

**CHAPTER XII
ABSENCE FROM DUTY**

12.1 ILLNESS OR INJURY LEAVE

- A. **CURRENT SICK LEAVE BALANCE.** Every full time probationary and permanent employee in a paid status shall be allowed full pay for absence caused by personal illness or personal incapacity. Every classified employee shall accrue sick leave at a rate of .051 per hour in paid status, excluding overtime

Other eligible employees shall be entitled to a proportionate allowance according to assignment.

1. Each employee who receives an initial appointment after July 1 shall be credited as of the date of his/her appointment with the number of days proportional to the remainder of his/her assigned work year.
 2. An employee serving an initial probationary period shall not be eligible to be paid for more than half the days of full pay provided for illness until the first day of the pay period after completion of 130 days of paid service in a regular assignment.
 3. Thereafter, as long as he/she remains a regular employee, he/she will be credited annually with the number of full-pay illness days provided for his/her assignment year.
 4. The employee who does not complete the year of service after the July 1 yearly grant of sick leave according to his/her assignment shall have the sick leave balance reduced proportionally to the number of days to the date of his/her departure from the district. If this adjustment results in an overpayment, that shall be handled as prescribed.
- B. **UNLIMITED ACCUMULATION OF LEAVE ALLOWANCE.** There shall be no limit to the year-to-year accumulation of unused days for full-pay illness leave. An employee will have available seven (7) days of personal necessity leave per year, a maximum of four (4) of which may be used for compelling personal reasons.

Reference: California Education Code 45207

- C. **CUMULATIVE SICK LEAVE USE SUBJECT TO PROOF.** All employees are to report absences to their worksite prior to the beginning of their regularly scheduled workday. When any illness leave is used by an employee, the employee must complete "Certificate of Absence" form. The form is to be completed and signed by the employee upon return from illness leave and submitted to the appropriate manager/supervisor for signature. Upon request, the employee shall receive a copy of the completed "Certificate of Absence" form. The District may require evidence of facts relevant to any illness leave for which there exists the suspicion of possible abuse of such leave.

- D. **SICK LEAVE RECORDS AND INSPECTION.** Complete records for each classified employee shall be maintained showing the number of days sick leave accumulated by each employee and the number of days sick leave annually used by each employee. Each employee's record will be open to his/her inspection.
- E. **NO SICK LEAVE WHILE ON LEAVE OR LAY-OFF.** Lay-off or leave of absence without pay shall not be considered an interruption of continuous service, but no illness leave shall be allowed while an employee is in a non-paid status.
- F. **REPORTS REQUIRED UPON RETURN AFTER ILLNESS OR ACCIDENT.** Each employee absent from duty on account of illness or accident shall submit a health report as follows:
1. **ABSENCE LESS THAN FIVE MONTHS**
 - a. The employee on sick leave must report his/her intention to return from absence directly to the worksite prior to the end of the workday before return to service. The deadline for reporting such intent to return from absence will be determined and communicated to employees in writing by each site manager. In incidents in which the employee has not notified the worksite in a timely manner and reports to work when a replacement substitute has been assigned to work, the employee shall be charged with appropriate (sick, vacation, personal, etc.) leave for the day and the substitute shall be paid.
 - b. Employees who have been absent from duty because of serious illness or a serious accident for a period of less than four weeks, employees who have been absent from duty for a period of four weeks or more, not exceeding five school months, and employees who have suffered serious illness or incurred a serious injury during periods during which they were not normally assigned shall submit a health report for approval before continuing service.
 2. **ABSENCE EXCEEDING FIVE MONTHS.** Employees who have been absent from duty on account of illness for a period of more than five months, or who have been granted a leave of absence in excess of five months, shall submit a health report for approval before reporting for or continuing service.
 3. **RETURN FROM MILITARY SERVICE.** Employees returning from a leave of absence for military service exceeding two calendar months, shall submit a health report before reporting for duty.
 4. **HEALTH REPORT REQUIRED AT ANY TIME.** The Superintendent of Schools or his/her designee may require and direct any employee to obtain a health report at district expense should it appear to be necessary for the best interest of the school district.

