

Policy 4161: Leaves

Status: ADOPTED

Original Adopted Date: 02/11/2014 | **Last Reviewed Date:** 02/11/2014

The Board of Education shall provide for paid and unpaid leaves of absence and holidays for administrative and supervisory employees and confidential and licensed personnel in accordance with law, Board policy and administrative regulation, as applicable, and as set forth below.

This policy shall only apply to Administrative and Supervisory Employees, Confidential Employees and Licensed Personnel.

For purposes of this Leaves policy, the following definitions shall apply:

1. Administrative and Supervisory Employee shall mean the following:
 - a. A certificated or classified employee in a position with responsibilities as defined in Government Code 3540.1(m) and who is not subject to the district's collective bargaining agreements
 - b. A certificated or classified employee in a management position with responsibilities pursuant to Government Code 3540.1(g), including positions defined below as Certificated Executive Management.
2. Confidential Employee shall mean an employee in a position with responsibilities as defined in Section 3540.1(c) of the California Government Code.
3. Licensed Personnel shall mean an employee in the positions of psychologist, behavioral therapist or occupational therapist and who is not subject to the district's collective bargaining agreements.
4. Full Time Employee shall mean an employee who is regularly assigned to work five (5) days per week, seven (7) to eight (8) hours a day, 35 (thirty-five) to 40 (forty) hours per week, and who is employed for either the fiscal or academic year.
5. Certificated Executive Management Employee shall mean the Chief Business Officer and the Chief Human Resources Officer, if the individuals holding these position are certificated, the Assistant Superintendent of Education Services and any other certificated Assistant Superintendent approved by the Board subsequent to the effective date of this policy.

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 and district holidays for classified staff and certificated management staff, as applicable
8. Personal holidays

9. Sabbaticals for purposes of study or training related to the employee's job duties
10. Attendance at work-related meetings and staff development opportunities
11. 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.

District Holidays

The district observes the following holidays:

Independence Day
Labor Day
Admission Day
Veterans Day
Thanksgiving Day and the Friday after Thanksgiving Day
Day before Christmas Eve (noon; π -day)*
Christmas Eve
Christmas Day
New Year's Eve
New Year's Day
Martin Luther King Day
Lincoln Day
President's Day
Friday of Spring Recess* (or Friday before Spring Recess)
Memorial Day
Juneteenth

Classified Administrative and Supervisory Employees, Certificated Executive Management, Confidential, and classified Licensed Personnel are entitled to payment for district holidays as part of their regular monthly compensation provided the holiday occurs during the employee's scheduled work year and provided they are in paid status during any portion of the workday immediately preceding or succeeding the holiday.

In general, certificated Administrative and Supervisory Employees and certificated Licensed Personnel are expected to designate district holidays as non-work days in accordance with Board Policy 4351 - Employee Compensation. In the event a certificated employee believes it is necessary to schedule a district holiday as a workday, the employee shall obtain approval from his/her immediate supervisor in advance.

Personal Holidays

In addition to the above district holidays, Administrative and Supervisory Employees, Confidential Employees and Licensed Personnel are entitled to personal holidays each fiscal year in accordance with the schedule set forth below. Personal Holidays do not accrue from year to year and may only be observed during the Thanksgiving, winter and spring school recesses.

Classified Administrative and Supervisory Employees, Certificated Executive Management, Confidential Employees and classified Licensed Personnel may designate up to 4 days each fiscal year as Personal Holidays.

Certificated Administrative and Supervisory Employees and certificated Licensed Personnel are entitled to Personal Holidays according to the number of work days in their annual contract as follows:

Work Days Number of Personal Holidays

190 to 194 = 1

195 to 203 = 2

204 to 212 = 3

213 to 224 = 4

225 = 4

Personal Holidays are subject to all of the following criteria:

1. The personal holiday must occur during the employee's scheduled work year
2. The employee must obtain prior approval from his/her immediate supervisor; and
3. The employee is in paid status during any portion of the workday immediately preceding or succeeding the personal holiday
4. The personal holiday occurs during the Thanksgiving, winter or spring school recess

Vacation for Classified Administrative and Supervisory Employees, Confidential Employees, Classified Licensed Personnel and Certificated Executive Management Employees

Consistent with the requirements of Education Code 45190 et. seq., the district provides vacation for the following employees: classified Administrative and Supervisory Employees, Confidential Employees, classified Licensed Personnel and Certificated Executive Management Employees ("eligible employees"). Although vacation is provided for rest, a supervisor may grant an eligible employee's request to use vacation for illness, disability, and or personal reasons.

A. Earning and Accrual of Vacation Leave

Eligible employees shall accrue annual vacation at the regular rate of pay earned at the time the vacation is commenced.

