

RANCHO SANTA FE SCHOOL DISTRICT

Board Policies Covering All Classified Employees

Board Policy No. 4210: LEAVES OF ABSENCE

- A. The leaves herein are granted in compliance with the minimum requirements of the law. Unless the number of days of leave set forth in this policy is greater than the minimums established by law, only the minimums established by law are granted.
- B. The leaves included under paragraph D through M are leaves that must be granted by the District as long as all express conditions are satisfied. The leaves under paragraph N are leaves that may be granted within the sole discretion of the District.
- C. Only the Superintendent has the authority of the District to approve verifications of leaves or make final decisions on leaves. The Superintendent may prepare and distribute leave forms as long as those forms do not violate the paragraphs of this policy. The Superintendent may adopt verification procedures to implement the paragraphs of this policy as long as those verification procedures do not violate the paragraphs of this policy.
- D. Sick Leave (Education Code section 45191)
 - 1. Every classified employee on a full-time basis shall be entitled to twelve (12) days leave of absence for illness or injury. A classified employee employed for a full workweek, but less than a full fiscal year, is entitled to that proportion of 12 days as the number of months he/she is employed bears to twelve (12).
 - 2. Sick leave for a part-time or regular hourly employee shall be on the basis of his/her daily hours prorated one (1) day per month of service.
 - 3. Credit for illness and injury need not be accrued prior to taking such leave by the employee and such leave may be taken at any time during the year. However, a new employee of the District shall not be eligible to take more than six (6) days or the proportionate number to which he/she may be entitled, until the first day of the calendar months after completion of six (6) months of service with the District.
 - 4. If the employee does not utilize the full amount of leave allowed in any year, the amount not taken shall be accumulated from year to year so long as he/she remains in the employment of the District.
 - 5. Employees shall be required to present a licensed California Physician's or Christian Science Practitioner's certificate verifying the personal illness or injury and that the employee is released to full duty after five (5) consecutive working days of absence, or sooner if so determined by the Superintendent.
- E. Extended Sick Leave (Education Code section 45196)

Each year classified employees shall be credited with a total of 100 working days of paid sick leave, including the days provided for under Paragraph D, above (Education Code Section 45191). Upon exhaustion of all accumulated sick leave, an employee who continues to be absent from his/her duties on account of illness or an accident shall receive extended sick leave pay at a rate of 50 percent of the employee's regular salary. In order to qualify for extended sick leave, an employee must have exhausted all regular accumulated sick leave. The paid sick leave authorized under this Paragraph shall be exclusive of any other paid leave, holidays, vacation, or compensating time to which the employee may be entitled.

Before an employee may be provided extended sick leave benefits, the Superintendent may require the employee to present a licensed California certificate verifying the personal illness or injury, the estimated duration of the absence, and the expected date of return. Upon the employee's return to work, the employee shall be required to present certification by one of the above and that the employee is released to full duty.

F. Pregnancy Leave (Education Code section 45193)

1. Employees are entitled to use sick leave for disabilities caused or contributed to by pregnancy, miscarriage, childbirth, or 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.
2. 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 District may require a verification of the extent of disability through consultation with the employee's physician or through a physical examination of the employee by a physician appointed by the District.
3. The date on which the employee shall resume duties shall be determined by the employee on leave and the employee's physician; however, the District may require a verification of the extent of disability through consultation with the employee's physician or through a physical examination of the employee by a physician appointed by the District as to the employee's ability to return to normal duty.
4. The employee on leave for pregnancy disability shall be entitled to return to a position comparable to that held at the time the leave commences.

G. Parental Leave (Education Code section 45196.1)

1. During each school year, a classified employee may use his or her sick leave for purposes of parental leave for a period of up to 12 workweeks.
2. When an employee has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his or her duties on account of parental leave pursuant to Section 12945.2 of the Government Code, the employee shall be compensated at a rate of 50 percent of the employee's regular salary for the remaining portion of the 12-workweek period of parental leave.

3. For purposes of this provision the 12-workweek period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of parental leave.
4. An employee shall not be provided more than one 12-week period for parental leave during any 12-month period.
5. Parental leave taken pursuant to Education Code section 45196.1 shall run concurrently with parental leave taken pursuant to Government Code section 12945.2 of the Government Code. The aggregate amount of parental leave taken pursuant to Education Code section 44977.5 and Government Code section 12945.2 shall not exceed 12 workweeks in a 12-month period.
6. For purposes of this provision, “parental leave” means leave for reason of the birth of a child of the employee, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.

