RANCHO SANTA FE SCHOOL DISTRICT

Board Policies Covering All Certificated Employees

Board Policy No. 4107: 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 Board 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 L are leaves that must be granted by the District as long as all express conditions are satisfied. The leaves under paragraph M through N are leaves that may be granted within the sole discretion of the District.

C. The Superintendent has the authority of the District to request and approve verifications of leaves or make final decisions on leaves concerning all certificated employees. The Board has the authority to approve verifications of leaves or make final decisions on leaves by the Superintendent.

D. Sick Leave (Education Code section 44978)

1. Every certificated employee employed five (5) days a week by the District and twelve months per year (full-time) shall be entitled to twelve (12) days' leave of absence for illness or injury, exclusive of all days he is not required to render service to the District, with full pay for a school year of service. A certificated employee employed for less than five (5) school days a week and/or less than twelve months per year shall be entitled to a proportional amount of leave of absence for illness or injury; pay for any day of such absence shall be the same as the pay which would have been received had the employee served during the day. Credit for leave of absence need not be accrued prior to taking such leave by the employee and such leave of absence may be taken at any time during the school year. If such employee does not take the full amount of leave allowed in any school year under this provision, the amount not taken shall be accumulated from year to year.

2. Any employee shall have the right to utilize sick leave provided for in this provision and the benefit provided by the provision of extended illness leave for absences necessitated by pregnancy, miscarriage, childbirth, and recovery therefrom.

E. Extended Sick Leave (Education Code sections 44977 and 44978.1)

1. During each school year, when a certificated 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 illness or accident for an additional period of five school months, whether or not the absence arises out of or in the course of employment, the amount deducted from the salary due him or her for any of the additional five months in which the absence occurs shall not exceed the sum that is actually paid a substitute employee employed to fill his or her position during his or her absence or, if no substitute employee was employed, the amount that would have been paid to the substitute had he or she been employed.

2. For purposes of this provision sick leave, including accumulated sick leave, and the five-month period shall run consecutively. An employee shall not be provided more than one five-month period per illness or accident. However, if a school year terminates before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. No other paid or partial paid illness or accident leave shall be granted by the District.

3. When a certificated employee has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of illness or accident for a period beyond the five-month period provided immediately above, and the certificated employee is not medically able to resume the duties of his or her position, the certificated employee shall no longer be employed by the District but shall be placed on a reemployment list for a period of 24 months if the employee is on probationary status, or for a period of 39 months if the employee is on permanent status. The 24-month or 39-month period shall commence at the expiration of the five-month period of partial paid sick leave.

1. When the certificated employee is medically able, as determined by a physician selected or agreed to by the District, during the 24-month or 39-month period, the employee shall be returned to employment in a position for which he or she is credentialed and qualified. If the employee does not return to work during the 24-month or 39-month period, the employee shall be taken off the reemployment list and shall lose all reemployment rights to the District.

F. Pregnancy Leave (Education Code section 44965)

1. A certificated employee shall have the right to utilize sick leave provided for in this Policy for her absences necessitated by her pregnancy, miscarriage, childbirth, and recovery therefrom.

2. A certificated employee who is required to be absent from duty because she is pregnant or has miscarried or has given birth is entitled to an unpaid leave of absence. The length of absence, including the date on which the leave shall commence and the date on which the employee shall resume duties, shall be determined by the employee and the employee's physician. Disabilities caused or contributed to by pregnancies, miscarriages, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance or sick leave plan. Leaves of absence for disabilities caused or contributed to by pregnancy, miscarriage, or

childbirth shall be paid leaves of absence to the same extent as leaves for illness, injury, or disabilities.

G. Parental Leave (Education Code section 44977.5)

1. During each school year, a certificated 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 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 amount deducted from the salary due him or her for any of the remaining portion of the 12-workweek period in which the absence occurs shall not exceed the sum that is actually paid a substitute employee employed to fill his or her position during his or her absence or, if no substitute employee was employed, the amount that would have been paid to a substitute had he or she been employed.

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 44977.5 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.

7. Pursuant to Education Code section 44977.5, a certificated employee who has exhausted all available 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, shall be compensated at no less than fifty (50) percent of his or her regular salary for the remaining portion of the 12-workweek period of parental leave.

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 the reasons set forth in Government Code section 12945.6.

3. An employee can 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 to be compensated during their reproductive loss leave.

I. Industrial Accident And Illness Leave (Education Code section 44984)

The District specifically limits its liability to the minimum requirements mandated by Education Code section 44984.

1. Such leave shall not exceed sixty (60) working days in any one fiscal year for the same accident.

2. Allowable leave shall not accumulate from year to year.

3. Industrial accident or illness leave will commence on first day of absence.

4. Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this State, exceed the normal wages for the day.

5. Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workers' compensation.

6. When an industrial accident or illness occurs at a time when the full sixty (60) days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

7. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other statutory sick leave will then be used; but if an employee is receiving workers' compensation, the employee shall be entitled to use only so much of the accumulated or available sick leave, accumulated compensation time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.

8. 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 44984. 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.

J. Personal Necessity Leave (Education Code section 44981)

1. A certificated employee may use accumulated sick leave in case of personal necessity up to a maximum of eight (8) days per school year.

   - 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;
   - Social events.

4. For purposes of this provision, "members of the immediate family" means the mother, father, grandmother, grandfather, or a grandchild of the employee or the spouse/domestic partner of an 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. A certificated 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 events such as graduations, weddings, and other rare, significant occasions that cannot be rescheduled. A teacher shall not take such personal business leave~~,~~ to extend a holiday weekend or vacation, to be absent from inservice training, to be absent from an IEP meeting or conference, to be absent from any meeting scheduled by the Superintendent or designee, or to engage in any concerted activity against the District. The employee must give at least seventy-two (72) hours prior notice to the Superintendent or designee and must clearly describe the specific purpose of the requested absence. The Superintendent must grant the personal business day unless to do so would violate this provision or cause harm to the educational program.

K. Bereavement Leave (Education Code section 44985, 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 a mother, father, grandmother, grandfather, or a grandchild of the employee or the spouse/domestic partner of an 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. Each certificated employee is entitled to a paid leave of absence, not to exceed three (3) days, or five (5) days for in-state travel if travel one way exceeds 300 miles, or five (5) days if out-of-state travel is required, on account of death of an employee's family member. No deduction shall be made from the salary of such employee nor shall such leave be deducted from other leaves.

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)

Each certificated employee shall be eligible for leave of absence when regularly called or 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 regular earnings from the District and shall transmit to the District all fees, exclusive of mileage received for 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.

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.

M. A teacher, with prior written permission of the Superintendent, may work a full day in the summer to prepare the teacher's classroom for the school year, and receive a compensatory day off in exchange to be selected by the teacher and mutually agreed to by the Superintendent and the teacher. The compensatory day off will not be to extend a holiday weekend, to be absent from inservice training, to be absent from an IEP meeting or conference, to be absent from any meeting scheduled by the Superintendent, or to engage in any concerted activity against the District.

N. Special Leave

The District may grant, within its sole discretion, 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. A special leave may include a sabbatical leave, a child care leave, an illness leave or any other leave within the discretion of the Board. 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 44978, 44977, 44978.1, 44965, 44984, 44981, 44985, 44036, 44977.5
Government Code sections 12945.6, 12945.7
Labor Code section 233

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