

Personnel

LEAVES

The Governing Board shall provide for paid and unpaid leaves of absence for employees in accordance with law, Board policy, administrative regulation, collective bargaining agreements, and merit system rules, as applicable.

The Board recognizes the following justifiable reasons for employee absence:

1. Personal illness or injury
2. Industrial accident or illness
3. Family care and medical leave
4. Military service
5. Personal necessity and personal emergencies
6. Disability leave for certificated employees in accordance with Education Code 44986
7. Vacations for classified staff and certificated management staff, as applicable
8. Sabbaticals for purposes of study or training related to the employee's job duties
9. Attendance at work-related meetings and staff development opportunities
10. Compulsory leave

Long-Term Leaves

With Board approval, an employee may receive a leave of absence, without pay and without accruing seniority or service credit, for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated to a similar position as that held at the time leave was granted, unless otherwise agreed upon.

The Board shall consider any written request by an employee to return to work prior to the expiration date of the leave.

LEAVES (continued)

Administrative and Supervisory Personnel

Certificated administrative and supervisory employees who are not subject to the district's bargaining agreement for certificated employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other certificated employees unless otherwise specified in individual contract, memorandums of understanding, Board policy, administrative regulation, or law.

Classified administrative and supervisory employees who are not subject to the district's bargaining agreement for classified employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other classified employees unless otherwise specified in individual contract, memoranda of understanding, Board policy, administrative regulation, or law.

- (cf. 4141/4241 - Collective Bargaining Agreement)
- (cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)
- (cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
- (cf. 4261.1 - Personal Illness/Injury Leave)
- (cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)
- (cf. 4261.11 - Industrial Accident/Illness Leave)
- (cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
- (cf. 4161.5/4261.5/4361.5 - Military Leave)
- (cf. 4161.2/4261.2/4361.2 - Personal Leaves)
- (cf. 4161.3 - Professional Leaves)
- (cf. 4261.3 - Professional Leaves)
- (cf. 4131 - Staff Development)
- (cf. 4231 - Staff Development)
- (cf. 4331 - Staff Development)
- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 2121 - Superintendent's Contract)
- (cf. 4300 - Administrative and Supervisory Personnel)
- (cf. 4312.1 - Contracts)

Legal Reference:

EDUCATION CODE

- 22850-22856 Pension benefits, STRS members on military leave
- 44018 Compensation for employees on active military duty
- 44036-44037 Leaves of absence for judicial and official appearances
- 44043.5 Catastrophic leave
- 44800 Effect of active military service on status of employees
- 44842 Failure to provide notice or to report to work
- 44940 Sex offenses and narcotic offenses; compulsory leave of absence
- 44962-44988 Leaves of absence (certificated)

LEAVES (continued)

45059 Employee ordered to active military/naval duty, computation of salary

45190-45210 Leaves of absence (classified)

FAMILY CODE

297-297.5 Registered domestic partner rights, protections and benefits

GOVERNMENT CODE

3543.1 Release time for representatives of employee organizations

3543.2 Scope of representation

12945.1-12945.2 California Family Rights Act

20990-21013 Pension benefits, PERS members on military leave

LABOR CODE

230-230.2 Leaves for victims of domestic violence, sexual assault or specified felonies

230.3 Leave for emergency personnel

230.4 Leave for volunteer firefighters

230.8 Leave to visit child's school

233 Illness of child, parent, spouse or domestic partner

MILITARY AND VETERANS CODE

395-395.9 Military leave

395.10 Leave when spouse on leave from military deployment

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993

UNITED STATES CODE, TITLE 38

4301-4334 Uniformed Services Employment and Reemployment Rights Act of 1994

(1/85 12/88) 10/98

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LEAVES

Failure to Return to Service After Leave

In the case of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, the district may terminate the employment of such an employee if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of his/her intention to remain in service with the district in accordance with Education Code 44842.
2. The district had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work.
3. The employee did not request or was not granted a leave of absence authorized by the Board.

In any such case, the district may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)

Use of Leaves by Classified Employees

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination. (Education Code 45200)

(cf. 4112.1 - Contracts)
(cf. 4117.4 - Dismissal)

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