

## ARTICLE XI

### LEAVES AND ABSENCES

1.0 General Policy for Leaves/Absences: A leave is an authorized absence from active service, for a specific period of time and for an approved purpose, with the right to return at the conclusion of the leave to the same classification and status but not necessarily to the same location. Leaves of absence with salary may be granted to an eligible employee pursuant to Sections 2.0 – 10.0 of this Article. Leaves of absence without salary may be granted to eligible employee pursuant to Sections 11.0 – 16.0 below.

1.1 Categories of Leaves: Leaves are either “permissive” or “mandatory.” As to permissive leaves, the term “may” is used and the District retains discretion as to whether such leaves are to be granted, and as to the starting and ending dates of such leaves. As to mandatory leaves, the term “shall” is used and the District has no discretion as to whether the leave is to be granted to a qualified employee. The term “formal leave” refers to any leave of more than twenty (20) consecutive working days in duration. Such leave must be applied of less than twenty-one (21) consecutive working days. Informal absence may be granted by the immediate administrator when the absence is anticipated to be five (5) working days or less. Informal absence for more than five (5) working days but less than twenty-one (21) working days may be granted upon the approval of the appropriate Superintendent or division head.

1.2 Eligibility Provisions: Employees with probationary and permanent District status shall be eligible for certain paid and unpaid leaves. An unpaid leave or absence may not be converted to a paid leave or absence, except in the case of pregnancy disability as provided in Section 7.0 below. No employee shall be eligible for a permissive leave from the District who has had three semesters of permissive leave during the six semesters immediately preceding the requested leave, except as provided in 12.0, 13.0 and 14.0 below. At the discretion of the Superintendent, a waiver from this limit, for one semester, may be granted. For purpose of the preceding eligibility provision, sixty-five (65) working days per semester on leave shall constitute a semester on leave.

1.3 Application for Permissive Leaves: Application for permissive leaves when absence is anticipated to be twenty-one (21) days or more shall be April 15 for the fall semester and November 15 for the spring semester. Exceptions may be made in the sole discretion of the District. Permissive leaves of less than twenty-one (21) days are informal absences and application shall be in accordance with Section 1.1 above.

1.4 Cancellation of Leave: A request by an employee for cancellation of a leave shall be granted if approve by the appropriate superintendent. The appropriate credential(s) required at the time the leave was granted must be maintained, or the leave terminates and the employee is subject to reassignment for termination, as appropriate.

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1.5 Expiration of Leave: Two calendar months before the expiration of a leave for one semester or more, and upon reasonable notice from the District, the employee must notify the Human Resources Division of an intention to return, or request an extension of leave, if eligible. Failure by the employees to give such notice, or to report to duty as directed after having given such notice, shall be considered abandonment of position and resignation from service; an exception shall be made if it was impossible for the employee to give the required notice.

2.0 Bereavement Absence: An employee is entitled to a paid absence from the District, not to exceed three days, on account of the death of a member of the employee's immediate family if acceptable proof of death and relationship is provided and the absence commences within twelve months. If more than one such death occurs simultaneously, the absences may be taken consecutively. If out-of-state travel is required and requested, an additional two days shall be granted. The employee's immediate family is defined as the following:

- a. Spouse or, for purposes of these Leave Sections only, a cohabitant who is the equivalent of spouse;
- b. Parent (includes in-law, step, and foster parent, and parent of cohabitant who is the equivalent of spouse);
- c. Grandparent (includes in-law, step, and a grandparent of cohabitant who is the equivalent of spouse);
- d. Child (including child of spouse, son/daughter-in-law, step and foster child, and child of cohabitant who is the equivalent of spouse);
- e. Grandchild (includes grandchild of spouse, step grandchildren, and grandchildren of cohabitant who is equivalent of spouse);
- f. Brother;
- g. Sister; and
- h. Any relative in the employee's immediate household.

Bereavement is also granted for absence by reason of official notice in time of war that a member of the immediate family is missing in action, or official notice that a deceased member of the immediate family is being returned by the armed forces for internment in this country.

Personal necessity absence in accordance with Section 5.0 below may be used in case of the death of a close friend or relative not included in the definition of immediate family in this Section.



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3.0 Epidemic or Disaster Absence: An employee shall be allowed full salary for a period during which a school building or other place of employment is closed for reason of epidemic or disaster and the employee is not assigned to another school or location.

