

ARTICLE 6 - LEAVES

6.1 Sick Leave:

6.1.1 Days Earned: A Member who is in paid status for an entire school year will earn eleven (11) days sick leave per year. A Member who is in paid status for less than an entire school year will receive sick leave on a pro-rated basis.

6.1.2 Days accumulated: Sick leave is accumulated year-by-year and shall be transferred from the District to other districts in accordance with the California Education Code 44978 and 44979.

6.1.3 Uses of Sick Leave: Sick leave may be used as follows:

1. Illness, diagnosis, care, or treatment of an existing health condition of, or preventive care for, a Member or a Member's family member.
 - a. Family members include the Member's parent, child, spouse, registered domestic partner, grandparent, grandchild, and sibling.
 - b. Preventive care would include annual physicals or flu shots.
2. For a Member who is a victim of domestic violence, sexual assault, or stalking.

Personal Necessity Leave:

A Member who is in paid status for an entire school year may use up to seven (7) days of the employee's accrued sick leave as personal necessity leave in each school year. Members who are in paid status for less than an entire school year shall be allowed to use personal necessity leave on a pro-rated basis. Personal necessity leave may be taken for any of the following reasons:

- a. The death of a child, parent, spouse, or domestic partner of the Member.
- b. Accident, involving the Member's person or property, or the person or property of the Member's immediate family.
- c. Other emergency situations that require immediate attention.
- d. Other personal compelling reasons, which shall be subject to verification by the District.
- e. For the birth of a child, in addition to Parental Leave as provided in section 6.5.

f. For the adoption of a child, in addition to Adoption Leave as provided in section 6.5.

6.1.4 The District will also comply with California laws regarding Pregnancy Disability Leave, and will provide paid or unpaid leave depending on the pregnant Member's verified health status. (See Cal Admin Code Title 2, Section 7291.7, see also, DFEH Pamphlet on Pregnancy Disability Leave.)

6.1.5 Verification required: For illness or injury, a signed statement of the Member will suffice in most cases. However, after four (4) consecutive days of the illness or injury, for the fifth (5th) day and moving forward, the District may require that a claim for sick leave be supported by a written statement from the Member's medical provider. In cases other than illness or injury, the District may require verification at its discretion.

6.1.6 Sick Leave Notification: The District will notify each Member on the Member's regular pay warrant of the Member's accrued sick leave balance. If Member has accurately and timely entered the absence, the sick leave balances shall be updated within one pay warrant of sick leave banks being adjusted.

6.2 Leaves Under The Family Medical Leave Act

The District will comply with the requirements of the California Family Rights Act and the Federal Family and Medical Leave Act in providing unpaid leave to eligible Members under the terms of those laws.

6.3 Industrial Accident/Extended Illness

A Member absent from the employee's duties because of a qualified industrial accident or sickness will be afforded industrial accident/extended illness leave in accordance with California law.

6.4 Bereavement Leave

In the case of death in the Member's immediate family, a Member shall be granted necessary leave of absence with pay for five (5) days. "Members of the immediate family" means: 1) the Member's spouse or domestic partner, child (including stillbirth and miscarriage), step-child, sibling, parent, mother-in-law, father-in-law, step-parent, grandparent, grandchild, children-in-law, or any relative residing in the immediate household of the employee; or 2) the child, step-child, sibling, step-parent, grandparent,

grandchild, children-in-law of the Member's spouse or registered domestic partner (in accordance with Education Code 44985). Additional leave for bereavement purposes may also be available through use of personal necessity leave as provided in Section 6.1.3 (3). The Member shall provide proof of the need for bereavement leave upon request by the District.

6.5 Parental/Adoption Leave

Parental or adoption leave will be provided in accordance with the Federal Family and Medical Leave Act of 1993 (FMLA; 29 U.S.C. Sections 2611, et seq.) and the California Family Rights Act (CFRA; Government Code Section 12945.2). The District will provide two (2) days of paid parental leave for the birth or adoption of a child.

6.6 Jury Duty or District Witness Service

Employees may be absent from duty to serve as jurors or court witnesses (except cases arising from employee misconduct or employee's personal business), without loss of pay. Fees paid to the employee for services as juror shall be payable to the District. A separate mileage and/or parking fee, if provided, shall remain the property of the employee.

6.7 Military Leave

6.7.1 The District will administer military leave in accordance with State and Federal laws governing military leave and will accord Members all rights afforded by those laws. Members will carry out all of their own duties and responsibilities required to avail them of their rights under said laws. The District will provide notification of these rights to applicable Members upon request.

6.7.2 Any Member who is in the reserve component of the armed forces of the United States or of the National Guard and who is ordered back to active duty shall be entitled to a temporary military leave of absence, pursuant to and in accordance with the requirements of Federal and State law with regard to military leave. A copy of the orders or notice will be made available to the District at least four (4) weeks prior to the starting date of the request for leave, except where the orders are received less than four (4) weeks prior to the starting date, in which case a copy of the orders or notice will be delivered to Human Resources within twenty-four (24) hours of their receipt by the Member. The District will pay an

eligible Member who is a member of California National Guard or a United States Military Reserve organization who is called into military duty, continuation salary and differential pay, for the time period specified in California and Federal Law. [California Education Code Sections 44018, 44800 and Military and Veterans Code 395.01]. However, a Member will not be found to be ineligible because the Member is called into active military duty for more than one hundred and eighty (180) days, notwithstanding any provisions in Military and Veterans Code Sections 395.01 and 395.02 to the contrary. A Member who is involuntarily called back to duty must provide proof that the employee's monthly military salary is less than the employee's District salary in order to receive the salary differential payment.

