Leaves of Absence

Guidebook

Lennox School District
10319 Firmona Avenue
310-695-4000
https://www.lennox.k12.ca.us

The purpose of this guidebook is to provide a general overview of the leave provisions that may be available to employees of the district. This guide is not intended to be the sole source of information. In all cases, applicable state and federal laws, rules, policies, and collective bargaining agreements govern employee and employer rights, responsibilities, and obligations – not this document. Due to the complexities of the provisions in this document, employees should always consult with the Personnel Office representative.

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Contacts

Members of the Personnel and Business Departments are available to assist you.

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Table of Contents

Part 1: Certificated & Classified Illness Leaves

A. Sick Leave 5

B. Industrial Accident 5

C. Extended Illness Leave.....5

D. Catastrophic Leave.....5-6

E. Vacation (Classified).....6

Part 2: General Leaves Certificated & Classified

A. Personal Necessity.....6-7

B. Bereavement Leave.....7

C. Leaves Without Pay.....7

D. Judicial Leave.....7

E. Military Leave 7

F. Miscellaneous Leaves Without Pay.....7

Part 3: Family Medical Leave Act (FMLA) & California Family Rights Act (CFRA)

A. Terms and General Definition.....8

B. Federal Family Medical Leave Act (FMLA).....8-9

C. California Family Rights Act (CFRA).....9

Part 4: Parental Leave: Certificated & Classified

A. Pregnancy Disability Leave (PDL) (Maternity Leave) 9

B. Parental Leave (PL).....9-10

C. Unpaid Child Rearing Leave.....10

D. Reproductive Loss Leave 10

Types of Leaves Overview

Below is a general overview of the leaves available to employees with the relevant collective bargaining agreement (CBA) and legal code citations. Please consult the CBA, relevant policies, and your Personnel Office representative to verify your eligibility. Collective bargaining agreements can be found on the District website.

Leave	LTA Contract	CSEA Unit A Contract	CSEA Unit B Contract	Board Policies and Administrative Regulations
Sick Leave *See page 5*	*10.2 - Personal Illness and Injury Leave*	*10.1 – Sick Leave*	*8.1- Sick Leave*	*BP/AR 4161.1; 4361.1; 4261.1 EC 44978, 45191*
Industrial Accident See page 5	*10.7-Industrial Accident Leave*	*10.7 Industrial Accident Leave*	*8.7-Industrial Accident Leave*	*BP/AR 4161.11; 4361.11; 4257.1 4261.11; E.C. 44984, 45192*
Extended Illness Leave See page 5	*10.2.2-Personal Illness and Injury Leave*	*10.1.3-Sick Leave*	*8.1.3-Sick Leave*	*EC 45196,44977*
Catastrophic *See pages 5-6*	*10.10-Catastrophic Sick Leave*	*10.12-Catastrophic Leave program*	*8.12-Catastrophic*	*BP/AR 4161.9; 4261.9; 4361.9 EC 44043.5*
Vacation *See page 6*	*Not Applicable*	*9-Vacation*	*Not Applicable*	*BP/AR 4161 EC 45197*
Personal Necessity *See pages 6- 7*	*10.3 - Personal Necessity Leave*	*10.2- Personal Necessity Leave*	*8.2- Personal Necessity Leave*	*BP/AR 4161.2; 4261.2; 4361.2 EC 44981, 45207*
Bereavement Leave *See page 7*	*10.4- Bereavement Leave*	*10.3-Bereavement Leave*	*8.3-Bereavement Leave*	*BR/AR 4161, EC 44985,45194, AB 1949*
Leaves Without Pay *See page 7*	*10.9 - Leaves without Pay*	*10.9 - Leaves without Pay*	*8.9 - Leaves without Pay*	*BR/AR 4161, EC 45195*
Judicial Leave *See page 7*	*10.8- Judicial Leave*	*10.8-Judicial Leave*	*8.8-Judicial Leave*	*BP/AR 4161 EC 44036, 44037*
Military Service *See page 7*	*No contract language*	*10.10 - Military Leave*	*8.10 - Military Leave*	*BP/AR 4161.5; 4261.5; 4361.5 EC 44018; 45059 M&V 395-395.9; 395.10; 43 U.S.C. 4312 et seq.*
Miscellaneous Leaves Without Pay *See page 7*	*10.9.4-Miscellaneous Leaves Without Pay*	*10.11-Miscellaneous Leaves Without Pay*	*8.11-Miscellaneous Leaves Without Pay*	*BR/AR 4161, EC 45195*

