

CHAPTER 14

LEAVES OF ABSENCE

BARGAINING UNITS REFER TO CONTRACT

14.1 GENERAL PROVISIONS

14.1.A DEFINITION OF LEAVE OF ABSENCE: A leave of absence is an authorization for a regular employee to be absent from duty for a specific period of time for an approved purpose.

14.1.B RIGHT TO POSITION UPON RETURN: An employee granted a paid or unpaid leave of absence for six (6) months or less has the right to return to the position held at the time the leave was granted.

14.1.C RIGHTS TO POSITION FOR LEAVES OVER SIX MONTHS: An employee granted a paid or unpaid leave of absence of more than six (6) months shall have the right to return to a position of equal status in the same classification held at the time the leave was granted. However, the assignment may be in a different department and/or a different work location. In no event shall the assignment be on a different work shift from that of the previous assignment without the written authorization of the returning employee.

14.1.D AUTHORIZED LEAVE IS NOT A BREAK IN SERVICE: Industrial accident/illness leave, other paid leave, military leave, and unpaid illness leaves shall not constitute a break in service.

14.1.E CANCELLATION OF VOLUNTARY LEAVES: The Board of Trustees may cancel any voluntary leave of absence for good cause by giving the absent employee due notice. Due notification shall allow sufficient time for the employee to return to work.

14.1.F FAILURE TO REPORT FOR DUTY AFTER LEAVE EXPIRES: Failure to report for duty within five (5) working days after a leave expires or has been canceled shall be considered abandonment of position and the employee will be terminated. Such termination shall be considered as termination for cause and treated in the same manner as any other disciplinary action.

14.1.G ABSENT EMPLOYEES MAY NOT ACCEPT GAINFUL EMPLOYMENT: An employee, while on a leave of absence (paid or unpaid) from the District, may not and shall not accept other gainful employment except ordered military service, without the express prior approval of the Board of Trustees.

- 14.1.H ORDER OF AVAILABLE LEAVES FOR ILLNESS OR INJURY: An employee who is absent for any reason related to illness or injury shall utilize available leaves in the following order:
1. Industrial Accident and Illness Leave (if applicable).
 2. Accrued and advanced sick leave.
 3. Compensatory time off (if applicable).
 4. Accrued or credited vacation days (by request of employee).
 5. Extended illness leave.
 6. Unpaid leave (if approved).
- 14.1.I LEAVES NOT GRANTED AS A MATTER OF RIGHT: An employee shall not be entitled to a leave of absence as a matter of right. Upon request for a leave of absence signed by the employee and stating the reason for the leave, the appointing authority may approve or disapprove the request. Any denial of a leave may be appealed through the Personnel Commission's complaint procedure.
- 14.1.J VERIFICATION OF LEAVES: The District shall have the right to require verification of all leaves requested and taken by an employee.
- 14.1.K EMPLOYEE REQUIRED TO MAINTAIN LICENSES AND CERTIFICATES: Any required license or certificate held by the employee at the time a leave (paid or unpaid) is granted must be maintained and valid at the time the employee returns to active service with the District.
- 14.1.L_ HOLIDAY PAY - PAID LEAVE OF ABSENCE: Authorized paid holidays which occur during the period in which an employee is on a paid leave of absence shall be paid as holiday pay and shall not be deducted from any paid leave days to which the employee is entitled by law or the provisions of these Rules and Regulations.
- REFERENCE: Education Code Sections 88080 and 88081
- 14.2 SICK LEAVE
- 14.2.A_ DEFINITION OF SICK LEAVE: Sick leave is the authorized absence of a regular employee when the absence is due to:

1. Physical or mental inability to perform the usual and customary duties of the position due to illness, injury, or for legally established quarantine.
2. A visit to a licensed physician, dentist, medical practitioner, psychologist or other therapist for examination, treatment, consultation, or therapy.

14.2.B NUMBER OF SICK LEAVE DAYS PER YEAR: Every full time regular classified employee in a paid status shall be allowed full pay for absence caused by personal illness or injury for 13 working days per year for 12 calendar month employees, 12 working days per year for 11 calendar month employees, 11 working days per year for 217-day work year employees, and 10 working days per year for school session employees, regardless of the amount of service rendered during the year.

1. To qualify for a full month of paid status, the employee must be in a paid status for fifty percent (50%) or more of the work days during the month.

14.2.C PAY RATE FOR SICK DAYS: Employees shall earn sick days based on the formula outlined in Rule 14.2.B. When an employee takes a day of sick leave, pay for that day of sick leave shall be the same pay the employee would have received had the employee worked that day.

14.2.D CARRY-OVER OF SICK LEAVE: Sick leave accrued, but not used, shall carry over from one fiscal year to another with no limit on accumulation.

14.2.E PROBATIONARY EMPLOYEES' USE OF SICK LEAVE: New probationary employees may not use more than six (6) days of paid sick leave during their initial probationary period. This rule shall not apply to those regular classified employees who have previously completed a probationary period in the District.

