

# Leave Guidebook

Lawndale Elementary School District  
Department of Human Resources

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## Introduction

The purpose of this guidebook is to provide a general overview of the leaves that may be available to employees of the district. This guide is not intended to be the sole source of information. In all cases, applicable state and federal laws, rules, policies, and collective bargaining agreements govern employee and employer rights, responsibilities, and obligations – not this document. Due to the complexities of the provisions in this document, employees should always consult with their Human Resources representative.

## Contacts

Members of the human resources and accounting teams are available to assist you. Find your representative below.

### Human Resources Department

Name & Title	Responsibilities	Phone & Email
Adam Jaquette Assistant Superintendent		(310) 973-1300 ext. 50059
Reign Endo Secretary to Assistant Superintendent	<i>Retirees District Office Management Employees</i>	(310) 973-1300 ext. 50060 Reign_Endo@lawndalesd.net
Liz Johnson Technician	<i>William Anderson Elementary School Mark Twain Elementary School William Rogers Middle School Maintenance &amp; Grounds</i>	(310) 973-1300 ext. 50061 Liz_Johnson@lawndalesd.net
Kenia Guerra Pulido Technician	<i>FDR/Carson School Classified &amp; Certificated Substitutes Volunteers &amp; Interns</i>	(310) 973-1300 ext. 50062 Kenia_GuerraPulido@lawndalesd.net
Vacant Technician	<i>SELPA Itinerant Preschool Program Workers Compensation Billy Mitchell Elementary School Lucille Smith Elementary School</i>	(310) 973-1300 ext. 50042
Betty Gonzalez-Salgado Technician	<i>William Green Elementary School Jane Addams Middle School Central Kitchen RAP Program</i>	(310) 973-1300 ext. 50063 Betty_GonzalezSalga@lawndalesd.net
Mayra Chavez Receptionist	<i>Reception desk at District Office Frontline (Absence) Administrator</i>	(310) 973-1300 ext. 50000 Mayra_Chavez@lawndalesd.net

### Accounting Department

Name & Title	Responsibilities	Phone & Email
Monique Benjamin Director, Budget/Accounting		(310) 973-1300 ext. 50013 Monique_Benjamin@lawndalesd.net
Angel Sanchez Senior Account Clerk	<i>Certificated Payroll</i>	(310) 973-1300 ext. 50015 Angel_Sanchez@lawndalesd.net
Mary Pun Accounting Coordinator	<i>Classified Payroll (Monthly)</i>	(310) 973-1300 ext. 50018 Mary_Pun@lawndalesd.net
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# Types of Leaves

Below is a general overview of the leaves available to employees with the relevant collective bargaining agreement (CBA) and legal code citations. Please consult the CBA, relevant policies, and your human resources representative to verify your eligibility. Collective bargaining agreements can be found at [www.lawndalesd.net/hr](http://www.lawndalesd.net/hr).

Leave	LFCE Contract	LTA Contract	Legal Code
Illness & Injury <i>See page 3</i>	<i>8.1 - Personal Illness and Injury Leave</i>	<i>9.3 - Personal Illness and Injury Leave</i>	<i>BP/AR 4161.1; 4361.1; 4261.1 EC 44962-44988; 45190-45210</i>
Vacation <i>See page 4</i>	<i>8.9.1 - Vacation Leave</i>	<i>Not Applicable</i>	<i>BP/AR 4161 EC 45197</i>
Personal Necessity <i>See page 4</i>	<i>8.2 - Personal Necessity Leave</i>	<i>9.4 - Personal Necessity/Business Leave</i>	<i>BP/AR 4161.2; 4261.2; 4361.2 EC 45207</i>
Personal Business <i>See page 4</i>	<i>8.2.2.1 - Personal Necessity Leave</i>	<i>9.4.5 - Personal Business</i>	<i>BP/AR 4161</i>
Bereavement <i>See page 4</i>	<i>8.3 - Bereavement Leave</i>	<i>9.5 - Bereavement Leave</i>	<i>BP/AR 4161 EC 45194</i>
Judicial <i>See page 4</i>	<i>8.7 - Judicial Leave</i>	<i>9.9 - Judicial Leave</i>	<i>BP/AR 4161 EC 44036-44037</i>
Unpaid Leave of Absence <i>See page 5</i>	<i>8.12 - Other Leaves without Pay</i>	<i>9.13 - Other Leaves without Pay</i>	<i>BP/AR 4161 EC 88192</i>
Industrial Accident <i>See page 5</i>	<i>8.6 - Industrial Accident Leave</i>	<i>9.8 - Industrial Accident Leave</i>	<i>BP/AR 4161.11; 4361.11; 4261.11</i>
Military Service <i>See page 5</i>	<i>8.8 – Military Leave</i>	<i>9.10 – Military Leave</i>	<i>BP/AR 4161.5; 4261.5; 4361.5 EC 22850-22856; 44018; 45059 LC 395-395.9; 395.10</i>
Catastrophic <i>See page 5</i>	<i>8.11 – Catastrophic Leave</i>	<i>9.12 – Catastrophic Leave</i>	<i>BP/AR 4161.9; 4261.9; 4361.9 EC 44043.5</i>
Pregnancy Disability <i>See page 5</i>	<i>8.4 – Leave for Pregnancy Disability</i>	<i>9.6 – Leave for Pregnancy Disability</i>	<i>BP/AR 4161.8; 4261.8; 4361.8 EC 44965 GC 12945; 12945.1; 12945.2 U.S.C. 2601-2654</i>
Family Care and Medical <i>See page 6</i>	<i>8.10 – Family Care/Medical Leave</i>	<i>9.11 – Family Care/Medical Leave</i>	<i>BP/AR 4161.8; 4261.8; 4361.8 L.C. 233 U.S.C. Title 29 2601-2654</i>

