



PROVISIONS RELATING TO ALL EMPLOYEES

ADMINISTRATIVE REGULATION – LEAVES

AR 4161

Failure to Return to Service After Leave

In the case of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, the SBCEO may terminate the employment of such an employee if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the County Superintendent of Schools or designee of the employee's intention to remain in service with the SBCEO in accordance with Education Code 44842.
2. The SBCEO had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work.
3. The employee did not request or was not granted a leave of absence authorized by the County Superintendent of Schools or designee.

In any such case, the SBCEO may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)

Use of Leaves by Classified Employees

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination. (Education Code 45200)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal

29 USC 2601-2654
38 USC 4301-4334

Description

Family Care and Medical Leave Act
Uniformed Services Employment and Reemployment Rights Act of 1994

State

Ed. Code 22850-22856
Ed. Code 44018
Ed. Code 44036-44037
Ed. Code 44043.5
Ed. Code 44800
Ed. Code 44842
Ed. Code 44940
Ed. Code 44962-44988

Description

Pension benefits, STRS members on military leave
Compensation for employees on active military duty
Leaves of absence for judicial and official appearances
Catastrophic leave
Effect of active military service on status of employees
Reemployment notices, certificated employees
Compulsory leave of absence for certificated persons
Leave of absence (certificated)



Ed. Code 45059	Employee ordered to active military/naval duty, computation of salary
Ed. Code 45190-45210	Leaves of absence (classified)
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 20990-21013	Pension benefits, PERS members on military leave
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 3543.2	Scope of representation
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Illness of child, parent, spouse or domestic partner
M&V Code 395-395.9	Military leave
M&V Code 395.10	Leave when spouse on leave from military deployment

ADOPTED BY COUNTY SUPERINTENDENT: September 1, 2022
REVISED: