

Westminster School District
Personnel Commission Rules and Regulations

**ARTICLE XV
VACATIONS**

Section 1 Vacations

15.1.1 Earning Rates

15.1.1.1 Computational Formula

- A. For purposes of this rule, a month shall be considered to have 173.333 working hours and/ or 21.667 working days.
- B. Except for those persons assigned to positions in classes designated as Administrative, Executive or Supervisory (see Personnel Commission Rule #10.2.6), all regular full-time and part-time classified employees shall earn vacation credits in accordance with the following formula:

Hours per Year = Months Worked x Daily Hours x 21.667 x Earning Rate

Sample calculations (using earning ratios from Section 15.1.1.2)

96 hours = 12 x 8 x 21.667 x .0462
120 hours = 12 x 8 x 21.667 x .0577
50 hours = 10 x 5 x 21.667 x .0462
62.5 hours = 10 x 5 x 21.667 x .0577

15.1.1.2 All Classified Employees Other than Management and Confidential

Regular classified employees or a regular employee temporarily assigned to a provisional or limited-term assignment shall earn and receive vacation on a fiscal year (July 1 through June 30) basis in accordance with the following (also review collective bargaining agreement language, as appropriate):

- A. Twelve (12) days vacation each year from the first through the fourth year of paid service; computed on the basis of .0462 for each hour for which pay is received excluding overtime for which compensation is received as provided in Personnel Commission Rule #10.2.1.
- B. Fifteen (15) days vacation each year for the fifth through seventh years of paid service; computed on the basis of .0577 for each hour for which pay is received excluding overtime as noted above.
- C. Sixteen (16) days vacation each year for the eighth and ninth years of paid service; computed on the basis of .0616 for each hour for which pay is received excluding overtime as noted above.
- D. Seventeen (17) days vacation each year for the tenth and eleventh years of paid service; computed on the basis of .0654 for each hour for which pay is received excluding overtime as noted above.
- E. Eighteen (18) days vacation each year for the twelfth and thirteenth years of paid service; computed on the basis of .0693 for each hour for which pay is received excluding overtime as noted above.
- F. Nineteen (19) days vacation each year for the fourteenth and fifteenth years of paid service; computed on the basis of .0731 for each hour for which pay is received excluding overtime as noted above.
- G. Twenty (20) days vacation each year for the sixteenth and seventeenth years of paid service; computed on the basis of .0770 for each hour for which pay is received excluding overtime as noted above.

- H. Twenty-one (21) days vacation each year for the eighteenth year of paid service; computed on the basis of .0808 for each hour for which pay is received excluding overtime as noted above.
- I. Twenty-two (22) days vacation each year for the nineteenth and twentieth year of paid service; computed on the basis of .0847 for each hour for which pay is received excluding overtime as noted above.
- J. Twenty-three (23) days vacation each year for the twenty-first and twenty-second year of paid service; computed on the basis of .0885 for each hour of which pay is received excluding overtime as noted above.
- K. Twenty-four (24) days vacation each for the twenty-third year and each year of paid service thereafter; computed on the basis of .0923 for each hour for which pay is received excluding overtime as noted above.

15.1.1.3 All Classified Employees Designated as "Confidential"

Regular "Confidential" classified employees or a "Confidential" employee temporarily assigned to a provisional or limited-term assignment shall earn and receive vacations on a fiscal year basis in accordance with the following: twenty-four (24) days vacation each year commencing with the first year and each year of paid service thereafter; computed on the basis of 2.00 days for each month of paid employment.

15.1.1.4 Classified Administrative and Supervisory Employees

Classified Administrative and Supervisory employees shall earn and receive vacations on a fiscal year basis in accordance with the following: twenty-four (24) days vacation each year commencing with the first year and each year of paid service thereafter; computed on the basis of 2.00 days for each month of paid employment.

15.1.1.5 Classified Executive Employees

Classified Executive employees, as shown in Article 10.2.6.2.b, shall earn and receive vacations on a fiscal year basis in accordance with the following: twenty-four (24) days vacation each year commencing with the first year and each year of paid service thereafter; computed on the basis of 2.00 days for each month of paid employment.

References: E.C. #45136, #45137, #45190, #45197, #45200
 Adopted: June 15, 1965
 Amended: September 28, 1982; May 22, 1990; September 27, 1994; June 18, 1996;
 November/December 2006
 Reviewed: May 12, 2009
 Revised: March 28, 2023

15.1.2 Vacation Rate of Pay

All vacation time shall be paid at the employee's regular rate of pay earned in their regular classification at the time the vacation is taken or paid for, and shall include any longevity, differential and/or stipends due the employee.

References: E.C. #45136, #45137, #45190, and #45197
 Adopted: May 22, 1990
 Reviewed: May 12, 2009

15.1.3 Employees Hired for Less Than a Full Fiscal Year:

An employee hired after July 1 of any year will have earned allowable vacation time prorated to the actual time served. Regular full-time employees who work less than twelve (12) months will be granted paid vacation in proportion to their periods of service.

References:

Adopted: May 22, 1990
Reviewed: May 12, 2009

15.1.4 Vacation Credit for Partial Months

Full vacation leave for a given month is credited if an employee is in paid status for seventy-five percent (75%) or more of the scheduled work days in that month including paid holidays, paid vacation time, or other paid leave time.

References:

Adopted: May 22, 1990
Reviewed: May 12, 2009

15.1.5 Vacation Time Earned While in Paid Status

Except for overtime which is compensated as provided in Personnel Commission Rule #10.2.1, a regular classified employee shall earn vacation credits for all times that they are in a paid status including working time, paid holidays and all paid leaves of absence.