14.2.F SICK LEAVE GIVEN IN ADVANCE AT START OF FISCAL YEAR: At the beginning of each fiscal year, the sick leave account of the employee shall be increased by the number of days of paid sick leave which would normally be earned in the ensuing fiscal year.

1. An employee's sick leave advance allotment shall be adjusted should a change in the employee's assignment alter the amount of sick leave which the employee can earn.
2. An employee shall be credited as of the date of his/her appointment with the number of days of illness leave prorated from the date of appointment to the end of the fiscal year.

- 14.2.G NOTIFICATION OF ABSENCE: In order to receive compensation for sick leave, the employee shall notify his/her immediate supervisor or designee prior to the start of the employee's working day if possible, but not later than the first working hour of the first day of absence; unless conditions make such notification impossible. The burden of proof regarding the impossible conditions shall be upon the employee.
1. An employee must claim an illness leave by submitting an Absence Report Form to his/her supervisor for signature together with such document as may be required.
 2. If the employee is out on a long term absence, the supervisor should complete the form for each pay period.
 - 3.
- 14.2.H NOTIFICATION OF RETURN TO WORK: An employee on leave shall notify his/her immediate supervisor, or the District switchboard of his/her impending return as soon as possible, but not later than 3:00 p.m. of the work day preceding the day on which the employee is to return to work. If an employee fails to notify his/her supervisor, or the District switchboard and a substitute has been assigned to work for the day when the employee returns to work, the employee may be sent home for the day without being paid for that day.
- 14.2.I DOCTOR'S NOTE MAY BE REQUIRED: The District may require the employee to present a statement from a state-licensed physician verifying the nature and/or duration of the illness. In addition, the District may send an employee to a District appointed physician for examination at the District's expense.
- 14.2.J DOCTOR'S RELEASE REQUIRED AFTER HOSPITALIZATION: An employee returning from surgery or illness requiring hospitalization regardless of the duration of the absence may be required to provide medical verification of fitness to fully perform all the duties of his/her assigned position.
1. Each employee absent from duty because of illness or accident for more than ten (10) successive days shall submit a health report if requested before returning to service.
- 14.2.K_t SUBMISSION OF DOCTORS' NOTES: Doctor's report and/or clearances to return to work shall be submitted to the Human Resources Office.
- 14.2.L GENERAL DISTRICT RIGHT TO REQUIRE MEDICAL EXAM: The District shall have the right to have an employee examined by a state-licensed physician, at District expense, whenever there is a question as to the employee's physical, mental, or emotional ability to perform the duties

and/or responsibilities of his/her position; regardless of whether or not the employee has claimed or received paid benefits under the provisions of these Rules and Regulations.

14.2.M NO SICK LEAVE PAYOFF WHEN EMPLOYEE LEAVES: If an employee leaves the employment of the District, accumulated unused sick leave will not be credited to the employee's final payment. Upon retirement, the unused accumulated illness leave of an employee who became a member of PERS prior to July 1, 1980, will be credited by PERS at the rate 0.004 year of service for each unused day of earned sick leave.

- REFERENCE:
1. Education Code Sections 88021, 88035, 88036, 88080, 88081, 88190, 88191, 88193, 88195, 88196.5, 88200 and 88203
 2. Board Policy 4600

14.3 EXTENDED SICK LEAVE

14.3.A EXTENDED SICK LEAVE: All regular classified employees who have exhausted all accrued and advanced sick leave shall receive extended sick leave benefits subject to the following conditions:

1. Extended sick leave shall be paid at the 50% of their regular rate of pay during his/her absence. The 100 workday period shall commence with the first day of extended absence. During this period, full pay shall be given for accumulated sick leave, vacation and holidays.
2. Extended benefits shall be limited to 100 workdays in each fiscal year. At the beginning of a fiscal year, 100 workdays shall be credited to the employee's account, whether or not the employee is currently drawing benefits subject to this Rule.
3. These 100 workdays shall be exclusive and in addition to all other paid and compensable leaves such as vacation, industrial accident/illness leave and holidays.

14.3.B USED AFTER EXHAUSTION OF ALL OTHER PAID LEAVES: After entitlement to all regular sick leave, vacation, and other paid time available has been exhausted, an employee who is still absent from his/her employment shall begin to draw on the employee's 100 days of leave pursuant to Rule 14.3.A.

1. For leave in excess of four (4) days consecutive an employee is eligible to file a written request for statutory when all other available paid leave are exhausted.

2. For leave of less than four (4) days consecutive requires no verbal or written request or physical's statement.

14.3.C USE EXTENDS INTO NEXT FISCAL YEAR: In the event that the entitlement to extended sick leave is not exhausted at the end of the present fiscal year, and the employee continues to be sick or disabled, the employee shall be entitled to receive the new regular and extended sick leave benefits available for that fiscal year.

14.3.D VERIFICATION OF ILLNESS: All rules governing verification of illness absences outlined in Rule 14.2 shall also apply to any absences taken under this Rule.

14.3.E ABSENCE NOTIFICATION: All rules governing absence notification outlined in Chapter 14.2 shall also apply to any absences taken under this Rule.

