entitled a leave of absence.

To commence paid leave prior to giving birth, the employee must provide written verification to the Classified Human Resources Office that the employee is incapacitated due to pregnancy or pregnancy related medical condition. At such time, the employee will be able to utilize all accumulated full-pay sick leave and extended (half-pay) sick leave per these rules.

Prior to returning to work, the employee must present certification from a medical physician releasing the employee to return to work with or without restrictions or limitations. In addition, Classified Human Resources may require that the employee be examined by a District appointed physician to confirm the employee's ability to return to work. If the employee is able to return to work with physician specified restrictions or imitations, the Director of Classified Human Resources will schedule an interactive accommodation conference with the employee to determine the feasibility of job accommodation for return to work.

15.20 Child Rearing/Bonding Leave

An employee, either male and female, may request a leave of absence up to 12 weeks to bond with a newborn child, a newly adopted child or a child newly placed in foster care, assuming the employee is eligible for such leave of absence in accord with the provisions of the Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).

New-child bonding leave must be completed within the first year of the birth or placement of the child. Parents (married or unmarried) and registered domestic partners who are both employed by the District are limited to a combined total of 12 weeks of CFRA leave for new-child bonding.

Female employees are eligible for a leave of absence under the CFRA to commence after the period of disability due to pregnancy or childbirth culminates. Thus, providing additional time for child bonding from the time of birth.

Leave taken for child rearing/bonding under the provisions of CFRA is unpaid unless it can otherwise be supplanted with an available accrued vacation balance. The employee must provide notice to the Payroll Department when electing to apply vacation leave to child rearing/bonding

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leave.

15. 21 Bereavement Leave

- A. Probationary and permanent employees in the classified service shall be allowed regular pay for not more than five working days per fiscal year when absent on account of the death of any member of his/her immediate family.
- B. Members of the employee's immediate family means the spouse, mother (in-law), father (in-law), grandmother (in-law), grandfather (in-law), son (in-law), daughter (in-law), grandchild (in-law), and the brother or sister of the employee, step relatives, foster children, foster parents or any relative living in the immediate household of the employee.

15. 22 Personal Necessity Leave

- A. Classified employee, serving in a status which entitles him/her to illness or injury leave pay, shall, at his/her election, be placed upon a personal necessity leave and be allowed pay within the limits and conditions of this policy, for any of the following emergencies:
  - 1. The death of a member of the employee's immediate family when the number of days exceed the limit provided in the Bereavement Leave.  
  
Members of the employee's immediate family means the husband, wife, son, daughter, mother, father, sister, brother, mother-in-law, father-in-law, grandparents, grandchild of employee or of the spouse of the employee, foster children, foster parents, step relatives and in-laws or any relative living in the immediate household of the employee.
  - 2. Accident, illness or emergency involving his/her person or property or a member of his/her immediate family as described in (1) above. Such accident, illness or emergency must:
    - a. be a serious nature.
    - b. involve circumstances the employee cannot reasonably be expected to disregard.
    - c. require the attention of the employee during his/her assigned hours of service.
  - 3. Appearance in court as a litigant or as a witness in court under an official order, which cannot otherwise be chargeable to judicial leave. Criminal cases involving conviction are excluded. The employee must return to work in cases when it is not necessary for him/her to be absent the entire day.

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Acceptance of an honor, such as a diploma, a degree, or special award from an accredited educational institution or governmental agency.

Family responsibilities of a critical or urgent nature. Absences of this type would include, but not be limited to:

1. Illness(es), surgery or childbirth involving a member of the employee's immediate family;
2. Imminent danger to the home of an employee, occasioned by flood or fire, which under the circumstances the employee cannot reasonably be expected to disregard, and which requires the attention of the employee during his/her assigned hours of service.
3. Graduation(s), wedding(s) or award ceremonies involving oneself or members of the immediate family.

Business transactions of an emergency or urgent nature that require the presence of the employee, and the employee must furnish evidence or certify that the transaction(s) could not be dealt with during his/her off-duty hours.