Leave	LTA Contract	CSEA Unit A Contract	CSEA Unit B Contract	Board Policies and Administrative Regulations
Family Care and Medical *See page 8*	*10.9.3-Family Care and Medical Leave*	*10.6-Family Care and Medical*	*8.6-Family Care and Medical*	*BP/AR 4161.8; 4261.8; 4361.8, G.C. 12945.2,L.C. 233, 29 U.S.C. 2601 et seq.*
CFRA *See pages 8-9*	*10.6-Leave for Child*	*10.6 - Family Care and Medical Leave*	*8.6 - Family Care and Medical Leave*	*BP/AR 4161.8; 4261.8; 4361.8, G.C. 12945.2,L.C. 233, 29 U.S.C. 2601 et seq.*
Paid Parental Leave *See page 9-10*	*10.6- Leave for Child Rearing*	*10.13 – Paid Parental Leave*	*8.13 – Paid Parent Leave*	*BP/AR 4161.1, 4261.1, E.C. 44977.5, 45196.1*
Unpaid Child Rearing Leave *See page 10*	*10.9.2- Child Bearing Preparation, Child Rearing, and Reproductive Loss Leave*	*10.5- Child Bearing Preparation and Child Rearing*	*8.5- Child Bearing Preparation and Child Rearing*	*BP/AR 4161.1, 4261.1, Labor Code 12945.6*

Part 1: Illness Leaves (Certificated & Classified)

A. **Regular Sick Leave**: Employees are entitled to use their sick leave under the Education Code for "illness or injury," which has typically been interpreted to mean the employee's **own** illness or injury. Ed Code 45191, 44978.

Employees typically accrue one sick day for each month worked (i.e., 10-month employees accrue 10 sick days per fiscal year; 12-month employees accrue 12 sick days per fiscal year and accumulate based on the average hours the employee is scheduled to work per day. Unused sick leave accruals are accumulated from year to year and can be transferred to applicable public agencies should the employees leave the district (EC 88202). Accrued sick leave can be converted to service credit at the time of your retirement.

1. **Notification:** Sick time must be reported to the district according to CBA guidelines. It is highly recommended that the employee notify their immediate supervisor to ensure efficient district operations.
2. **Verification:** The District will require a medical verification for 3 or more consecutive days, and for any absences following the exhaustion of accumulated sick time.

B. **Industrial Accident:** Employees are entitled to industrial accident leave according to the provisions in Education Code Section 45192 and 44984 for personal injury, which has qualified for worker's compensation under the provisions of the workers' compensation insurance program. If an employee is injured on the job, they should contact Company Nurse (24/7 triage hotline 1- 888-770-0929). If Company Nurse recommends medical treatment, the employee must complete the Employee Report of Injury (DWC-1) form, which can be obtained from the site Health Specialist or Risk Management Designee. The District's workers compensation carrier is Sedgwick (Policy # 69863073), *Phone: (909) 942-4864*, *Address: P.O. Box 619079, Roseville, CA 95661.*

For additional information on Workers' Compensation, click on the link below.

Workers Compensation District Website

C. **Extended Illness Leave:** An employee, becoming aware of the need for an absence due to surgery, maternity, or other predictable or previously scheduled cause, shall submit a doctor's note from their attending physician as far in advance of the initial disability date as possible. The physician's statement shall include the beginning date of the disability and the anticipated date of return to active service.

In all circumstances, the employee must contact their immediate supervisor and the Personnel Office before taking such leave whenever possible. To find out the balance of your sick leave, please contact the Payroll Office *(sick leave balance is located at the bottom of your paycheck stub.)*

1. **(Certificated)** Begins after an employee has exhausted all available sick leave, including accumulated leave. Differential pay runs consecutively with other leaves. The leave runs for five months per accident or illness. The employee is paid the difference between the employee's salary and what is paid to a substitute OR what would have been paid to a substitute if one was hired. Ed Code 44977)
2. **(Classified)** An employee may be absent for up to 5 months for their own illness or injury. The 5 months run concurrently with sick leave. (Ed Code 45196) Refer to CBA for additional details.

D. **Catastrophic Leave:** An employee suffering from a catastrophic illness or injury may request that eligible leave credits be donated for their use. (Ed Code 44043.5). For the purpose of this policy, "catastrophic illness" or "injury" means an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's family whose incapacity requires the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because they have exhausted all of their sick leave and other paid time off.

