

PERSONAL ILLNESS/INJURY LEAVE

All full-time certificated employees shall be entitled to one day's sick leave for each full month of service. Part-time employees accrue sick leave on a pro-rata basis. Unused sick leave may be accumulated year to year. An "Approval to Return to Work" signed by the employee's medical provider must be submitted to the Superintendent for any employee who has been absent due to illness for a period exceeding three consecutive working days.

Any request for a leave that extends beyond 30 days must be approved by the Baldy View Regional Occupational Program Commission. When the Commission approval is required, the leave shall be requested as soon as feasible, so that advance approval can be obtained. The Superintendent is authorized to approve leaves for a period of less than 30 days.

Sick leave may be used for:

1. Cases of temporary inability to perform duties because of illness, accident or quarantine.
2. Absences due to pregnancy, miscarriage, childbirth, and recovery.
3. Cases of personal necessity.
4. Medical and dental appointments.

Transfer of Sick Leave

Any certificated employee of Baldy View Regional Occupational Program (ROP) who has been an employee of the ROP for a period of one school year or more and who accepts a position requiring certification qualifications in another district at any time during the second of any succeeding school year of their employment with the first district, or who, within the school year succeeding the school year in which such employment is terminated, signifies acceptance of their election or employment in a position requiring certification qualifications in another school district, shall have transferred with them to the second district the total amount of leave of absence for illness or injury to which they are entitled under Education Code 44978.

Extended Sick Leave

When a certificated employee has exhausted all earned sick leave and all other available leave and continues to be absent on account of the same illness or accident, such employee shall be granted additional non-accumulated leave not to exceed five school months. The conditions for this leave are as follows:

PERSONAL ILLNESS/INJURY LEAVE (continued)

1. The certificated employee's salary shall be reduced by the cost of a substitute. Such amount is based upon the established rate of pay for day-to-day substitute or long-term substitute. If no substitute is employed, the amount deducted shall be the established rate of pay for the day-to-day substitute.
2. Only one five-school-month period of extended sick leave may be taken for the same illness or injury. The term "same illness or injury" includes a continuation of a pre-existing or chronic illness or injury.
3. The employee shall be required to submit an attending physician's verification of illness and off-work order in order to receive extended sick leave benefits. Periodic medical reports may be required during the period of extended sick leave benefits. Receipt of benefits under this section may be conditioned upon certification of disability from a ROP appointed physician.
4. If, after exhausting all paid leave and extended sick leave (not to exceed five months) and the employee is not medically able to assume the duties of his/her position, the employee shall be placed either in another position or on a reemployment list for 39 months. If, during this 39 month period the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified.

Verification Requirements

Employees who are absent or on a leave are required to complete a Request/Verification of Leave form which can be obtained in Human Resources. The form must be completed immediately upon the employee's return if the verification is for sick leave, personal necessity or other requests that cannot be anticipated.

Physical Examination

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

PERSONAL ILLNESS/INJURY LEAVE (continued)

The Superintendent or designee may require an employee to visit a physician selected by the ROP and at ROP expense in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis for when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Legal Reference:

EDUCATION CODE

- 44964 Power to grant leave of absence in case of illness, accident, or quarantine
- 44965 Granting of leaves of absence for pregnancy and childbirth
- 44976 Transfer of leave rights when school is transferred to another district
- 44977 Salary deduction during absence from duties up to five months after sick leave is exhausted
- 44978 Provisions for sick leave of certificated employees
- 44978.1 Inability to return to duty; placement in another position or on reemployment list
- 44979 Transfer of accumulated sick leave to another district
- 44980 Transfer of accumulated sick leave to a county office of education
- 44981 Leave of absence for personal necessity
- 44983 Exception to sick leave when district adopts specific rule
- 44984 Industrial accident or illness
- 44986 Leave of absence for disability allowance applicant

LABOR CODE

- 220 Sections inapplicable to public employees
- 233 Illness of child, parent, spouse or domestic partner
- 234 Absence control policy

CODE OF REGULATIONS, TITLE 5

- 5601 Transfer of accumulated sick leave

UNITED STATES CODE, TITLE 42

- 2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

COURT DECISIONS

- Vequez v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App.4th 406