REFERENCE: Education Code Sections 88035,88036, 88080, 88081 88190, 88191, 88193, 88195, 88196, 88196.5, 88200 and 88203

14.4 INDUSTRIAL ACCIDENT/ILLNESS LEAVE

14.4.A 60 DAYS OF FULL PAID LEAVE: All regular and permanent classified employees who have completed six months of paid service shall be entitled to this leave. An eligible classified employee who is absent from duty from causes which are District related industrial accident, injury, or illness shall be entitled to not more than sixty (60) working days in any one (1) fiscal year for each industrial injury, accident, or illness. If the full sixty (60) working days will overlap into the next fiscal year, the employee shall be entitled only to that amount remaining at the end of the fiscal year in which the accident, injury, or illness occurred. Such leave is noncumulative and may be taken only during those periods when the employee would normally have been in a paid status.

14.4.B REPORTING OF INJURY: In the case of an industrial accident or injury, the employee shall report the incident to his/her supervisor the same day, whenever possible. All injuries not reported the same day require justification for the delay.

1. When an employee is absent from his/her duties due to an industrial accident or illness, the employee shall notify his/her supervisor or Director of Support Services, within the first day of absence of an injury that is industrial and submit an Absence Notification Form signed by the employee and accompanied by a

statement from a licensed physician. The supervisor after countersigning the Absence Notification Form, shall attach it to employee's monthly time sheet and clearly indicate on this report that the absence is due to an industrial accident or illness.

2. The supervisor shall complete the District's Industrial Accident/Illness Report within twenty-four (24) hours and send it to the Director of Support Services charged with processing workers' compensation claims.

14.4.C LEAVE COMMENCES ON FIRST DAY: An industrial accident or illness leave shall commence on the first day of absence and shall be reduced by one day for each day of authorized absence.

14.4.D WORKERS' COMPENSATION: During a leave taken under Rule 14.4, the District shall issue the employee appropriate salary warrants for payment of the employee's full salary and shall deduct normal retirement and other authorized contributions.

14.4.E USE OF SICK LEAVE AFTER EXHAUSTION OF 60 DAYS: Upon exhaustion of the industrial accident/illness leave, the employee shall be entitled to use sick leave provided in Chapter 14.2. This leave shall commence on the date of termination of the industrial leave of absence. Provided the employee continues to receive temporary disability indemnity, the employee may elect to take as much of accumulated sick leave which when added to his/her temporary disability, indemnity (Workers' Compensation check), will result in a payment to the employee of not more than his/her full salary. (Example: An employee has a temporary disability indemnity equal to 1/3rd normal salary. The District pays the employee full salary and deducts 2/3rds of a day of sick leave from the employee's accumulated sick leave account).

14.4.F USE OF OTHER LEAVES AFTER EXHAUSTION OF SICK LEAVE: After all accumulated sick leave has been exhausted an employee will then use accrued vacation credit. If no vacation credit is available or has been exhausted, the employee may then begin to use the extended illness leave provided in Rule 14.3. The use of leaves outlined in this section shall be governed by the coordinated use of temporary disability benefits outlined in Rule 14.4.E.

14.4.G EMPLOYEE MUST REMAIN IN STATE OF CALIFORNIA: An employee receiving benefits under the provisions of this Rule shall, during the period of the leave, remain within the State of California unless out-of-state travel is authorized by the Board of Trustees.

14.4.H PLACEMENT ON REEMPLOYMENT LIST AT EXHAUSTION OF LEAVES: When all available paid or unpaid leaves of absence have been exhausted, and if the employee is still not medically able to assume the duties of his/her position, he/she shall, if not voluntarily placed in another position, be placed on a reemployment list for a period of thirty-nine (39) months. When the employee is medically able to return to work during this thirty-nine (39) month period, he/she shall be employed in a vacant position in the class of his/her previous assignment over all other candidates, except for a reemployment list established because of a layoff for 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, and who has been medically released for return to duty, and who fails to accept an appropriate assignment, shall be dismissed. An appropriate assignment for purposes of this Rule shall be defined as a position in the previous class having the same or greater number of assigned hours per day, days per week, and months per year, and on the same approximate shift.

14.4.I ABOLISHMENT OF PREVIOUS CLASSIFICATION: If the employee's class has been abolished during his/her absence, and the employee has been released to return, the employee shall be placed in a vacant position in a comparable class for which the employee is qualified as determined by the Director of Human Resources and approved by the Personnel Commission.

14.4.J RETURN TO SERVICE AFTER INDUSTRIAL LEAVE: An employee shall be permitted to return to service after an industrial accident or illness leave only upon presentation of a release from the District appointed physician. The release shall certify that the employee is able to return to his/her position without restrictions or limitations. If the medical release limits the work activities of the employee, the District shall determine if a reasonable accommodation can be made.

14.4.K ABSENCES NOT CONSIDERED A BREAK IN SERVICE: Any leave under this Rule, either paid or unpaid, shall not be considered a break in service and the employee, while on such leaves, shall continue to accrue seniority credit.