An employee suffering from a catastrophic illness or injury shall provide verification by means of a letter, dated and signed by the ill or injured person's physician, indicating the incapacitating nature and probable duration of illness or injury. Any employee

who receives paid leave pursuant to this program shall use any sick leave credits that they continue to accrue on a monthly basis before receiving paid leave pursuant to the Catastrophic Leave Program. The donation of sick leave credits is not to exceed twenty (20) days. Check the appropriate collective bargaining agreement for additional details on applying for Catastrophic Sick Bank Leave Days. Collective Bargaining Agreements.

E. **Vacation (Classified):** Vacation leave, or paid time off, is a bank of earned hours for the use of vacation for most classified, classified management, and confidential employees. Vacation is accrued depending on hire date and years of service. Typically, employees accrue one vacation day per month worked. Certificated employees do not accrue vacation time.

Part 2: General Leaves (Certificated & Classified)

A. **Personal Necessity: P1 and P2 Days** (Ed Code 44981, 45207) Check the appropriate CBA for additional details on personal necessity days. Personal Necessity Form

1. **P1 Days (Pre-Approval Required and Must be Reported via Frontline (LTA Unit Members) /via Email (CSEA Unit Members)**

A maximum of seven (7) days of absence per fiscal year may be used by the employee in case(s) of personal necessity (P1), as defined below:

a) death or serious illness of immediate family;
b) an accident involving your person or property;
c) reasons of compelling personal importance at the discretion of the superintendent or designee.

Under no circumstances shall a personal necessity leave be available for purposes of personal convenience for matters which can be taken care of outside the work hours, or for recreational activities. Before the utilization of personal necessity leave, an employee must obtain prior written approval from the supervisor except in cases of "a" and "b" above, and the employee shall make every effort to comply with District procedures to enable the District to secure a substitute. Employees shall request and verify in writing that the personal necessity leave was used only for purposes as delineated above. In cases of suspected abuse of personal necessity, the District may require additional verification. Personal Necessity Form

2. **P2 Days (LTA Unit Members) Pre-Approval Required and Must be Reported via Frontline**

Notwithstanding any provision listed under P1 days above, a unit member may use four (4) of the seven (7) available personal necessity days per school year for personal business reasons (P2) at the unit member's discretion provided that these Personal Necessity Days *may not be used before or after a holiday, to extend a District break, or on New School Year Prep Day, the first and last student days of school, Back-to-School Night, Open House, and Parent Conference Day.* Such leave is not cumulative from year to year. However, under no circumstance will this leave be granted to more than 2% of the bargaining unit district-wide on a given day. Leaves will be granted on a first come, first served basis. Unit members must notify the District Personnel Office no later than 3:15 p.m. on the workday prior to the leave, and at that time confirm if the 2% limit has already been reached. Unit members must submit the (Personal Necessity Form) and get pre-approval before utilizing the P2 day(s).

3. **P2 Days (CSEA Unit Members) Pre-Approval Required and Must be Reported via Email**

Notwithstanding any provision stated above, a unit member may use two (2) of the seven (7) available personal necessity leave days per school year for personal business reasons. Such leave is not cumulative from year to year. The utilization of this leave requires approval in advance by the immediate supervisor (management level). However, under no circumstances will this leave be granted to more than two percent (2%) of the bargaining unit District-wide on a given day. Leaves will be granted on a first-come, first-served basis.

B. **Bereavement Leave:** In the event of a death of an immediate family member, eligible employees will be excused from work with pay as needed to attend to arrangements and for grieving. Eligible employees shall be entitled to a maximum of three (3) days' leave of absence without loss of salary on account of the death of any member of their immediate family. If out-of-state travel is required, five (5) days leave of absence will be available without loss of salary. If out-of-state travel is not required, the unit member is entitled to an additional two (2) days of leave using available paid leave pursuant to the CBAs Personal Necessity Leave section. In the absence of available personal necessity leave days, and provided the employee has worked for the District for at least 30 days, the employee may use two (2) unpaid leave of absence days. Employees absent for bereavement should inform the District of the absence and should report the absence as soon as the absence is known. Please follow the Lennox School District Bereavement Protocol when using this leave. Bereavement Protocol. Check the appropriate collective bargaining agreement for additional details. Collective Bargaining Agreements.

