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CHAPTER XI

VACATION, LEAVES OF ABSENCE AND HOLIDAYS

Rule 11.1 VACATION

The subject of this Rule is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

11.1.1 RATIO FOR EARNING VACATION LEAVE (EDUCATION CODE 45190, 45197)

- A. Regular classified employees or a regular employee temporarily assigned to a provisional or limited term assignment, shall earn vacation at the rate of:
1. one (1) day per month through five (5) years of service,
 2. one and one-fourth (1-1/4) days per month of employment from six (6) through ten (10) years;
 3. one and one-half (1-1/2) days per month of employment from eleven (11) through fifteen (15) years or
 4. one and three-quarters (1 3/4) days per month of employment beginning with the sixteen year and continuing each year thereafter.
- B. Regular classified management or confidential employees shall earn vacation at the following rate of two (2) days per month of employment.

- C. Vacation leave is credited if an employee is in paid status
For eleven (11) or more of the working days in the month.
- D. Vacation is earned at all times that an employee is in a paid status.

11.1.2 RATIO AND EARNING VACATION LEAVE FOR UNIT MEMBERS

- A. Vacation leave for unit members shall be earned in accordance with these Rules and the negotiated labor agreement between the Santa Monica-Malibu Unified School District and the recognized employee organization.

11.1.3 VACATION LEAVE PROCEDURES

- A. Earned vacation becomes a vested right upon completion of six (6) months of employment.
- B. Vacation schedules shall be approved by the department supervisor. An effort shall be made to enable vacation to be taken at times convenient to the employee, consistent with the needs of the District and the work load of the department.
- C. Upon separation from the District a permanent employee shall be entitled to lump sum compensation for all earned and unused vacation. Payment shall be made at the regular rate of pay earned at the time of separation.
 - 1. Regular rate of pay is the rate of pay in the employee's permanent class.
- D. Classified employees who have not completed six (6) months of continuous employment in regular status at the time of separation from the classified service shall not be entitled to compensation for vacation.

- E. A classified employee may be granted vacation during the school year even though not earned at the time the vacation is taken.
- F. Upon termination, the full amount of salary which has been granted in advance of being earned, shall be deducted from the employee's final check.
- G. All regular part-time classified employees shall be entitled to vacation leave prorated in the same proportion as the number of hours worked per week bear to forty (40) and the number of days worked per week bear to five (5).
- H. The rate at which vacation is paid shall be the employee's regular rate at the time the vacation is taken.
 - 1. Regular rate of pay is the rate of pay in the employee's permanent class.
- I. The minimum increment of vacation which may be taken is one (1) hour.
- J. In determining the vacation schedule for the department, the supervisor shall give employees the choice of times available on the basis of seniority.
- K. Vacation leave should be requested in advance and must be approved by the immediate supervisor before it is taken.

11.1.4

VACATION LEAVE FOR TWELVE MONTH EMPLOYEES

- A. Classified employees assigned to a twelve (12) month work year may take their vacation at any time during the school year upon the approval of their immediate supervisor.
- B. Vacation which is not taken during the fiscal year in which it is earned should be taken within the twelve (12) months following. Vacation which is not used within the second twelve (12) month period shall

accumulate for use in the next year or be paid for in cash at the option of the Board.

11.1.5 VACATION LEAVE FOR LESS THAN TWELVE MONTH EMPLOYEES

- A. Classified employees assigned to a work year of less than twelve (12) months shall take their vacation during the school year in which it is earned and will normally use their vacation during the winter and spring recess periods unless otherwise scheduled by the immediate supervisor.
- B. Classified employees assigned to a less than twelve (12) month work year shall be compensated by a lump sum payment for unused vacation remaining to their credit at the end of their assignment each school year.

11.1.6 INTERRUPTION OF VACATION LEAVE (EDUCATION CODE 45200)

- A. A permanent classified employee who commences an approved vacation and subsequently becomes ill or bereaved before the vacation period has been completed may request termination of vacation and placement on illness or bereavement leave without a return to active service provided:
 - 1. the illness or bereavement is such that, had the employee been working, the employee would have been placed on illness or bereavement leave and
 - 2. the employee provides adequate notice and furnishes relevant supporting information to Personnel Services.

11.1.7 APPLICATION OF VACATION LEAVE PROVISIONS TO UNIT MEMBERS

- A. Vacation leave provisions for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee organization.

