

LA PUENTE VALLEY REGIONAL OCCUPATIONAL PROGRAM

JOINT BOARD POLICIES

II.

Administrative Regulations Covering Classified Employees

LEAVES OF ABSENCE

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In accordance with law and board policy eligible employees are afforded paid and unpaid leaves of absences. Substitute and as-needed employees are not eligible for paid sick leave or other paid leaves. Such employees may, however, be eligible for unpaid family care/medical leave if they meet the statutory requirements for such leave. Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions for a substitute employee. All leaves of absences shall be verified and/or preapproved, if required, by submitting a completed and signed Report of Absence/Leave Request form to the immediate supervisor.

The superintendent or designees have the authority of the ROP to approve verifications of leaves or make final decisions on leaves.

An annual stipend of \$300.00 shall be paid to eligible classified full-time employees who have completed one year of service and maintained a perfect attendance record for their entire fiscal, school or assignment year, dependent upon the work calendar stipulated for the assignment.

An annual stipend shall be paid to eligible classified part-time employees who have completed one year of service and maintained a perfect attendance record for their entire fiscal, school or assignment year, dependent upon the work calendar stipulated for the assignment. The stipend for eligible classified part-time employees shall be calculated using the following formula: Number of hours of regular employment per week divided by 40 and multiplied by \$300.00.

A. Illness Leave

Every classified employee on a full-time basis shall be entitled to twelve (12) days leave of absence per year for purposes of personal illness or injury, or illness. A classified employee employed for a full workweek, but less than a full fiscal year, is entitled to that proportion of 12 days as the number of months he/she is employed bears to twelve (12).

Every full-time classified employee hired prior to July 1, 2002, also shall receive an additional one quarter (1/4) of one (1) day of sick leave per month for each five (5) years of full-time service with the ROP up to a maximum of an additional one (1) full day of sick leave per month. Every part-time classified employee hired prior to July 1, 2002, shall receive such additional sick leave on a pro-rate basis.

Sick leave for a part-time or regular hourly employee shall be on the basis of his/her daily hours prorated one (1) day per month of service for purposes of

A. Illness Leave (continued)

personal illness or injury. Credit for illness and injury need not be accrued prior to taking such leave by the employee and such leave may be taken at any time during the year. However, a new employee of the ROP shall not be eligible to take more than six (6) days or the proportionate number to which he/she may be entitled, until the first day of the calendar months after completion of six (6) months of service with the ROP.

If the employee does not utilize the full amount of leave allowed in any year, the amount not taken shall be accumulated from year to year so long as he/she remains in the employment of the ROP.

Classified employees shall be required to present a licensed California Physician's or Christian Science Practitioner's certificate verifying the personal illness or injury after five (5) consecutive working days of absence, or sooner if so determined by the Superintendent or designee. Employees who are absent for five or more consecutive working days must submit a medical release to return to work, with or without restrictions.

Any classified employee who has served in a school district or ROP for one year or more shall have any unused sick leave, under Education Code Section 45202, transferred to a subsequent school district or ROP employer, provided the employee was not terminated for cause from the previous school district or ROP employer, and that the subsequent employment began within one year of the last day of employment with the previous district or ROP.

For eligible classified employees, unpaid leaves of absence required by statute shall run concurrently with paid sick leave under this provision, when the employee's absence meets the qualifications for such statutory leaves.

Illness leave may be used for appointments regarding the employee's health with prior written approval.

B. Extended Illness Leave

Classified employees are entitled to extended illness leave following exhaustion of full-paid leaves. The employee may receive five (5) months pay at the difference between his or her salary and that amount which was actually paid to a substitute hired specifically for the position. Extended illness leave does not accumulate.

A period not to exceed five (5) months extended (non-accumulated) illness leave shall be made available to employees on July 1 of each year for absence from duties on account of illness or an accident. Employees on extended illness leave shall be paid not less than the differential rate which is the difference between his or her salary and that amount which was actually paid to a substitute hired specifically for the position while using this extended illness leave. If no substitute is employed to fill the employee's position during the absence, the employee shall receive their regular salary.

B. Extended Illness Leave (continued)

All other paid leave benefits, including sick leave, accumulated sick leave, vacation, and compensatory time shall be exhausted.