H. Reproductive Loss Leave (Government Code section 12945.6)

1. Employees may take up to five days of leave from work after a reproductive loss event. Employees may take their leave days consecutively but are not required to do so.
2. For purposes of this policy, a reproductive loss event is defined to include all of the reasons set forth in Government Code section 12945.6.
3. An employee may take leave following their own reproductive loss event or that of another person provided that the employee would have been the parent of the child born or adopted.
4. Reproductive loss leave must be completed within three months of the reproductive loss event. However, if an employee is on another type of leave during the reproductive loss event, they may take reproductive loss leave within three months of finishing the other form of leave.
5. When a single reproductive loss event occurs over several days, the law treats it as one event. If an employee experiences more than one reproductive loss event in a year, they are entitled to no more than 20 days of reproductive loss leave in that one-year period.
6. Reproductive loss leave is unpaid. However, employees may use accumulated sick leave or vacation to be compensated during their reproductive loss leave.

I. Industrial Accident And Illness Leave (Education Code section 45192)

1. An employee shall be eligible for industrial accident and illness leave for personal illness or injury which has qualified for workers' compensation under the provisions of the State Compensation Insurance Fund.

2. An employee who has sustained a job-related injury or illness shall report the same to his/her immediate supervisor on the appropriate District form within twenty-four (24) hours of the injury or illness. To qualify for industrial accident or illness leave, an employee shall be examined and treated, if necessary, by a physician designated by the District or the District's industrial accident insurance carrier. Whoever may be designated to treat the employee, if necessary, the District retains the right to have the employee thereafter examined by a physician designated by the District 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 or illness is attributable to the injury and job.
3. Industrial accident or illness leave shall be subject to the following limitations:
 - a. Such leave shall not exceed sixty (60) days during which schools of the District are required to be in session or when the employee would otherwise have been performing work for the District in any one fiscal year for the same industrial accident or illness.
 - b. Such leave shall not be accumulated from year to year. Such leave shall commence on the first day of authorized absence and shall be reduced by one (1) day for each day of authorized absence regardless of a temporary disability indemnity award.
 - c. When such leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due for the same injury or illness.
 - d. For any days of absence from duty as a result of the same industrial accident or illness, the employee shall endorse to the District any temporary disability indemnity checks received by him/her which could make the total compensation from both the District and such disability indemnity exceed 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 District any temporary disability indemnity checks received on account of the industrial accident or illness as provided herein, the District shall deduct from the employee's salary warrant the amount of such disability indemnity actually paid to and retained by the employee.
 - e. Upon conclusion of such leave, an employee may utilize any available personal illness or injury leave providing that any personal illness or injury leave utilization, when combined with any temporary disability indemnity shall not exceed 100% of the amount the employee would have received as salary had there been no industrial accident or illness.
4. Any employee shall be permitted to return to service following an industrial accident or illness only upon presentation of a release from the authorized worker's compensation physician certifying the employee's ability to return to his/her position without restrictions or detriment to the employee's physical and emotional well-being, and the health and safety of others.
5. Follow up medical appointment required due to an industrial accident or illness must be scheduled outside of the employee's regular work hours. If no alternative

appointment time is available, the Superintendent or designee may grant an exception. When an exception is granted, the employee may use available Industrial Accident and Illness Leave for the authorized absence, which shall be reduced by one day for each absence as specified in Education Code Section 45192. Alternatively, the employee may elect to use accrued sick leave provided in paragraph D. Authorized absences under this policy shall not exceed the time necessary for travel to and from, and attendance at, the medical appointment.

6. When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of his/her position, he/she shall be placed on a re-employment list for a period of thirty-nine (39) months. When available, during the 39-month period, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other available candidates except for a re-employment list established because of lack of work or lack of funds, in which case he/she shall be listed in accordance with appropriate seniority regulations. An employee who has been placed on a reemployment list, as provided herein, who has been medically released for return to duty and who fails to accept an appropriate assignment shall be dismissed for cause.

J. Personal Necessity Leave (Education Code section 45207)

1. An employee may use no more than seven (7) days of accumulated sick leave per school year in case of personal necessity.
2. For purposes of this provision, "personal necessity" is defined as:
 - Death or serious illness of a member of the employee's immediate family;
 - Accident involving the employee's person or property, or the person or property of a member of the employee's immediate family;
 - Religious observance; or
 - An emergency requiring prompt response, which response cannot reasonably be made by anyone other than the employee and cannot be made at any time other than during the employee's working hours.
3. For purposes of this provision, "personal necessity" shall not include:
 - Pursuit of business, financial, or economic interests of the employee;
 - Vacation or other recreational pursuits; or
 - Social events
4. For purposes of this provision, "immediate family" shall mean the mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse/domestic partner of the employee, and the spouse/domestic partner, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any relative living in the immediate household of the employee.
5. Except in the case of an emergency, such as the death of a member of the employee's immediate family or an accident involving the employee's or his immediate family member's person or property, advance permission of leave pursuant hereto must be obtained from the Superintendent.

