

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

DEFINITIONS

The term "immediate family" is defined as:

FAMILY

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee's household at the time of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definition of family shall include only those individuals listed in items 1, 2, and 3 above but shall exclude son- or daughter-in-law and parent-in-law.

FAMILY
EMERGENCY

The term "family emergency" shall be limited to disasters and life-threatening situations involving the employee or a member of the employee's immediate family. [See DEC(LEGAL)]

WORKDAY

A "workday" for purposes of earning, use, or recording shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.

HEALTH-CARE
PROVIDER

For purposes of medical certification, a "health-care provider" shall be defined as set forth in the federal regulations of the Family and Medical Leave Act. [See DECA(LEGAL)]

CATASTROPHIC
ILLNESS OR INJURY

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Complications resulting from pregnancy shall be treated the same as any other condition.

AVAILABILITY

The District shall make state personal and local leave for the current year available for use at the beginning of the school year in compliance with and as set forth in administrative procedures.

The District shall not approve paid leave for more workdays than have been accumulated in prior years plus those to be earned during the current year. Any absences beyond available paid leave shall result in deductions from the employee's pay.

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EARNING LEAVE	<p>An employee shall not earn leave when he or she is on an unpaid leave of absence. An employee using full or proportionate paid leave shall be considered to be in paid status.</p>
ORDER OF USE	<p>Earned compensatory time shall be used before any available paid state and local leave. [See DEA]</p> <p>Unless an employee requests a different order, available paid state and local leave shall be used in the following order, as applicable:</p> <ol style="list-style-type: none">1. Local leave, until exhausted.2. State sick leave accumulated before the 1995–96 school year, until exhausted.3. State personal leave, until exhausted. <p>Use of the District's sick leave bank shall be permitted only after all available state and local leave has been exhausted and the employee meets the eligibility requirements to receive days from the bank.</p> <p>Any leave taken for which leave balances are insufficient shall result in a deduction from the employee's paycheck commensurate with the amount of leave taken.</p>
RECORDING	<p>Leave shall be recorded in accordance with guidelines found in the payroll manual and in administrative procedures, except in accordance with provisions for intermittent leave in the Family and Medical Leave Act [see DECA(LEGAL)] or when coordinated with workers' compensation benefits as provided in this policy. An employee shall be charged leave as used even if a substitute is not employed.</p>
CONCURRENT USE OF LEAVE	<p>When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.</p> <p>The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave. [See DEC(LEGAL)]</p> <p>An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall run concurrently with and be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.</p>
MEDICAL CERTIFICATION	<p>An employee shall submit medical certification evidencing the need for leave if:</p> <ol style="list-style-type: none">1. The employee is absent more than five consecutive workdays because of personal illness or illness in the immediate family;

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2. The District requires medical certification when deemed necessary by the Superintendent's designee;
3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or
4. The employee requests FMLA leave for military caregiver purposes.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

Note: For District contribution to employee insurance during leave, see CRD(LOCAL).

STATE PERSONAL
LEAVE

An employee shall earn state personal leave up to the statutory maximum of five workdays annually at the rate of one-half workday for every 18 days of employment. Under current state law, each employee shall receive five days per year of "personal" leave with no limit on accumulation. An employee may use this leave for any purpose, subject to the procedures in this policy. Unused state leave is transferable among districts as part of the employee's service record.

In accordance with provisions in Education Code 22.003 and to preserve the employee's leave entitlement while minimizing disruption to the instructional program and the operation of the District, the Board requires employees to differentiate the manner in which state personal leave is used:

NON-
DISCRETIONARY
USE

1. Non-discretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Non-discretionary use of leave is leave used for the employee's own illness, leave used for illness in the employee's immediate family, leave used for emergencies, leave used for a death in the employee's immediate family, or leave used when situations, occurrences, or incidents prevent the employee from reporting for work.

DISCRETIONARY
USE

2. Discretionary use of leave is leave for which the employee knows in advance will be necessary and/or leave that can be planned for in advance.