Extended illness leave shall only be available after the exhaustion of all accumulated illness leave. All accumulated illness leave from prior years shall be paid at the full rate of pay. All current year illness leave shall be used concurrently with the five (5) months extended illness leave. At the exhaustion of all current year's sick leave, the remainder of the five (5) month period shall be paid at the differential rate. Other leaves, such as vacation, compensatory time and holiday leave shall be outside of this five (5) months period and may be used by the employee either preceding or following the five (5) months.

Employees who are advanced illness leave days at the outset of each school year, and in turn use those days and the days included in extended illness leave, and/or other leaves, shall not be required to reimburse the Superintendent for used but not earned sick leave if placed in lay-off status prior to June 30 in any school year due to an inability to return to work.

The extended leave provisions pertain to each illness or accident of the employee and shall commence on the first day of absence from his/her duties.

This extended leave provision applies to illnesses and accidents regardless of whether the illness or accident occurred on or off the job, except that if the illness or accident occurred within the course and scope of the employee's duties, entitlement to extended sick leave shall commence at the conclusion of the 60 working days of paid leave provided under Industrial Accident And Illness Leave.

C. Pregnancy Leave

Classified employees are entitled to use sick leave and extended sick leave for disabilities caused or contributed to by pregnancy, miscarriage, childbirth, or recovery therefrom to the same extent as leaves for other illness or injury.

Pregnancy Disability Leave

Pursuant to state law, classified employees may take up to four months of unpaid pregnancy disability leave (PDL) when required due to disabilities caused by pregnancy or childbirth. Such statutory leave shall run concurrently with any paid leaves, including extended sick leave, to which the employee is entitled, and shall run concurrently with family and medical leaves required by statute. This statutory leave for pregnancy-related disabilities does not apply to normal, non-disabling pregnancies or childbirth, recovery therefrom, or care of a newborn child.

The date on which the employee shall return to duty shall be determined by the employee and her physician and verified in writing by the employee's physician. The ROP may require, at any time, a second physician's opinion, at the expense

Pregnancy Disability Leave (continued)

of the ROP, as to existence of the disability and/or the employee's ability to return to duty. Disabilities caused or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom, are temporary disabilities and shall be treated as such under any ROP health or temporary disability insurance or sick leave plan.

California Family Rights Act (CFRA)

At the end of the employee's period(s) of pregnancy disability, or at the end of four months pregnancy disability leave, whichever occurs first, a California Family Rights Act (CFRA) eligible employee may request to take unpaid CFRA leave of up to 12 work weeks for reason of the birth of her child, if the child has been born by this date. CFRA shall not run concurrently with paid or unpaid leave for pregnancy or related disability.

A spouse under this section includes registered domestic partners. Registered domestic partners includes same sex partners or same or opposite sex partners sharing a common residence where one or both of the partners are eligible for Social Security and if they are of opposite sexes, at least one is age 62 or older.

CFRA Leave Calculation

The 12 work weeks of CFRA leave for child care or childbonding do not begin until after the employee is no longer disabled due to pregnancy, or has exhausted her PDLA leave, whichever comes first. Breaks, off track periods and summer recess are excluded from the calculation of CFRA.

CFRA need not be taken all at once. The time off shall be proportionate for a less than full time employee. Except for pregnancy, the ROP reserves the right to require that CFRA and FMLA leaves run concurrently. If such is the requirement, the ROP shall give written notice to the employee.

The maximum possible combined leave for CFRA/FMLA employees for both pregnancy disability leave and CFRA leave for reason of the birth of the child shall not exceed the statutory leave entitlement of four months and 12 work weeks.

D. Family and Medical Leave*Family and Medical Leave Act (FMLA)*

In accordance with BP 6004 an employee may request to take unpaid leave under the Family and Medical Leave Act (FMLA) due to the employee's own serious health condition including pregnancy; serious health condition of spouse, parent, or child or employee; or birth or placement for adoption or foster care of child within the first 12 months. Approval for such leave is subject to the eligibility requirements as specified under the Family and Medical Leave section. FMLA

Family and Medical Leave Act (FMLA) continued

leave shall run concurrently with the first 12 weeks of PDL. FMLA leave need not be taken all at once and may be taken in daily or partial-day increments. The time off shall be proportionate for a less than full time employee.

