San Bernardino County Superintendent of Schools
Policy 4361.2

MANAGEMENT - LEAVES OF ABSENCE, VACATIONS & HOLIDAYS

Personal Illness and Injury Leave

Full time management employees shall receive one day of sick leave for each calendar month in paid status. Sick leave benefits for management employees working less than full-time shall be prorated proportionately to time worked. Sick leave is accumulative from year to year without limitation andean 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, or a member of his/her immediate family as defined under bereavement leave.

If an employee does not utilize the full amount of leave as authorized above, in any school year, the amount not utilized shall be accumulated from year to year.

An employee may be required to present a medical doctor's certificate verifying the personal illness or injury and/or medical authorization to return to work. If the illness or injury exceeds three (3) consecutive days, the employee may be required to visit a certified medical specialist and submit to the Fluman Resources Branch an off-work order. The County will pay for the medical visit when the employee is required to visit a County selected doctor. Failure to produce an off-work order shall be grounds for refusal to grant the leave. After receiving an off-work order, an employee shall not return to work until he/she submits a medical doctor's authorization to return to work to the Human Resources Branch. No employee may return to work under a restricted back-to-work authorization.

An employee who is absent for one-half day or less shall have deducted one-half day from the accumulated leave; and if the absence exceeds more than one-half day, a full day shall be deducted from accumulated leave.

Extended Leave for Illness - Management

After the exhaustion of current sick leave set forth above, a period not to exceed one hundred (100) days of 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 layoff 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.

Fvr^nal Illness

Leave credited under Personal Illness and Injury Leave may be used, at the employee's election, for purposes of persona) necessity provided that the use of such personal necessity leave does not exceed seven (7) days in any school year.

For purposes of this provision, persona) necessity shall be limited to: (a) death in the employee's immediate family; (b) serious illness of the employee's immediate family; (c) an accident or circumstance which is unforeseen involving the employee's person or property, or the person or property of an employee's immediate family; (d) adoption and birthing; or (e) other personal necessities which 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 persona) convenience or for the extension of a holiday or vacation period, or for matters which can be taken care of outside the work hours, or for recreational activities. Prior approval is necessary under items (d) and (e).

Under all circumstances, an employee shall verify in writing to the satisfaction of the County Superintendent of Schools that the personal necessity leave was used only for purposes as set forth above. An employee will 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 a 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.

Leave for Pregnancy Disability

Employees are entitled to use sick leave for disabilities caused or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom on the set terms and conditions governing leaves of absence from other illness or medical disability. 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 require a verification of the extent of disability through a physical examination of the employee by a physician appointed by the County Superintendent of Schools.

Employees are entitled to leave without pay or other benefits for disabilities because of pregnancy, miscarriage, childbirth, or recovery therefrom when sick 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; however, the County Schools Office may require a verification of the extent of disability through a physical examination of the employee by a physician appointed by the County Superintendent of Schools. All costs incidental to such examination shall be borne by the County Superintendent of Schools.

The employee on leave for pregnancy disability shall be entitled to return to a position comparable to that held at the time the leave commenced.

Leave Without Pay for Child Bearing Preparation and Child Rearing

Leave without pay or other benefits may be granted to an employee for preparation for childbearing, child rearing, or adoption.

The employee shall request such leave as soon as practicable but under no circumstances 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, or designee when considering the scheduling and replacement problems of the County Superintendent of Schools.

The duration of such leave shall consist of no more than twelve (12) consecutive months. An additional twelve (12) months may be granted upon request.

The employee is not entitled to the use of any accrued sick leave or other paid leave while such employee is on childbearing preparation leave or leave for child rearing, whether or not the illness or disability is related to a pregnancy, miscarriage, childbirth, or recovery therefrom.

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

Industrial Accident Leave

Employees will be entitled to industrial accident leave according to the provisions of Education Code Section 44984 on personal injury, which has qualified for Workers' Compensation under the provisions of the State laws.

Such leave shall not exceed sixty (60) days during which the schools of the County Superintendent of Schools are required to be in session, or when the employee would otherwise have been performing work for the County Superintendent of Schools in any one fiscal year, for the same industrial accident.

The County Superintendent of Schools may have the employee examined by a physician designated by the County Superintendent of Schools 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 injury involved. The costs for such examination, including travel, shall be borne by the County Superintendent of Schools.

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 benefit check from the Inland Empire Schools Insurance Authority insurance fund which would make the total compensation from both sources exceed 100 percent 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.

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.

Legislative Leais

An employee who is elected to legislative office shall be entitled to leave without pay or benefits of any form for the length of term in office, but under no circumstances, to exceed four (4) years in duration.
An employee on such leave shall notify the County Superintendent of Schools of an intent to return by no later than sixty (60) calendar days prior to such return.

Other Leaves Without Pay

Upon approval by the County Superintendent of Schools, leave without compensation, increment, seniority or tenure credit, may be granted for a period of one (I) school year for the following purposes: Peace Corps, care for a member of the immediate family who is ill. long-term illness of the employee, service in an elected public office, or professional study or research.

The applications for granting of such leaves of absence shall be in writing. In addition, an employee on such leave shall notify the Human Resources Branch by March 15 of the school year as to an intent to return to employment in the County. Failure to notify will be considered an abandonment of the position.

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