6.7.3 Returning from military leave: Upon returning from military service to District service, a Member shall be entitled to all the rights and privileges accorded by State and Federal law. The District will create procedures and forms to allow a Member to obtain STRS credit during the period the Member is on active military duty, at the Member's election.

6.8 Terminal Illness Leave

A permanent Member, upon the exhaustion of all sick leave and extended illness leave, and who is otherwise ineligible for Catastrophic Leave, and who has written verification from two medical doctors that the employee is terminally ill, shall be entitled to enroll in the catastrophic leave program even if the Member had not previously enrolled in the catastrophic leave program and would otherwise be ineligible for the catastrophic leave program. Terminal Illness Leave shall provide the employee full compensation for each month or part thereof that the employee survives for a period not to exceed twelve (12) calendar months, offset by any short term or long term disability payments received by the employee. The maximum sum paid the employee shall not exceed the employee's normal compensation.

6.9 Personal Leave

6.9.1 Leave for Seeking or Holding Public Office or for Government Services: A one (1) year or less leave of absence without pay may be granted by the Board to permanent Members for the purpose of being a candidate for political office or

holding political office. Extension of this leave may be granted for a one (1) year period with an option to reapply for up to one (1) additional year of leave without pay for this purpose. The District will comply with applicable provisions of the California Education Code.

- 6.9.2 Overseas Educating: Upon the recommendation of the District Superintendent, an unpaid leave may be granted of not more than one (1) school year for overseas educating. Extension of this leave may be granted by the Board upon request, but such extension shall not exceed one (1) additional school year. The number of persons on overseas assignment shall be limited each year to not more than one percent (1%) of the total District certificated staff. A leave of absence for overseas educating may be granted to employees who have been employed at least one (1) year as a permanent employee of the District. An employee returning to the District after such a leave will be granted salary step increments for the time spent in an overseas educating assignment at the District's discretion. Request for overseas educating leave must be submitted by April 1 of the school year preceding the requested leave.
- 6.9.3 Peace Corps: Leaves of absence without pay of not more than two (2) years to volunteer in the U.S. Peace Corps may be granted by the Board to permanent employees. Extension of this leave may be granted by the Board upon request, but such extension shall not exceed two (2) additional school years.
- 6.9.4 Scholarships and Fellowships: A leave without pay may be granted by the Board to any permanent certificated employee for the purpose of accepting a fellowship or scholarship. An employee returning to the District after such leave may be granted a maximum of one (1) salary step increment for the time spent in the fellowship or scholarship program at the District's discretion. Requests for scholarship and fellowship leave should be submitted by April 1 prior to the year of requested leave. Extension of this leave may be granted by the Board upon request, but such extension shall not exceed one (1) additional school year.
- 6.9.5 Sabbatical Leave: An unpaid leave may be granted by the Board to any permanent certificated employee for the purpose of sabbatical leave. During

sabbatical leave, the permanent certificated employee may purchase health benefits through the District. Extension of this unpaid leave may be granted by the Board upon request, but such extension shall not exceed one (1) additional school year.

6.9.6 Other Personal Leave: An unpaid leave may be granted by the Board to a probationary or permanent certificated employee for a compelling personal reason. During this personal leave, the permanent certificated employee may purchase health benefits through the District. Extension of this unpaid leave may be granted by the Board upon request, but such extension shall not exceed one (1) additional school year.

6.9.6.1 No financial burden will be placed upon the District for personal leaves. Scheduled increments, adjustments in salary, tenure, longevity and retirement credit are not allowed for such leaves, except when the leave is to work part-time for the District.

6.9.6.2 The conditions under which an employee may return from a leave for personal business shall be determined by the Board upon the recommendation of the District.

6.9.6.3 No employee, while on leave of absence for personal reasons, should accept regular employment in another school. As a condition of such leave the employee agrees that acceptance of employment in another school district without Board approval shall be deemed a resignation of employment from the District.

6.10 Medical Appointments Leave

Each Member at an Elementary School in the District may leave school for medical or dental appointments a maximum of three (3) times in any school year for a period of no more than forty-five (45) minutes at the end of student contact time each day for medical or dental appointments that could not be scheduled after the end of the regular school day. Each Member will make their own arrangements to have their assignment covered. The site administrator must agree with the method by which the assignment is covered. Members will not be required to use any portion of their sick leave in these

instances. Arrangements for this leave must be made as far in advance as possible with the site administrator's approval.

6.10.1 When this leave is used on an early release day, elementary school members may leave 45 minutes prior to the end of the prep period for medical or dental appointments.