

Salinas City Elementary School District

All Personnel

Regulation #4061.2

PERSONAL LEAVES

Whenever possible, employees shall request personal leaves in advance and prepare suitable lesson plans or instructions for a substitute employee.

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

Members of the immediate family include the mother, father, grandmother, grandfather, or grandchild of the employee or of the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother or sister; or any relative living in the employee's immediate household. (Education Code 44985, 45194)

At his/her discretion, the Superintendent or designee may grant additional unpaid bereavement leave.

At the employee's request, bereavement leave may be extended under personal necessity leave provisions. (Education Code 44981, 45207)

Personal Necessity

Employees may use up to seven days of their accrued sick leave during each contract year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. A serious illness of a member of the certificated employee's immediate family (Education Code 44981)
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party or witness under subpoena or other order (Education Code 45207)

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5. Fire, flood or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether a request reflects true personal necessity.

Advance permission shall not be required for certificated employees in cases involving the death or serious illness of a member of the employee's immediate family or an accident involving the employee's person or property or the person or property of a member of his/her immediate family. (Education Code 44981)

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed District absence form to his/her immediate supervisor.

Legal Duties

Classified employees called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury or witness fees. (Education Code 44037)

Certificated employees also shall be granted leave for jury duty with pay up to the amount of the difference between the employee's regular earnings and any amount received as juror's fees.

Employees shall be granted leaves to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

Note: Labor Code 230 prohibits the discharge of, discrimination against or retaliation against an employee for taking time off for the following activities.

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury

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Reference: EC 44036-037, 44963, 44981, EC 44985, 44987.3 45190, 45194, 45198, 45207; FAMILY CODE 6211; LABOR CODE 230, 230.1, 230.3, 230.4, 230.8, 233; CALIF. CONSTITUTION Article 1, Section 8; US CODE, TITLE 42 2000d-2000d-7;
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2. Comply with a subpoena or other court order to appear as a witness, including but not limited to cases in which the employee is a victim of a crime

Notices, summons and subpoenas for court appearances shall be submitted to the District office when requesting leave.

Leaves for Victims of Domestic Violence

An employee who is a victim of domestic violence may take time off work to obtain or attempt to obtain a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the employee or his/her child. (Labor Code 230)

In addition, an employee who is a victim of domestic violence may take time off work to attend to the following activities: (Labor Code 230.1)

1. Seek medical attention for injuries caused by domestic violence
2. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence
3. Obtain psychological counseling related to an experience of domestic violence
4. Participate in safety planning and take other actions to increase safety from future domestic violence, including temporary or permanent relocation

An employee may use vacation, personal leave, or compensatory time off that is otherwise available to the employee under the applicable terms of employment, unless otherwise provided by a collective bargaining agreement. (Labor Code 230.1)

Prior to taking this time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide to his/her supervisor sufficient certification of the absence in the form of any of the following documents: (Labor Code 230)

1. A police report indicting that the employee was a victim of domestic violence
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a medical professional, domestic violence advocate, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse from an act of domestic violence

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The supervisor and Superintendent or designee shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

Personal Leave for a Child's School Activities

Any employee who is a parent, guardian or grandparent having custody of one or more children who are enrolled in grades kindergarten through 12, or who attend a licensed day care facility, may use up to 40 hours of personal leave, vacation or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the school year, and the employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

If both parents of a child are employed at the same work site, this leave shall be allowed for the first parent who applies; simultaneous absence by the second parent may be granted by the Superintendent or designee. (Labor Code 230.8)

In lieu of using vacation, personal leave or compensatory time off, eligible employees giving reasonable advance notice may take up to 40 hours without pay each school year for this purpose, not to exceed eight hours in any month.

Upon request, the employee shall provide documentation from the school or licensed day care facility to prove that he/she participated in school or licensed day care facility activities at the time of the leave. (Labor Code 230.8)

Civic Duties

Employees shall be granted up to 20 days of paid leave per year for service performed within the state on any boards, commissions, committees or groups authorized by Education Code 44987.3, provided that the service is in the state of California, the organization informs the District in writing of the service and the organization reimburses the District, upon the District's request, for compensation paid to the employee's substitute and for actual related administrative costs. (Education Code 44987.3)

Religious Leave

Employees may take up to three days of leave per year for religious purposes, as long as such leaves do not cause additional District expenditures, the neglect of assigned duties or any other unreasonable hardship on the District. The Superintendent or designee may grant such leave provided that it is requested in advance.

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Reference: EC 44036-037, 44963, 44981,
EC 44985, 44987.3 45190, 45194, 45198, 45207; FAMILY CODE 6211; LABOR CODE 230,
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The Superintendent or designee shall deduct the cost of a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Leave for Volunteer Firefighters

An employee who is a volunteer firefighter may take time off to perform emergency duty as a firefighter. (Labor Code 230.3)

An employee who is a volunteer firefighter shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire or law enforcement training. (Labor Code 230.4)

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