Professional Improvement/Development, such as attending professional development courses, workshops, or other trainings, taking of graduate or other examinations or tests that could not be taken at other times, etc. This provision does not include attendance at classes or lectures that are available at other times which would not conflict with the employee's obligations to the District.

Religious observances, meetings, and activities where the employee conscientiously believes that his/her participation therein is necessary and requires his/her absence from duty.

4. Other reasons as may be approved by the Personal Leave Committee.

B. The following limits and conditions are placed upon allowing a personal necessity leave and personal necessity pay.

1. The total number of days allowed in a fiscal year for such leave or leaves, chargeable to personal illness, shall not exceed six days. This leave is non-accumulative. The ~~six~~ ten (10) days are to be deducted from the annual sick leave allowance.
2. Absence for personal leave in excess of days allotted will be deducted at full salary.
3. The personal leave shall not be granted during a scheduled vacation or a leave of absence.
4. Payment for such absence shall be made only in accordance with current District policies. ~~upon certification by the employee in completing an absence report.~~ The employee shall state that such absence was due to a personal emergency and outline the nature of such emergency. Such forms shall be

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approved for payment by the proper administrator or supervisor and shall be filed with Payroll Services. Verification or evidence may be required for personal leave claims.

5. Notwithstanding any of the above purposes, accumulated sick leave shall not be used to compensate any employee whose absence results from his/her participating in a strike, work stoppage, work slowdown or any other labor disturbance.

15.23 Jury Duty and Witness Leave

- A. Leave of absence for jury duty 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 for such leave is deducted from the employee's salary 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 Personnel Division.
  - B. Leave of absence to serve as a witness in a court case shall be granted an employee when he/she has been served a subpoena to appear as a witness, not as the litigant in the case. The length of the leave granted shall be for the number of days in attendance in court as certified by the clerk or other authorized officer of the court. The employee shall receive full pay during the leave period, provided that the witness fee for such leave is deducted from the employee's salary and the subpoena or court certification is filed with the School District. Request for leave of absence to serve as a witness should be made by presenting the official court summons to the Personnel Division.
  - C. The jury service fee and witness fee referred to in A and B, respectively, do not include reimbursement for transportation expenses.
- A. An employee required to report for jury service shall return to work whenever such employee is released from jury duty in such a fashion that the employee can return to the District and perform two (2) or more hours of service during the employees regular assigned work hours. Otherwise, the employee shall not be required to report for work on a day that he/she is required to report for jury service. ~~However, in no instance shall the combination of jury service hours, reasonable travel time, and the number of hours performed in District service exceed eight (8) hours per day unless the hours in excess of eight (8) hours per day are compensated in accordance with the provisions of Personnel Commission Rule 70.100.3.~~

Education Codes; 44037, 45260 and 45261

15.24 Release Time for Personnel Related Examination

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- A. A regular classified employee shall be permitted to take any District examination administered by the Personnel Commission during the employee's regular working hours without deduction of pay or other penalty. Such paid release time shall be valid only with written authorization to take the examination signed by the Personnel Director for the Personnel Commission or his/her designee. The employee shall provide his/her supervisor with notice of the need for release time at least two (2) days prior to the date of the examination.

15.25 Release time for Interviews

A regular classified employee shall be provided with release time to participate in interviews for in-district promotions or transfers during his/her regular working hours without deduction of pay or other penalty. The employee shall provide his/her supervisor with notice of the need for release time as soon as possible after notification by the Personnel Commission office of the interview time.

15.26 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.

Regular classified employees who are members of the Reserve Components including the (Air/Army) National Guard of the United States of America who must be temporarily absent for a period of first ninety (90) calendar days or less due to active duty for training shall be granted temporary military leave of absence. 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.

Regular employees who have been employed by the District (or has 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 the CA Military and Veterans Code.

Regular classified employees with less than a year of service with the District 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 portion 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.

In times of extreme national emergency and/or war, these rules and provisions may be

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amended to allow for compensation for a longer period of time, to allow for relaxed eligibility to receive benefits or for similar matters.