4.0 Illness Leave/Absence: An employee shall be granted a leave of absence because of illness, or injury, or quarantine of the employee.

4.1 Accrual and accounting of illness absence credit shall be as follows:

a. Each employee shall accrue 0.05 hour of full-pay illness absence credit for each hour for which salary is received in an administrator position except salary received for sabbatical leave.

b. At the beginning of the pay period immediately preceding July 1, each active employee who has accrued fewer than the number of full-day illness absence hours equivalent to 100 days shall be credited with the number of half-pay illness absence days which, when added to the accrued full-pay illness absence days equals the equivalent to 100 days of full-day and half-pay illness absence days.

c. At the beginning of the pay period immediately preceding July 1, each active employee shall receive credit for full-pay illness absence hours, equivalent to one day for each pay period assigned, prior to accrual. However, an employee who uses such a credit prior to actual accrual shall not accrue or be credited with additional absence hours until the negative balance has been restored.

d. An exception to the “active employee” requirement of paragraph c. will be made upon request once in each employee’s career to permit qualification for the annual full and half-pay illness absence hours, even though the employee is unable to report to work at the commencement of the employee’s annual assignment basis due to illness, provided the following conditions are met.

(1) The employee holds probationary or permanent District status.

(2) The employee did not carry over any full-pay illness hours from the previous year.

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(3) The employee has on file an illness leave request satisfying the certification requirements of this Section.

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e. If an employee is paid for more than the illness absences to which entitled, or terminates employment prior to accruing leave taken in advance, the employee shall be required to refund to the District the salary to which not entitled. This requirement shall be waived in the event of the employee's death or physical or mental disability.

f. Unused full-pay illness absence credit shall be cumulative from year to year without limitation. Half-pay illness credit shall not be cumulative from year to year.

When an employee is absent under this Section and such absence is properly verified, an employee will receive full normal pay up to the total of full-pay days credited. Full-pay illness benefits shall be used before available half-pay benefits may be used. Additional days of illness absence will be at half-pay up to the total of half-pay days credited if available. Further illness absence shall be non-paid absence, unless the employee requests use of any accrued vacation.

The amount of illness absence taken in any pay period shall not be in excess of the illness absence accumulated by the close of the pay period immediately preceding the illness absence, except as provided in paragraph 4.1 c. above. Pay for absence shall not be made in increments of less than .3 hours.

### 4.2 Certification of illness absence shall be as follows:

a. An employee who is absent shall be required to certify the reason for absence by submitting a completed Certification/Request of Absence for Illness, Family Illness, New Child Form (Form No. 60.ILL). The District shall have the authority to use whatever means are reasonably necessary to verify any claimed illness, injury, or disability Section authorizing any compensation.

b. An employee absent from duty for any illness, injury, or other disability for more than five (5) consecutive working days shall be required to submit Form 60.ILL and a statement from the attending physician on letterhead attached to Form 60.ILL. Form 60.ILL shall be signed by the employee. An employee absent for more than twenty (20) consecutive working days shall be required to submit a formal leave request and an "Attending Physician Statement" form.

4.3 Return to service within 39 months: If a permanent employee resigns and returns within 39 months of the last day of paid service to permanent status, the number of hours for which the employee was entitled to full-pay illness absence shall be restored, unless such had been transferred to another agency or used in computation of retirement allowance. Any other employee who resigns or is otherwise terminated and returns within twelve (12) calendar months of the last date of



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paid service, shall be restored the number of hours of full-pay illness absence to which entitled, unless such has been transferred to another agency.

5.0 Personal Necessity Absence: Subject to the limits set forth below, an employee shall be granted a paid personal necessity absence when the situations described below require the personal attention of the employee during assigned hours of service.

- a. Death of a close friend or relative not included in the definition of immediate family; “immediate family” for purpose of this Rule shall be as defined in 2.0 above.
- b. Death of a member of the employee’s immediate family, when time in excess of that provided in 2.0 above is required.
- c. Serious illness of a member of the employee’s immediate family.
- d. Accident involving the employee’s person or property or property of a member of the employee’s immediate family.
- e. Birth of a child to the wife of an employee, or adoption of a child by the employee.
- f. Religious holiday of the employee’s faith.
- g. Imminent danger to the home of an employee occasioned by a disaster such as flood, fire, or earthquake.
- h. Other significant event of a compelling nature to the employee, the gravity of which is comparable to the above, which demands the personal attention of the employee during assigned hours and which the employee cannot reasonably be expected to disregard, limited to one (1) occasion in any school year.
- i. An appearance of the employee in court as a litigant; each date of necessary attendance as litigant must be certified by the clerk of the court; the employee must return to work in cases where it is not necessary to be absent the entire day.
- j. An appearance of the employee in court or governmental agency as a non-litigant witness under subpoena.
  - a. Each day of necessary attendance as a witness must be certified by an authorized officer of the court or other governmental jurisdiction.