5. **HEALTH REPORTS MADE.** The report of the examining physician shall be made to Human Resource Services on the required form and shall include a reply to all items listed therein.
 6. **SPECIAL HEALTH EXAMINATION REQUIRED.** The Superintendent of Schools or his/her designee may require any employee who has been permitted to return to duty under the terms of this Rule and who is again absent by reason of illness or accident during the same calendar year for a period of one month or more, to report to Human Resource Services for a health examination.
 7. **ABSENCES - UNAVAILABLE PHYSICIAN.** When an employee, required to report to a designated physician as specified, is unable to secure an appointment within a reasonable period of time (i.e., due to vacation or extended illness of the physician, etc.) section F.4 of this Rule shall apply.
- G. **SICK LEAVE DONATION PROGRAM.** All Classified employees are eligible to participate in the District's Sick Leave Donation Program as provided for in California Education Code 44043.5 and collective bargaining contract provisions.

12.2 HEALTH EXAMINATIONS

Periodical health examinations may be required of all employees or any group of employees. The Superintendent of Schools is authorized to formulate detailed procedures for the administration of these examinations.

Any classified employee shall be required to report for health examination to the Physician Services or to a physician designated by the Board of Education when, in the judgment of the Department Head the apparent health condition of the employee warrants it. If the report of the physician shows the employee is in unfit condition to perform his duties, the employee may be required to absent himself until able to perform his duties properly, in which case he may be granted his regular unexpired sick leave.

12.3 MINIMUM PAYMENT WHILE ON STATUTORY LEAVE

All classified employees who have established regular status with the district, who are absent from duty because of personal illness or injury, and who have exhausted their full pay illness allowance leave, shall be eligible for 100 days of half salary sick leave per fiscal year. A classified employee shall be eligible to request statutory leave when all other available leaves have been exhausted. The employee shall submit a form to the Superintendent requesting statutory leave which includes a statement from a physician stating that he/she is unable to work. The form shall be sent to the Physician Services for approval after which the employee shall be eligible for statutory leave as prescribed in the Education Code. No written request or physician's statement is necessary for statutory leave for four consecutive working days or less. Before an employee's statutory leave ends, the employee shall indicate his/her intentions about returning to work. If unable to return, he/she shall (a) apply for a leave of absence without pay

to start not later than the end of the statutory leave, (b) terminate services by resignation, or (c) request retirement, if eligible.

Reference: California Education Code Section 45196

12.4 MATERNITY LEAVE

A leave of absence for pregnancy or convalescence following child birth shall be granted for the period of time that the employee is physically unable to perform the duties required of her position, but for not to exceed one year. Leave benefits shall be allowed for the period of pregnancy disability provided the dates of disability are certified by the employee's physician. The employee may, at her request, use current, accumulated, and statutory sick leave benefits as provided by Sections 12.1 and 12.3, or may request leave without pay. Should current, accumulated, and statutory sick leave benefits be exhausted within the period of pregnancy disability, the remaining time that the employee continues on maternity leave shall be in a leave without pay status. Additional leave without pay may be granted prior to or following the period of disability as provided by Section 12.10.C.

The employee upon diagnosis of pregnancy shall notify her immediate supervisor and furnish a statement from her attending physician, on a form supplied by the District, which indicates the estimated date of confinement and certifies that the employee's condition permits continued performance of all duties related to her regular assignment.

If the employee appears to be unable to continue to perform all duties related to her regular assignment at any time prior to the defined period of disability, the immediate supervisor may request a review of the period of disability as defined by the employee's physician.

The normal period of confinement following the birth of a child shall be considered to be six weeks. If the employee is able to resume performance of all duties related to her regular assignment at an earlier date or if it is necessary to extend the leave beyond six weeks, the employee shall furnish her immediate supervisor a statement from her attending physician defining her condition and the estimated length of absence. The employee shall be responsible for obtaining and furnishing the required documentation from her physician. The employee shall notify her immediate supervisor at least 30 days prior to the estimated date of return to active employment. The employee shall submit a health report as provided in Section 12.1.

Reference: California Education Code 45193

12.5 PERSONAL NECESSITY LEAVE

Probationary and permanent employees may use up to, but not in excess of, seven days of illness leave in any fiscal year in cases of personal necessity as follows:

1. Death of a member of the immediate family when additional leave is required beyond that provided in these rules.

2. Accident, involving his/her person or property or the person or property of a member of his/her immediate family.
3. Appearance in court or before administrative tribunal as a litigant party, or witness under subpoena or any order made with jurisdiction.
4. Parental Leave.
5. Illness in the immediate family of the employee.
6. Protection of the employee's home in the event of a natural catastrophe, such as flood, fire, or earthquake.
7. Compelling personal reasons, which are for business or other legal activity of serious and compelling personal importance that cannot be conducted before or after the workday. Employees are authorized up to a maximum of four days per fiscal year. Prior approval for the reason by the appropriate manager or supervisor is required two days prior to such leave.

Reference: California Education Code 45207

12.6 INDUSTRIAL INJURY OR ILLNESS LEAVE

- A. **PROBATIONARY AND PERMANENT EMPLOYEES ELIGIBLE.** The provisions of this section shall apply to employees who have either probationary or permanent status in the classified service.
- B. **INDUSTRIAL LEAVE ALLOWANCE.** An employee in the classified service absent from duty because of industrial injury or illness resulting from his regular assignments including authorized overtime, and qualifying under the provisions of the workers' compensation insurance law, shall be allowed for each injury or illness, full salary from the first day of absence to and including the last day of absence not to exceed 60 working days. Allowable leave under this section shall not be accumulative from year to year.
- C. **RATE OF PAYMENT FOR LEAVE.** Payment for industrial injury or illness leave on any day shall not, when added to an award granted an employee under the workers' compensation laws of this state, exceed the normal wages for the day. The normal wages for the day shall, in the case of employees paid on an hourly basis, be based on the assigned time of the employee. Night differential pay shall not be paid to an employee absent because of industrial injury or illness.
- D. **COMPENSATION AWARD.** Industrial or illness leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workmen's compensation.

- E. **USE OF OTHER LEAVES.** If an employee is still receiving workers' compensation insurance benefits after entitlement to industrial injury or illness leave is exhausted, he shall then be placed on regular sick leave, vacation leave, accumulative compensating time off, or statutory leave. If, when an employee goes on regular sick leave or other types of leave or compensating time off, he is receiving workers' compensation insurance benefits, he shall be entitled to use only so much of such other leave benefits which, when added to workers' compensation insurance benefits, provide for a normal full day's wage or salary.

If the employee is no longer receiving workers' compensation insurance benefits, but is still unable to return to work as determined by the Physician Services, he shall then be placed on regular sick leave or other available leave as provided in this section.

- F. **REQUIRED REPORTS.** Before salary payments will be made to an employee absent because of industrial injury or illness, the required report of such an accident or illness must be on file in the Office of the Budget Control Officer.
- G. **LEAVE WITHOUT PAY.** After the expiration of paid leave as provided in this section, an employee who is unable to return to work as determined by the Physician Services, may be granted additional leave without pay for one year. Such leave may be extended for one additional year for good and sufficient cause.
- H. **SENIORITY CREDITS.** Periods of leave under this section, either paid or unpaid, shall not be considered to be a break in service of the employee and an employee while on such leave shall continue to receive seniority credit.
- I. **PLACEMENT ON REEMPLOYMENT LIST.** When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of his position, he shall, if not placed in another position, be placed on a reemployment list for a period of 39 months. When available, during the 39 month period, he shall be employed in a vacant position in the class of his previous assignment over all available candidates, except for a reemployment list established because of lack of work or lack of funds, in which case he shall be listed in accordance with appropriate seniority requirements. If an employee's former class has ceased to exist during his absence, the employee shall be assigned to a vacant position in a comparable class for which qualified. An employee who has been placed on such a reemployment list and who has been released for return to duty and who fails to accept a position in his class shall be subject to the same rules as others placed on the reemployment list.
- J. **PAYMENTS WHILE ON LEAVE.** During all paid leaves of absence as provided in this section, the employee shall endorse to the District benefit checks received under State workers' compensation laws. The District shall issue to the employee appropriate warrants and payments of wages or salary and shall deduct normal retirement and all authorized contributions. If combined payments under this section total less than the

normal full salary, as in the case of statutory leave, the employee shall not be required to endorse to the District benefit checks received under worker's compensation laws.