Rule 11.2

LEAVES OF ABSENCE

The subject of this Rule is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

11.2.1

GENERAL PROVISIONS (EDUCATION CODE 45190)

- A. A leave of absence is an unauthorized for a regular employee to be absent from duty for a specific period of time for an approved purpose.
- B. The granting of a paid or unpaid leave of absence of six (6) months or less shall guarantee the employee the right to return to his/her same positions.
- C. The granting of a paid or unpaid leave of absence of six (6) months or less shall guarantee the employee the right to return to a position of equal status in the employee's same classification. However, the assignment may be in a different department or location.
- D. A paid leave, unpaid illness leave and military leave do not constitute a break in service.
- E. An employee on a paid leave of absence shall continue to accrue all benefits to which he/she is entitled as a regular employee.
- F. The Board may cancel any leave of absence by giving the absent employee due notice. Due notification shall allow sufficient time for the employee to return to work, but shall not be less than five (5) working days.
- G. Failure to report for duty within five (5) working days after a leave expires or has been cancelled shall be considered abandonment of position and the employee may be terminated by the Board.

Termination for abandonment shall be deemed termination for cause and treated as a disciplinary action.

- H. Any required license or certificate held by the employee at the time the leave was granted must be valid at the time the employee returns to work.
- I. An employee, while on leave of absence, may not be accept other gainful employment, except ordered military service without express prior approval of the Board.

11.2.2 APPLICATION OF LEAVE OF ABSENCE TO UNIT MEMBERS

- A. Leave of absence procedures for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee organization.

Rule 11.3

SICK LEAVE

The subject of this Rule within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

11.3.1 REGULAR SICK LEAVE PROVISIONS (EDUCATION CODE 45136, 45191)

- A. Sick leave is the authorized absence of a regular employee when the absence is due to:
 - 1. physical or mental inability to perform the usual and customary duties of the position due to illness, injury or for legally established quarantine or
 - 2. a visit to a licensed physician, dentist, practitioner, psychologist or other therapist for examination, treatment, consultation or therapy.

- B. Every regular classified employee shall earn one (1) day of sick leave per full month of service as follows:
1. To qualify for a full month of service, the employee must be in a paid status for eleven (11) days during the month.
 2. Employees assigned to a work year of less than twelve (12) months or less than forty (40) hours per week shall receive sick leave credit prorated in the same proportion as the number of months bear to twelve (12) and the number of hours worked per week bear to forty (40).
- C. Pay for any day of sick leave shall be the same pay the employee would have received had they worked that day.
- D. Sick leave accrued, but not used, shall carry over from one fiscal year to another with no limit on accumulation.
- E. New probationary employees may not use more than six (6) days of paid sick leave during their initial probationary period.
- F. At the beginning of each fiscal year, the sick leave account of the employees shall be increased by the number of days of paid sick leave which would normally be earned in the ensuing fiscal year.
- G. In order to receive compensation while absent in sick leave, the employee shall notify the District in accordance with procedures promulgated by the employee's supervisor or the District. If no procedure is otherwise established, the employee shall notify his/her supervisor within the first working hour of the day of absence.
- H. When a substitute employee has been provided, the absent employee shall notify his/her immediate supervisor the day prior to his/her expected return in order that the substitute may be released.

- I. To be eligible to return to work following paid or unpaid sick leave, a written release from the employee's physician may be required. If required, this statement shall be presented to the Assistant Superintendent-Personnel Services. This release must certify that the employee is able to return to his/her position with no restrictions or limitations and:
 - 1. may be required of employees whose absence is more than five (5) consecutive working days;
 - 2. is required upon return from surgery or illness requiring hospitalization regardless of the duration of the absence;
 - 3. is required of employees using casts or orthopedic devices while at work and
 - 4. is required upon request of the District.
- J. When paid sick leave is used on the working day immediately before or after a paid holiday, the holiday is not charged against sick leave.
- K. Employees shall utilize available leaves for illness in the following order:
 - 1. industrial accident (if applicable);
 - 2. accrued and advanced sick leave;
 - 3. compensation time, then
 - 4. accrued vacation.

11.3.2

INDUSTRIAL ACCIDENT, INJURY AND ILLNESS LEAVE (EDUCATION CODE 45192; LABOR CODE 4453, 4460)

- A. A classified employee who is absent from duty for causes which have been determined by the District as constituting an industrial accident, injury or illness, shall be entitled to not more than sixty (60) working days in any one (1) fiscal year for each injury or illness.

If the full sixty (60) working days will overlap into the fiscal year, the employee shall be entitled only to that amount remaining at the end of the fiscal year in which the accident or illness occurred.