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- b. In any case in which a witness fee is payable, such fee shall be collected by the employee and remitted to the Accounting and Disbursements Division.
- c. The employee must return to work in cases where it is not necessary to be absent the entire day.
- k. Conference or convention attendance pursuant to Section 10.0 below.
- l. Attendance at the classroom of the employee's own child or ward and meeting with the school administrator because of suspension as required by Section 48900.1 of the Education Code.
- m. Up to four hours of paid personal necessity leave (and up to thirty-six additional hours of accrued vacation or unpaid leave) not to exceed a total of eight (8) hours per calendar month, forty (40) hours per school year for attendance at the school of the employee's own child, ward, or grandchild for purposes of a school activities leave provided by Section 230.8 or the Labor Code. The employee must notify the immediate administrator at least five working days prior to the absence. The administrator and employee must provide written verification from the school visited, upon request of the administrator or designee.
- n. An employee shall be allowed up to six additional days of personnel necessity leave in any calendar year to attend to the illness of a child, parent or spouse of the employee as provided by Section 233 of the Labor Code. All existing contractual conditions for use of illness leave shall apply to this leave as well.

Use of illness leave as provided above shall not extend the maximum period of leave to which an employee is entitled under 16.0 below, Family Care and Medical Leave.

5.1 The following limits and conditions are placed upon allowing a personal necessity absence and personal necessity absence salary.

- a. The total number of days allowed in one school year for such absence or absences shall not exceed six days for an employee eligible for illness absence salary.
- b. The days allowed shall be deducted from and may not exceed the number of accrued full-pay illness days to which the employee is entitled.
- c. The personal necessity absence shall not be granted during a strike, demonstration or any work stoppage activities.



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d. The employee shall be required to sign, on a form provided, a statement that such absence was due to a personal necessity and to indicate the nature of such necessity. Such statement shall be filed with the immediate administrator no less than five working days in advance of a religious holiday or court appearance. The immediate administrator shall take whatever steps are reasonably necessary to become satisfied that a personal necessity within the limits of this Section did exist.

6.0 Industrial Injury or Illness Leave: An employee who is absent from District service because of an injury of illness or illness which arose out of and in the course of employment, and for which temporary disability benefits are being received under the workers' compensation laws, shall be entitled to a paid absence or leave under the following conditions:

a. Allowable leave/absence shall be for up to 60 working days for the same injury or illness.

b. Allowable paid leave/absence shall not be accumulated from year to year.

c. An employee absent under this Section shall be paid such portion of the salary due for any school month in which absence occurs as, when added to the temporary disability indemnity under workers' compensation and insurance provisions of the Labor Code, will result in a payment of not more than the employee's full normal salary. For employees with substitute status only, full normal salary shall be computed as set forth in the Personnel Policy Guide for Industrial Injury or Illness.

d. When an authorized leave/absence continues into the next school year, the employee shall be entitled to only the amount of unused leave/absence due for the same illness or injury.

e. Each employee who has received a work-related injury or illness which requires medical attention or absence from work for more than the day of the occurrence must complete a written report of injury or illness on a form to be provided by the District. Submission of the written report and other procedures at the time of injury or illness shall be required as set forth in the Personnel Policy Leave Guide for Industrial Injury or Illness.

f. If the employee was physically injured during an act of violence related to and during the performance of assigned duties, then the paid leave of absence may be extended beyond the initial sixty (60) days period. In order to qualify for such extension, the employee must have (1) reported the injury to the site administrator and appropriate law enforcement authorities within twenty four hours (24) of the occurrence if the employee was physically able to do so;