REFERENCE: Education Code Sections 88080, 88081, 88190 and 88192

14.5 TRANSFER OF SICK LEAVE

14.5.A TRANSFER OF SICK LEAVE FROM ANOTHER DISTRICT: Any classified employee of another school district, county superintendent's

office, community college, or other public school agency deemed a school district by California law, who was not terminated from that agency for cause, who accepts employment with the District within one (1) calendar year from the date of the termination of employment with the other agency shall be allowed to transfer his/her accumulated sick leave from that agency to this District. In order to effectuate the transfer of the accumulated sick leave, the newly hired employee shall request the Human Resources office to secure the necessary information from the former school agency.

REFERENCE: Education Code Sections 88080, 88081 and 88202

14.6 UNPAID ILLNESS LEAVE

14.6.A. SIX MONTH UNPAID LEAVE: A permanent classified employee, who has exhausted all paid leaves and who continues to be absent due to illness or injury may be granted an additional six (6) month unpaid leave of absence upon recommendation of the Superintendent-President, and approval of the Board of Trustees. This leave may be extended for one additional six (6) month period.

14.6.B. FACTORS TO BE CONSIDERED: The following factors may be considered:

1. The likelihood that the employee will be able to return to regular duties at the conclusion of the leave.
2. The length of service and work record of the employee.
3. The employee's previous leave history and attendance record.
4. The number of positions in the employee's class.
5. The uniqueness of the duties performed, and the availability of a substitute.
6. Other reasons as may be deemed appropriate by the Board.

14.6.C. RIGHT TO RETURN TO CLASS: The granting of an unpaid leave of absence under this Rule shall guarantee the employee the right to return to his/her former classification, and to a position with the same basic assigned number of hours and months of employment, with the same approximate assigned shift.

REFERENCE: Education Code Sections 88080, 88081 and 88195

14.7 BEREAVEMENT LEAVE

14.7.A. FOUR TO SIX DAYS OF PAID LEAVE: In the event of the death of a member of the immediate family, an employee shall be granted necessary leave of absence, not to exceed four (4) consecutive working days, and an additional two (2) working days for out-of-state travel or necessary travel beyond two hundred and fifty (250) miles of the District (as measured by the shortest land route). Additional days of absence beyond those described herein may be provided under the terms of Personal Necessity Leave provisions contained in Rule 14.8. Employees granted bereavement leave under this Rule shall suffer no deduction from their salary, nor shall such leave be deducted from leave granted by other sections of these Rules and Regulations or the Education Code.

1. Regular employee shall be entitled to two days imminent death leave per fiscal year at full pay. Upon request of the employee, such leave shall be authorized when it is believed the death of a member of the immediate family is imminent.
2. Imminent death leave is not cumulative.

REFERENCE: Board Policy 4600.4

14.7.B. DEFINITION OF IMMEDIATE FAMILY: Members of the immediate family are defined as the mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the employee or of the spouse of the employee, or any relative who has been living in the immediate household of the employee.

REFERENCE: Education Code Sections 88080, 88081 and 88194

14.8 PERSONAL NECESSITY LEAVE

14.8.A. USE UP TO SEVEN DAYS: An employee may use, at his/her election, not more than seven (7) days accumulated sick leave benefits in any fiscal year, in the following cases of emergency:

1. Death of a member of the immediate family as defined in Rule 14.7, when rights to bereavement leave outlined have been exhausted.
2. Accident involving his/her person or property, or property of a member of the employee's immediate family as defined in Rule 14.7, of such a nature that the immediate presence of the employee is required during his/her working day.

3. Illness involving a member of the employee's immediate family as defined in Rule 14.7, of such a nature that the presence of the employee is required during his/her working day.
4. Appearance in court or before any administrative tribunal as a litigant or party or witness under subpoena or any order made with jurisdiction.
5. Protection of an employee's home in event of a natural catastrophe, such as flood, fire, or earthquake.
6. Observance leave for certain required religious holidays.
7. Personnel business.
8. Paternity
9. Other approved leave - (one day per year)
10. In any other situations of urgency as judged acceptable to the District.

14.8.B. NOTIFICATION OF LEAVE USAGE: Classified employees desiring to use such leave shall submit their request at least three (3) working days in advance of the anticipated absence, except in emergencies or unexpected events. In such cases, the employee shall apply as soon as possible. The employee shall complete an Absence Report and have the supervisor approve the requested personal necessity usage. The general reason for the personal necessity shall be clearly stated on the Absence Report Form. The maximum length of leave allowed for permissive personal necessity reasons as outlined in Rule 14.8.A.5 shall not exceed four (4) working days. The District may make reasonable inquiries regarding the use of this leave.

14.8.C PERSONAL NECESSITY NOT CUMULATIVE: Personal necessity leave is noncumulative. Employees are limited in each fiscal year to the amount of usage outlined in Rule 14.8.A.

REFERENCE: Education Code Sections 88080, 88081 and 88207

14.9 PREGNANCY/MATERNITY DISABILITY LEAVE

14.9.A ENTITLED TO ALL SICK LEAVE BENEFITS: Classified female employees on a regular assignment who must be absent from their duties because of pregnancy or convalescence following childbirth shall be entitled to utilize all regular and extended sick leave benefits to which they may be entitled under these Rules. Absence due to maternity that is not

medically required can be granted pursuant to Rule 14.20 and the Family Leave Act.