- B. An employee who is absent from work due to an industrial accident shall report the injury on the form provided by the District within twenty-four (24) hours, or as soon as practical, to his/her immediate supervisor.
- C. An employee claiming industrial accident leave shall be examined and treated by a licensed physician approved by the District. The medical report from the physician and such other evidence as may be required affirming that the accident, injury or illness resulted from employment with the District shall be promptly forwarded to the District. The employee may be required to submit, at any time during the absence, to an examination performed by a physician selected by the District.
- D. Industrial accident leave shall commence on the first day of the absence and shall be reduced by one (1) day for each day of authorized absence.
- E. Payment for wages lost as a result of absence due to industrial accident shall not exceed the regular salary of the employee. For employees paid on an hourly basis, the normal wages for the day shall be based on the assigned work time of the employee.
- F. An employee receiving benefits under the provisions of this Rule shall, during the period of the leave, remain within the State of California unless out-of-state travel is authorized by the Board.
- G. If an employee is still unable to return to duty after exhausted paid industrial accident leave, the employee shall then utilize accumulate sick leave. Sick leave will be reduced only in the amount necessary to provide full pay, as determined by the employee's assignment, when added to temporary disability benefits.

- H. After all accumulated sick leave has been exhausted an employee will be paid from accrued vacation, compensatory time and extended sick leave to the extent necessary to make up the employee's full salary when combined with temporary disability benefits.
- I. An employee shall be permitted to return to service after an industrial accident or illness leave only upon presentation of a release from the District appointed physician and the treating of a physician. These releases must certify that the employee is able to his/her position without restrictions or limitations.
- J. A leave under this Rule, either paid or unpaid, shall not be considered a break in service and the employee, while on such leaves, shall continue to accrue seniority credit.
- K. When all available leaves of absence, paid or unpaid, have been exhausted following an industrial accident or illness, and the employee is still unable to return, the employee shall be placed on a reemployment list for his/her class for thirty-nine (39) months. If the employee's class has been abolished during his/her absence and the employee has been released to return, the employee shall be placed in a vacant position in a comparable class for which the employee is qualified.
- L. An employee who has been placed on a reemployment list, as provided in this Rule, who has been medically released to return to duty and fails to accept an appropriate assignment, shall be removed from the reemployment list
- L. While an employee is on any paid leave resulting from an industrial accident or illness, the employee's salary paid by the District shall not, when added to a temporary disability allowance, exceed the employee's regular salary.

- M. The District shall issue appropriate warrants for payment of wages and shall deduct normal retirement and other authorized deductions.

11.3.3

VERIFIED ILLNESS LEAVE (EXTENDED SICK LEAVE) (EDUCATION CODE 45196)

- A. Verified illness benefits shall be limited to five (5) months per fiscal year or per single illness.
- B. When a regular classified employee has exhausted all accumulate sick leave and continues to be unable to resume the regular duties of his/her position due to illness and injury, the employee may request to be placed on verified illness leave or on unpaid illness leave.
- C. The employee shall submit a request accompanied by a medical verification from a licensed physician or practitioner stating the nature of the illness or injury, the dates the employee has been under care and the expected date of return to work.
- D. Verified illness leave is subject to the following conditions:
 - 1. Verified illness pay shall be the employee's regular rate of pay less the amount actually paid a substitute employee. If no substitute is hired the employee shall receive full pay.
 - 2. Accrued and advanced sick leave, compensatory time and vacation when used for illness, shall be included in the five (5) month period.
- E. In order to be eligible for verified illness leave employee shall use available leave in the following order.
 - 1. All industrial accident or illness leave, when applicable;
 - 2. All accrued and advanced sick leave;

3. All accumulated compensatory time and
4. All earned vacation.

11.3.4 UNPAID ILLNESS LEAVE (EDUCATION CODE 45195)

- A. A permanent classified employee, who has exhausted all paid leaves and who continues to be absent due to non-industrial illness or accident may be granted an additional six (6) month unpaid leave of absence upon recommendation of the immediate supervisor and Assistant Supervisor-Personnel Services with the approval of the Board. This leave may be extended for additional six (6) month periods.
- B. Prior to granting this leave the following factors shall be considered:
 1. the likelihood that the employee will be able to return to regular duties at the conclusion of the leave;
 2. the length of services and work record of the employee;
 3. the employee's previous leave history and attendance record;
 4. the number of positions in the employee's class and
 5. the uniqueness of the duties performed, and the availability of a substitute.
- C. Granting unpaid illness leave shall guarantee the employee the right to return to his/her former class.