## Illness & Injury

Employees typically accrue one sick day for each month worked (i.e. 10 month employees accrue 10 sick days per fiscal year; 12 month employees accrue 12 sick days per fiscal year and accumulates based on the average hours the employee is scheduled to work per day. Unused sick leave accruals are accumulated from year to year and can be transferred to applicable public agencies should the employees leave the district (EC 88202).

An employee becoming aware of the need for an absence due to surgery, maternity, or other predicable or previously scheduled cause, shall submit a statement from his/her attending physician or an *Anticipated Medical Leave* form as far in advance of the initial disability date as possible. The physician’s statement shall include the beginning date of the disability and the anticipated date of return to active service. For other illnesses that inhibit your ability to work

In all circumstances, the employee must contact their immediate supervisor and the district's automated absence reporting system in advance of taking such leave whenever possible. To find out the balance of your sick leave, please contact your payroll representative.

## Vacation Leave

Vacation leave, or paid time off, is a bank of earned hours for the use of vacation for most classified, management, and confidential employees. Typically, employees accrue one vacation day per month worked. Eligible classified members receive an increase after the completion of their fourth consecutive year for a maximum of five years thereafter (see LFCE 8.9.3). Employees that are on work calendars (i.e. teachers, social workers, occupational therapists, et al.) do not accrue vacation time.

## Personal Necessity

Personal necessity is available to most employees for the purpose of a) death or serious illness of immediate family; b) an accident involving your person or property; c) other personal necessities which are allowed at the discretion of the superintendent or designee; d) or appearance in court as a litigant. Personal necessity should not be used for matters of convenience or the extension of a holiday or vacation period. Please see the relevant collective bargaining agreement section for details.

## Personal Business

Some personal necessity days may be used for personal business. Such personal business days are not subject to prior approval and are available for non-vacation oriented purposes. It may not be used to extend a vacation or holiday period. Classified employees may use up to two personal business days per fiscal year. Certificated employees may use up to three personal necessity days per fiscal year.

## Bereavement

In the event of a death of an immediate family member, eligible employees will be excused from work with pay as-needed to attend to arrangements and for grieving. Employees are entitled to three days leave of absence of five days in the event of the death of a spouse or if out-of-state travel or 400 miles one way is required. Employees that are absent for bereavement should keep their supervisor apprised of the absence and should report the absence in the district's absence management system.

For the purpose of this policy, immediate family members may include the employee's mother, father, step-mother, step-father, mother-in-law, father-in-law, grandmother, grandfather, or a grandchild of the employee or the spouse or registered domestic partner of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, step-child, brother or sister of the employee or any relative living in the immediate household of the employee. Please check the appropriate collective bargaining agreement for details.

## Judicial

Classified employees are provided up to ten days and certificated employees are provided up to five days of paid leave for regularly called jury duty and to appear as a witness in court (other than as a litigant) and for reasons not brought about through convenience or misconduct. Employees will be paid the amount of the difference between the employee's regular earnings and the amount received for jury service (except mileage). Employees must submit a certification of absence form with evidence of judicial service.