C. **Leaves Without Pay:** An employee may request additional paid or unpaid leave for up to six months and may renew the leave of absence for two additional six-month periods, provided the additional leave does not exceed a total of 18 months. (Ed Code 45195)

1. Certificated: Certificated employees must request such leaves in writing to the Personnel Department. Unit members on such leave shall be permitted participation in the District Insurance Program by submitting payment through COBRA. Certificated members shall notify the District Personnel Office by March 1st.
2. Classified: Classified employees must request such leaves in writing to the Personnel Office. A unit member on such leave shall notify the District Personnel Office in writing at least thirty (30) work days prior to the end of their leave as to their intent to return to employment in the District. Failure to notify shall be considered an abandonment of position and forfeiture of all insurance benefits.

D. **Judicial Leave:** Classified and Certificated employees are provided paid leave for regularly called jury duty, to appear as a witness in court (other than as a litigant), and for reasons not brought about through convenience or misconduct. The District shall pay the employee in the amount of the difference between the employee's regular earnings and any amount receive as juror's fees.

Certificated employees who elect to voluntarily defer their jury service to non-work days (i.e., summer, winter, spring break) shall be compensated by an amount equal to the district's daily substitute teacher rate of pay for each day of jury duty up to a maximum of ten days. Please review the collective bargaining agreement for instructions. Collective Bargaining Agreements

E. **Military Leave:** Leaves of absence for military service shall be granted as mandated and regulated by state and federal law.

F. **Miscellaneous Leaves Without Pay:** Employees may request up to one school year, of leave without compensation, increment, or tenure credit for the following purposes: care for a member of the immediate family who is Ill, long-term illness of the unit member, service in an elected public office, educational travel, professional study or research or public service. Request for Leave of Absence Form.

Part 3: Family Medical Leave Act (FMLA) & California Family Rights Act (CFRA)

Eligible employees are entitled to family care and medical leave under the federal Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA). Both the FMLA and the CFRA provide eligible employees with up to 12 workweeks of unpaid leave in any 12-month "leave year" for an employee's own serious health condition or to care for specified family members with "serious health conditions." Where the need for the leave is foreseeable, an employee must provide the District at least 30 days advance notice before FMLA/CFRA leave is to begin, or as soon as practical. After receiving a request for leave under the FMLA or

CFRA, the District will provide notice to the employee as to whether the leave has been granted, along with other terms and conditions of leave in accordance with applicable laws.

A. **Terms associated with FMLA/CFRA**: Family Leave; Parental Leave; Baby Bonding Leave; Maternity Leave; FMLA; PDL; and CFRA.

1. **FMLA/CFRA Leaves:** 12 weeks of unpaid leave for specified reasons, subject to eligibility requirements.
    a. FMLA: Treats pregnancy as a serious health condition; 12 weeks will begin to run as soon as the employee is disabled because of pregnancy.
    b. CFRA: California provides employees with a separate period of job-protected leave for up to four months for the period of time an employee is disabled due to pregnancy; CFRA begins to run after the disability leave; can be taken before and after pregnancy.
    c. Calculating FMLA/CFRA: Basic protection is 12 workweeks of unpaid, job-protected leave with benefits in any 12-month period.
        i. Paid holidays will be counted as part of the 12 weeks. However, time that is not usually part of an employee's work schedule (e.g., summer or winter break) may not be counted as part of the 12 weeks.
        ii. Leave does not need to be taken in one continuous period of time. If an employee takes leave on an intermittent or reduced work schedule, only the amount of leave actually taken may be counted toward the 12 weeks of leave to which the employee is entitled.

B. **Federal Family Medical Leave Act (FMLA):**

The Federal Family Medical Leave Act, or FMLA, entitles eligible employees to job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Employees are eligible for leave if they have worked for their employer at least 12 months, at least 1,250 hours over the past 12 months, and work at a location where the company employs 50 or more employees within 75 miles. Eligible employees are entitled to:

Twelve workweeks of leave in a 12-month period for:

- the birth of a child and to care for the newborn child within one year ofbirth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious healthcondition;
- a serious health condition that makes the employee unable to perform the essential functions of their job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
- twenty-six work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter,
- parent or next of kin (military caregiver leave).