11.3.5 RETURN FROM SICK LEAVE

- A. When a classified employee, who has been placed on paid or unpaid illness leave of five (5) or more consecutive days wishes to return to work, he/she may be required to submit a release form from his/her physician. The employee shall provide his/her supervisor and Personnel Services at least one (1) day advance notice of return.

- B. If at the conclusion of all paid or unpaid sick leave granted under this Rule, the employee is still unable to resume the regular duties of the position, he/she shall be placed on a reemployment list for thirty-nine (39) months in the same manner as if he/she were laid off for lack of work or lack of funds.

11.3.6 APPLICATION OF SICK LEAVE PROVISIONS TO UNIT MEMBERS

- A. Sick leave procedures for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee organization.

Rule 11.4 BEREAVEMENT LEAVE

The subject of this Rule is within the scope of representation under section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of the Rule as they apply in that unit.

11.4.1 GENERAL PROVISIONS (EDUCATION CODE 45194)

- A. Regular classified employees shall be granted necessary leave of absence with pay for not more than three (3) working days, upon the death of any member of the employee's immediate family. Such leaves may be extended to a maximum of five (5) working days when the employee travels out-of-state or in excess of three hundred (300) miles one way in connection with the bereavement.
- B. Leave of absence for bereavement shall not be deducted from any other leave entitled of the employee.

11.4.2 IMMEDIATE FAMILY DEFINED (EDUCATION CODE 45194)

- A. A member of the immediate family means the mother, father, grandparent, grandchild, brother or sister of the employee or spouse of the employee, the spouse, son-in-law, daughter, daughter-in-law, aunt, uncle, stepfather, stepmother of the employee or any person living in the immediate household of the employee.

11.4.3 BEREAVEMENT FOR OTHER THAN IMMEDIATE FAMILY

Bereavement leave for other than immediate family members may be charged to personal necessity leave.

11.4.4 APPLICATION OF BEREAVEMENT LEAVE PROVISIONS TO UNIT MEMBERS

- A. Bereavement leave procedures for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee organization.

Rule 11.5 PERSONAL NECESSITY LEAVE

The subject of this Rule is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply in that unit.

11.5.1 GENERAL PROVISIONS (EDUCATION CODE 45207)

- A. Regular classified employees shall be granted personal necessity leave of absence to attend to events which are serious in nature, which cannot be expected to be disregarded, which necessitate immediate attention and cannot be dealt with during off-duty hours, subject to the following conditions:
1. Days used as personal necessity leave shall be deducted from the employee's sick leave balance.
 2. Not more than six (6) days of personal necessity may be used per fiscal year.
 3. The employee shall use only that amount of time necessary to alleviate the necessity leave:
- B. Examples of events justifying personal necessity leave:
1. death of a member of the employee's immediate family when additional leave is required beyond that provided in the Bereavement Rule, or the death of a close friend or relative who is not a member of the immediate family;

2. an accident involving the employee's personal property or the person or property of a member of the immediate family;
3. appearance in court as a litigant;
4. incapacitating illness of a member of the immediate family;
5. natural disaster such as earthquake, flood or fire of a serious nature which requires the employee's presence;
6. observance of major religious holidays of the employee's faith or
7. other appropriate and compelling reasons as approved by the District.

C. Examples of events that would NOT justify personal necessity leave:

1. political activities or demonstration;
2. vacation, recreation or social activities or
3. extension of a school holiday, recess or vacation.

D. Employees shall submit report of absence forms to their immediate supervisor for approval. Employees may be required to provide additional verification of the use of this leave as required by the District.

11.5.2 APPLICATION OF PERSONAL NECESSITY PROVISIONS TO UNIT MEMBERS

A. Personal necessity leave procedures for unit members shall be in accordance with these Rules and the negotiated labor agreement between the district and the recognized employee organization.

Rule 11.6 PREGNANCY DISABILITY LEAVE

The subject of this Rule is within the scope of representative under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representatives of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

11.6.1 GENERAL PROVISIONS (EDUCATION CODE 45193)

- A. Regular female classified employees who must be absent from their duties because of pregnancy or convalescence following childbirth shall be entitled to utilize all regular and extended sick leave benefits to which they may be entitled under these rules.
- B. Paid leave, including regular sick leave and extended sick leave and extended sick leave may be used for the period of absence medically certified by the employee's attending physician and approved by the district.
- C. Prior to the eighth month of pregnancy, the employee shall furnish Personnel Services a medical certificate stating the last date on which she will be able to work, accompanied by a verification of her disability.
- D. If the employee has exhausted all full-pay leaves, a request for verified illness leave may be presented to Personnel Services. Verified illness leave procedures shall be followed.
- E. Prior to returning to service, the employee must present to Personnel Services, a release to return to work without limitation, from the treating physician.