Certificated employees who elect to voluntarily defer their jury service to non-work days (i.e. summer, winter, spring break) shall be compensated by an amount equal to the district's daily substitute teacher rate of pay for each day of jury duty, up to a maximum of ten days. Please review the collective bargaining agreement for instructions.

## Unpaid Leave of Absence

Upon recommendation of the Superintendent and approval by the Governing Board, leave without compensation and without increment, seniority or any other benefit, shall be granted for a period not to exceed nine (9) months for the following purposes: Voluntary government service, care for a member of the immediate family who is ill, long term illness of the unit member, or service in an elected public office. Unit Members seeking leave under this provision may request they be notified when the Board will be considering their request. Leave without pay for other unique reasons may be approved if the Superintendent determines that the needs of the District can be met without hardship.

## Industrial Accident

Employees are entitled to industrial accident leave according to the provisions in Education Code Section 45192 for personal injury which has qualified for worker's compensation under the provisions of the worker's compensation insurance program. If an employee is injured on the job, they should contact Company Nurse (24/7 triage hotline 1-888-770-0929). If Company Nurse recommends medical treatment, the employee must complete the Employee Report of Injury (DWC-1) form which can be obtained from their immediate supervisor or office manager. The District's workers compensation carrier is: York Risk Services (Policy # 69863073), *Phone: (909) 942-4812, Address: P.O. Box 619079, Roseville, CA 95661*. Forms and useful information can be found at [www.lawndalesd.net/wc](http://www.lawndalesd.net/wc).

## Military

An employee who needs to be absent from the district to fulfill military service shall provide advance written or verbal notice to the Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. An employee's cumulative length of the absence and of all previous military leave shall not exceed five years, excluding those training and service obligations specified in 38 USC 4312. Leaves of Absence for military service shall be granted as mandated by applicable local, State, and Federal laws.

## Catastrophic

An employee suffering from a catastrophic illness or injury may request that eligible leave credits be donated for his/her use. For the purpose of this policy, "catastrophic illness" or "injury" means an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's family which incapacity requires the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because he or she has exhausted all of his or her sick leave and other paid time off.

An employee suffering from a catastrophic illness or injury shall provide verification by means of letter, dated and signed by the ill or injured person's physician, indicating the incapacitating nature and probable duration of illness or injury. Any employee who receives paid leave pursuant to this program shall use any sick leave credits that he/she continues to accrue on a monthly basis before receiving paid leave pursuant to the catastrophic Leave Program.

## Pregnancy Disability Leave (PDL)

Employees are entitled to leave for the purpose of pregnancy disability. Pregnancy Disability Leave, or PDL, is leave from work to accommodate employees with a pregnancy disability. Your health care provider will recommend how long you need to take leave from work, but you are entitled to up to four months of PDL per pregnancy. A pregnancy disability is a physical or mental condition related to pregnancy or childbirth that prevents you from performing essential duties of your job, or if your job would cause undue risk to you or your pregnancy's successful completion.

## Family Care and Medical Leave

There are three types of family care and medical leave: 1) Federal Family Medical Leave Act (FMLA), 2) California Family Rights Act (CFRA), and 3) Parental Leave (PL). Depending on the reason for the leave, some of these rights may overlap or run concurrently. Where the need for the leave is foreseeable, an employee must provide the District at least 30 days advance notice before FMLA/CFRA leave is to begin, or as soon as practical. After receiving a request for leave under the FMLA or CFRA, the District will provide notice to the employee as to whether the leave has been granted, along with other terms and conditions of leave in accordance with applicable laws.

### Federal Family Medical Leave Act (FMLA)

The Federal Family Medical Leave Act, or FMLA, entitles eligible employees to job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

Twelve workweeks of leave in a 12-month period for:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Employees are eligible for leave if they have worked for their employer at least 12 months, at least 1,250 hours over the past 12 months, and work at a location where the company employs 50 or more employees within 75 miles.

### California Family Rights Act (CFRA)

The California Family Rights Act, or CFRA, entitles eligible employees to job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

Twelve workweeks of leave in a 12-month period for:

- the birth of a child for purposes of bonding;
- the adoption of a child or the placement of a child in foster care;
- to care for a seriously ill family member; or
- for the employee's own health condition.