Reference: California Education Code 45191, 45192

12.7 ABSENCE FOR JUDICIAL AND OFFICIAL APPEARANCES

- A. **ABSENCE BECAUSE OF APPEARANCE IN COURT.** A probationary or permanent employee in the classified service, other than a litigant in a case, who is necessarily absent because of his appearance before a grand jury or in court as a witness in response to a subpoena duly served, or having received a letter directing him to appear for service as a juror shall be paid his full salary during the period of such absence. In any case in which a witness fee or fee for jury duty is payable, such fee shall be collected by the employee and remitted to the school district.
- B. **NOTIFICATION OF SUBPOENA.** The employee shall immediately advise his supervisor of receiving such subpoena or letter directing him to appear for qualification for jury service and/or for jury service. In the case of a subpoena, the employee's supervisor shall immediately notify the Assistant Superintendent, Human Resource Services, and absence from work in answer to such subpoena shall be subject to the approval of the Board of Education.
- C. **EMPLOYEES' RETURN TO WORK.** Employees who are released from appearance in court as a witness or juror during any work day shall report for work for the balance of the work day as directed, allowing for reasonable travel time. If the employee's regular shift is other than a day shift, the excused employee shall be assigned to the day shift for the duration of the period of court service. The school district will pay the employee his regular salary, including shift differential pay, on those days verified by certification.
- D. **CERTIFICATION OF SERVICE REQUIRED.** Each day of necessary attendance in court or before a grand jury as a witness or a juror shall be verified. The employee shall have the court clerk or other appropriate official certify as to the dates and time of attendance as a witness or to the dates paid for jury service, and the dates called for service but excused without pay. This certification shall be filed by the employee with the person responsible for his time reporting. In cases where a time report is due prior to conclusion of appearance in court, the employee shall certify as to the days served in lieu of official certification. All such employee certification must be covered by the official certification for the entire period of such service which must be submitted to the timekeeper at the conclusion of such service.
- E. **SERVICE BY LIMITED TERM EMPLOYEES.** Employees with casual, substitute, or limited term status only may be released from their assignments by the department head at any time, including times when such employees will be absent from work due to appearance before a court or as a witness or due to jury service.

- F. **INVOLUNTARY ABSENCE FOR PUBLIC PURPOSE.** If an employee in the regular classified service is necessarily absent in response to an official order of another governmental jurisdiction which has not been brought about through misconduct or connivance on the part of the employee, and is approved by the Board of Education, payment of salary for such necessary absence shall be made.

Reference: California Education Code 44036, 44037

12.8 ATTENDANCE AT WORKERS' COMPENSATION HEARINGS

When an injured employee of the district appeals from the decision of the State Compensation Insurance Fund in rejecting liability in his case and when, in the interest of justice and of protecting all legal rights of the injured employee, it is necessary or desirable for other district employees to attend the hearing of the appeal, they shall attend without loss of salary; provided that arrangements for their attendance shall be made by the person having charge of the district's insurance and subject to the approval of the Board of Education.

12.9 ABSENCE FOR EXAMINATIONS

Every employee occupying a permanent position in the classified service shall be permitted to be absent from his/her duties during working hours in order to take any examination given by the district without deduction of pay or other penalty upon giving two days' notice to his/her immediate supervisor.

Every employee taking a district promotional examination will be granted compensating time off equal to the time required to take the examination, if the examination is scheduled at a time other than during the employee's regular working hours.

Every employee required by the district to take a physical examination or an examination for special certification and/or commercial licenses as a condition of continued employment shall be given paid release time for such examination. The district shall pay for any such required examination. If the examination is scheduled at any time other than during the employee's regular working hours, he/she shall be granted compensating time off equal to the time it took for the examination.

12.10 LEAVE OF ABSENCE WITHOUT PAY

- A. **PURPOSES FOR LEAVES OF ABSENCE.** Leaves of absence without pay for the following purposes may be granted by the Board of Education upon recommendation of the Superintendent of Schools and in accordance with procedures established by the Superintendent:

1. Child care
2. Military service

3. Rest and recreation
4. Rest and recuperation
5. Study
6. Peace Corps service, Job Corps, Americorps, etc.
7. Work in another School District
8. Family Medical Leave Act (FMLA)
9. California Family Rights Act
10. Other reasons

B. **CONDITIONS FOR GRANTING LEAVE.** Leave of absence without pay may be granted upon filing of an application showing reasons which are deemed sufficient, subject to the following conditions:

1. An employee who has been granted a leave for 30 days or more shall complete one year of service before a second leave will be granted, except as otherwise provided in these Rules.
2. Leave of absence shall not be granted for more than twelve consecutive calendar months, with the following exceptions:
 - a. Leave of absence for military service shall be granted as provided in the Education Code and the Military and Veterans Code.
 - b. Leave of absence for Peace Corps, Job Corps, and Americorp service shall not exceed 24 consecutive calendar months.
3. Leave of absence for child care may be granted following maternity for not to exceed one year. The employee must notify the immediate supervisor at least 30 days prior to the beginning date of the leave. A satisfactory replacement must be available. In the event of adoption, a leave of absence for child care may be granted upon request as provided in this section.