C. **California Family Rights Act (CFRA):**

The California Family Rights Act, or CFRA, entitles eligible employees to job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Employees are eligible for leave if they have worked for their employer for at least 12 months, at least 1,250 hours over the past 12 months. Under the CFRA, pregnancy is not covered or considered a serious health condition; however, employees are entitled to up to 4 months of Pregnancy Disability Leave.

Leave taken by an employee under CFRA runs concurrently with FMLA leave when taken for the same qualifying reason. Eligible employees are entitled to:

Twelve workweeks of leave in a 12-month period for:

- the birth of a child for purposes of bonding;
- the adoption of a child or the placement of a child in foster care;
- to care for a seriously ill family member;
- for the employee's own health condition; or
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty."
- Effective January 1, 2023, employees can use FMLA to care for a "designated person." A "designated person" under CFRA is any individual related by blood or whose association with the employee is the equivalent of a "family relationship." The "designated person" must be identified when the employee asks for the leave. Employees are limited to one designated person per 12-month period.

Part 4: Parental Leave: Certificated & Classified

A. Pregnancy Disability Leave (PDL) (Maternity Leave): An employee disabled by pregnancy, childbirth, or medical reasons is entitled to up to four (4) months of disability leave per pregnancy. Pregnancy Disability Leave, or PDL is leave from work to accommodate employees with a pregnancy disability. Your healthcare provider will recommend how long you need to take leave from work, but you are entitled to up to four months of PDL per pregnancy. A pregnancy disability is a physical or mental condition related to pregnancy or childbirth that prevents you from performing essential duties of your job, or if your job would cause undue risk to you or your pregnancy's successful completion. A doctor's note must be submitted to the Personnel Office indicating you are disabled due to pregnancy. FMLA runs concurrently with the employee's PDL. However, CFRA leaves do not run during PDL.

B. Parental Leave (PL): Paid Parental Leave (EC 44977.5 and 45196.1), provides school employees with twelve workweeks of leave within a 12-month period for the birth of a child of the employee, or the placement of a child with the employee in connection with the adoption or foster care of the child by the employee – more commonly referred to as **Bonding Leave**. The leave must be taken in at least two-week increments (except on up to two occasions). Baby-bonding leave must be concluded by the child's first birthday.

The terms and conditions of Parental Leave are generally governed by the CFRA and/or the FMLA – whichever of the two laws provides the greater benefit. The major difference between the CFRA and PL is eligibility. Under PL, employees need only have worked for the employer for 12 months. Additionally, under this leave, employees are entitled to receive substitute differential(certificated) or 50% pay (Classified) pay for up to 12 workweeks of "paid parental leave."

"Workweeks" means the equivalent of 12 of the employee's normally scheduled workweeks. Weeks when the districts are closed for full weeks, e.g., winter or summer vacation, cannot be considered "workweeks."

C. Unpaid Child Rearing Leave: Optional unpaid leave, upon District approval, for up to one year following the birth or adoption of a child. (Additional unpaid leave beyond that offered for parent Leave/CFRA Child Bonding.)

D. Reproductive Loss Leave (Labor Code 12945.6) provides eligible employees with protected leave in the event of a reproductive loss. An Employee who has been employed by the district for at least 30 days may take up to five (5) days of leave following a reproductive loss event.

Reproductive loss includes, but not limited to:

- Miscarriage
- Stillbirth
- Unsuccessful reproduction (e.g, failed IVF or embryo transfer)
- Failed adoption
- Failed surrogacy

Leave must be taken within three (3) months of the reproductive loss event. If an employee experiences more than one reproductive loss event within twelve (12) months period, the total amount of leave may not exceed twenty (20) days.

This leave may be unpaid; however, employees may use any available accrued sick leave, vacation, or other paid time off to remain in paid status.

Example Timeline

The below only serves as a visual example. Every situation is different, so employees should always contact the Personnel Office.

PDL
Pregnancy Disability Leave
Begins the first date you are placed off work for your pregnancy and/or delivery and continues as long as your doctor indicates or for a maximum of 17 1/3 weeks, whichever comes first. Employees are paid out of available leave accruals.

PL
Parental Leave
Provides up to 12 work weeks of leave (taken in at least 2 week increments) for the 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.



FMLA
Family Medical Leave Act
Allows qualified employees to take up to 12 work weeks of job-protected leave and runs concurrently with Pregnancy Disability Leave (PDL).

CFRA
California Family Rights Act
CFRA allows for an additional 12 work weeks of leave for employees to bond with a newborn child or a child placed for adoption/foster care.