

## **San Bernardino County Superintendent of Schools Policy 4361.1**

### **CONFIDENTIAL - LEAVES OF ABSENCE, VACATIONS & HOLIDAYS**

#### **Personal Illness and Injury Leave**

Full-time confidential employees shall receive one day of sick, leave for each calendar month in paid status. Sick leave benefits for confidential employees working less than full-time will be prorated proportionately to time worked. Sick leave is accumulative from year to year without limitation and can be transferred with the employee in accordance with the Education Code.

Sick leave is defined as absence from work due to personal illness or injury of the employee, a member of his/her immediate family as defined under bereavement leave.

If an employee is separated from service and has been granted sick leave which was not yet earned at the time of separation from service, the Superintendent shall deduct from the employee's final pay warrant the full amount of salary which was paid for such unearned days of sick leave.

If an employee does not utilize the full amount of sick leave in any fiscal year, the amount not utilized shall be accumulated from year to year.

Upon request by the County Superintendent of Schools, or designee, an employee shall be required to present a medical doctor's certificate verifying the personal illness or injury and/or a medical authorization to return to work. In the case of illness or injury, the County Superintendent of Schools or designee may require an employee to visit a certified medical specialist selected by the County Superintendent of Schools or designee at its expense for the purpose of an independent assessment to determine the nature and severity of the illness or injury. A report may be made back to the County Superintendent of Schools or designee. Such report will at no time contain a diagnosis or prognosis unless such information is released in writing by the employee.

#### **Extended Leave for Illness**

After the exhaustion of current sick leave set forth above, a period not to exceed one hundred (100) days extended (non-accumulated) illness leave shall be made available to employees on July 1 of each year. Employees on extended illness leave shall be paid not less than fifty percent (50%) of their daily rate while using this extended illness leave. All accumulated sick leave from prior years shall be paid at the full rate of pay. All current year sick leave shall be used concurrently with the one hundred (100) days extended illness period. At the exhaustion of all accumulated sick leave, the remainder of the one hundred (100) day period shall be paid at fifty percent (50%) rate. Employees who are advanced sick leave days at the outset of each school year, and in turn use those days and the days included in extended illness leave and/or other leaves, shall not be required to reimburse the Superintendent for used but not earned sick leave if placed in lay-off status prior to June 30 in any school year due to an inability to return to work. Other leaves such as vacation and holiday leave shall be outside of this one hundred (100) day period and may be used by the employee either preceding or following the one hundred (100) days.

#### **Personal Necessity Leave**

Leave credited under personal illness and injury leave may be used for purposes of personal necessity, provided that use of such personal necessity leave does not exceed seven (7) days in any fiscal year.

For purposes of this provision, personal necessity shall be limited to: (a) Death or serious illness of a member of the employee's immediate family as defined below; (b) An accident which is unforeseen involving the employee's person or property, or the person or property of an employee's immediate family; (c) Appearance as a witness in court, other than as a litigant, for reasons not brought about by the convenience or misconduct of the employee; (d) Other personal necessities that are allowed at the discretion of the County Superintendent of Schools or designee, provided that under no circumstances shall leave be available for purposes of personal convenience or for matters that can be taken care of outside the work hours, for the extension of a holiday or a vacation period or for recreational activities.

Before the utilization of personal necessity leave, an employee must obtain prior written approval from the appropriate management person, except for cases of (a) and (b) in the paragraph above.

Under all circumstances, an employee shall verify in writing that the personal necessity leave was used only for purposes as set forth above. An employee shall be subject to appropriate discipline if the leave was used for purposes other than stipulated.

### **Bereavement Leave**

An employee shall be entitled to a maximum of five (5) days of bereavement leave due to the death of any member of their immediate family. Three (3) days are without loss of salary with an additional two (2) days that can be used using other qualifying leaves. When traveling 300 miles or more is required, five (5) days of bereavement leave is allotted without loss of salary. Proof of travel/documentation may be requested by the Superintendent. All bereavement leaves shall be taken within three (3) months of the qualifying death. The Superintendent may approve use of leave beyond the three (3) months of the qualifying death.

For purposes of this provision an immediate family member shall be limited to spouse, registered domestic partner, mother, father, legal guardian, grandmother, grandfather, grandchild, brother, sister, son, daughter or any current step or in-law relationships as defined above, or any relative living in the immediate household, or any wards of the court or foster children of the employee or of the spouse of the employee, or other significant persons, upon prior approval by the Human Resources Branch.