Full time eligible employees shall earn 1.7 days of vacation per month or the equivalent of 20.5 days per year. Regular eligible employees who are assigned to work less than full time shall receive a prorated vacation benefit based on the fraction of full-time work.

Earned vacation shall not become a vested right until completion of the initial six months of employment.

If an employee is unable or not permitted to take his/her full annual vacation, the Board shall pay the balance of the unused vacation in cash within 30 days of the conclusion of the fiscal year. At the employee's option, up to 5 days of unused vacation may accumulate for use in the next year.

Upon separation from service, the employee shall be entitled to lump-sum compensation for all earned and unused vacation, except that employees who have not completed six months of employment in regular status shall not be entitled to such compensation.

B. Scheduling Vacation

Vacation leave is normally scheduled in advance and shall be approved by the employee's immediate supervisor. The district retains absolute discretion to approve vacation leave, except that requests shall not be unreasonably denied. Vacation shall not be scheduled after the last day of work, except that an employee may schedule vacation

between the last day at work and the effective date of retirement. To use accrued vacation for illness or disability an employee may be required to submit medical certification of inability to work or illness in the family.

With the exception of the initial six months of employment, employees may take vacation before it is earned. If an employee is terminated and had been granted vacation which was not yet earned at the time of termination of his/her services, the district shall deduct from the employee's final pay check the full amount of salary which was paid for such unearned days of vacation taken.

C. Curtailment Period

Consistent with the district's management rights, including its right to determine the orderly, effective and efficient operation of the district, the district may elect at one or more of its locations to curtail or shut down some or all of its activities, on a location-by-location basis, for periods of specific duration. By way of example and not limitation, such periods may represent opportunities for energy/cost savings and/or adjustments to reduce levels of work activity due to transition periods in the academic calendar and/or "seasonal" or "holiday" influences on scheduled work activities and/or the occurrence of emergency or "forces of nature" situations adversely affecting normal district operations.

In the event of such total or partial closure or curtailment of operations, whether or not the district is able to anticipate such event, employees affected shall have the option of either using vacation leave or taking a leave without pay during the closure. Newly employed personnel are permitted to use accrued vacation during a curtailment period even if the required six initial months of employment has not been completed.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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Ed. Code 22850-22856	Pension benefits, STRS members on military leave
Ed. Code 44018	Compensation for employees on active military duty
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44043.5	Catastrophic leave
Ed. Code 44800	Effect of active military service on status of employees
Ed. Code 44842	Reemployment notices, certificated employees
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44962-44988	Leave of absence (certificated)
Ed. Code 45059	Employee ordered to active military/naval duty, computation of salary
Ed. Code 45190-45210	Leaves of absence (classified)
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 20990-21013	Pension benefits, PERS members on military leave
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 3543.2	Scope of representation
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel

Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Illness of child, parent, spouse or domestic partner
M&V Code 395-395.9	Military leave
M&V Code 395.10	Leave when spouse on leave from military deployment
Federal	Description
29 USC 2601-2654	Family Care and Medical Leave Act
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

Cross References

Code	Description
2121	Superintendent's Contract
4112.1	Contracts
4112.1	Contracts
4112.42	Drug And Alcohol Testing For School Bus Drivers
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4131	Staff Development
4131	Staff Development
4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4159	Employee Assistance Programs
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4161.9	Catastrophic Leave Program
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4212.42	Drug And Alcohol Testing For School Bus Drivers
4218	Dismissal/Suspension/Disciplinary Action
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- Juneteenth

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Policy 4261: Leaves

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Upon separation from service, the employee shall be entitled to lump-sum compensation for all earned and unused vacation, except that employees who have not completed six months of employment in regular status shall not be entitled to such compensation.

B. Scheduling Vacation

Vacation leave is normally scheduled in advance and shall be approved by the employee's immediate supervisor. The district retains absolute discretion to approve vacation leave, except that requests shall not be unreasonably denied. Vacation shall not be scheduled after the last day of work, except that an employee may schedule vacation

between the last day at work and the effective date of retirement. To use accrued vacation for illness or disability an employee may be required to submit medical certification of inability to work or illness in the family.

With the exception of the initial six months of employment, employees may take vacation before it is earned. If an employee is terminated and had been granted vacation which was not yet earned at the time of termination of his/her services, the district shall deduct from the employee's final pay check the full amount of salary which was paid for such unearned days of vacation taken.

C. Curtailment Period

Consistent with the district's management rights, including its right to determine the orderly, effective and efficient operation of the district, the district may elect at one or more of its locations to curtail or shut down some or all of its activities, on a location-by-location basis, for periods of specific duration. By way of example and not limitation, such periods may represent opportunities for energy/cost savings and/or adjustments to reduce levels of work activity due to transition periods in the academic calendar and/or "seasonal" or "holiday" influences on scheduled work activities and/or the occurrence of emergency or "forces of nature" situations adversely affecting normal district operations.