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(2) completed the Workers' Compensation Claim Form (DWC-1) and reported for treatment as required in "e" above; (3) submitted the Special Physical Injury/Alleged Act of Violence form to the Office of Risk Management and Insurance Services within thirty (30) days of the incident; and (4) applied in writing to the District for formal leave in accordance with Article XI, section 1.1, using a District's Leave of Absence form. Such application shall be filed with the immediate administrator as soon as the employee sees the need for such an extension so that the District has adequate time to review and process the leave prior to the effective date of the leave extension. Determination whether the injury was the result and an act of violence, and whether the act of violence was related to and during the performance of duties, (but not whether it is compensable under Workers' Compensation laws), shall be made in the reasonable judgment of the Office of Risk Management and Insurance Services. Determination whether the injury is disabling beyond the Sixty (60) day period and approval of the paid leave extension shall be contingent upon payment of temporary disability benefits received under the Workers' Compensations laws.

g. Upon exhaustion of the above-authorized industrial injury absence benefits, a disabled employee shall be permitted to utilize accrued illness benefits or vacation benefits, if any. If the employee continues to receive temporary disability indemnity, the employee shall be paid for any illness and vacation benefits which, when added to the temporary disability indemnity, will result in a payment of not more than full normal pay.

h. An employee absent under this Section shall remain within the State of California unless the District authorizes the travel outside the state.

7.0 Pregnancy and Related Disability Leave/Absence: Employees shall be granted paid and unpaid leaves/absences under this Section as follows:

a. Paid Disability Absence: An employee shall be permitted to utilize illness absence Section 4.0 above for that period of time during which the employee is physically disabled and unable to perform regular duties due to pregnancy, miscarriage, childbirth and recovery therefrom.

b. Optional Unpaid Portion: A pregnant employee in active status shall, upon request, be granted an unpaid pregnancy leave pursuant to Section 12.0 below and still qualify for paid absence during the period of disability. This is the only exception to the general provision that paid leaves may be taken only from active status.

c. Physician Certification: A pregnant employee shall be permitted to continue on active duty until such date as the employee and the employee's physician determine that absence is necessary due to pregnancy disability, provided that the employee can and does continue to perform the full duties



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and responsibilities of the assigned position. The employee must also supply to the District the physician's certification as to the beginning and ending dates of actual pregnancy-related disability for which paid illness absence is claimed, and the physician's release to return to active duty.

8.0 Official Government Order Leaves: Payment of salary shall be made for any necessary absence by the employee due to government order from another governmental jurisdiction which has not been brought through a voluntary action on the part of the employee as provided below:

a. For service on a commission on professional competence pursuant to Education Code Section 44944 and in accordance with Education Code Section 45047.

b. For any appropriate military leave/absence in accordance with the provisions of the Education Code and Military and Veterans Code;

c. For response to a subpoena duly served, when other than a litigant, to appear in a case before a grand jury, in a criminal case before a State court, or in a civil case in a court within the county of residence. Paid leave may be granted for the days of court attendance as certified by the authorized officer of such court or grant jury, or by the attorney for the litigant in the case. Where witness fees are payable, such fees shall be collected by the employee and remitted to the Accounting and Disbursements Division.

d. If an employee is summoned to involuntary jury duty in Federal or State court (includes County and Municipal courts), he or she shall notify the immediate administrator of such summons.

- (1) At the employee's request, the District and the employee shall jointly seek deferral of the obligation so that it can be performed on the employee's non-work time (outside of the employee's assignment basis). In order to receive paid absence or leave, for up to 20 working days, the jury service must commence during the employee's non-work time and thereafter unavoidably run into the employee's work time, subject only to such exceptions as may be determined by the District. For employees assigned on A Basis the employee and the District, at the employee's request, shall jointly seek exemption from jury service. If denied exemption, the District and the A Basis employee shall request that the days of jury service be restricted to 10 consecutive days, whenever possible. After exemption is petitioned and request is made for the 10 consecutive days restriction, and denied, a paid absence or leave shall

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be granted up to 20 working days subject to exceptions as may be determined by the District.

- (2) As for Federal court jury service, if the court denies the deferral request and requires service during the employee's work time or, for A Basis employees, if the court denies request for exemption, paid absence shall be granted.
- (3) All jury fees received while on District-paid status shall be remitted to the Accounting and Disbursements Division.