FMLA Eligibility

A classified employee is eligible for 12 work weeks of family and medical leave under state and federal statutes (or 26 work weeks in a 12 month period for leave for care of military family members) if he or she has been employed by the ROP for at least one year and has worked at least 1,250 hours in the 12-month period preceding commencement of the leave.

Use of FMLA

Family care/medical leave is unpaid leave which shall run concurrently with available sick leave, extended sick leave, and other paid leaves, if any, to which the employee is entitled. Employee's shall not use sick leave during a period of leave in connection with the birth, adoption, or foster care of a child, or to care for a child, parent, or spouse with a serious health condition, unless mutually agreed to by the ROP and the employee. Family and Medical leave shall not exceed 12 work weeks during any 12-month period, except for leave to care for a service member as outlined in number four (4) of this section. This 12-month period shall run forward from the first day of any period of leave taken pursuant to this provision.

(A "child" is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of whom the adult is not the parent but to whom the adult owes the obligation of care and supervision, who is under age 19 or 18 or over and incapable of self-care because of mental or physical disability.

A "spouse under this section is defined as a husband or wife. It does not include persons who are only cohabiting.

Employees may use family care/medical leave for the following purposes:

- (1) Because of the birth of the employee's child, and in order to care for the child;
- (2) Because of the placement of a child with the employee for foster care or in connection with the employee's adoption of the child;
- (3) In order to care for the employee's child, parent, or spouse with a serious health condition, defined as a condition which requires either inpatient care in a hospital, hospice, or residential health care facility, or continuing treatment or supervision by a health care provider;
- (4) In order for an eligible employee (one who is a spouse, son, daughter, parent

Use of FMLA (continued)

or next of kin of a covered service member) to care for a service member suffering from a serious illness or injury in the line of duty on active duty. The 26 workweek leave duration shall include time taken for any other qualifying reason. "Covered service member" is defined as a member of the Armed Forces, including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. "Outpatient status" is defined as the status of a service member assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

- (5) Because of any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. Contingency operation means a military operation that is either:
1. Designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
 2. Results in the call or order to, or retention on, active duty of members of the uniformed services under specific provisions of Title 10, Armed Forces, of the U.S. Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.

Contingency operation does not include service members called into service by a state's governor for a state emergency.

"Qualifying exigency" leave does not apply to members of the Regular Armed Forces, only Reserves, National Guard, or retirees who are called into active duty by order of the President of the United States or Congress.

The leave may be taken for the following qualifying exigencies:

1. Short-notice deployment: To address any issue that arises from the fact that a covered military member is notified of an impending call or order to active duty in support of a contingency operation for seven or less calendar days prior to the date of deployment. Leave for this purpose may be used for seven calendar days beginning on the date a covered military member is notified of impending call to duty.

Use of FMLA (continued)

2. Military events and related activities: To attend any official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty status of a covered military member; and, to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of the military member.
3. Childcare and school activities:
 - a. To arrange for alternative child care when the active duty status or call to active duty of a covered military member necessitates a change in the existing child care arrangement for a child of the covered military member. The child of the covered military member must be under 18 or 18 or older and incapacitated of self-care because of a mental or physical disability.
 - b. To provide child care for a child of a covered military member on an urgent, immediate need basis (not by routine, regular, or everyday basis) when the need to provide such care arises from the active duty or call to active duty status of a covered military member. The child of the covered military member must be under 18 or 18 or older and incapacitated of self-care because of a mental or physical disability.
 - c. To enroll in or transfer to a new school or day care facility, the child of a covered military member when enrollment or transfer is necessitated by the active duty or call to active duty status of a covered military member. The child of the covered military member must be under 18 or 18 or older and incapacitated of self-care because of a mental or physical disability.
 - d. To attend meetings with staff at a school or a day care facility, such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors, of a child of a covered military member, when such meetings are necessary due to circumstances arising from the active duty status or call to active duty of a covered military member. The child of the covered military member must be under 18 or 18 or older and incapacitated of self-care because of a mental or physical disability.
4. Financial and legal arrangements:
 - a. To make or update financial or legal arrangements to address the covered military member's absence while on active duty or call to active duty, such as preparing and executing financial and health care powers of attorney, transferring bank account