C. **EXTENSION OF LEAVE.** An employee who has been granted a year's leave of absence without pay may have his leave of absence extended for one additional consecutive year for good and sufficient cause, provided that a satisfactory replacement is available.

D. **RETURN FROM LEAVE.** Return from leave shall be subject to the following conditions:

1. An employee must give notification not less than 30 days prior to the expiration of the leave that it is the intention of the employee to return to active service.
 2. An employee will be assigned to the same position or a position in the same class upon return to service following a leave of absence only if:
 - a. Absent six calendar months or less.
 - b. Absent one year or less on child care leave, granted in accordance with paragraph B.3 of this Rule.
 - c. Absent for military, Peace Corps, Job Corps, or Americorp service.
 - d. Absent on leave for rest and recuperation.
 3. An employee returning from leave of absence who does not come within the provisions of paragraph D.2 will be assigned to a vacant position in the class in which the employee holds status. If no such vacant position is available, the employee's name shall be placed on the reemployment list for the class for a period of 39 months. He may return to a vacant position in a class at the same or a lower salary level for which he is qualified.
 4. If the classification has been abolished during the employee's absence, he shall be laid off for lack of work and placed on the reemployment list for the class effective the date of termination of leave. He may be returned to a vacant position in a class at the same or a lower salary level for which he is qualified.
- E. **BENEFITS WHILE ON LEAVE.** Time elapsed while on leave of absence without pay shall not be counted toward seniority for promotion, compensation, sick leave or vacation privileges, except an employee absent on leave for study or Peace Corps, Job Corps or Americorp service shall include such time toward qualifying for advancement to the next higher step in the salary range in accordance with paragraph C of 10.1 and an employee absent on military leave shall be accorded all the rights and privileges granted by the Education Code and the Military and Veteran Code.
- F. **LIABILITY OF DISTRICT.** The School District shall be free of any liability for the payment of any compensation or damages now or hereafter provided by law for the death or injury of any employee of the District, when the death or injury occurs while the employee is on leave of absence without pay.
- G. **CANCELLATION OF LEAVE.** The Board of Education may, for cause, cancel any leave of absence and the employee shall then report for duty not later than the third working day following receipt of notification of such cancellation, provided that available transportation facilities will permit him to report within that period.

- H. EMPLOYMENT WHILE ON LEAVE. An employee, while on leave of absence, may not accept other gainful employment with another employer, except ordered military, Peace Corps, Job Corps, or Domestic Peace Corps service, without express prior approval of the Board of Education.

Reference: California Education code 45190

12.11 MILITARY LEAVE OF ABSENCE

- A. APPLICABILITY OF PROVISIONS FOR CERTIFICATED EMPLOYEES. In addition to the rights, privileges, and obligations regarding military leave of absence which by law apply to classified employees, all such rights, privileges and obligations by law made applicable to certificated employees shall likewise apply to classified employees as though the words "in positions not requiring certification qualifications" appeared in the law in place of the words "in positions requiring certification qualifications."
- B. DEFINITION OF MILITARY. The term "military" as used in this Rule is defined as including army, navy, marine, air force, coast guard, or other armed service of the United States, or as may be otherwise defined by law.
- C. RETURN FROM MILITARY SERVICE. An employee returning from military service who presents his discharge as evidence of such service, shall be returned to his former position if such position exists, and shall have the privilege of accepting assignment to other vacant positions in comparable or lower classes for which he is qualified, provided, however, that should the returning employee accept a position in a comparable or lower class, his continued occupancy of such position shall be dependent upon maintaining service rating above the point designated as unsatisfactory by the Board of Education.

12.12 BEREAVEMENT LEAVE

Every person employed in the classified service of any school district shall be granted necessary leave of absence, not to exceed three days, or five days if out-of-state travel is required, on account of the death of any member of his immediate family. No deduction shall be made from the salary of such employee nor shall such leave be deducted from leave granted by other sections of this code or provided by the governing board of the district. The governing board may enlarge the benefits of this section and may expand the class of relatives listed below as members of the immediate family. Members of the immediate family, as used in this section, means the mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother, sister, of the employee or any person having a principal place of residence in the immediate household of the employee.

