

## **Leaves of Absence for Certificated and Classified Employees (SSDA 13)**

### **Sick Leave**

The District may require employees to provide proof to substantiate the need to use sick leave, including but not limited to a doctor's note or a certification of necessity signed under penalty of perjury.

Pay for any leave of absence utilizing sick leave will be the same had the employee worked that day and may be taken at any time during the school year. All unused sick leave at the end of each school year will accumulate from year to year.

### **Certificated Employees**

Full-time certificated employees will receive a minimum of ten (10) days leave of absence for illness or injury each school year. Any certificated employee who works less than full time will receive a proportional number of days leave of absence based on the full time equivalency worked.

### **Classified Employees**

Full time classified employees on a 10-month work calendar will receive a minimum of ten (10) days leave of absence for illness or injury for every one (1) fiscal year of service. Full time classified employees on an 11-month work calendar will receive a minimum of eleven (11) days leave of absence for illness or injury for every one (1) fiscal year of service. For those employees employed for less than one (1) fiscal year, the total allowable leave is proportionate to the total time employed during the fiscal year. Classified employees who work less than full time will receive a proportional number of hours of leave of absence based on the full time equivalency worked.

### **Personal Necessity**

Personal necessity leave may be taken by certificated and classified employees for (1) a death or serious illness of a member of an employee's immediate family, (2) when there is an accident involving the employee or their personal property, or the person or property of the employee's immediate family, or (3) appearance in court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction.

Personal necessity leave may also be taken by certificated and classified employees for other matters of an urgent nature, such as (4) the need to provide care for a sick or injured family member, (5) medical or other urgent appointments for the employee or a dependent, (6) lack of available transportation to work, (7) family or community events, such as weddings, memorials, graduations, or other significant events, (8) observance of religious holidays, (9) mental health care, or (10) other matters of an urgent nature as determined by the Superintendent/Principal or designee.

Extending a vacation is not considered a matter of an urgent nature and is not eligible for personal necessity leave.

The District may require employees to provide proof to substantiate the need for personal necessity leave, including but not limited to a doctor's note, a court order or subpoena, or a certification of necessity signed under penalty of perjury.

### **Certificated Employees**

Absence for illness or injury can be used by the employee at their discretion for cases of personal necessity. Advanced permission is required if feasible except in cases of (1) a death or serious illness of a member of an employee's immediate family, or (2) when there is an accident involving the employee or their personal property, or the person or property of the employee's immediate family.

Employee may use up to a maximum of seven (7) days of accumulated sick leave for personal necessity.

### **Classified Employees**

Absence for illness or injury can be used by the employee at their discretion for cases of personal necessity. Advanced permission is required if feasible but will not be required in cases of 1) a death or serious illness of a member of employee's immediate family, 2) there is an accident involving the employee or their personal property, or the person or property of the employees immediate family.

Employee may use up to a maximum of seven (7) days of accumulated sick leave for "personal necessity", or the equivalent prorated amount for employees with a part-time schedule or who work for a partial year.

### **No Tell Leave**

Up to two (2) days of "personal necessity" leave, or the equivalent prorated amount for employees with a part-time schedule or who work for a partial year, may be used for "no tell" absences. All "no tell" absences require advance permission and will not be approved if adjacent

to holidays. The employee does not need to state a reason for utilizing “no tell” days. Any reason stated, known, unstated, or unknown will not factor into whether “no tell” leave is approved. “No tell” leave is available to both classified and certificated employees.

## **Bereavement Leave**

### **Certificated and Classified Employees**

An employee may take a leave absence for a maximum of three (3) days if within the State of California, or five (5) days if out-of-state travel is required, in the event of the death of any member of an Employee’s immediate family (spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, grandchildren, brothers, sisters, brothers-in-law, sisters-in-law, and family members living in the employee’s immediate household). In this case, there will be no deduction from an Employee’s salary, nor shall leave be deducted from any other form of leave.

## **Industrial Accident and Illness**

A qualifying employee may take up to sixty days of industrial accident or illness (IAI) leave per fiscal year for absence due to a work-related injury or illness, reduced by one (1) day for each day of authorized absence. Leave shall commence on the first day of absence due to work-related injury or illness.

IAI leave does not accumulate from year to year. When an industrial accident or illness occurs at a time when the full sixty days will overlap into the next fiscal year, the employee shall be entitled to only that amount of remaining IAI leave at the end of the fiscal year in which the injury or illness occurred for the same illness or injury.