Use of FMLA (continued)

- signature authority, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), obtaining military identification cards, or preparing or updating a will or living trust.
- b. To act as the covered military member's representative before a federal, state, or local agency for purposes obtaining, arranging, or appealing military service benefits while the covered member is on active duty or call to active duty, and for a period of 90 days following the termination for the covered military member's active duty status.
5. **Counseling:** To attend counseling provided by someone other than a health care provider, for oneself, for the covered military member, or for the child of the military member, provided that the need for counseling arises from the active duty or call to active duty status of a covered military member. The child of the covered military member must be under 18 or 18 or older and incapacitated of self-care because of a mental or physical disability.
 6. **Rest and recuperation:** To spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to five days of leave for each instance of rest and recuperation. The spouse of a military member working at least 20 hours per week may take up to 10 days of unpaid leave for the period during which the military member is on leave from deployment in an area designated as a combat theater or combat zone by the President of the United States during a "a period of military conflict". The eligible employee must submit documentation showing that the covered military member is on leave from deployment.
 7. **Post-deployment activities:**
 - a. To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status.
 - b. To address issues that arise from the death of a covered military member while on active duty status, such as meeting and recovering the body of the military member and making funeral arrangements.
 8. **Additional activities:** To address other events which arise out of the covered military member's active duty status or call to active duty provided that the employer and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

Use of FMLA (continued)

(6) ~~Because of the employee's own serious health condition which makes the employee incapacitated and thereby unable to perform the functions of his or her job for at least three consecutive days and the condition requires inpatient or inpatient-type care or, the condition requires continuing treatment (two or three times) by a health care provider or treatment on at least one occasion that leads to a regimen of continuing treatment under the supervision of the provider. Serious health condition under this section is defined as an illness, injury, impairment, or physical or mental condition that involves either of the following:~~

1. ~~Inpatient care in a hospital, hospice, or residential health care facility;~~
2. ~~Continuing treatment or continuing supervision by a health care provider, including one or more of the following:~~
 - a. ~~A period of incapacity of more than three consecutive full days~~
 - b. ~~Any period of incapacity or treatment for such incapacity due to chronic serious health condition~~
 - c. ~~For purposes or leave under the FMLA, any period of incapacity due to pregnancy or prenatal care~~
 - d. ~~Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective~~
 - e. ~~Any period of absence to receive multiple treatments, including recovery, by a health care provider~~

Leave taken for the birth or placement of a child need not be taken all at once, but must be concluded within one year of the birth or placement of the child. If both parents of a child are employed by the ROP, their Family and Medical Leave related to the birth or placement of a child shall be limited to a total of 12 weeks.

FMLA Notice Requirements

Whenever possible, the employee shall give the ROP at least 30 days written advanced notice of the need for Family and Medical Leave.

Where the employee does not learn of the need for the leave at least 30 days in advance, the employee shall provide such notice as soon as practicable.

Where leave is foreseeable but notice is not provided by this section, the ROP may deny the leave for up to 30 days from the date notice is given.

If leave is needed for a planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption of ROP operations, subject to the approval of the employee's health care provider.

A spouse of a military member on leave from deployment in a combat zone who wishes to take up to 10 days of unpaid leave must provide notice within two business days of receiving official notice of the military leave.

Certification of Qualifying Military Exigency

Employees requesting Family and Medical Leave because of a qualifying exigency arising out of active duty or call to active duty will be required to provide the approximate beginning and ending dates of the requested leave; a copy of the

covered military member's active duty orders; or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty in support of a contingency operation and the dates of the covered military member's active duty services.

Documentation will also be required for leave related to short-term deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and any other additional activities which arise out of the covered military member's active duty status or call to active duty.

If the qualifying exigency involves a third party, the employee must provide appropriate contact information for the individual or entitle and a brief description of the purpose of the meeting.

Health Care Provider Certification

Employees requesting Family and Medical Leave because of a serious health condition must provide certification from a health care provider of the person who requires care. The certification shall include the date when the serious health condition began and the probable duration of the condition.