LIMITATIONS

In order to preserve the continuity of the instructional program, the District calls attention to the importance of attendance of campus-based (if applicable) and instructionally related personnel on the days listed below. The use of

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discretionary days by any employee in a manner that negatively impacts the students or mission of the District may be addressed through the District's disciplinary procedures.

1. On the first five or last five teaching days of each school year;
2. On the day before or after an extended break consisting of three or more consecutive days (excluding weekends);
3. On days scheduled for end of semester or end of year exams;
4. The week prior to state-mandated assessments;
5. The week during state-mandated assessments; and
6. On assigned professional or staff development days.

DURATION OF
LEAVE

Discretionary use of state personal leave shall not exceed three consecutive workdays.

LOCAL LEAVE

All employees earn up to five workdays of paid local leave per school year. However, a person whose employment exceeds 194 days shall be eligible to earn a prorated portion of two additional workdays of local leave. The proration shall occur in half-day increments based on the total number of days worked in a regular position.

Local leave shall accumulate without limit. Accrued days of leave shall be rolled over from year to year. Balances of accumulated leave shall be indicated on the employee's paystub. It shall be the employee's responsibility to ensure the accuracy of leave balances and to notify payroll of any discrepancies. Absences taken in one pay period may not be reflected until the following pay period.

Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995-96 school year, except as otherwise provided by this policy. [See DEC(LEGAL)]

SICK LEAVE BANK

The District shall establish a sick leave bank that employees may join through contribution of earned local leave or state personal leave.

Leave contributed to the bank shall be extended to the employee's immediate family. An employee who is a member of the bank and who has exhausted all available paid leave, and who suffers from a catastrophic illness or injury or is absent due to the catastrophic illness or injury of a member of the employee's immediate family, may request leave from the bank.

If the employee is unable to request leave from the sick leave bank, a member of the employee's family or the employee's supervisor may submit the request.

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The Superintendent or designee shall develop administrative procedures for the operation of the sick leave bank that address the following:

1. Membership in the sick leave bank, including the number of days an employee must donate to become a member;
2. Procedures to request leave from the sick leave bank;
3. The maximum number of days per school year a member employee may receive from the sick leave bank;
4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the sick leave bank.

APPEAL

All decisions regarding the sick leave bank may be appealed as stated in the sick leave bank administrative procedures.

BEREAVEMENT LEAVE

Use of leave for death in the employee's immediate family shall not exceed five workdays per occurrence, subject to the approval of the District. If no accrued leave is available, the employee may request up to five unpaid workdays for the death of an immediate family member.

OTHER EMPLOYMENT
WHILE ON LEAVE

While on any type of leave status with the District, the employee may not perform work in any capacity, whether with the District or with another employer, except as approved by the Employee Benefits and Risk Management department as part of an approved return-to-work or transitional duty assignment at the District.

Exceptions may be granted by the Employee Benefits and Risk Management department for employees on approved professional development leave to substitute or work part-time in the District.

Working during a leave of absence without prior approval from the Employee Benefits and Risk Management department shall be considered a violation of the District's leave policy and may be grounds for immediate termination of at-will employees or recommendation of termination for contract employees.

FAMILY AND MEDICAL
LEAVE

For purposes of an employee's entitlement to FMLA, the rolling 12-month period shall be measured backward from the date an employee uses FMLA leave.