In the event of such total or partial closure or curtailment of operations, whether or not the district is able to anticipate such event, employees affected shall have the option of either using vacation leave or taking a leave without pay during the closure. Newly employed personnel are permitted to use accrued vacation during a curtailment period even if the required six initial months of employment has not been completed.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 22850-22856	Pension benefits, STRS members on military leave
Ed. Code 44018	Compensation for employees on active military duty
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44043.5	Catastrophic leave
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Ed. Code 44962-44988	Leave of absence (certificated)
Ed. Code 45059	Employee ordered to active military/naval duty, computation of salary
Ed. Code 45190-45210	Leaves of absence (classified)
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 20990-21013	Pension benefits, PERS members on military leave
Gov. Code 3543.1	Rights of employee organizations
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Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel

Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Illness of child, parent, spouse or domestic partner
M&V Code 395-395.9	Military leave
M&V Code 395.10	Leave when spouse on leave from military deployment
Federal	Description
29 USC 2601-2654	Family Care and Medical Leave Act
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

Cross References

Code	Description
2121	Superintendent's Contract
4112.1	Contracts
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4112.42	Drug And Alcohol Testing For School Bus Drivers
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4131	Staff Development
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4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
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4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
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4161.5	Military Leave
4161.8	Family Care And Medical Leave
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4161.9	Catastrophic Leave Program
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4218	Dismissal/Suspension/Disciplinary Action
4231	Staff Development
4231	Staff Development
4241	Collective Bargaining Agreement

4254	<u>Health And Welfare Benefits</u>
4254	<u>Health And Welfare Benefits</u>
4259	<u>Employee Assistance Programs</u>
4261.1	<u>Personal Illness/Injury Leave</u>
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4261.9	<u>Catastrophic Leave Program</u>
4261.9	<u>Catastrophic Leave Program</u>
4300	<u>Administrative And Supervisory Personnel</u>
4300	<u>Administrative And Supervisory Personnel</u>
4312.1	<u>Contracts</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
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4361.5	<u>Military Leave</u>
4361.8	<u>Family Care And Medical Leave</u>
4361.9	<u>Catastrophic Leave Program</u>
4361.9	<u>Catastrophic Leave Program</u>

Policy 4261: Leaves

Status: ADOPTED

Original Adopted Date: 02/11/2014 | **Last Reviewed Date:** 02/11/2014

The Board of Education shall provide for paid and unpaid leaves of absence and holidays for administrative and supervisory employees and confidential and licensed personnel in accordance with law, Board policy and administrative regulation, as applicable, and as set forth below.

This policy shall only apply to Administrative and Supervisory Employees, Confidential Employees and Licensed Personnel.

For purposes of this Leaves policy, the following definitions shall apply:

1. Administrative and Supervisory Employee shall mean the following:
 - a. A certificated or classified employee in a position with responsibilities as defined in Government Code 3540.1(m) and who is not subject to the district's collective bargaining agreements
 - b. A certificated or classified employee in a management position with responsibilities pursuant to Government Code 3540.1(g), including positions defined below as Certificated Executive Management.
2. Confidential Employee shall mean an employee in a position with responsibilities as defined in Section 3540.1(c) of the California Government Code.
3. Licensed Personnel shall mean an employee in the positions of psychologist, behavioral therapist or occupational therapist and who is not subject to the district's collective bargaining agreements.
4. Full Time Employee shall mean an employee who is regularly assigned to work five (5) days per week, seven (7) to eight (8) hours a day, 35 (thirty-five) to 40 (forty) hours per week, and who is employed for either the fiscal or academic year.
5. Certificated Executive Management Employee shall mean the Chief Business Officer and the Chief Human Resources Officer, if the individuals holding these position are certificated, the Assistant Superintendent of Education Services and any other certificated Assistant Superintendent approved by the Board subsequent to the effective date of this policy.

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 and district holidays for classified staff and certificated management staff, as applicable
8. Personal holidays

9. Sabbaticals for purposes of study or training related to the employee's job duties
10. Attendance at work-related meetings and staff development opportunities
11. 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.