Under the CFRA, pregnancy is not covered or considered a serious health condition and as such, you may have rights to take both a pregnancy disability leave (PDL) and then a bonding leave under the CFRA. Fathers or adopting/foster-care parents can also take a bonding leave. Under the CFRA, if you have more than 12 months of service with the District and have worked at least 130 workdays (or 1,250 work hours) in the 12-month period before the date you want to begin your leave, you may have a right to an unpaid family care or medical leave (CFRA leave) for bonding with a new child. This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse.

Leave taken by an employee under CFRA runs concurrently with FMLA leave, except where leave is taken under FMLA for disability due to pregnancy, childbirth, or related medical conditions. Leave for pregnancy or pregnancy-related disability counts only toward the employee's FMLA leave entitlement and not toward the leave rights

granted under CFRA. This is because CFRA specifically excludes leave taken for disability due to pregnancy, childbirth, or related medical conditions as a serious health condition of the employee. As a result, an employee who exhausts FMLA (and PDL) leave for a pregnancy-related disability is still entitled to leave under CFRA in order to bond with the newborn child. Because CFRA does not include leave taken for disability due to pregnancy, childbirth, or related medical conditions as a serious health condition of the employee, PDL does not run concurrently with leave under CFRA.

Similar to the FMLA, employees are eligible for leave the CFRA if they have worked for their employer at least 12 months, at least 1,250 hours over the past 12 months, and work at a location where the company employs 50 or more employees within 75 miles.

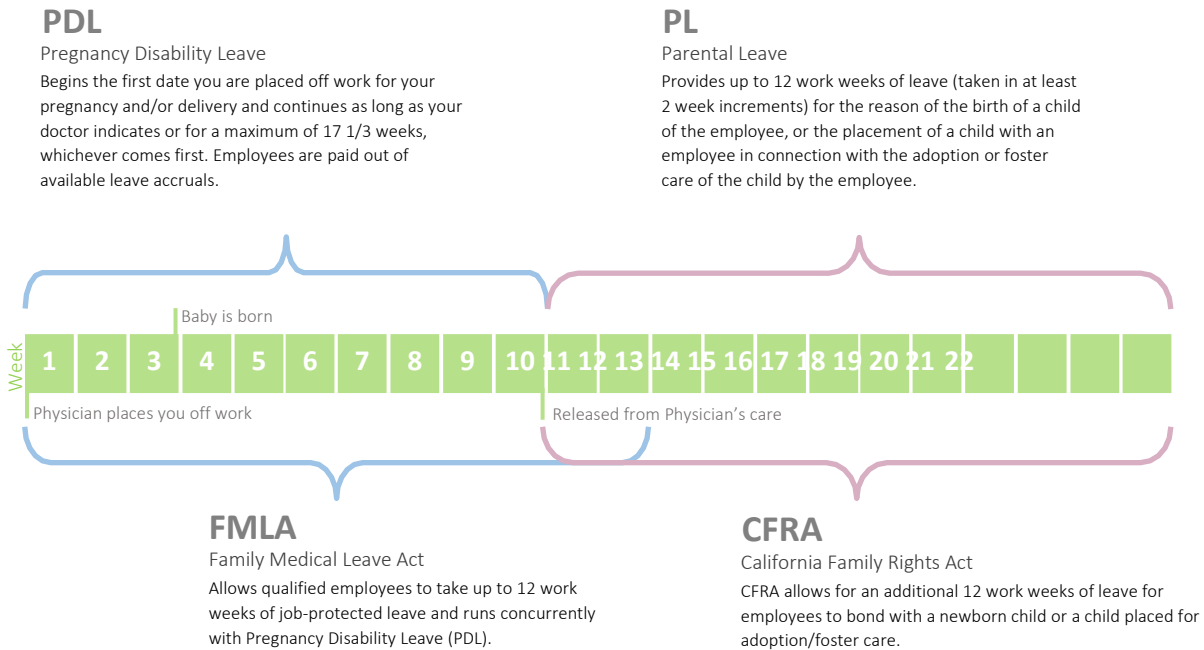
## Parental Leave (PL)

Parental Leave (EC 44977.5), as established/amended by Assembly Bills 2393, 375, and 2012, provides school employees with twelve workweeks of leave within a 12 month period for the birth of a child of the employee, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee – more commonly referred to as bonding leave. The leave must be taken in at least two-week increments (except on up to two occasions).