14.9.B. SICK LEAVE DURING MEDICALLY CERTIFIED ABSENCE: Paid leave, including regular sick leave and extended sick leave may be used for the period of absence medically certified by the employee's attending physician.

14.9.C. CERTIFICATION OF LAST DAY ABLE TO WORK: Prior to the eighth month of pregnancy, the employee shall furnish the District a medical certificate stating the last date on which she will be able to work, accompanied by a verification of her disability.

14.9.D. RELEASE TO RETURN TO WORK: Prior to returning to work, the employee shall present to the District a release to return to work without limitations from the treating physician. In addition, the District may require that the employee be examined by a District appointed physician to confirm the employee's ability to return to work.

REFERENCE: Education Code Sections 88080, 88081 and 88193

14.10 JURY DUTY LEAVE

14.10.A LEAVE OF ABSENCE FOR JURY DUTY: Regular classified employees who are called to serve on a jury shall be entitled to be absent from duty

without loss of pay. Any compensation, excluding reimbursements for meals, mileage, and parking allowances, received by an employee as a member of a jury shall be remitted to the District.

1. Employees who are in limited term status shall be released from their assignment for appearance before a court as a witness or jury service.
2. If an employee needs to be absent in response to an official order of another governmental jurisdiction which has not been brought about through misconduct or connivance on the part of the employee, payment of salary for such necessary absence shall be made upon submission of such notification and approval of the Director of Human Resources.

14.10.B RETURN FROM JURY DUTY: An employee shall return to work from jury duty if the employee can do so and complete at least two (2) hours work during the employee's regular assigned hours, allowing for travel and a thirty (30) minute meal period if the normal meal period was not provided by the court. In no event shall an employee be expected to put in more time, when combining jury duty hours (including travel time) and regular work hours, than his/her regular number of assigned hours. The exception to the rule would be if the District required the employee to work additional hours beyond the employee's regular number of assigned hours per day and compensated the employee for the additional hours at his/her regular or overtime rate as appropriately determined by these Rules and Regulations.

14.10.C NOTIFICATION OF JURY DUTY: Any request for jury duty leave shall be made by completing a Certificate of Absence Form and attaching the official court summons to jury service to said form for forwarding to the Human Resources office.

14.10.D OFFICIAL ACKNOWLEDGMENT: In order for a paid leave to be granted as provided in the above sections, the employee shall submit an official acknowledgment of service to the Human Resources office via his/her manager/supervisor. The acknowledgment letter shall contain the dates the employee was required to report for service and the amount of Jury Duty Compensation.

REFERENCE: Education Code Sections 44037, 88080 and 88081

14.11 WITNESS LEAVE

14.11.A WITNESS LEAVE OF ABSENCE: A leave of absence to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee may be granted to all regular classified employees without loss of pay. Any compensation, excluding reimbursements for meals, mileage, and parking allowances, received by an employee as a result of being a witness shall be remitted to the District.

14.11.B RETURN FROM WITNESS LEAVE: An employee shall return to work from witness leave if the employee can do so and complete at least two (2) hours work during his/her regular assigned hours, allowing for travel and a thirty (30) minute meal period if the normal meal period was not provided by the court or other governmental agency. In no event shall an employee be expected to put in more time, when combining witness duty hours including travel time and regular work hours, than his/her regular number of assigned hours. The exception to the rule would be if the District required the employee to work additional hours beyond his/her regular number of assigned hours per day and compensated the employee for the additional hours at his/her regular or overtime rate as appropriately determined by these Rules and Regulations.

14.11.C NOTIFICATION OF WITNESS LEAVE: Any request for witness leave shall be made by completing an Absence Notification Form and attaching the official subpoena to said form for forwarding to the Human Resources office.

REFERENCE: Education Code Sections 88035, 88036, 88080 and 88081

14.12.A MILITARY LEAVE

14.12.A ALL REGULAR EMPLOYEES GRANTED MILITARY LEAVE: Regular classified employees under official orders, who are called to active duty; active duty for training; initial active duty for training; inactive duty training; full-time National Guard; and absences for examinations to determine fitness for duty in the Uniformed Services of the United States of America shall be granted a military leave of absence for the period of service. The Uniformed Services as defined by USERRA includes Army, Navy, Air Forces, Marine Corps, Coast Guard (and the Reserves for each of those branches), Army National Guard, Air National Guard, commissioned corps of the Public Health Service and any other category of persons designated by the President in time of war or emergency.

14.12.B RESERVE SERVICE: Regular classified employees who are members of the reserve components including the (Air/Army) National Guard of the United States of America and who must be temporarily absent due to "active duty" training or exercises, shall be granted temporary military leave of absence for a period of the first ninety (90) calendar days or less. For periods longer than 91 days for attendance at a service school/training to increase their military proficiency, a leave of absence shall be granted which includes stopping of fringe benefits during said leave.