9.0 Sabbatical Leave: Within the semesters of leave budgeted for this purpose, a permanent employee may be granted a sabbatical leave for study or educational travel provided the employee:

- a. Holds permanent status in the District and has completed a two-year qualifying period in the class from which the sabbatical leave is taken; if a qualifying period in the class has not been completed, the employee will be placed on leave from the most recent class in which continuing status was earned;
- b. Has completed satisfactory certificated service for at least seven consecutive school years in the District immediately preceding the effective date of the sabbatical leave, not more than two years of which may be in District substitute status;
- c. Signs an agreement to study or travel according to a plan acceptable to the District;
- d. Agrees to receive one-half of the applicable basic salary less appropriate deductions and differentials; salary shall be based on the salary of the class from which the leave is taken in accordance with paragraph a;
- e. Agrees to render full-time certificated service in permanent and paid status immediately following the sabbatical leave which is equal to twice the length of the leave during a period not to exceed four times the length of the leave;
- f. Furnishes an indemnity bond satisfactory to the District to cover a bonding period from the beginning date of the sabbatical leave to the end of the post-sabbatical service requirement; and



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g. Reimburses the District for all sabbatical salary and benefits received in the event of non-compliance with any of the sabbatical leave regulations except for reason of death or physical or mental disability.

9.1 Sabbatical leave applications shall be filed by April 15. Leave applications shall be considered on a priority basis which shall be determined by the number of semesters served in the District or served since the last sabbatical leave, whichever is applicable. A semester served shall be defined as a semester during which the employee was assigned full time to active duty for at least 65 days. When a tie develops in determining applications to be approved, the employee with the lower District seniority number shall be granted the sabbatical leave. Exceptions to the above priority basis may be made by the Human Resources Superintendent for employees to engage in approved full-time doctoral study.

9.2 Interruption of the program of study or travel caused by serious injury or illness during a sabbatical leave shall not be considered as failure to fulfill the conditions of study or travel upon which such leave is granted. Such interruption shall not affect the amount of compensation to be paid such employee under the terms of the sabbatical leave agreement, provided notification of illness or injury verifying the interruption of the program due to serious injury or illness is submitted by registered or certified mail at the time of illness/injury, or as soon as possible thereafter, to the appropriate assignment office. A sabbatical leave may not be changed to an illness leave before the expiration date of the sabbatical leave.

9.3 A sabbatical leave may be cancelled prior to the effective date of the leave and converted to a resignation, return to duty, or other type of leave if approved by the assignment office. Such request must be submitted in writing. After the sabbatical leave commences, it may be converted or reduced to another type of leave other than illness or other paid leave, and sabbatical salary received may have to be refunded. An employee who is unable to complete sabbatical leave requirements, due to causes deemed by the Human Resources Division to be beyond the employee's control, may receive compensation on a prorated basis. After the sabbatical leave commences, it may be converted to a personal leave effective with the beginning date of the sabbatical leave, but sabbatical rights will be forfeited for the following school year. An employee who cancels a sabbatical leave after it commences may request a return to duty, but sabbatical rights will be forfeited for the following year and sabbatical salary received must be refunded. An employee may apply for an exemption from any provision of this paragraph on grounds that an emergency exists, and the Chief Human Resources Officer may, thereupon waive any part of this paragraph to permit the employee to return to service in the District without loss of sabbatical rights, but any sabbatical salary received must be refunded.

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10.0 Conference and Convention Attendance: An informal paid leave of absence may be granted for attendance at conferences and conventions sponsored by professional instructional organizations which are recognized by the State Board of Education or approved by the appropriate administrator under all of the following conditions:

- a. Attendance leads directly to the professional growth of the employee and the improvement of the educational program of the District.
- b. The attendance must not necessitate assignment of a substitute for the employee or the payment of replacement teacher salary unless the employee is an official representative of the organization or is participating as a workshop leader or speaker at the conference or convention.
- c. The attendance must not result in unnecessary duplication of participation by District personnel.
- d. The attendance must not necessitate the reimbursement of any expenses by the District to the employee except as provided in accordance with Board Rule 1501.

A written or oral report of the conference may be requested by the appropriate administrator or superintendent.

Approval of the leave is contingent upon the recommendation of the appropriate superintendent.

For conference or convention attendance that meets the standards above, but is not approved for paid leave pursuant to this Section, the employee may use personal necessity leave under Section 5.0.

11.0 Disability Leave: An unpaid disability leave will be granted on request to a probationary or permanent employee who has been awarded State Teachers' Retirement Disability benefits. Such leave shall be extended for the term of the disability but not more than 39 months from the effective date of the disability benefits, or until the effective date of service retirement, if applicable, whichever is first, subject to the following conditions:

- a. The leave will be granted from the effective date of the disability benefits to the end of the school year in which the disability benefits begin. The leave will be extended annually for periods not to exceed a total of 39 months from the effective date of the disability benefits, or until the effective date of service retirement, if applicable, whichever is first.