District Holidays

The district observes the following holidays:

- Independence Day
- Labor Day
- Admission Day
- Veteran's Day
- Thanksgiving Day and the Friday after Thanksgiving Day
- Day before Christmas Eve (noon; π day)*
- Christmas Eve
- Christmas Day
- New Year's Eve
- New Year's Day
- Martin Luther King Day
- Lincoln Day
- President's Day
- Friday of Spring Recess* (or Friday before Spring Recess)
- Memorial Day
- Juneteenth

Classified Administrative and Supervisory Employees, Certificated Executive Management, Confidential, and classified Licensed Personnel are entitled to payment for district holidays as part of their regular monthly compensation provided the holiday occurs during the employee's scheduled work year and provided they are in paid status during any portion of the workday immediately preceding or succeeding the holiday.

In general, certificated Administrative and Supervisory Employees and certificated Licensed Personnel are expected to designate district holidays as non-work days in accordance with Board Policy 4351 - Employee Compensation. In the event a certificated employee believes it is necessary to schedule a district holiday as a workday, the employee shall obtain approval from his/her immediate supervisor in advance.

Personal Holidays

In addition to the above district holidays, Administrative and Supervisory Employees, Confidential Employees and Licensed Personnel are entitled to personal holidays each fiscal year in accordance with the schedule set forth below. Personal Holidays do not accrue from year to year and may only be observed during the Thanksgiving, winter and spring school recesses.

Classified Administrative and Supervisory Employees, Certificated Executive Management, Confidential Employees and classified Licensed Personnel may designate up to 4 days each fiscal year as Personal Holidays.

Certificated Administrative and Supervisory Employees and certificated Licensed Personnel are entitled to Personal Holidays according to the number of work days in their annual contract as follows:

Work Days Number of Personal Holidays

190 to 194 = 1

195 to 203 = 2

204 to 212 = 3

213 to 224 = 4

225 = 4

Personal Holidays are subject to all of the following criteria:

1. The personal holiday must occur during the employee's scheduled work year
2. The employee must obtain prior approval from his/her immediate supervisor; and
3. The employee is in paid status during any portion of the workday immediately preceding or succeeding the personal holiday
4. The personal holiday occurs during the Thanksgiving, winter or spring school recess

Vacation for Classified Administrative and Supervisory Employees, Confidential Employees, Classified Licensed Personnel and Certificated Executive Management Employees

Consistent with the requirements of Education Code 45190 et. seq., the district provides vacation for the following employees: classified Administrative and Supervisory Employees, Confidential Employees, classified Licensed Personnel and Certificated Executive Management Employees ("eligible employees"). Although vacation is provided for rest, a supervisor may grant an eligible employee's request to use vacation for illness, disability, and or personal reasons.

A. Earning and Accrual of Vacation Leave

Eligible employees shall accrue annual vacation at the regular rate of pay earned at the time the vacation is commenced.

Full time eligible employees shall earn 1.7 days of vacation per month or the equivalent of 20.5 days per year. Regular eligible employees who are assigned to work less than full time shall receive a prorated vacation benefit based on the fraction of full-time work.

Earned vacation shall not become a vested right until completion of the initial six months of employment.

If an employee is unable or not permitted to take his/her full annual vacation, the Board shall pay the balance of the unused vacation in cash within 30 days of the conclusion of the fiscal year. At the employee's option, up to 5 days of unused vacation may accumulate for use in the next year.

Upon separation from service, the employee shall be entitled to lump-sum compensation for all earned and unused vacation, except that employees who have not completed six months of employment in regular status shall not be entitled to such compensation.

B. Scheduling Vacation

Vacation leave is normally scheduled in advance and shall be approved by the employee's immediate supervisor. The district retains absolute discretion to approve vacation leave, except that requests shall not be unreasonably denied. Vacation shall not be scheduled after the last day of work, except that an employee may schedule vacation

between the last day at work and the effective date of retirement. To use accrued vacation for illness or disability an employee may be required to submit medical certification of inability to work or illness in the family.

With the exception of the initial six months of employment, employees may take vacation before it is earned. If an employee is terminated and had been granted vacation which was not yet earned at the time of termination of his/her services, the district shall deduct from the employee's final pay check the full amount of salary which was paid for such unearned days of vacation taken.

C. Curtailment Period

Consistent with the district's management rights, including its right to determine the orderly, effective and efficient operation of the district, the district may elect at one or more of its locations to curtail or shut down some or all of its activities, on a location-by-location basis, for periods of specific duration. By way of example and not limitation, such periods may represent opportunities for energy/cost savings and/or adjustments to reduce levels of work activity due to transition periods in the academic calendar and/or "seasonal" or "holiday" influences on scheduled work activities and/or the occurrence of emergency or "forces of nature" situations adversely affecting normal district operations.