14.12.C THIRTY DAYS LEAVE WITH PAY: Regular classified employees who have been employed by the District (or has prior active military service) for at least one (1) full year shall be granted full pay for the first thirty (30) calendar days of military leave provided in the above section; however, such paid leave time shall be limited to a maximum of thirty (30) days in

any fiscal year in accordance with CA Military and Veterans Code. Regular classified employees with less than a year of service with the District or active military service who are called to active military service or active reserve duty shall be granted military leave without pay. No fringe benefits, such as sick leave, vacation, or health insurance shall accrue or be paid for any unpaid portions of leave provided in accordance with the above section. Classified employees who are in an "inactive duty" status who participate in weekend, day or evening military activities are not covered by the provisions of this rule and, therefore, not entitled to any components provided by this rule.

14.12.D OFFICIAL ORDER/LETTER: In order for a paid leave to be granted as provided in the above sections, the employee shall submit his/her official orders/letter to Human Resources office via his/her supervisor/manager. The orders must contain the date that the employee is required to report for active service or active reserve duty, and the projected duration of such service.

14.12.E RETURN FROM MILITARY LEAVE: Upon return from military leave the employee shall be reinstated to his/her same regular position or an equal position in the same class.

14.12.F TIME LINES FOR NOTICE OF INTENT TO RETURN TO EMPLOYMENT: The individual must provide notice to his/her supervisor of his/her intent to return to work after serving in the military. The time frame within which the notice is required depends upon the length of time of military service, as follows:

- i. Less than 31 days of service or fitness for duty exam - Must report no later than the beginning of the first full regularly scheduled work period on the first full calendar day following completion of service, plus time for safe transportation back to the person's residence, plus eight hours.
- ii. More than 30 days but less than 181 days of service - Must submit an application for re-employment with the District not later than 14 days after the completion of service.
- iii. More than 180 days of service - Must submit an application for re-employment with the District not later than 90 days after completion of service.

- REFERENCE:
1. Education Code Sections 88080, 88081 and 88190
 2. California Military and Veterans Code Sections 389,395, 395.01-395.05, 395.1-395.4
 3. Uniformed Services Employment and Re-Employment Rights Act of 1994 (USERRA), 38 U.S.C. 4301

14.12.B EXEMPT/TEMP/LIMITED-TERM POSITION

14.13.A LEAVE TO SERVE IN EXEMPT/TEMP/LIMITED-TERM POSITION: Any permanent classified employee who accepts an assignment within the District to an exempt, temporary, or limited-term position shall, during such assignment, be considered as serving in his/her regular position, and such assignment shall not be considered to be a separation from service.

14.13.B VOLUNTARY RETURN TO REGULAR POSITION: Such employee may, with the approval of the appointing authority, voluntarily return to his/her regular position or to a position in the class of his/her permanent status prior to the completion of service in the exempt, temporary, or limited-term assignment. Failure to complete the required service in the exempt, temporary, or limited-term assignment, unless approved as specified herein, could constitute abandonment of position and may be grounds for a disciplinary action.

REFERENCE: Education Code Sections 88080 and 88081

14.12.C RELEASE TIME FOR DISTRICT PERSONNEL-RELATED ACTIVITIES

14.14.A RELEASE TIME TO TAKE DISTRICT EXAMINATIONS: A regular classified employee shall be permitted to take any District examination administered by the Personnel Commission during the employee's regular working hours without deduction of pay or other penalty. Such paid release time shall be valid only with written authorization to take the examination signed by the Director of Human Resources or his/her designee. The employee shall provide his/her supervisor or manager with notice of the need for release time at least two (2) days prior to the date of the District examination.

14.14.B RELEASE TIME FOR DISTRICT INTERVIEWS: A regular classified employee shall be provided with release time to participate in interviews for District promotions or transfers during his/her regular working hours without deduction of pay or other penalty. The employee shall provide his/her supervisor with notice of the need for release time as soon as possible after notification by the Personnel Commission Office of the interview time.

14.14.C ATTENDANCE AT DISTRICT BOARD/COMMISSION MEETINGS: A classified employee of the District shall be provided with release time without deduction of pay or other penalty in order to attend any Board of Trustees or Personnel Commission meeting at which a recommendation or action is being considered which would affect the employee's status, classification or salary. The employee shall provide his/her supervisor with notice of the need for release time at least twenty-four (24) hours prior to the scheduled meeting.

REFERENCE: Education Code Sections 88080, 88081 and 88091

14.15.A LEAVES OF ABSENCE WITHOUT PAY

14.15.A WHEN GRANTED: Leaves of absence without pay may be granted to a permanent classified employee upon written request of the employee, and the approval of the District, subject to the restrictions and conditions outlined in this Chapter.

14.15.B LENGTH OF LEAVE: Leave of absence without pay may be granted for any period not exceeding six (6) months, but may be extended for six (6) months with the approval of the Board of Trustees.

14.15.C REASONS: A leave of absence may be granted an employee provided the employee meets all other requirements set forth in this rule:

1. An employee who desires to attend an educational institution or to enter training to improve the quality of his/her service.
2. For reasons already enumerated in Chapter 14 of these Rules.
3. For reasons deemed satisfactory to the District and the Personnel Commission.