If the employee is requesting leave to care for a child, spouse, or parent or military service member with a serious ~~health condition~~ illness or injury the health care provider's certification shall include an estimate of the amount of time the provider believes the employee needs to care for the individual and shall include a statement that the condition warrants the participation of a family member to provide care for the individual. The certification may be provided by any one of the following:

A U.S. Department of Defense (DOD) health care provider;

A U.S. Department of Veterans Affairs (VA) health care provider;

A DOD TRICARE network authorized private health care provider; or

A DOD non-network TRICARE authorized private health care provider

Where an employee requests leave to care for a covered service member, the superintendent or designee reserves the right to request that the health care provider provide the following additional information:

Whether the health care provider is a DOD health care provider, a VA health care provider, a DOD TRICARE network authorized private health care provider, or a DOD non-network TRICARE authorized private health care provider.

Whether the covered service member's injury or illness was incurred in the line of duty on active duty.

Certification of Qualifying Military Exigency

The superintendent or designee may also request that the certification set forth information provided by the employee or covered service member:

The relationship of the employee to the covered service member;

Whether the covered service member is a current member of the Armed Forces, National Guard or Reserves, and the service member's military branch, rank, and current assignment;

Whether the covered service member is assigned to a military medical facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients, and the name of the medical treatment facility or unit; and

Whether the covered service member is on the temporary disability retired list; and a description of the care to be provided to the covered service member.

If the employee requests leave because of his or her own serious health condition, the provider's certification must state that due to the serious health condition, the employee is unable to perform the functions of his or her job.

The health care provider's certification need not identify the serious health condition. If additional leave is needed when the certification of the health care provider expires, the ROP may require recertification as specified herein.

If the ROP has reasons to doubt the validity of a certification, the ROP may require the employee to obtain, at ROP expense, a second opinion from an ROP approved health care practitioner. If the second opinion is contrary to the first, the ROP may require, at its own expense, that the employee obtain a third medical opinion from a third health care practitioner approved by both the employee and the ROP.

During the period of Family and Medical Leave, the employee shall continue to be entitled to participate in the ROP's health benefit plans. The employee will not be entitled to participate in other benefits such as life insurance, disability insurance and cash in lieu of benefits unless in paid status. If an employee fails to return from leave after the leave period has expired for a reason other than the continuation, recurrence, or onset of a serious health condition, the employee may be required to reimburse any benefit premiums paid by the ROP during the period of the leave.

Employment Status During FMLA

The employee shall retain his or her status with the ROP during the leave period, and the leave shall not constitute a break in service for purposes of longevity or seniority under any employee benefit plan. For purposes of layoff, recall, promotion, job assignment, and seniority-related benefits such as vacation, the employee returning from family care/medical leave shall return with no less seniority than he or she had when the leave began.

Reinstatement Rights Following FMLA Leave

Upon an employee's return from family care/medical leave, the ROP shall reinstate the employee in the same or a comparable position as he or she held at the time the leave began. The ROP may refuse to reinstate an employee to the same or a comparable position if all of the following apply:

- (1) The employee is a salaried "key" employee who is among the highest paid 10% of those employees who are employed within 75 miles of the employee's work site;
- (2) The refusal is necessary to prevent substantial and grievous economic injury to ROP operations; and,
- (3) The ROP informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

D. Industrial Accident And Illness Leave

Leave of absence for industrial accidents or illnesses shall be provided to classified employees who have served in the ROP continuously for at least three years. A classified employee shall be eligible for full-paid industrial accident and illness leave for personal illness or injury which occurs within the course and scope of the employee's assigned duties.

A classified employee who has sustained a job-related injury or illness shall report the same to his/her immediate supervisor on the appropriate ROP form within twenty-four (24) hours of the injury or illness. To qualify for industrial accident or

D. Industrial Accident And Illness Leave (continued)

illness leave, an employee shall be examined and treated, if necessary, by a

physician designated by the ROP or the ROP's industrial accident insurance carrier.

Whoever may be designated to treat the employee, if necessary, the ROP retains the right to have the employee thereafter examined by a physician designated by the Superintendent or designee to assist in determining the length of time during which the employee will be temporarily unable to perform assigned duties and the degree to which a disability or illness is attributable to the injury and job.

