

**CAMBRIAN SCHOOL DISTRICT**  
**Board Policy**

**Policy 4361.2**  
Adopted: March 26, 2002  
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**PERSONNEL**

**Employee Job Actions**

In the event of an illegal withdrawal of services by employees of the District, the Board authorizes the Superintendent to implement the following policy:

I. Leave of Absence

Effective immediately, all employees' absences must be substantiated by written proof on a special District form, of the need for the leave. Pay will not be granted for leaves of absence unless the employee worked or was validly excused from work both the work day before the absence and work day after the absence.

A. Sick Leave

Employees requesting pay for sick leave must complete a signed affidavit of illness and provide a doctor's certificate of illness.

B. Personal Necessity Leave

Employees requesting personal necessity leave must do so in advance, in writing, and must receive permission to take the leave from the Superintendent or designee. In the event of an emergency where advance notice cannot be obtained, the employee must complete a signed affidavit and present written documentation of the personal necessity. During the period of a strike, personal necessity leave will only be allowed for emergency reasons providing the person is not on strike.

II. Unauthorized Leave

A. Unauthorized leave is defined as non-performance of those duties and responsibilities assigned by the District and its representatives including all duties and responsibilities as defined by the Education Code, rules and regulations of the State Board of Education and policies and regulations of the Board of the Cambrian School District. Such unauthorized leave may include but is not limited to collective refusals to provide service, unauthorized

use of other leave benefits, non-attendance at required meetings and failure to perform supervisory functions at schools sponsored activities.

- B. An employee is deemed to be on unauthorized leave at such time and on such occasions as the employee may absent himself/herself from required duties.
- C. Unauthorized leave shall constitute a breach of contract. The District will take appropriate disciplinary action which may result in the initiation of dismissal procedures, loss of salary, letters of reprimand or other such disciplinary action as may be deemed appropriate.
- D. Beginning on the first day of unauthorized leave no warrant shall be drawn in favor of any employee who has not faithfully performed all duties prescribed. (Education Code 45055)
- E. Beginning on the first day of unauthorized leave fringe benefits shall be charged to the employee who has not faithfully performed all duties prescribed.

### III. Substitute Teaching Employees

The Superintendent is authorized to hire substitute teaching employees and to pay substitute teaching employees at the rate of pay necessary to continue the educational programs of the District.

### IV. Temporary Employees

The Superintendent or his/her designee is authorized to hire temporary employees for the duration of the withdrawal of service at the rate of pay necessary to continue operation of the District.

### V. Closing of School Facilities

The Superintendent or his/her designee shall be the only District employee authorized to close any school facility. Such facility will only be closed when the health or safety of students or staff is in jeopardy.

### VI. Authorization of Legal Counsel

The Santa Clara County Counsel, or other legal counsel, is authorized to represent the District at the direction of the Superintendent in any legal action relating to an illegal withdrawal of services by employees.