

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4464 LEAVES OF ABSENCE

4464.9 Leave of Absence Without Pay

- A. Leave of absence without pay may be granted to a permanent classified employee, upon the written request of the employee and the approval of the County Superintendent or designated representative, subject to the following restrictions
 - 1. Leave of absence without pay may be granted for any period not to exceed one year, except that leave of absence for military service shall be granted as provided by provisions of law.
 - 2. 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 capable of performing the required duties of the position. The position may be filled only for the duration of the leave, and the employee so assigned must be reassigned or laid off upon the completion of the leave.
- B. The director or program manager may authorize a leave of absence without pay for any permanent or probationary employee not to exceed 30 calendar days, subject to approval of the appropriate assistant superintendent
- C. The county superintendent or designated representative 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 shall stay the cancellation directive of the county superintendent until action by the Personnel Commission, which shall be final and binding.
- D. An employee may make a written request to the county superintendent or designated representative to return to work prior to the expiration date of the leave. The county superintendent or designated representative may approve or reject the request.
- E. 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 may be subject to disciplinary action. This provision is not applicable to military leave.
- F. If the employee's classification or position has been abolished during the employee's absence, he/she shall be laid off for lack of work or lack of funds, in accordance with his/her seniority, and placed on the reemployment list for the class effective the date of termination of leave. He/she may be returned to a vacant position in a class at the same or lower salary level for which he/she is qualified.

Reference:

Education Code Sections 45190 and 45198

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