TWELVE-MONTH
PERIOD

COMBINED LEAVE
FOR SPOUSES

If both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to

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	<p>care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)]</p>
<p>INTERMITTENT OR REDUCED SCHEDULE LEAVE</p>	<p>The District shall not permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]</p>
<p>CERTIFICATION OF LEAVE</p>	<p>If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)] An employee shall comply with reasonable requests from the District to provide medical certification or clarification from the treating health-care provider(s) licensed to practice in the United States if illness or injury is the reason for the leave request. Medical certification shall be provided in increments of at least every 30 days or in more frequent intervals as requested by the District.</p> <p>Before an employee may return to work after any period of leave for personal illness or injury, the employee shall submit to the Employee Benefits and Risk Management department a medical certification of the employee's ability to perform essential job functions by a health-care provider licensed to practice in the United States who is currently treating the employee.</p>
<p>FITNESS-FOR-DUTY CERTIFICATION</p>	<p>If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. If the District will require certification of the employee's ability to perform essential job functions, the District shall provide a list of essential job functions to the employee with the FMLA designation notice.</p>
<p>LEAVE AT END OF SEMESTER</p>	<p>A teacher desiring to return to work at or near the conclusion of a semester shall be reinstated in accordance with LEAVE AT THE END OF A SEMESTER in DECA(LEGAL).</p>
<p>FAILURE TO RETURN</p>	<p>If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), RECOVERY OF BENEFIT COST] Additionally, failure to return to work absent a resignation shall be considered good cause for termination.</p>
<p>TEMPORARY DISABILITY LEAVE</p>	<p>An unpaid or paid leave of absence for temporary disability under the Education Code is available only to full-time educators. As used in this policy, "full-time educators" shall mean employees whose positions require certification as required by Chapter 21 of</p>

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the Education Code and the State Board of Educator Certification. The maximum length of temporary disability shall be 180 calendar days. The full-time educator shall make a request for a leave of absence for temporary disability to the Superintendent or designee. The request shall include medical certification confirming the employee's inability to work and shall state the date the leave will begin and probable date of return as certified by the physician.

Leave for temporary disability shall run concurrently with assault leave and leave under the FMLA when applicable.

The Board may place an educator on a leave of absence for temporary disability if, in the Board's judgment and in consultation with a physician who has performed a thorough medical examination of the educator, the educator's condition interferes with the performance of regular duties. The Board's inquiry must be job-related and consistent with business necessity.

[See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for reinstatement]

A full-time educator who returns to work after a leave of absence for temporary disability shall be entitled to an assignment at the school where the educator formerly taught, subject to the availability of an appropriate teaching position. If unavailable, the employee shall remain on inactive status until a position is available. In any event, the educator shall be placed on active duty no later than the beginning of the next school year.

All other professionals under contract who qualify for temporary disability leave may return to a previously vacated position, subject to availability, upon release to return to work. If the position is unavailable, the employee shall be assigned to an alternate position through the end of the contract term.

WORKERS'
COMPENSATION

Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance. [See CRD(LOCAL) regarding payment of insurance contribution during employee absences.]

PAID LEAVE OFFSET

An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use available partial-day increments of paid leave to make up the difference between the employee's income benefits and the pre-injury daily base rate of pay. [See CRE]

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The employee shall have two options for receiving workers' compensation income benefits. If no election is made, the employee shall lose the option to use available accumulated leave in lieu of workers' compensation benefits. Once an election is chosen, it cannot be changed.

The employee shall inform the Employee Benefits and Risk Management department the option he or she elects from the following:

1. An employee may elect to receive workers' compensation benefits; or
2. An employee may elect to receive workers' compensation benefits and use available accrued leave, not to exceed the employee's pre-injury daily base rate of pay.

ASSAULT LEAVE

Assault leave, during which the employee receives workers' compensation wage benefits supplemented by the District up to the pre-assault weekly salary, shall not be designated as family and medical leave. [See DEC(LEGAL)]

COURT
APPEARANCES

Absences due to compliance with a valid subpoena not related to personal business shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.

Absences for court appearances related to an employee's personal business shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay.

An employee shall be granted leave with pay and without loss of accumulated leave for jury duty. The employee shall be required to present documentation of the service and shall be allowed to retain any compensation for this service.

REIMBURSEMENT OF
LEAVE UPON
SEPARATION

The following leave provisions shall apply to state and local leave earned by a District employee.