Industrial Accident And Illness Leave Limitations

Industrial accident or illness leave shall be subject to the following limitations:

- (1) Such leave shall not exceed sixty (60) days during which schools of the ROP are required to be in session or when the employee would otherwise have been performing work for the ROP in any one fiscal year for the same industrial accident or illness. Such leave shall run concurrently with unpaid statutory leaves as described in section D paragraph B(6) of this Policy regulation.
- (2) Such leave shall not be accumulated from year to year.
- (3) Such leave shall commence on the first day of authorized absence and shall be reduced by one (1) day for each day of authorized absence regardless of any workers' compensation benefit award.
- (4) When such leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due for the same injury or illness.
- (5) For any days of absence from duty as a result of the same industrial accident or illness, the employee shall endorse to the ROP any workers' compensation benefit award covering wage loss that is received by him/her, in order to continue to receive regular compensation from the ROP. If the employee fails to endorse to the ROP any such benefit payments received on account of the industrial accident or illness as provided herein, the ROP shall deduct from the employee's salary warrant the amount of such benefits actually paid to and retained by the employee.
- (7) Industrial accident or illness leave will be reduced by one day for each day of authorized absence regardless of whether the employee receives any workers' compensation benefit award.
- (8) Upon conclusion of industrial accident or illness leave, an employee may utilize any available sick leave, extended sick leave, vacation and other compensatory time off provided that any paid leave utilization, when combined with any workers' compensation benefit award, shall not exceed 100% of the

amount the employee would have received as salary had there been no industrial accident or illness.

- (9) All compensation paid under this provision shall be subject to regular deductions for taxes, retirement, and other authorized purposes.
- (10) Any employee receiving benefits for such leave shall, during the period of injury or illness, remain within the State of California unless the Joint Board previously authorized travel outside the State.

Return to Service after Industrial Accident And Illness Leave

Any employee shall be permitted to return to service following an industrial accident or illness only upon presentation of a release from the authorized worker's compensation physician certifying the employee's ability to return to his/her position. An employee who is disabled within the meaning of the Americans with Disabilities Act may be entitled to reasonable accommodation to enable the employee to perform the essential functions of his/her job.

During this leave, the employee may return to his/her position without suffering any loss of status or benefits. Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

Exhaustion of Leaves Due to Accident or Illness

When available paid leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request additional leave.

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/her position, he/she shall be placed on a re-employment list for a period of thirty-nine (39) months. If the employee is on probationary status, he/she shall be placed on the reemployment list for twenty-four (24) months beginning at the expiration of the five (5) month extended illness leave. If during this time the employee becomes medically able he/she shall be employed in a vacant position in the class of his/her previous assignment over all other available candidates except for a re-employment list established because of lack of work or lack of funds, in which case he/she shall be listed in accordance with appropriate seniority regulations. An employee who has been placed on a re-employment list, as provided herein, who has been medically released for return to duty and who fails to accept an appropriate assignment shall be deemed to have resigned from ROP employment.

E. Personal Necessity Leave

A classified employee may use no more than seven (7) days of accumulated sick leave per school year in case of personal necessity. For purposes of this provision,

“personal necessity” is defined as:

- (1) The need to attend to the illness of the employee's child, parent, spouse or registered domestic partner;
- (2) Death or serious illness of a member of the employee's immediate family as defined in the Bereavement section of this regulation;
- (3) Accident involving the employee's person or property, or the person or property of a member of the employee's immediate family;
- (4) An emergency requiring prompt response, which response cannot reasonably be made by anyone other than the employee and cannot be made at any time other than during the employee's working hours;
- (5) Appearance as a witness in court or before any administrative tribunal, other than as a litigant, for reasons not brought about by the convenience or misconduct of the employee;
- (6) The need to attend a regularly scheduled parent conference for your school age child(ren) for up to four (4) hours per child per school year;
- (7) Other personal necessities will be allowed at the discretion of the Superintendent or designee.

No such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. For purposes of this provision “personal necessity” shall not include: pursuit of business, financial, or economic interests of the employee; vacation or other recreational pursuits; social events; and any concerted refusal to work.