Employees on military leave per Merit Rules and Regulations 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.

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

Provided that the employee was granted a leave for military service according to the requirements specified in the above section, the employee shall be reinstated to his/her former position or to another position in his/her former classification, including restoration of seniority rights earned prior to and during military leave or absence, upon presentation of his honorable discharge or release from military service. In order to be reinstated to reemployment status with the District, the former employee shall:

1. Be medically able to resume his/her former duties and responsibilities with or without reasonable accommodations.
2. Return to work in accordance with the federal guidelines.

In the event of staff reduction affecting an employee on military leave, the name of the employee shall be placed on the appropriate layoff list in accordance with his/her continuing seniority status and shall be accorded the layoff/reemployment rights provided in these rules. Et. Seq., upon presentation of discharge or release papers. Should a position in the returning employee's former class be unavailable, or if a returning employee is medically unable to resume the duties and responsibilities of his/her former classification, the District shall make every effort to place him/her in an available position for which the employee is qualified.

A spouse or a qualified military member shall be granted up to ten days of unpaid leave during a qualified leave period for the military member, the time in which the military member is on leave from deployment during a period of military conflict, if the spouse is regularly employed (permanent or probationary), and working an average of twenty hours or more per week. To qualify for the unpaid leave, the spouse shall furnish their direct supervising authority written documentation certifying the military member will be on leave from deployment during the time the unpaid military spousal leave is requested, to be forwarded to the Classified Human Resources office for processing. Granting of this leave shall not impact other leave time in which the employee is entitled.

Education codes; 45190, 45260 and 45261

Military and Veterans Codes; 389, 395, 395.01, 395.02, 395.03, 395.04, 395.05, 395.1, 395.2, 395.3, 395.4, A.B. 392, Chapter 361.

15.27 Family Care and Medical Leave

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An employee with twelve (12) months of paid service and who has at least 1,250 hours of service with the District during the previous twelve (12) months may request unpaid family care and medical leave up to twelve (12) work weeks during a fiscal year for one of the following reasons:

1. Serious health condition of the employee;
2. Serious health condition of the employee's child, parent, or spouse;
3. Birth of a child, or placement of a child in the family for adoption or foster care;
4. Serious illness or injury sustained in the line of duty on active duty by a military service member or veteran who is a spouse, child, parent or next of kin of the employee; or
5. Qualifying exigency arising out of the fact that a spouse or parent of the employee is a covered service member on covered active duty or has been notified of an impending call or order to covered active military duty.

"Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis as long as the child is under eighteen (18) years of age or an adult dependant child.

"Parent" means a biological, foster or adoptive parent, a step-parent or a legal guardian.

"Serious health condition" means an illness, injury, impairment or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential health care facility, or continuing treatment or supervision by a health provider.

15.28 Leave of Absence Without Pay

- A. Leave of absence without pay, not to exceed one year, may be granted to a permanent classified employee, upon the written request of the employee and with the approval of the Superintendent or his/her designated representative.
  1. The granting of a leave of absence without pay gives to the employee the right to return to his/her position at the expiration of his/her leave of absence, provided that he/she 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.
- B. The Governing Board may, for good cause, cancel any leave of absence by giving the absent employee due notification. 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 Governing Board until action by the Personnel Commission, which shall be final and binding.

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- C. An employee may make a written request to the Governing Board to return to work prior to the expiration date of the leave. The Governing Board may approve or reject the request.
- D. Failure to report for duty within five working days after a leave has been canceled 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.
- E. If the employee's classification has been abolished during the employee's absence, he/she may be laid off for lack of work and placed on the reemployment list for the class effective the date of termination of leave or he/she may bump another employee based on seniority. He/she may be returned to a vacant position in a class at the same or a lower level for which he/she is qualified.

15.29 Leave to Serve in an Exempt, Temporary, or Limited-Term Position

- A. 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 his/her regular position, and such assignment shall not be considered separation from service.