In the event of such total or partial closure or curtailment of operations, whether or not the district is able to anticipate such event, employees affected shall have the option of either using vacation leave or taking a leave without pay during the closure. Newly employed personnel are permitted to use accrued vacation during a curtailment period even if the required six initial months of employment has not been completed.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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Ed. Code 22850-22856	Pension benefits, STRS members on military leave
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Ed. Code 44962-44988	Leave of absence (certificated)
Ed. Code 45059	Employee ordered to active military/naval duty, computation of salary
Ed. Code 45190-45210	Leaves of absence (classified)
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 20990-21013	Pension benefits, PERS members on military leave
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 3543.2	Scope of representation
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel

Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Illness of child, parent, spouse or domestic partner
M&V Code 395-395.9	Military leave
M&V Code 395.10	Leave when spouse on leave from military deployment
Federal	Description
29 USC 2601-2654	Family Care and Medical Leave Act
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Cross References

Code	Description
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4112.1	Contracts
4112.1	Contracts
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4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4131	Staff Development
4131	Staff Development
4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4159	Employee Assistance Programs
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.42	Drug And Alcohol Testing For School Bus Drivers
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4231	Staff Development
4231	Staff Development
4241	Collective Bargaining Agreement

4254	<u>Health And Welfare Benefits</u>
4254	<u>Health And Welfare Benefits</u>
4259	<u>Employee Assistance Programs</u>
4261.1	<u>Personal Illness/Injury Leave</u>
4261.11	<u>Industrial Accident/Illness Leave</u>
4261.2	<u>Personal Leaves</u>
4261.5	<u>Military Leave</u>
4261.8	<u>Family Care And Medical Leave</u>
4261.9	<u>Catastrophic Leave Program</u>
4261.9	<u>Catastrophic Leave Program</u>
4300	<u>Administrative And Supervisory Personnel</u>
4300	<u>Administrative And Supervisory Personnel</u>
4312.1	<u>Contracts</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4331	<u>Staff Development</u>
4331	<u>Staff Development</u>
4354	<u>Health And Welfare Benefits</u>
4354	<u>Health And Welfare Benefits</u>
4359	<u>Employee Assistance Programs</u>
4361.1	<u>Personal Illness/Injury Leave</u>
4361.11	<u>Industrial Accident/Illness Leave</u>
4361.2	<u>Personal Leaves</u>
4361.5	<u>Military Leave</u>
4361.8	<u>Family Care And Medical Leave</u>
4361.9	<u>Catastrophic Leave Program</u>
4361.9	<u>Catastrophic Leave Program</u>

Policy 4361: Leaves

Status: ADOPTED

Original Adopted Date: 02/11/2014 | **Last Reviewed Date:** 02/11/2014

The Board of Education shall provide for paid and unpaid leaves of absence and holidays for administrative and supervisory employees and confidential and licensed personnel in accordance with law, Board policy and administrative regulation, as applicable, and as set forth below.

This policy shall only apply to Administrative and Supervisory Employees, Confidential Employees and Licensed Personnel.

For purposes of this Leaves policy, the following definitions shall apply:

1. Administrative and Supervisory Employee shall mean the following:
 - a. A certificated or classified employee in a position with responsibilities as defined in Government Code 3540.1(m) and who is not subject to the district's collective bargaining agreements
 - b. A certificated or classified employee in a management position with responsibilities pursuant to Government Code 3540.1(g), including positions defined below as Certificated Executive Management.
2. Confidential Employee shall mean an employee in a position with responsibilities as defined in Section 3540.1(c) of the California Government Code.
3. Licensed Personnel shall mean an employee in the positions of psychologist, behavioral therapist or occupational therapist and who is not subject to the district's collective bargaining agreements.
4. Full Time Employee shall mean an employee who is regularly assigned to work five (5) days per week, seven (7) to eight (8) hours a day, 35 (thirty-five) to 40 (forty) hours per week, and who is employed for either the fiscal or academic year.
5. Certificated Executive Management Employee shall mean the Chief Business Officer and the Chief Human Resources Officer, if the individuals holding these position are certificated, the Assistant Superintendent of Education Services and any other certificated Assistant Superintendent approved by the Board subsequent to the effective date of this policy.

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 and district holidays for classified staff and certificated management staff, as applicable
8. Personal holidays

9. Sabbaticals for purposes of study or training related to the employee's job duties
10. Attendance at work-related meetings and staff development opportunities
11. 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.

District Holidays

The district observes the following holidays:

Independence Day
Labor Day
Admission Day
Veteran's Day
Thanksgiving Day and the Friday after Thanksgiving Day
Day before Christmas Eve (noon; π day)*
Christmas Eve
Christmas Day
New Year's Eve
New Year's Day
Martin Luther King Day
Lincoln Day President's Day
Friday of Spring Recess* (or Friday before Spring Recess)
Memorial Day
Juneteenth

Classified Administrative and Supervisory Employees, Certificated Executive Management, Confidential, and classified Licensed Personnel are entitled to payment for district holidays as part of their regular monthly compensation provided the holiday occurs during the employee's scheduled work year and provided they are in paid status during any portion of the workday immediately preceding or succeeding the holiday.