Except in the case of an emergency, prior approval for personal necessity leave using the Report of Absence/Leave Request form, must be obtained from the Superintendent or designee who shall have the discretion to determine whether the request for leave qualifies hereunder. If possible, prior notice of taking leave for an emergency shall be given by the employee to the Superintendent or designee. Where personal necessity leave is used to attend to an illness of the employee's child, parent, or spouse, only the notification requirements for use of sick leave shall apply.

F. Bereavement Leave

A classified employee shall be eligible for a maximum of three (3) days bereavement leave of absence, or five (5) days if out-of-state travel is required,

F. Bereavement Leave (continued)

without loss of salary or deduction from any other leave to which the employee is entitled, on account of the death of any member of his/her immediate family. At the

employee's request, bereavement leave may be extended under personal necessity leave provisions.

The immediate family shall include the spouse, registered domestic partner, children, parents, grandparents, or grandchildren of the employee or of the spouse of the employee, son-in-law, daughter-in-law, and siblings of the employee, or any relative living in the immediate household of the employee.

Consideration will be given by the Superintendent for special circumstances.

G. Jury Duty Leave

Each classified employee shall be eligible for a leave of absence when regularly called for jury duty in the manner provided for by law subject to the following provisions:

Subject to the provisions below, the employee, while serving on jury duty, shall receive his/her regular earnings from the ROP, and shall transmit to the ROP all fees, exclusive of mileage received for jury service.

As a matter of general policy, the ROP does not encourage employees to seek exemption from or postponement of jury duty; the ROP will cooperate with the employee in any appropriate manner. Employees, who would otherwise be ineligible for paid leave under these provisions, who are denied an exemption or postponement after a good-faith application for same, shall be eligible for paid leave for a period not to exceed the normal tour of jury service for the particular judicial jurisdiction.

An employee on jury leave for one semester or less shall be entitled to return to the same or a comparable assignment as that held at the time such leave commenced, unless such assignment had been discontinued, in which case the employee shall be entitled to a comparable position.

No more than one classified employee or two (2) percent of the classified staff, whichever is greater, shall be granted jury duty leave with pay at any one time.

H. Additional Leave After Exhaustion of Leaves for Non Industrial Accident and Illness

A permanent classified employee who has exhausted all entitlement to sick leave, vacation, compensatory overtime, or other available paid leave and who is absent because of nonindustrial accident or illness may be granted additional leave, paid or unpaid, not to exceed six months. The Joint Board may renew the leave of absence, paid or unpaid, for two additional six-month periods or such lesser leave

H. Additional Leave After Exhaustion of Leaves Due to Non Industrial Accident and Illness (continued)

periods that it may provide but not to exceed a total of 18 months. If no additional leave is granted, or the leaves are exhausted, the employee will be placed on the re-employment list. Health and welfare benefits will be discontinued during unpaid

leaves of absences.

Service Credit for Leave of Absence Period

An employee, upon ability to resume the duties of a position within the class to which he was assigned, may do so at any time during the leaves of absence granted and time lost shall not be considered a break in service. However, the employee shall not receive service credit for the time spent on a leave of absence under this section. The employee shall be restored to a position within the class to which he/she was assigned and, if at all possible, to the former position with all the rights, benefits and burdens of a permanent employee.

Re-employment Rights Following Exhaustion of All Leaves of Absence

If at the conclusion of all leaves of absence, paid or unpaid, the permanent employee is still unable to assume the duties of his/her position, the employee shall be placed on a re-employment list for a period of thirty-nine (39) months. If the employee is on probationary status, he/she shall be placed on the re-employment list for twenty-four (24) months beginning at the expiration of the five (5) month extended illness leave.

If at any time during the prescribed thirty-nine (39) months the employee is able to assume the duties of his position, he/she shall be reemployed in the first vacancy in the classification of the previous assignment. The employee's re-employment will take preference over all other applicants except for those laid off for lack of work or funds, in which case the employee shall be ranked according to his/her proper seniority. Upon resumption of duties, the break in service will be disregarded and the permanent employee shall be fully restored as a permanent employee. For a probationary employee, the break in service shall not count against the period required for the employee to reach permanency.