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b. If the disability benefits are canceled and the employee is determined to be able to return to service during the period of the leave, the employee will be referred to the District Medical Adviser. If the return is approved by the District Medical Adviser, the employee will be returned to active service. An employee not approved to return by the District Medical Adviser may appeal to a Medical Review Committee. This committee shall be comprised of a District physician, a physician selected and compensated by AALA or the employee, if not represented by AALA, a third physician selected by the two doctors. The third doctor shall be compensated equally by the District and AALA or the employee, if not represented by AALA. A decision by the Medical Review Committee shall be final.

c. As an exception to the general rule regarding unpaid leave, employees placed on this leave shall be entitled to continued coverage under the medical, vision and dental plans, but not the life insurance plan for which eligible, in accordance with Board Rules 1680 –1686.

12.0 Unpaid Leaves of Absence: Formal leaves of absence without salary may be granted to an eligible employee to care for such employee's own child (including adopted children), to rest and recover because of pregnancy, miscarriage, or childbirth, to serve as a member of the Peace Corps, or to serve in full-time paid service in the American Red Cross or the service of the United States Merchant Marine during national emergency or wartime under the following employment status and conditions:

a. A child care leave or extension may be approved for a permanent employee only to the end of the fourth full semester following the birth or adoption of a child under five years of age; a child care leave for a probationary employee may be granted immediately following the pregnancy leave, birth or adoption, for the balance of the semester in which the child care leave commenced; the combined pregnancy leave, and child care leave for probationary employee shall not exceed two semesters;

b. A pregnancy leave shall be granted to a probationary or permanent employee for a period of time as determined by the employee and her physician; a pregnancy leave may be converted to a paid illness leave pursuant to 4.0 above.

c. A Peace Corps leave may be granted to a permanent employee.

d. A Red Cross or Merchant Marine leave shall be granted in accordance with legal provisions; rights, benefits, and burdens shall be granted in accordance with legal provisions and District policies in effect either prior to or after return from such leave.

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13.0 Position and Half-time Leaves: An unpaid leave may be granted while continuing active service under the following conditions:

- a. A full-time position leave for the convenience of the District shall be granted for an unlimited period to an employee who is serving in other than acting or substitute status in a class; illness leave may be granted from the second position;
- b. A Half-time leave may be granted to a permanent employee and may be re-approved each semester by mutual agreement between the employee and the District; the continuing active service must be rendered for half of each working day.

14.0 Personal Leave: An unpaid leave may, in the discretion of the District, be granted to a permanent employee for a period not to exceed 52 consecutive calendar weeks, except as provided below, for a specific personal reason satisfactory to the District, including but not limited to the following:

- a. To be with a member of the immediate family who is ill;
- b. To accept an opportunity of a superior character which will result in the employee rendering more effective service on return to the District;
- c. To rest, subject to the approval of the District Medical Adviser;
- d. To accompany spouse when change of residence is required;
- e. To pursue a program of study in residence in an approved institution of higher learning or under a fellowship foundation approved by the State Board of Education;
- f. To serve as a State Legislator – such leave shall be renewed annually during tenure of office, the above limitation notwithstanding;
- g. To serve in an elective position in the city, county, state, or federal government, other than the State Legislature;
- h. To hold office as president of an officially recognized District professional organization.
- i. To acquire training and experience that will better prepare the employee to qualify for certificated promotions when the Superintendent determines that the activity is in the interest of the District's equal opportunity program.



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j. To participate in a conversion charter school, a three year personal leave will be granted with year to year extension, at the discretion of the District, for up to a total of five years.

k. To use for another reason, provided that:

- (1) the employee has five or more years of satisfactory administrative service immediately prior to the effective date of the leave request; and
- (1) such leave is for a maximum of two consecutive semesters; and
- (3) such leave begins and ends at the appropriate semester breaks; and
- (4) the immediate administrator and Superintendent/ Division Head have approved the request; and
- (5) a personal leave for this reason (whether for one semester or two semesters) is available only once in the administrator's career.

15.0 Service Leave: A leave may be granted to allow a certificated employee who is selected for a full-time position in the classified service to be on leave while acquiring permanent status in the new classification, provided that the certificated position can be discontinued or left unfilled or provided that a substitute replacement satisfactory to the head of the appropriate administrative unit is available. When permanent status is achieved in the classified service, the employee shall return to or resign from the certificated non-management position, or the certificated management position, from which on leave. However, the employee's seniority and tenure rights are secured to a certificated non-management position, for which the employee is qualified, during the period the employee occupies a position in the classified service.