In general, certificated Administrative and Supervisory Employees and certificated Licensed Personnel are expected to designate district holidays as non-work days in accordance with Board Policy 4351 - Employee Compensation. In the event a certificated employee believes it is necessary to schedule a district holiday as a workday, the employee shall obtain approval from his/her immediate supervisor in advance.

Personal Holidays

In addition to the above district holidays, Administrative and Supervisory Employees, Confidential Employees and Licensed Personnel are entitled to personal holidays each fiscal year in accordance with the schedule set forth below. Personal Holidays do not accrue from year to year and may only be observed during the Thanksgiving, winter and spring school recesses.

Classified Administrative and Supervisory Employees, Certificated Executive Management, Confidential Employees and classified Licensed Personnel may designate up to 4 days each fiscal year as Personal Holidays.

Certificated Administrative and Supervisory Employees and certificated Licensed Personnel are entitled to Personal Holidays according to the number of work days in their annual contract as follows:

Work Days Number of Personal Holidays

190 to 194 = 1

195 to 203 = 2

204 to 212 = 3

213 to 224 = 4

225 = 4

Personal Holidays are subject to all of the following criteria:

1. The personal holiday must occur during the employee's scheduled work year
2. The employee must obtain prior approval from his/her immediate supervisor; and
3. The employee is in paid status during any portion of the workday immediately preceding or succeeding the personal holiday
4. The personal holiday occurs during the Thanksgiving, winter or spring school recess

Vacation for Classified Administrative and Supervisory Employees, Confidential Employees, Classified Licensed Personnel and Certificated Executive Management Employees

Consistent with the requirements of Education Code 45190 et. seq., the district provides vacation for the following employees: classified Administrative and Supervisory Employees, Confidential Employees, classified Licensed Personnel and Certificated Executive Management Employees ("eligible employees"). Although vacation is provided for rest, a supervisor may grant an eligible employee's request to use vacation for illness, disability, and or personal reasons.

A. Earning and Accrual of Vacation Leave

Eligible employees shall accrue annual vacation at the regular rate of pay earned at the time the vacation is commenced.

Full time eligible employees shall earn 1.7 days of vacation per month or the equivalent of 20.5 days per year. Regular eligible employees who are assigned to work less than full time shall receive a prorated vacation benefit based on the fraction of full-time work.

Earned vacation shall not become a vested right until completion of the initial six months of employment.

If an employee is unable or not permitted to take his/her full annual vacation, the Board shall pay the balance of the unused vacation in cash within 30 days of the conclusion of the fiscal year. At the employee's option, up to 5 days of unused vacation may accumulate for use in the next year.

Upon separation from service, the employee shall be entitled to lump-sum compensation for all earned and unused vacation, except that employees who have not completed six months of employment in regular status shall not be entitled to such compensation.

B. Scheduling Vacation

Vacation leave is normally scheduled in advance and shall be approved by the employee's immediate supervisor. The district retains absolute discretion to approve vacation leave, except that requests shall not be unreasonably denied. Vacation shall not be scheduled after the last day of work, except that an employee may schedule vacation

between the last day at work and the effective date of retirement. To use accrued vacation for illness or disability an employee may be required to submit medical certification of inability to work or illness in the family.

With the exception of the initial six months of employment, employees may take vacation before it is earned. If an employee is terminated and had been granted vacation which was not yet earned at the time of termination of his/her services, the district shall deduct from the employee's final pay check the full amount of salary which was paid for such unearned days of vacation taken.

C. Curtailment Period

Consistent with the district's management rights, including its right to determine the orderly, effective and efficient operation of the district, the district may elect at one or more of its locations to curtail or shut down some or all of its activities, on a location-by-location basis, for periods of specific duration. By way of example and not limitation, such periods may represent opportunities for energy/cost savings and/or adjustments to reduce levels of work activity due to transition periods in the academic calendar and/or "seasonal" or "holiday" influences on scheduled work activities and/or the occurrence of emergency or "forces of nature" situations adversely affecting normal district operations.

In the event of such total or partial closure or curtailment of operations, whether or not the district is able to anticipate such event, employees affected shall have the option of either using vacation leave or taking a leave without pay during the closure. Newly employed personnel are permitted to use accrued vacation during a curtailment period even if the required six initial months of employment has not been completed.