I. Personal Leaves

Parent Conference Leave

Employees with school age children will be granted a reasonable time off with pay to attend a regularly scheduled parent conference. This leave may be taken up to four (4) hours per child per school year.

I. Personal Leaves (continued)

Personal Leave for a Child's School Activities

Any employee who is a parent/guardian or grandparent having custody of one or more children who are enrolled in grades K-12, or who attend a licensed day care facility, may use up to 40 hours of personal leave, vacation or compensatory time

off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the year, and the employee shall give reasonable advance notice of the absence.

In lieu of using vacation, personal leave or compensatory time off, eligible employees giving reasonable advance notice may take up to 40 hours without pay each school year for this purpose, not to exceed eight hours in any month.

If both parents of a child are employed at the same work site, this leave shall be allowed for the first parent who applies; simultaneous absence by the second parent may be granted by the superintendent or designee

Upon request by the superintendent or designee, the employee shall provide documentation from the school or licensed day care facility that he/she participated in school or licensed day care facility activities on a specific date and at a particular time.

Religious Leave

The superintendent or designee may grant employees up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional ROP expenditures, the neglect of assigned duties or any other unreasonable hardship on the ROP.

The superintendent or designee shall deduct the cost of a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the superintendent or designee.

The employee shall be in an unpaid status unless he/she chooses to use any personal necessity leave he/she has available.

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel.

An employee who is a volunteer firefighter shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire or law enforcement training.

J. Absence Notification Requirements

An employee shall contact his or her supervisor at or prior to the beginning of each regularly scheduled work day in which the employee is absent due to illness or injury. Exceptions include a serious accident, injury, or hospitalization, or occasions when the supervisor is made aware in advance that the employee will be absent. It remains the employee's responsibility to keep the supervisor or

manager informed as to the employee's continued need for sick leave and estimated date of return to work.

K. Special Leaves With or Without Pay

Upon recommendation of the superintendent, the Joint Board may grant, within its sole discretion and pursuant to any of its policies, other leaves of absence due to special circumstances.

L. Military Leave

In accordance with Board Policy 6109B and applicable law, military leave shall be granted to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. The terms of such leave shall be applied as referenced in Board Policy.

Legal Reference:

EDUCATION CODE

- 44018 Compensation for employees on active military duty
- 44036-44037 Leaves of absence for judicial and official appearances
- 44800 Effect of active military service on status of employees
- 45059 Employee ordered to military/naval duty – computation of salary
- 45190 Leaves of absence and vacations (classified)
- 45193 Pregnancy leave
- 45192 Industrial Accident and Illness Leave (classified)
- 45194 Bereavement leave of absence (classified)
- 45196 Extended Illness Leave
- 45198 Effect of provisions authorizing leaves of absence
- 45207 Personal necessity (classified)

Legal Reference:

CALIFORNIA FAMILY RIGHTS ACT

12945.2

825.113, 825.114, 825.115 Serious health condition

CALIFORNIA CODE OF REGULATIONS

Title 2, § 7291.12 Pregnancy Disability Leave Act

CALIFORNIA CONSTITUTION

Article 1, Section 8 Religious discrimination

FAMILY CODE

297.5 Domestic partner rights

GOVERNMENT CODE

18540 Definition of armed forces

18540.3 Recognized military service

20990 – 21013 Pension benefits, PERS members on military leave

LABOR CODE

230.3 Leave for emergency personnel

230.4 Leave for volunteer firefighters

230.8 Leave to visit child's school

233 Illness of child, parent, spouse, domestic partner or domestic partner's child

234 Absence control policy

MILITARY AND VETERANS CODE

146 Events justifying calling of militia into active service

389 Definitions; temporary military leave

395 – 395.9 Military leave

395.10 Unpaid leave for spouse of military member

UNITED STATES CODE, TITLE 38

4301 – 4333 Uniformed Services Employment and Reemployment Rights Act of 1994

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VII, Civil Rights Act of 1964

U.S. Code of Federal Regulations 29 §2611 Serious health condition

COURT DECISIONS

Rankin v. Commission on Professional Competence (1988) 24 Cal.3d 167

Wright v. City of Santa Clara (1989) 213 Cal. App. 3d 1503

Bowers v. San Buenaventura (1977) 75 Cal. App. 3d 65