References: E.C. #45136, #45137, #45190, #45197, #45200
Adopted: May 22, 1990
Reviewed: May 12, 2009

15.1.6 Crediting of Vacation to Employee's Account

At the beginning of each fiscal year (July 1), the District shall credit each regular employee's vacation account with the amount of vacation time that the employee is expected to earn, based upon the earning rates specified in Personnel Commission Rules #15.1.1.1 through 15.1.1.5, during that fiscal year.

All unit members employed twelve (12) months per year shall be credited with earned vacation time on a semi-annual basis.

Regular Classified employees assigned to work twelve (12) months per year shall receive annual vacation report updates as of June 10 of each year. Those employed less than twelve months per year shall receive such updates no later than October 10 of each year.

References: E.C. #45136, #45137, #45190, #45197
Adopted: May 22, 1990
Amended: December 17, 1991; September 27, 1994
Reviewed: May 12, 2009

15.1.7 When Vacations Are Taken

15.1.7.1 Probationary Employees Vacation Rights

A new probationary classified employee shall not be vested with vacation rights until they have completed a full six (6) months or one-hundred-thirty (130) days of paid employment with the District. At the conclusion of six (6) months (one-hundred-thirty days), earned vacation shall become a vested right.

Probationary employees shall not have the right to use any earned vacation credits during the first six (6) months (one-hundred-thirty days) of employment.

15.1.7.2 Vacation Scheduling for Twelve Month Employees

An employee assigned twelve (12) months per year shall take vacations at times convenient to the employee and consistent with the workload of the department and needs of the school district.

In determining vacation schedules for individual departments, administrators/supervisors shall give employees the choice of times available on the basis of seniority.

15.1.7.3 Vacation Scheduling for Less than Twelve-Month Employees

Employees who are paid on a monthly basis and whose work assignments are less than twelve (12) months shall take vacation due them during the Winter and/or Spring recess periods, or at such other times when it will least affect the efficiency of the school or department. Other hourly employees, will normally receive vacation pay in July in lieu of time off, but may elect to receive vacation pay due them for time not worked.

In the event an employee is entitled to more days of vacation than the number of days available during the Winter and Spring recesses, pay will be granted for the necessary additional days to which the individual is entitled. Should an employee be entitled to less days than are available for use during the Winter and/or Spring recesses, the difference due the District will be made by personal deduction on the individual's paycheck.

References: E.C. #45136, #45137, #45190, #45197
Adopted: June 15, 1965
Amended: September 28, 1982; May 22, 1990; December 17, 1991
Revised: May 12, 2009

15.1.8 Accumulated Vacation and Carry-over

Vacation time credits shall not be allowed to accrue indefinitely.

Vacation time earned in one school year (July 1 through June 30) will normally be used or taken before June 30 of the following school year. However, no classified employee shall be allowed to carry forward any earned vacation beyond June 30 of the second fiscal year following the year in which it was earned.

References:
Adopted: June 15, 1965
Amended: September 28, 1982; May, 1990
Reviewed: May 12, 2009

15.1.9 Minimum Amount of Vacation Time to be Used

Vacations shall not be scheduled or taken in increments of less than one (1) hour at a time.

References:
Adopted: June 15, 1965
Amended: September 28, 1982; May 22, 1990
Reviewed: May 12, 2009

15.1.10 Vacation Holidays

Should a District-scheduled holiday fall within an employee's scheduled paid vacation, the employee shall not be charged for vacation for such holiday.

References:
Adopted: June 15, 1965
Amended: September 28, 1982; May 22, 1990
Reviewed: May 12, 2009

15.1.11 Interruption of Vacation

Regular classified employees with five (5) or more years of service shall be entitled to interrupt or terminate vacation leaves in order to begin another type of paid leave without returning to active service provided that: (a) the illness or other condition causing the interruption is for three or more consecutive days and is of such a nature that the employee would have been excused from duty had they been working at the time; and (b) requests for such interruptions must be filed within five days of the occurrence or immediately upon the employee's return to work.

Such request must fully outline the reason for the request and shall be fully substantiated; including any medical reports from a physician or hospital in the case of an accident or illness. Such medical report will state the nature of the illness or injury, the nature of the treatment, and the estimated length of absence.

References:

Adopted: June 15, 1965
Amended: September 28, 1982; May 22, 1990
Reviewed: May 12, 2009

15.1.12 Vacation Postponement/Payoff

In the event that an employee is not permitted by the District to take vacation time which cannot be carried forward, the employee shall be paid for such time in cash.

References:

Adopted: May 22, 1990
Reviewed: May 12, 2009

15.1.13 Earned Vacation Upon Termination

When a permanent classified employee terminates, the employee shall be entitled to lump sum compensation for all earned and unused vacation at their regular rate of pay in effect at the time of termination.

Under California law, earned vacation time is considered wages, and vacation time is earned, or vests, as labor is performed. For example, if an employee is entitled to two weeks (10 work days) of vacation per year, after six months of work he or she will have earned five days of vacation. Vacation pay accrues (adds up) as it is earned, and cannot be forfeited, even upon termination of employment, regardless of the reason for the termination. (*Suastez v. Plastic Dress Up* (1982) 31 C3d 774)

References:

#45197
Adopted: June 15, 1965
Amended: September 28, 1982; May 22, 1990; June 6, 2023
Reviewed: May 12, 2009

15.1.14 Unearned Vacation Upon Termination

Should a classified employee terminate after having been granted vacation time which has not yet been earned at the time of the employee's termination of employment, the District shall deduct from the employee's severance or final paycheck the full amount of salary which was paid for such unearned days of vacation taken.

References:

#45197
Adopted: May 22, 1990
Reviewed: May 12, 2009