16.0 Family Care and Medical Leave/Absence: An unpaid Family Care and Medical Leave/Absence shall be granted, to the extent of and subject to the restrictions as set forth below, to an employee who has been employed for at least 12 months and who has served for 130 workdays during the 12 months immediately preceding the effective date of the leave. For purposes of this section, furlough days and days worked during off-basis time shall count as workdays. The Family Care and Medical Leave/absence may be granted for reason of the birth of a child of the employee, the placement of a child with an employee in connection with the adoption or foster care of the child by the employee, the serious health condition of a child of an



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employee, the employee's own serious health condition, or the care of a parent or spouse who has a serious health condition.

16.1 Definitions: For purposes of this leave, the following definitions shall apply: (1) "Child" means a biological, adopted or foster child; a step child; a legal ward; the child of a cohabitant who is the equivalent of a spouse; or a child of a person standing "in loco parentis," such child being either under 18 years of age or an adult dependent who is incapable of self care due to a mental or physical disability (2) "Spouse" means a husband or wife or cohabitant who is the equivalent of a spouse. (3) "Parent" means a biological, foster, or adoptive parent; a person who stood "in loco parentis" to the employee when the employee was a child; a step parent; or a legal guardian; and does not include a parent-in-law. (4) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either inpatient care in hospital, hospice or residential health care facility, or continuing treatment or supervision by a health care provider. (5) "Health care provider" means an individual holding either a physician's and surgeon's certificate or an osteopathic physician's and surgeon's certificate issued pursuant to Article 4, Chapter 5 of Division 2 of the California Business and Professions Code, who directly treats or supervises the treatment of the serious health condition, or any other individual duly licensed to practice medicine in another state or jurisdiction or by any other person determined by the Secretary of Labor to be capable of providing health care services. The definition includes podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited in scope), nurse practitioners, nurse midwives, and certain Christian Science Practitioners.

16.2 Length of Leave: The leave, together with any renewal thereof, shall not exceed the number of days equivalent to a total of 12 normally scheduled work weeks in a twelve (12) month period measured forward from the beginning date of the employee's first Family Care and Medical Leave, effective July 1, 2007. An employee will be entitled to 12 weeks of leave during the 12-month period beginning on the first date Family Care and Medical Leave is taken; the next 12-month period would begin the first time Family Care and Medical Leave is taken after completion of any previous 12-month period. For the period of time up to, and including June 30, 2007, the leave together with any renewal thereof shall not exceed the number of days equivalent to a total of twelve (12) normally scheduled workweeks in a fiscal year. An employee will retain the full benefit of 12 weeks of leave under whichever calculation method (either fiscal year, or 12 month period measured forward) affords the greatest benefit to the employee during a 60-day transition period. This transition period shall be from July 1, 2007 through August 31, 2007. Leave may be taken intermittently in one or more periods. An employee who takes leave for the birth, adoption or placement for foster care of a child will be allowed to take leave of at least one hour (can be less than one hour, if necessary) within one year of the birth, adoption or placement for foster care of the child.



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An employee who takes leave for health care provider-certified recurring medical treatment or suspension to care for a seriously ill family member or because of the employee's own serious health condition, will be allowed to take leave of at least one hour (can be less than one hour, if necessary).

Any leave an employee takes for the reasons specified above will be counted against the employee's annual leave entitlements under the federal Family and Medical Leave Act of 1993 and the California Family Rights Act of 1991 as amended. This leave runs concurrently with any other leave the District offers for which the employee is qualified, except that Family Care and Medical Leave/Absence granted for the birth or adoption of a child or placement of a child for foster care must be concluded within 12 months of that birth or adoption or placement for foster care.

Leave caused by pregnancy, childbirth or related medical conditions is separate and apart from the provisions of Family Care and Medical Leave/Absence herein. Employees are entitled to pregnancy and related disability leave and, in addition, up to the full 12 work weeks of Family Care and Medical Leave/Absence.

Family Care and Medical Leave/Absence of 20 consecutive workdays or less can be granted by the immediate administrator. Leaves of more than 20 consecutive workdays can be granted by the District after submission of a formal leave application.