The terms and conditions of Parental Leave are generally remain governed by the CFRA and/or the FMLA – whichever of the two laws provides the greater benefit. The major difference between the CFRA and PL is eligibility. Under PL, employees need only have worked for the employer for 12 months. Additionally, under this leave, employees are entitled to differential pay after they exhaust all leave accruals. Differential pay, as amended by AB 2012, provides the employee no less than 50% of his or her regular salary for the remaining portion of the 12-workweek period of parental leave.

## Example Timeline

The below only serves as a visual example. Every situation is different, so employees should always contact their human resources representative for consultation.



## Frequency Asked Questions

All forms referenced below are available at [www.lawndalesd.net/hr](http://www.lawndalesd.net/hr) (click on forms > leave forms)

### 1 I just found out I am expecting a child – what should I do?

Notify your site administrator or supervisor and human resources representative so that preliminary planning for coverage of your position can begin. When you have an estimated date of delivery, please submit the Anticipated Medical Leave form to human resources. The purpose of this form is to provide the District with estimated dates for your Maternity Leave.

### 2 I just found out that my Spouse is expecting a child – can I take time off to bond with my new child?

You may be eligible for parental leave, which can begin after the baby is born. You may take up to twelve work weeks in increments of at least 2 weeks (except on up to two occasions) with at least 30 days written notice (except for extenuating circumstances). You should notify your administrator and submit a Request for Parental Leave form. Under Parental Leave, employees will exhaust all leave accruals. After all leaves are exhausted, the employee will be paid differential pay.

If you need time before the baby is born, speak with your administrator about the possibility of using up to seven (7) personal necessity days. Personal necessity is deducted from your sick leave balance.

### 3 How long can I keep working?

This is a medical decision that is not made by the District.

### 4 What is Pregnancy Disability Leave?

PDL begins the first date you are placed off work for your pregnancy and/or delivery and continues as long as your doctor indicates, or for a maximum of 17 1/3 weeks, whichever comes first. Employees are paid out of available leave accruals. When you exhaust all leave accruals, you start *differential pay*.

### 5 I am not due for a few weeks, but my Doctor has placed me off work. What do I do?

If your date of release from work has changed, please submit an updated doctor's note to human resources with your new release from work date. If your doctor determines that additional time before or after the delivery of your baby is necessary, simply submit a new doctor's note or use the Notice of Medical Leave form.

### 6 I delivered my baby, now what?

Please submit a Notice of Medical Leave form to your human resources representative (along with a photo of your baby would be great!). We will need to know when the baby was born and whether you had a natural or C-section birth. This will give us an idea of your return date (typically 6 weeks for natural or 8 weeks for C-section). Also, you have a 30-day window to add your baby to your health insurance (if applicable). If you would like to add your baby, please ask your human resources representative for a form and submit it along with the birth certificate.

### 7 When can I return to work?

You may return as soon as your doctor releases you. Again, this is a medical decision that is not made by the District. Please submit a Return to Work Authorization form once you are cleared by your doctor. This form must be received by human resources at least one day before your actual return to work date.

### 8 What if I want to stay out a little longer after my doctor releases me?

Once you receive medical clearance to return to work, you may request to remain off work for 12 work weeks under *Parental Leave* (must have been employed by the District for at least 12 months to be eligible). The leave must be taken in increments of at least 2 weeks (except on up to two occasions) with at least 30-days written notice (except for extenuating circumstances). During this time, your leave accruals will be exhausted. After all available leaves are exhausted, you will enter differential pay (see FAQ 11).

**9 I want to stay out even longer. Are there any other options?**

You may request an unpaid *Leave of Absence*. If the unpaid leave is approved, you will not receive any salary or District-paid benefits during the leave. Benefits may be purchased through the district's third-party COBRA administrator (18 month max).

**10 Will taking leave affect my STRS/PERS service credit?**

Taking advantage of any unpaid leave or differential pay may affect the amount of service credit you accrue.

**11 What happens to my pay when I exhaust all of my leave accruals (differential pay)?**

When an employee has exhausted all available leave accruals, including sick/vacation/comp time, and continues to be absent from his or her duties on account of illness or accident, the amount deducted from the salary due to them shall not exceed the sum that is actually paid a substitute employee to fill his or her position.

For Management employees, whether or not a substitute was employed, the amount that would have been paid to the substitute (step 1 of the appropriate salary schedule) will be deducted from the absent employee's salary.