An employee who separates from employment with the District shall be eligible for reimbursement of state and local leave under the following conditions:

1. If retiring, the employee must be eligible for retirement under applicable TRS guidelines;
2. If resigning, the employee must have ten years of consecutive service with the District immediately preceding the resignation;
3. The employee must be a full-time employee, as defined by District policy;

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4. The employee shall be employed through the last workday as established by the calendar for the current year; and
5. The employee provides advance written notice of intent to separate from employment. Employees must provide written notice of their resignation to the Human Resources department no later than April 15, or the next business day if it falls on a weekend.

The employee shall be reimbursed for each day of state and local leave, at a rate established by the Board. The Board shall have the exclusive right to change, suspend, or terminate this program at any time and for any reason based on the needs of the District.

ABSENCE CONTROL
POLICY

ABUSE OF LEAVE

All employee leave shall be provided for the specific purposes stipulated in this policy and/or state law. Absence from work shall be based on a particular leave status. An employee's absence without leave (AWOL) shall not be permitted and shall be deemed an abuse of the leave program. Abuse of the employee leave program, including excessive absenteeism, is a violation of District policy and may result in disciplinary action up to and including loss of pay, suspension, demotion, or termination of employment.

Absence without leave means any of the following conditions:

1. Being absent without available leave and not on Superintendent-approved administrative leave;
2. Being absent without having followed administrative procedures for taking leave; and
3. Being absent without having followed designated procedures for reporting absences as established by administrative procedures for taking leave.

TARDINESS

Employees shall arrive to work by the time designated by their work schedules. Unexcused or excessive tardiness may result in disciplinary action, up to and including termination of employment. Unexcused or excessive tardiness shall constitute good cause for termination of employment.

UNAUTHORIZED
ABSENCE

An employee may be terminated for good cause when he or she:

1. Fails to return to work and fails to notify the Employee Benefits and Risk Management department within three workdays following a release by the treating physician;
2. Fails to return to work and fails to request or extend a leave of absence; or

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3. Fails to report to work after exhausting all paid leave and, if eligible for leave of absence, does not request a leave.

The uniform enforcement of a reasonable absence control policy is not retaliatory discharge.

SANCTIONS FOR
ABUSE

All employee leave shall be provided for the specific purpose stipulated in this policy and is not intended to be used as a vacation, or for mere convenience. Except for discretionary use of state personal leave, documentation may be required for any chronic absences as determined by the Superintendent or designee. Abuse of the employee leave program and/or excessive absenteeism is a violation of District policy and may result in disciplinary action up to and including loss of pay, suspension, demotion, or termination of employment, in accordance with appropriate District policies. [See DCD and DF series]

EXPIRATION OF
AVAILABLE LEAVE

Upon the expiration of all leave for which an employee has applied and is eligible, the District shall notify the employee in writing that his or her leave has expired if the employee has not already returned to work.

An employee shall have ten workdays within which to apply for any leave for which the employee may be eligible or to notify the District in writing that the employee is ready, willing, and able to return to work. A medical clearance showing that the employee is physically able to perform the essential functions of his or her positions, with reasonable accommodations if necessary, shall be required to return to work. Additionally, some jobs shall require the employee to submit to a fitness-for-duty evaluation paid for by the District wherein the employee must demonstrate the ability to meet all of the essential functions of his or her job.

An at-will employee who does not receive approval of such additional leave and who does not report and document his or her availability and fitness to return to work within the ten workday period shall be deemed to have voluntarily resigned his or her employment with the District, effective immediately upon the expiration of the ten workday period designated in such notice, and shall be offered health benefits according to COBRA. [See CRD]

An at-will employee who fails to return to work after exhausting all available leave, regardless of the type of leave, shall be deemed to have voluntarily resigned his or her employment with the District, and shall be offered health benefits according to COBRA.

A contract employee's failure to receive approval of such additional leave and his or her subsequent failure to report and document his or her availability and fitness to return to work, within the ten work-

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day period, shall be considered good cause for termination. A contract employee's failure to return to work after exhausting all available leave, regardless of the type of leave, shall be considered good cause for termination. For termination procedures and rights of contract employees, see DCE and DF series.