Reference: California Education Code 45194

12.13 IMMINENT DEATH LEAVE

Every probationary and permanent employee shall be entitled to two days imminent death leave a fiscal year at full pay. Such leave shall not be cumulative. Such leave shall be authorized when death of a member of the immediate family is imminent.

Imminent death leave is subject to the approval of the employee's Department Head, and the employee must furnish such certificates and evidence of facts as may be required by the Department Head.

12.14 QUARANTINE

Classified employees under personal quarantine by order of the Health Office of the City or County, whether because of their own illness or on account of illness of others, shall be paid for such period of quarantine as is required in the exigencies of the case; provided that pay for such period of absence shall not be for more than two weeks in any period and that no more than two separate periods of personal quarantine shall be paid for in any school year to any one employee. General periods of quarantine shall not be counted as times of personal quarantine.

12.15 EDUCATION CODE PROVISIONS APPLICABLE

The provisions of the Education Code shall govern the absence from duty of classified employees occupying permanent positions, provided, however, that in addition to such rights, privileges and obligations which by law apply to classified employees, such provisions of the law which apply to certificated employees shall likewise apply to classified employees.

12.16 PERSONAL LEAVE

Every probationary and permanent employee shall be entitled to two days personal leave a fiscal year at half pay for any purpose. Such leave shall not be cumulative. Personal leave shall be subject to the approval of the employee's department head. For purposes of this section, a "day" is the regularly assigned time of the employee when the leave is taken.

12.17 VACATION

A. **VACATION ALLOWANCE.** Vacation allowances shall be earned based on the following schedules:

1. Classified employees who have completed five or less service years shall earn vacation computed at the rate of .055 hours vacation for each hour for which pay is received, excluding overtime. Full-time employees will thus receive approximately 14 days' vacation a year.

2. Classified employees who have completed more than five years and less than ten years shall earn vacation computed at the rate of .062 hours vacation for each hour for which pay is received, excluding overtime. Full-time employees will thus receive approximately 16 days' vacation a year.
3. Classified employees who have completed more than ten years and less than fifteen shall earn vacation computed at the rate of .070 hours vacation for each hour for which pay is received, excluding overtime. Full-time employees will thus receive approximately 18 days' vacation a year.
4. Classified employees who have completed more than 15 service years shall earn vacation computed at the rate of .081 hours vacation for each hour for which pay is received, excluding overtime. Full-time employees will thus receive approximately 21 days' vacation a year.
5. Employees in classifications excluded from overtime payments in accordance with the provisions of Rule 10.4.F shall earn vacation computed at the rate of .081 hours vacation for each hour for which pay is received. Full-time employees will thus receive approximately 21 days' vacation a year.
6. A service year for purposes of earning vacation credit is defined in Rule 1.1.

B. ELIGIBILITY FOR VACATION. Eligibility for vacation shall be determined as follows:

1. Classified employees with either probationary or permanent status are eligible to earn paid vacation.
2. Eligibility to take vacation will commence on the first day of the pay period following completion of the number of hours that correspond to 130 days of paid service in regular assignments. The vacation which is then due the employee shall be the number of vacation hours accumulated in accordance with the provisions of paragraph A of this Rule.
3. For purposes of this rule, 130 days shall be defined as 130 times the average number of regularly assigned hours per day for the employee.

C. WHEN VACATION IS TAKEN. Earned vacation is to be taken at a time when the efficiency of the district will be least affected. Vacation shall be taken only at times approved by the Department Head or his/her authorized designee; however, district managers and supervisors will consider the wishes of the employee when scheduling vacation. If there is a conflict in vacation dates requested by employees, the conflict will be resolved on the basis of the greatest seniority in the district; except that a more senior employee may not "bump" a less senior employee once the annual vacation schedule has been established.