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Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
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Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel

Lab. Code 230.4	Leave for volunteer firefighters
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Lab. Code 233	Illness of child, parent, spouse or domestic partner
M&V Code 395-395.9	Military leave
M&V Code 395.10	Leave when spouse on leave from military deployment
Federal	Description
29 USC 2601-2654	Family Care and Medical Leave Act
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Policy 4361: Leaves

Status: ADOPTED

Original Adopted Date: 02/11/2014 | **Last Reviewed Date:** 02/11/2014

The Board of Education shall provide for paid and unpaid leaves of absence and holidays for administrative and supervisory employees and confidential and licensed personnel in accordance with law, Board policy and administrative regulation, as applicable, and as set forth below.

This policy shall only apply to Administrative and Supervisory Employees, Confidential Employees and Licensed Personnel.

For purposes of this Leaves policy, the following definitions shall apply:

1. Administrative and Supervisory Employee shall mean the following:
 - a. A certificated or classified employee in a position with responsibilities as defined in Government Code 3540.1(m) and who is not subject to the district's collective bargaining agreements
 - b. A certificated or classified employee in a management position with responsibilities pursuant to Government Code 3540.1(g), including positions defined below as Certificated Executive Management.
2. Confidential Employee shall mean an employee in a position with responsibilities as defined in Section 3540.1(c) of the California Government Code.
3. Licensed Personnel shall mean an employee in the positions of psychologist, behavioral therapist or occupational therapist and who is not subject to the district's collective bargaining agreements.
4. Full Time Employee shall mean an employee who is regularly assigned to work five (5) days per week, seven (7) to eight (8) hours a day, 35 (thirty-five) to 40 (forty) hours per week, and who is employed for either the fiscal or academic year.
5. Certificated Executive Management Employee shall mean the Chief Business Officer and the Chief Human Resources Officer, if the individuals holding these position are certificated, the Assistant Superintendent of Education Services and any other certificated Assistant Superintendent approved by the Board subsequent to the effective date of this policy.

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 and district holidays for classified staff and certificated management staff, as applicable
8. Personal holidays

9. Sabbaticals for purposes of study or training related to the employee's job duties
10. Attendance at work-related meetings and staff development opportunities
11. 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.

District Holidays

The district observes the following holidays:

- Independence Day
- Labor Day
- Admission Day
- Veteran's Day
- Thanksgiving Day and the Friday after Thanksgiving Day
- Day before Christmas Eve (noon; π -day)*
- Christmas Eve
- Christmas Day
- New Year's Eve
- New Year's Day
- Martin Luther King Day
- Lincoln Day President's Day
- Friday of Spring Recess* (or Friday before Spring Recess)
- Memorial Day
- Juneteenth

Classified Administrative and Supervisory Employees, Certificated Executive Management, Confidential, and classified Licensed Personnel are entitled to payment for district holidays as part of their regular monthly compensation provided the holiday occurs during the employee's scheduled work year and provided they are in paid status during any portion of the workday immediately preceding or succeeding the holiday.

In general, certificated Administrative and Supervisory Employees and certificated Licensed Personnel are expected to designate district holidays as non-work days in accordance with Board Policy 4351 - Employee Compensation. In the event a certificated employee believes it is necessary to schedule a district holiday as a workday, the employee shall obtain approval from his/her immediate supervisor in advance.

Personal Holidays

In addition to the above district holidays, Administrative and Supervisory Employees, Confidential Employees and Licensed Personnel are entitled to personal holidays each fiscal year in accordance with the schedule set forth below. Personal Holidays do not accrue from year to year and may only be observed during the Thanksgiving, winter and spring school recesses.

Classified Administrative and Supervisory Employees, Certificated Executive Management, Confidential Employees and classified Licensed Personnel may designate up to 4 days each fiscal year as Personal Holidays.

Certificated Administrative and Supervisory Employees and certificated Licensed Personnel are entitled to Personal Holidays according to the number of work days in their annual contract as follows:

Work Days Number of Personal Holidays

190 to 194 = 1

195 to 203 = 2

204 to 212 = 3

213 to 224 = 4

225 = 4

Personal Holidays are subject to all of the following criteria:

1. The personal holiday must occur during the employee's scheduled work year
2. The employee must obtain prior approval from his/her immediate supervisor; and
3. The employee is in paid status during any portion of the workday immediately preceding or succeeding the personal holiday
4. The personal holiday occurs during the Thanksgiving, winter or spring school recess

Vacation for Classified Administrative and Supervisory Employees, Confidential Employees, Classified Licensed Personnel and Certificated Executive Management Employees

Consistent with the requirements of Education Code 45190 et. seq., the district provides vacation for the following employees: classified Administrative and Supervisory Employees, Confidential Employees, classified Licensed Personnel and Certificated Executive Management Employees ("eligible employees"). Although vacation is provided for rest, a supervisor may grant an eligible employee's request to use vacation for illness, disability, and or personal reasons.