14.15.D RIGHT TO RETURN: The granting of a leave of absence without pay gives the employee the right to return to his/her position at the expiration of the leave of absence, or before, with the concurrence of the appointing authority and/or in conformance with procedures contained in Chapter 13 of these Rules and Regulations, if such a position still exists.

14.15.E FILLING VACANCY: When a leave of absence without pay is granted it shall be understood that the vacancy thus caused may be filled for the duration of the leave only, and that the position is being held open for the employee who is on leave.

14.15.F REPORT OF REINSTATEMENT: Report of the employee's return to work at or before the expiration of a leave of absence without pay shall be made to the District prior to the employee returning. At the same time, notice to the employee who has been filling the position temporarily shall be made.

14.15.G FAILURE TO RETURN: Failure to report for duty within five (5) working days after the deadline for returning from a leave shall be considered abandonment of position and subject the employee to disciplinary action up to and including termination from employment.

14.15.H COUNTING TIME FOR SENIORITY OR SALARY ADJUSTMENT: Time spent on leave of absence without pay of over five (5) working days shall not count toward seniority except in the areas of military leave, illness

leave, and industrial accident/illness leave. Time spent on leave of absence without pay shall not count towards step increases. Before an employee receives a salary adjustment the employee must serve the required service time.

REFERENCE: Education Code Sections 88021, 88035, 88036, 88080, 88081, 88190, 88191, 88193, 88195, 88196.5, 88198 and 88199

14.15.B ABSENCE DUE TO EPIDEMICS OR EMERGENCIES

14.16.A ABSENCE DUE TO EPIDEMICS OR EMERGENCIES: An employee shall be paid his/her regular salary for any period during which the employee's place of employment is closed because of quarantine, epidemics, or other conditions involving the health or safety of employees provided that the employee is ready, able and willing to perform his/her customary or other reasonable and suitable duties. During this period, the District shall endeavor to assign the employee to work elsewhere.

REFERENCE: Education Code Sections 88080 and 88081

14.15.C VOTER LEAVE OF ABSENCE

14.17.A TIME OFF TO VOTE: If an employee/voter does not have sufficient time outside of his/her working hours within which to vote at any general, direct primary or presidential primary election, the employee may, without loss of pay, request and shall receive as much time off as will, when added to his/her voting time outside of working hours, enable the employee to vote. However, the amount of time allowable for such purpose shall not exceed two (2) hours.

14.17.B MAY NOT BE USED FOR OTHER PURPOSES: The District wants its employees to become registered voters and to exercise the right to vote, and encourages all of its employees to do so. However, the time off granted shall be used only to exercise the right to vote and for no other purpose. Therefore, the employee requesting the time off to vote shall be responsible for providing evidence that he/she is eligible to vote and can demonstrate both the need and the amount of time required to exercise his/her right to vote.

14.17.C ADVANCE NOTICE REQUIRED: Except in cases of emergency or unforeseen circumstances, an employee requesting compensated time off to vote shall provide his/her immediate supervisor with advance notice of the need and duration of the amount of time off needed to vote. The burden of proof as to emergency or unforeseen circumstances shall rest with the employee.

REFERENCE: Education Code Sections 88035, 88080, 88081 and 88190

14.18 LEAVE OF ABSENCE FOR STUDY

14.18.A STUDY LEAVE (S): Every regular classified employee who has completed seven (7) consecutive years of service in regular status with the District (at the time application for such leave is made) shall be eligible to apply for a leave of absence for purposes of study. The granting of such leave shall be entirely discretionary with the District. However, once a study leave has been granted and taken, the employee taking the leave shall not again be eligible for such leave until the employee has completed an additional period of seven (7) consecutive years from the date of completion of the previous study leave.

14.18.B TIME LIMITS FOR STUDY LEAVES: A study leave can be scheduled for any period of time to a total maximum of one (1) year leave of absence. With the approval of the District, the periods of time for the study leave need not be consecutive. However, the total period of the leave (to the maximum period of one year) must be completed within a period of three (3) years from the initial date of the start of the leave.

14.18.C A STUDY LEAVE IS NOT A BREAK IN SERVICE: Any leave granted and taken in accordance with this section shall not constitute a break in service for any purpose, but the leave time shall not count toward eligibility for a future study leave. However, if the leave period is not continuous, any services performed (time worked) for the District between the leave intervals shall be credited toward completion of the time necessary to establish future study leave eligibility.

REFERENCE: Education Code Sections 88035, 88036, 88080, 88081, 88190, 88220, 88221, 88222, 88223, 88224, 88225, 88226 and 88227

14.19.A LEAVE OF ABSENCE FOR RETRAINING

14.19.A RETRAINING LEAVE: In the event that the Board of Trustees contemplates the abolition of positions in the Classified Service and the creation of new positions because of automation, technological improvement, or for any other reason, the District may provide for retraining of displaced employees only in accordance with these Rules and Regulations (Section 14.19).