1. All employees who are employed less than twelve (12) months shall earn vacation, and it shall be due them in the same manner as all other employees. They shall take vacation due them during winter and/or spring student vacation periods, or designated non-work/intersession periods in year round school assignments or, with the approval of the Department Head or his/her authorized designee, they shall be paid for vacation due them as of June 30; or they may take vacation at other times when it will least affect the efficiency of the district as mutually agreed upon by the employee and the immediate supervisor. During winter and/or spring student vacation periods, all employees who are employed less than twelve (12) months are entitled to use authorized leave provisions.
2. Effective the first day of any fiscal year (July 1) an employee may have accumulated vacation credit not to exceed the amount of vacation credit earned in 1-1/2 years of paid service.
3. When an employee has accumulated the maximum allowable vacation credit and when a serious personal or work related situation prevents his/her using earned vacation time, the employee may request:
 - a. to receive in-lieu payment for any vacation balance in excess of the vacation credit earned in one and one-half (1-1/2 years) of paid service; or
 - b. to accumulate excess vacation.
Such request will include the nature and duration of the situation and will be made in writing to the Chief Business and Financial Officer by May 15.

If request for in-lieu payment is not received by May 15 or if in-lieu payment is not approved, upon written application, accumulation of excess vacation credit will be authorized by the Chief Business and Financial Officer.

CAUTION: PERS retirement credit is not earned on the above described vacation payoff.

5. A vacation once having commenced shall be terminated only by the employee returning to work, being laid off, being terminated from employment, having verified hospitalization or reportable disease, or having a death of a member of the immediate family as defined.
 6. If an employee's scheduled vacation period comes due and the employee is on leave because of verified illness, injury, or bereavement, he/she may contact the appropriate manager/supervisor to arrange a rescheduling of the vacation. Such a request must be made before the original vacation is scheduled to begin. The manager/supervisor will reschedule the vacation after considering the requested dates submitted by the employee and the operational needs of the work site.
- D. **RATE OF PAY FOR VACATION.** The rate at which vacation is paid shall be the employee's current regular pay rate. Employees whose vacations are earned and actually

started under a given status shall suffer no loss of earned vacation salary pay by reason of subsequent changes in conditions of employment. No vacation or part thereof shall be taken in an amount less than one-half (1/2) hour at a time.

- E. VACATION CREDIT WHILE ON NON-PAID STATUS. An employee absent on leave without pay or an employee laid off for lack of work or lack of funds, shall not accumulate vacation credit during the period of his/her absence from active service.
- F. VACATION CREDIT WHILE ON MILITARY LEAVE. Every employee who is a member of the National Guard or Naval Militia, or a member of the Reserve Corps or force in the federal military, naval or marine service, and who is granted a military leave of absence with pay, shall be granted all vacation privileges provided by the Military and Veterans Code.
- G. HOLIDAYS DURING VACATIONS. No deductions shall be made from the vacation credit of any employee for holidays occurring during the assigned vacation period of the employee.
- H. PAY UPON TERMINATION. At the time of separation from service, an employee shall be entitled to lump sum compensation for all earned and unused vacation, except that employees who have not complete six (6) months of employment in a regular or restricted status shall not be entitled to such compensation. Payment for such entitlement will be made in accordance with usual district payroll procedures and scheduled pay dates.

Reference: California Education Code 45197

12.18 REPORTS REQUIRED

Any classified employee absent for any reasons provided for in this chapter shall file with the principal, Division Head, or other designated officer such signed certificate of absence as may be required. For the use of sick or statutory leave, all employees shall notify the immediate manager or the manager's designee of their intended absence prior to the beginning of the employee's workday.

12.19 CASUAL ABSENCES

Department Heads shall have discretionary power, when the necessity demands, to grant to employees permission to be absent without loss of salary, parts of a day not exceeding one-half day when good reason for such absence exists, provided that its power shall not be construed to confer the right to reduce the established number of working hours per month of the employee, and provided further that in no case shall the work of the department or division be materially impacted by the granting of such absence; and provided further, that frequent requests from an employee for such absence, even for short periods, are to be avoided.

12.20 ABSENCE PRIVILEGES NOT GRANTED EMPLOYEES WITH ONLY PROVISIONAL, LIMITED TERM AND SUBSTITUTE STATUS

In the absence of specific action by the Board of Education, none of the privileges granted for absence because of court appearance, attendance at hearings, examinations, casual absences, or because of epidemics or emergencies, shall apply to employees with only provisional, limited term or substitute status.

12.21 SERVICE AS ELECTED OFFICER OF PUBLIC EMPLOYEE ORGANIZATION

The governing board of a school district shall grant to any classified employee, upon request, a leave of absence without loss of compensation for the purpose of enabling the employee to serve as an elected officer of any local school district public employee organization, or any statewide or national public employee organization with which the local organization is affiliated pursuant to Section 45210 of the California Education Code.

Reference: California Education Code 45210