A. Earning and Accrual of Vacation Leave

Eligible employees shall accrue annual vacation at the regular rate of pay earned at the time the vacation is commenced.

Full time eligible employees shall earn 1.7 days of vacation per month or the equivalent of 20.5 days per year. Regular eligible employees who are assigned to work less than full time shall receive a prorated vacation benefit based on the fraction of full-time work.

Earned vacation shall not become a vested right until completion of the initial six months of employment.

If an employee is unable or not permitted to take his/her full annual vacation, the Board shall pay the balance of the unused vacation in cash within 30 days of the conclusion of the fiscal year. At the employee's option, up to 5 days of unused vacation may accumulate for use in the next year.

Upon separation from service, the employee shall be entitled to lump-sum compensation for all earned and unused vacation, except that employees who have not completed six months of employment in regular status shall not be entitled to such compensation.

B. Scheduling Vacation

Vacation leave is normally scheduled in advance and shall be approved by the employee's immediate supervisor. The district retains absolute discretion to approve vacation leave, except that requests shall not be unreasonably denied. Vacation shall not be scheduled after the last day of work, except that an employee may schedule vacation

between the last day at work and the effective date of retirement. To use accrued vacation for illness or disability an employee may be required to submit medical certification of inability to work or illness in the family.

With the exception of the initial six months of employment, employees may take vacation before it is earned. If an employee is terminated and had been granted vacation which was not yet earned at the time of termination of his/her services, the district shall deduct from the employee's final pay check the full amount of salary which was paid for such unearned days of vacation taken.

C. Curtailment Period

Consistent with the district's management rights, including its right to determine the orderly, effective and efficient operation of the district, the district may elect at one or more of its locations to curtail or shut down some or all of its activities, on a location-by-location basis, for periods of specific duration. By way of example and not limitation, such periods may represent opportunities for energy/cost savings and/or adjustments to reduce levels of work activity due to transition periods in the academic calendar and/or "seasonal" or "holiday" influences on scheduled work activities and/or the occurrence of emergency or "forces of nature" situations adversely affecting normal district operations.

In the event of such total or partial closure or curtailment of operations, whether or not the district is able to anticipate such event, employees affected shall have the option of either using vacation leave or taking a leave without pay during the closure. Newly employed personnel are permitted to use accrued vacation during a curtailment period even if the required six initial months of employment has not been completed.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 22850-22856	Pension benefits, STRS members on military leave
Ed. Code 44018	Compensation for employees on active military duty
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44043.5	Catastrophic leave
Ed. Code 44800	Effect of active military service on status of employees
Ed. Code 44842	Reemployment notices, certificated employees
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44962-44988	Leave of absence (certificated)
Ed. Code 45059	Employee ordered to active military/naval duty, computation of salary
Ed. Code 45190-45210	Leaves of absence (classified)
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 20990-21013	Pension benefits, PERS members on military leave
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 3543.2	Scope of representation
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel

Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Illness of child, parent, spouse or domestic partner
M&V Code 395-395.9	Military leave
M&V Code 395.10	Leave when spouse on leave from military deployment
Federal	Description
29 USC 2601-2654	Family Care and Medical Leave Act
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

Cross References

Code	Description
2121	Superintendent's Contract
4112.1	Contracts
4112.1	Contracts
4112.42	Drug And Alcohol Testing For School Bus Drivers
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4131	Staff Development
4131	Staff Development
4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4159	Employee Assistance Programs
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.42	Drug And Alcohol Testing For School Bus Drivers
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4231	Staff Development
4231	Staff Development
4241	Collective Bargaining Agreement

4254	<u>Health And Welfare Benefits</u>
4254	<u>Health And Welfare Benefits</u>
4259	<u>Employee Assistance Programs</u>
4261.1	<u>Personal Illness/Injury Leave</u>
4261.11	<u>Industrial Accident/Illness Leave</u>
4261.2	<u>Personal Leaves</u>
4261.5	<u>Military Leave</u>
4261.8	<u>Family Care And Medical Leave</u>
4261.9	<u>Catastrophic Leave Program</u>
4261.9	<u>Catastrophic Leave Program</u>
4300	<u>Administrative And Supervisory Personnel</u>
4300	<u>Administrative And Supervisory Personnel</u>
4312.1	<u>Contracts</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4331	<u>Staff Development</u>
4331	<u>Staff Development</u>
4354	<u>Health And Welfare Benefits</u>
4354	<u>Health And Welfare Benefits</u>
4359	<u>Employee Assistance Programs</u>
4361.1	<u>Personal Illness/Injury Leave</u>
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