

PERSONAL ILLNESS/INJURY LEAVE

All full-time employees shall be entitled to eight hours 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 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 classified employee of Baldy View Regional Occupational Program (ROP) who has been an employee of the ROP for at least one calendar year and who terminates such employment for the sole purpose of accepting a position with another district, within one year of termination of their former employment, shall have transferred with them to the second district any accumulated sick leave to which they may be entitled. (Education Code 45202)

Extended Sick Leave

Each year, regular classified employees shall be provided no more than 100 working days of paid sick leave, including those current-year and accumulated days for which the employee is entitled to full pay. This paid sick leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled. When the current-year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at 50 percent of the employee's regular salary. Any such days of leave not used during the year in which they are provided shall be forfeited and shall not accumulate from year to year.

PERSONAL ILLNESS/INJURY LEAVE (continued)

1. 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.
2. If, after exhausting all paid leave, an employee is not medically able to assume the duties of his/her position, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able, he/she shall be reemployed in the first vacancy in the classification of his/her previous assignment. The employee's reemployment shall take preference over all other applicants except those laid off for lack of work or funds, in which case the employee shall be ranked according to his/her seniority.

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.

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.

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

45103 Substitute employees

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

45202 Transfer of accumulated sick leave and other benefits

PERSONAL ILLNESS/INJURY LEAVE (continued)

LABOR CODE

233 Illness of child, parent, spouse or domestic partner

COURT DECISIONS

California School Employees Association v. Tustin Unified School District, (2007) 148 Cal.App.4th 510

ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 111 (1970)