### **Pregnancy Disability Leave**

Employees are entitled to use accumulated sick leave as set forth in the paragraph entitled, Personal Illness and Injury Leave for disabilities caused, or contributed to, by pregnancy, miscarriage, child birth and recovery therefrom. Such leave shall not be used for child care, child rearing, or preparation for child bearing, but shall be limited to those disabilities as set forth above. The length of such disability leave, including the date on which the leave shall commence and the date on which the duties are to be resumed, shall be determined by the employee and the employee's physician; however, the County Superintendent of Schools may, at its expense, require verification of the extent of disability through a physical examination of the employee by a physician appointed by the County Superintendent of Schools.

Employees may receive leave without pay or other benefits for disabilities because of pregnancy, miscarriage, child birth or recovery therefrom when sick leave as set forth in the paragraph entitled Personal Illness and Injury Leave, has been exhausted. The date on which the employee shall resume duties shall be determined by the employee on leave and the employee's physician, with the approval of the County Superintendent of schools or designee.

### **Child Bearing Preparation and Child Rearing Leave**

Leave without pay or other benefits may be granted to an employee for preparation for child bearing and for child rearing.

The employee shall request such leave as soon as practicable, but when possible not less than thirty (30) workdays prior to the date on which the leave is to begin. Such request shall be in writing and shall include a statement as to the dates the employee wishes to begin and end the leave without pay.

The determination as to the date on which the leave shall begin and the duration of such leave shall be made at the discretion of the County Superintendent of Schools when considering the scheduling and replacement problems of the Superintendent.

The duration of such leave shall automatically terminate on June 30 in the fiscal year in which such leave is granted. If requested, an extension of leave may be granted, by the County Superintendent of Schools not to exceed one work year.

The employee is not entitled to the use of any accrued sick leave or other paid leave while such employee is on child bearing preparation leave or leave for child rearing.

There shall not be a loss of employment status for child bearing or child rearing except that no person shall be entitled to compensation, increment or the accrual of seniority for layoff or reduction in force purposes, nor shall the time taken on parental leave count toward credit for probationary employees in earning permanency status.

In the event of a miscarriage or death of a child subsequent to child birth while an employee is on leave for child bearing or child rearing purposes, the employee may request an immediate assignment to a vacant position. If there is a vacancy for which an employee is qualified, the County Superintendent of Schools may assign the employee to a position as soon as practicable.

### **Industrial Accident leave**

Employees shall be entitled to industrial accident leave as provided by the Education Code for personal injury that has qualified for worker's compensation under the provisions of the Joint Powers Self Insurance Program.

Such leave shall not exceed sixty (60) days during any one fiscal year for the same industrial accident.

The County Superintendent of Schools or designee has the right to have the employee examined by a physician designated by the County Superintendent of Schools or designee to assist in determining the length of time during which the employee will be temporarily unable to perform assigned duties and the degree to which a disability is attributable to the injuries involved.

For any days of absence from duty as a result of the same industrial accident, the employee shall endorse to the County Superintendent of Schools any wage loss disability indemnity check from the Joint Powers Self Insurance Program which would make the total compensation from both sources exceed one hundred percent (100%) of the amount the employee would have received as salary had there been no industrial accident or illness. If the employee fails to endorse to the County Superintendent of Schools any wage loss disability indemnity check received on account of the industrial accident or illness as provided above, the County Superintendent of Schools shall deduct from the employee's salary warrant the amount of such disability indemnity actually paid to and retained by the employee.

### **Parent Conference Leave**

Employees with school age children will be granted a reasonable time off with pay to attend a regularly scheduled parent conference. This leave may be taken twice each school year and shall not exceed two (2) hours per visit.

### **Jury Duty/Judicial Leave**

Employees will be provided with leave for regularly called jury duty and no more than ten (10) days of leave to appear as a witness in court, other than as a litigant, for reasons not brought about through convenience of misconduct of the employee. If possible the employee shall submit a written request for an approved absence no less than ten (10) days prior to the beginning date of the leave or as a witness.

Employees, while serving jury duty, will receive pay in the amount not greater than the employee's regular earnings. Upon return to work after completion of jury duty, the employee shall attach to his/her absence report the verification of jury or witness service from the court in which the service was performed.

### **Other Leaves Without Pay**

Upon approval of the County Superintendent of Schools or designee leave without compensation, increment, seniority or any other benefit may be granted for a period not to exceed one (1) fiscal year for the following purposes: voluntary government service, care for a member of the immediate family who is ill, long-term illness of the employee or service to an elected public office.

The applications for, and granting of, such leaves of absence shall be in writing. In addition, an employee on such leave shall notify the County Superintendent of Schools by March 15 of the fiscal year as to an intent to return to employment for the County Superintendent of Schools. Failure to so notify will be considered an abandonment of position, except in cases of extenuating circumstances approved by the County Superintendent of Schools.

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