An employee may only take IAI leave for days when the employee would otherwise be performing work for the District (for example, contracted days of employment).

If an employee receives paid benefits from the District during IAI leave, in no case shall a payment for wages lost on any day, when added to an award granted to the employee under the workers’ compensation laws of California, exceed the employee’s normal wage for that day.

When IAI leave terminates, an employee may be entitled to use other leaves or receive other benefits like sick leave, differential leave, or vacation leave. However, an employee may take only as much additional accumulated leave as, when added to the employee’s temporary disability indemnity (if any), will result in a payment to him or her that does not exceed his or her full salary.

### **Certificated Employees**

During IAI leave, the District shall pay a certificated employee the portion of the salary due to him or her for the month in which the absence occurs equal to the difference between (a) the salary the employee would have received for the month had the employee been working and (b) any workers' compensation award or temporary disability benefit. The District encourages certificated employees to endorse any temporary disability indemnity checks received on account of an employee's industrial accident or illness to the District, in which case the District shall continue to issue the employee's appropriate salary warrants and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by the warrants.

### **Classified Employees**

To qualify for IAI leave, a classified employee must have been employed by the District continuously for at least three years.

During IAI leave, the District shall pay a classified employee the portion of wages due to him or her for each day the absence occurs equal to the difference between (a) the wages the employee would have received for the day had the employee been working and (b) any workers' compensation award or temporary disability benefit. Classified employees must endorse any temporary disability indemnity checks received on account of an employee's industrial accident or illness to the District, in which case the District shall continue to issue the employee's appropriate wage warrants and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by the warrants.

### **Jury Duty**

#### **Certificated and Classified Employees**

Employees may be absent for jury duty. The District may require employees to provide proof of absence due to jury duty and compensation received for serving as a juror.

The District shall pay an employee the portion of wages or salary due to him or her for each day of absence due to jury duty equal to the difference between (a) the wages or salary the employee would have received for the day had the employee been working and (b) the daily compensation paid to the employee for jury duty.

### **Differential Leave**

Employees are eligible for “differential leave” and “differential pay” as described below.

### **Certificated Employees**

When a certificated employee has exhausted all available sick leave (including accumulated sick leave) and is still absent because of illness or accident for an additional five-month period, regardless of whether the cause of the absence is work-related, the District shall pay the employee 50% of the employee’s regularly salary. This is “differential pay.”

### **Classified Employees**

In addition to the fully paid sick leave granted to classified employees under this policy (see above), the District shall grant classified employees additional sick leave each year for use during differential leave after accumulated sick leave has been exhausted. (“Differential sick leave” or “extended sick leave.”) This additional sick leave for use during differential leave shall equal 100 days less the amount of fully paid sick leave granted to an employee. For example, a full time classified employee who receives ten (10) days of sick leave a year shall also receive 90 days of differential (or “extended”) sick leave.

When a classified employee has exhausted all available fully paid sick leave (including accumulated sick leave), the employee may use any differential sick leave. An employee shall be compensated at 50% of the employee’s regular daily wages for each day of differential sick leave taken. This is “differential pay.”

### **Pregnancy**

District employees are entitled to the full rights afforded them under the federal Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA), and California’s Pregnancy Disability Leave Law. This policy does not recite all of the rights afforded to employees under these laws and only addresses entitlements to leave or other benefits particular to District employees due to their employment as public school employees or an applicable collective bargaining agreement.

### **Pregnancy Disability Leave (PDL)**

Employees may take pregnancy disability leave (PDL) because of pregnancy, miscarriage, childbirth, and recovery therefrom. The length of PDL, including the date on which the leave shall commence and the date on which the employee shall resume duties, shall be determined by the employee and the employee’s physician.

A certificated or classified employee’s disability caused or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom shall be treated like any other non-work-related

temporary disability under this policy and the District's health and temporary disability insurance plans.

### **Parental Leave/Bonding Leave**

In addition to pregnancy disability leave (if any), employees may take up to 12 workweeks of parental leave (or "bonding leave") for reason of the birth of a child of the employee, or the placement of a child with the employee in connection with the adoption or foster care of the child by the employee. Parental leave under this policy shall run concurrently with any FMLA/CFRA parental leave, and no employee may take more than 12 weeks of parental leave or other qualifying FMLA or CFRA leave during any 12 month period.

Certificated and classified employees shall receive differential pay during parental leave as described above in this policy for certificated or classified employees, respectively.