14.19.B ELIGIBILITY FOR RETRAINING LEAVE: To be eligible for a retraining leave, a classified employee must:

1. Have served at least three (3) consecutive years of employment with the District at the time application is made for such leave.
2. Be serving in a position which the District contemplates abolishing.

3. Show that the retraining will clearly benefit the District.
4. Indicate a willingness to undergo the prescribed training program.
5. Indicate a willingness to serve in the employ of the District for at least two (2) years after the successful completion of the training or retraining program.

14.19.B DISTRICT SHALL PRESCRIBE TRAINING PROGRAM: The District shall prescribe the training/retraining program, and may provide the program internally or designate the institute or other place where the program is to be given.

REFERENCE: Education Code Sections 88035, 88036, 88190, 88080, 88081, 88220, 88221, 88222, 88223, 88224, 88225, 88226 and 88227

14.19.C FAMILY CARE LEAVE (UNPAID)

14.20.A GRANTING OF LEAVE: The District shall grant family care leave to eligible classified employees, without discrimination, when such leave does not constitute an undue hardship upon the District or its operations.

14.20.B ELIGIBILITY: A classified employee who has been regularly employed by the District for twelve or more months immediately preceding the requested leave shall be eligible for family care leave.

14.20.C REASONS FOR LEAVE: Family care leave may be requested and granted for the following reasons:

1. Birth of the employee's child.
2. Placement of a child with the employee in connection with adoption procedures instituted by the employee.
3. Serious illness of the employee's child. For purposes of this Rule, "child" shall be interpreted to mean the biological, adopted, or foster child, a stepchild, or legal ward of the employee, or a child for which the employee has standing "In Loco Parentis" having the legal right to act in place of the parent; provided that the "child" has not yet attained the age of 18 years.
4. Serious health condition of the employee's parent or spouse. "Serious Health Condition" shall be interpreted to mean: an illness, injury, impairment or physical condition or mental condition which warrants or requires the participation of the

employee in providing necessary care or supervising the person receiving such care during the period of treatment, when such care is being provided in either: (1) Inpatient care in a hospital, hospice, or residential health care facility; or (2) Continuing supervision of person receiving treatment under direction of a health care provider.

14.20.D CONDITIONAL REQUIREMENTS

1. If an employee's need for a family care leave is foreseeable, the employee shall give the District reasonable advance notice.
2. If leave is needed for a planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision in such a manner as to avoid disruption of District operations; subject to the health care provider's approval.
3. In submitting a request for a leave to care for a child, spouse, or parent who has a serious health condition, the employee should submit a certification from the health care provider regarding the condition of the person requiring the care. The District may require the employee to submit such a certification as a condition for granting the leave requested. The certification shall include the date on which the serious health condition began; the probable duration of the condition and/or need for continued care; an estimate of the amount of time the health care provider believes the employee needs to care for the person requiring such care; a clear statement that the serious health condition warrants the participation of the family member to provide care during a period of treatment, or to provide supervision of the person requiring care. In the event that additional leave time is needed when the time estimated by the health care provider expires, the employee shall provide a recertification in accordance with the provisions noted above.
4. As a part of the approved leave, the employee may elect or be required by the District to use his/her accrued vacation time, or other available paid or unpaid leave time.

14.20.E EMPLOYEE RIGHTS

1. The employee shall retain his/her status during the period of the leave, and the leave shall not constitute a break in service for purposes of longevity, seniority, or any employee benefit plan.

2. The employee shall continue to be entitled to participate in any health benefit, pension, or retirement plans, or any supplemental unemployment benefit plan, to the same extent and under the same conditions as apply to an unpaid leave taken for any other purpose.

14.20.F DURATION AND TIMING OF LEAVE: Family care leave may be taken in one or more incremental periods; mutually agreed to by the District and the employee, not to exceed a total of four (4) full months within a twenty-four (24) month period, unless otherwise agreed to by the employee and the District.

14.20.G NO DISCRIMINATION: The District shall not refuse to hire or promote, and shall not discharge, fire, suspend, expel, or discriminate against any employee because he/she exercises a right to family care leave or because he/she gives testimony related to his/her or another person's leave request in an inquiry into family leave rights.

14.20.H REINSTATEMENT FOLLOWING LEAVE: An employee who has been granted a family care leave of absence shall be reinstated, upon returning from such leave, in the same or a comparable position to that held prior to the start of the leave.

REFERENCE: 1. Education Code Sections 88080 and 88081
 2. Government Code 12945, 12945.2 and
 19702.3

14.21 DISCRETIONARY LEAVE: Regular employee shall be entitled to one (1) day discretionary leave per fiscal at full pay. For purpose of this section, a "day" is the regular assigned time of the employee when the leave is taken.

1. The discretionary shall not be chargeable to sick or personnel necessary leave and is noncumulative.
2. Employee shall make the request at least twenty-four (24) hours in advance of the absence.

REFERENCE: Board Policy 4600.5

14.22 PARENTAL LEAVE: An employee who is a natural or adopting parent shall be entitled to ten (10) days of paid leave, deducted from sick leave, for the purpose of caring for the needs of the child.

REFERENCE: Board Policy 4600.7