In cases of parental leave (baby bonding), as amended by AB 2012 effective 1/1/2019, all employees are paid no less than 50% of their regular salary.

If you are unsure of which applies to your case, please contact your HR representative.

**12 What does differential pay look like for me?**

For Certificated and Classified employees, differential pay means your salary less the cost of a substitute (i.e. "sub difference"). For Confidential and Management employees, differential pay equals your salary less step one on your particular salary schedule (whether or not a substitute is placed on your position during your leave).

In cases of parental leave, as amended by AB 2012 (effective 1/1/2019), all employees are paid no less than 50% of their regular salary. Again, if you are unsure of which applies to your case, please contact your HR or Payroll representative.

**13 Do I deplete my leave accruals when I am on Pregnancy Disability Leave or Parental Leave?**

Yes, all accruals will be exhausted including vacation (if applicable).

**14 What happens when I run out of sick leave?**

Once these leaves are exhausted, employees are placed on differential pay until your doctor releases you to return to work.

**15 Do I get paid during vacation and breaks?**

Depending on your work calendar, your salary is paid over 10, 11, or 12 months even though you may be on summer recess or a holiday break.

**16 Do holidays or non-duty days count against my time off?**

Non-duty days and holidays are not deducted from your sick leave balance. For purposes of FMLA and CFRA, if an employee takes a week of leave under FMLA or CFRA and a holiday occurs during the week, the employee has still exhausted a week of FMLA/CFRA leave. If school is closed, for a vacation period during the winter holidays or over the summer, and you are not expected to report to work for one or more weeks, those weeks may not be counted against FMLA/CFRA leave. Note: if a school year ends before the 12-week period is exhausted, the employee may take the balance of the 12-week period in the subsequent school year.

**17 What about my benefits?**

Benefit coverage will continue unless you go on an unpaid leave. Always check with your human resources representative if you have questions about your benefits.

**18 Do I qualify for state disability (SDI)?**

Since school employees do not pay State Disability Insurance (SDI), you are likely ineligible. However, eligibility for state disability is determined by that agency and it is suggested you contact SDI for specific information.

**19 I have a voluntary income protection plan, can I use it? How does it work?**

Some voluntary disability plans cover maternity leave. Certificated staff who have purchased income protection through *The Standard* should contact them directly at (800) 522-0406.

**20 Do I have any other type of income protection?**

Employees with District provided health and welfare benefits are eligible to apply for income protection (short-term disability) through *The Hartford* (1-800-289-9140, policy # 862846G). The plan begins on the 30<sup>th</sup> day out (after exhausting all sick pay) and reimburses 66-2/3 of your salary. Note: this plan is written to be comparable to SDI. Employee must apply for the plan.

**21 How will my substitute be selected? Am I responsible for finding someone?**

All absences must be entered by the employee in Frontline. Your school Office Manager or program secretary can assist with finding someone to temporarily fill your position. If you have a recommendation, please inform your site administrator. Every effort will be made to grant your recommendation. Because our intent is to find the most qualified candidate, we cannot guarantee that your desired substitute will be chosen.

**22 Will my maternity leave affect achieving permanent status?**

Time taken for maternity leave is calculated as if you are still in your position. However, you must be in paid status for a minimum of 75% of the year. If you take extended periods of unpaid leave, it could delay achieving permanent status as well as prohibit you from moving to the next step on the salary schedule. Note: employees must work 75% of the year to “roll” to the next step on each salary schedule.

**23 If I take an unpaid leave of absence, do I get my exact position back (same school/class) when I return?**

We try to place everyone in their first choice of school and grade, but this is not a guarantee. On a short-term maternity leave that does not involve CFRA leave, you will most likely return to the same class. It is important to remember that although FMLA and CFRA are “job-protected leaves,” this does not mean you will return to the exact location/grade level you occupied prior to your leave. It is the obligation of the District to place you in the same or a comparable position within the scope of your credential (for certificated employees) upon your return.

**24 I’m still confused, who can answer my other questions?**

Human resources is always available to assist! This whole topic can be very confusing, as every situation is different. We strongly suggest you make an appointment with your human resources and/or payroll representative to talk about how your salary and benefits may be affected.

**25 Where can I find forms and documents?**

Most forms are available on [www.lawndalesd.net/hr](http://www.lawndalesd.net/hr) (click on *Forms & Documents*). Contact your human resources representative if you cannot find what you are looking for.