6. An employee may use three (3) days of accumulated sick leave each school year for the purpose of “personal business.” For purposes of this provision, “personal business” does not include vacation, holidays or recreational pursuits. It does include important family events such as graduations and weddings. An employee shall not take such personal business leave to be absent on a “critical” operational day as determined by the Superintendent, to extend a holiday weekend, to be absent from inservice training, or to be absent from any meeting scheduled by the Superintendent. An employee must submit a request for personal business leave at least seven (7) days in advance and must clearly describe the specific purpose of the requested absence. The decision to grant or deny the request is within the discretion of the Superintendent or designee.

K. Bereavement Leave (Education Code section 45194, Government Code section 12945.7)

1. The District will grant a request by an employee to take up to (5) five days of bereavement leave upon the death of a family member. For purposes of this policy, “family member” shall mean the mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse/domestic partner of the employee, and the spouse/domestic partner, son, son-in-law, daughter, daughter-in-law, brother, or sister of the employee, or any relative living in the immediate household of the employee.
2. An employee shall be eligible for a minimum of three (3) days of paid bereavement leave of absence, or five (5) days leave of absence if out-of-state travel is required, without loss of salary on account of the death of an employee’s family member.
3. The remaining two (2) days of leave may be unpaid, except that an employee may use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee.
4. Bereavement leave is not required to be consecutive. However, it must be completed within three months of the date of the family member’s death.
5. The District may request that an employee seeking bereavement leave provide documentation to support the leave, which shall be provided within 30 days of the first day of the leave.
6. The District shall maintain the confidentiality of any employee requesting leave under this section. Any documentation provided to the District shall be maintained as confidential and shall not be disclosed except to internal personnel or counsel, as necessary, or as required by law.

L. Jury Duty Leave (Education Code section 44036 and 44037)

Employees shall be eligible for leave of absence when regularly called for jury duty in the manner provided for by law subject to the following provisions:

1. Subject to the provisions below, the employee, while serving on jury duty, shall receive his/her regular earnings from the District and shall transmit to the District all fees, exclusive of mileage received from jury service.

2. As a matter of general policy, the District does not normally encourage employees to seek exemption from or postponement of jury duty; the District will cooperate with the employee in any appropriate manner. Employees, who would otherwise be ineligible for paid leave under these provisions, who are denied an exemption or postponement after a good-faith application for same, shall be eligible for paid leave for a period not to exceed the normal tour of jury service for the particular judicial jurisdiction.
3. An employee on jury leave for one semester or less shall be entitled to return to the same assignment held at the time such leave commenced, unless such assignment had been discontinued, in which case the employee shall be entitled to a comparable position. An employee on jury leave for more than one semester shall be entitled to return to an assignment comparable to the assignment held at the time such leave commenced. In any case, the assignment of the employee upon return to work shall be comparable to that held at the time jury leave began.
4. No more than one classified employee or two (2) percent of the classified staff, whichever is greater, shall be granted jury duty leave with pay at any one time.

M. Additional Leave For Nonindustrial Accident Or Illness; Reemployment Preference (Education Code section 45195)

1. A permanent employee of the classified service who has exhausted all entitlement to sick leave, vacation, compensatory overtime, or other available paid leave and who is absent because of nonindustrial accident or illness may be granted additional leave, paid or unpaid, not to exceed six months. The Board may renew the leave of absence, paid or unpaid, for two additional six-month periods or such lesser leave periods that it may provide but not to exceed a total of 18 months.
2. An employee, upon ability to resume the duties of a position within the class to which he was assigned, may do so at any time during the leaves of absence granted under this policy and time lost shall not be considered a break in service. He shall be restored to a position within the class to which he was assigned and, if at all possible, to his position with all the rights, benefits and burdens of a permanent employee.
3. If at the conclusion of all leaves of absence, paid or unpaid, the employee is still unable to assume the duties of his position, he shall be placed on a reemployment list for a period of 39 months.
4. At any time, during the prescribed 39 months, the employee is able to assume the duties of his position he shall be reemployed in the first vacancy in the classification of his previous assignment. His reemployment will take preference over all other applicants except for those laid off for lack of work or funds in which case he shall be ranked according to his proper seniority. Upon resumption of his duties, the break in service will be disregarded and he shall be fully restored as a permanent employee.

N. Special Leave.

The District may grant, within its sole discretion and pursuant to any of its Policies, leaves of absence for the following reasons: A special leave of absence with or without pay may be granted by the Board upon the recommendation of the Superintendent. In the event a special leave is granted, the employee shall be required to provide the Superintendent notice in writing of their intent to return to work. The Superintendent shall determine the deadline for this written notice, and any leave granted pursuant to this paragraph is contingent upon the employee agreeing to comply with this written notice requirement.

Legal Reference:

Education Code sections 45190, 45191, 45196, 45296.1, 45192, 45193, 45207, 45194, 44036, 44037, and 45195

Labor Code section 233

Government Code sections 12945.6, 12945.7

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