**16.3 Notification:** If the need for the Family Care and Medical Leave/Absence is foreseeable more than 30 calendar days prior to the employee's need for leave, the employee shall give at least 30 days notice. If less than 30 days, the employee must provide the immediate supervisor with as much advance notice as possible but, at least with two days of learning of the need for the leave, or as soon as practicable, whichever is earlier. These advance notice requirements shall not be applicable in the event of unforeseeable circumstances or emergencies. Whenever possible, if the need for leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable good faith effort, subject to the approval of the employee's or family members' health care provider, to schedule the treatment or supervision to avoid disruption to the operation of the District's educational program. In giving notice, the employee must include the qualifying event for which the leave is needed (examples: birth of a child, serious health condition of parent of employee, etc.).

**16.4 Medical Certification:** For leaves/absences to care for a child, spouse or parent who has a serious health condition, the employee must submit to the immediate administrator or, if applying for a formal leave must attach to the leave application, certification from the health care provider which includes (1) the date, if known, on which the serious health condition commenced, (2) the probable duration of the condition, (3) an estimate of the time that the health care provider believes the employee needs to care for the individual, and (4) a statement that the serious health condition warrants the participation of the employee to provide care. If the leave is for



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the serious health condition of the employee, the employee must submit to the immediate administrator and/or, if applying for a formal leave must attach to the leave application, certification as specified in (1) and (2), above, plus a statement that, due to the serious health condition, the employee is unable to perform one or more of the essential functions of the employee's position.

In the case of leave due to the serious health condition of the employee, the District reserves the right to require, at its own expense, that the employee obtain the opinion of a second or even third health care provider designated by the District but not employed on a regular basis by the District. The second health care provider, if required, shall be selected by the District. A third health care provider can be requested by the employee or the District if the second opinion differs from the first opinion.

The method that shall be used to choose the third health care provider is as follows: The District and the employee or exclusive representative of the employee, as appropriate, shall each choose a health care provider. The two health care providers will choose the third health care provider whose opinion shall be final and binding.

If additional leave beyond that provided in the certification is required, the employee must submit recertification by the health care provider and be eligible for additional requested leave.

16.5 Restrictions: In the event that parents who are both District employees each wishes to take Family Care and Medical Leave/Absence for the birth of their child, or placement for adoption, or foster care placement of a child during the same time period, the combined total amount of leave that will be granted such employees will be 12 work week during a fiscal year. These employees will still be eligible to take the remainder of their individual 12 weeks allotment for Family Care Leave for a purpose other than the birth, placement for adoption, or foster care placement of a child.

16.6 Compensation and Benefits: The Family Care and Medical Leave/Absence shall be an unpaid leave and for all purposes treated comparably to other unpaid leaves, except that the District will continue to provide the health and welfare benefits as provided in Board Rules 1680-1686, during the Family Care and Medical Leave/Absence to an employee who is otherwise eligible for such benefits.

However, an employee who does not return from such leave or who works less than 30 days after returning from the leave will be required to reimburse the District for the cost of the benefits package unless the reason the employee does not return to work is due to (1) the continuation, recurrence, or onset of a serious health condition that would entitle the employee to Family Care and Medical Leave/Absence (either affecting the employee or an immediate family member) or (2) retirement, or (3) other circumstances beyond the control of the employee. The District, however, will not provide such health benefits for an employee for any leave period beyond twelve weeks unless these



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benefits are provided by other Sections such as paid illness leave. For example if an employee combines pregnancy leave with a Family Care and Medical Leave/Absence, the employee will only be entitled to continued health benefits for the first twelve weeks of leave unless the employee continues on paid illness leave.

An employee who asks for leave for what would be a qualifying event for Family Care and Medical Leave/Absence and who has accrued vacation leave may elect, or the immediate administrator may require, the employee to utilize the vacation leave for this purpose, in lieu of unpaid status. An employee who takes leave for the employee's own serious health condition which prevents the employee from performing one or more of the essential functions of the employee's position and who has accumulated illness days may elect, or the District may required the employee to utilize paid illness days for the leave.

16.7 Seniority: The period of the Family Care and Medical Leave/Absence shall not be considered a break in service, and the employee's seniority date shall not be affected by the time spent on leave.

16.8 Return Rights: An employee returning from a Family Care and Medical Leave/Absence shall be returned to the same or comparable position from which on leave and the same location from which the leave was taken, except that the employee may be transferred if such a transfer would have been made had the employee been on duty.