11.6.2 APPLICATION OF PREGNANCY DISABILITY LEAVE PROVISIONS TO UNIT MEMBERS

- A. Pregnancy disability leave procedures for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee and organization.

Rule 11.7 UNPAID CHILD REARING LEAVE

The subject of this rule is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

11.7.1 GENERAL PROVISIONS (EDUCATION CODE 45190, 45199)

A. A regular classified employee who is the natural or adoptive parent of a child shall be entitled to an unpaid leave of absence for the purpose of rearing the child immediately after the birth of the child or the completion of appropriate adoption procedures. Such leave shall be for a maximum period of one (1) year and shall be granted provided that the employee submits a leave request to Personnel Services prior to the anticipated date on which the leave is to commence.

11.7.2 APPLICATION OF UNPAID CHILD REARING LEAVE TO UNIT MEMBERS

A. Unpaid child rearing leave provisions for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee organization.

Rule 11.8 JURY DUTY AND WITNESS LEAVE

The subject of this Rule is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representation of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employee in that unit.

11.8.1 GENERAL PROVISIONS (EDUCATION CODE 44036, 44037)

A. Leave id absence shall be granted to any regular classified employee who has been officially summoned to jury duty in any local, State or Federal Court. Leave shall be granted for the period of jury service.

- B. Leave of absence to serve as a witness in a court case shall be granted any regular classified employee when that employee has been served a subpoena to appear as a witness, not as a litigant, in the case. Leave shall be granted for the number of days required to be in attendance in court.
- C. The employee shall receive full pay for jury service or witness leave provided:
 - 1. the summons to jury service or the subpoena to appear has been filed with Personnel Services;
 - 2. the jury service or court attendance is certified by the jury commissioner or the clerk of the court and filed with Personnel Services and
 - 3. the jury service or witness fees shall be assigned to the District except for travel, parking meal allowances
- D. An employee granted leave of absence under this Rule shall report to work during hours when his/her presence is not required in court. The employee shall notify the District to release the substitute employee, when applicable.

11.8.2 APPLICATION OF JURY DUTY AND WITNESS LEAVE TO UNIT MEMBERS

- A. Jury duty and witness leave provisions for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee organization.

Rule 11.9 MILITARY LEAVE

The subject of this Rule is within the scope or representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

11.9.1 GENERAL PROVISIONS (MILITARY AND VETERNAS CODE 389, 395, 395.01, 395.02, 395.03, 395.04, 395.05, 395.1, 395.3)

- A. Regular classified employees under official orders, who are called to active duty in the Armed Services of the United States of America shall be granted military leave of absence for the period of the service.
- B. Regular classified employees who are members who are members of a reserve corp, and who must be temporarily absent due to active duty training or exercises shall be granted temporary military leave of absence.
- C. Regular classified employees shall be granted leave with the first thirty (30) calendar days at full pay. Employees on military leave shall be granted salary advancement and shall continue to accrue seniority for purposes of layoff. No other fringe benefits, such as sick leave or vacation shall accrue during any unpaid portion of the leave.
- D. In order for a paid leave of absence to be granted the employee must submit official orders to active duty, stating the date to report.
- E. Upon return from temporary military leave the employee shall be reinstated to his/her same regular position or an equal position in the same class.

11.9.2 APPLICATION OF MILITARY LEAVE TO UNIT MEMBERS

- A. Military leave provisions for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee organization.

Rule 11.10 OTHER LEAVES

The subject of this Rule is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

11.10.1 LEAVE OF ABSENCE DUE TO EPIDEMIC/QUARANTINE

- A. Every regular classified employee shall be allowed a leave of absence from duty with full pay on any day on which his/her regular work site is closed because of quarantine, epidemic or other conditions involving the health of employees provided the employee is ready, willing and able to report for duty and the employee cannot be assigned to an alternate work site to perform his/her regular duties or other suitable duties.

11.10.2 LEAVE TO VOTE (ELECTIONS CODE 14350-14352)

- A. Regular classified employees shall be allowed time off with pay to vote in national and local elections when the employee's regular work schedule would make it impossible to reach the polling place to vote outside working hours.
- B. Time off shall be taken at the beginning or end of the shift and shall only be the time necessary to vote.

11.10.3 RELEASE TIME FOR PERSONNEL ACTIVITIES

- A. Regular classified employees shall be granted time off from duty with pay for the following.
 - 1. to take an examination or attend an interview for promotion or transfer in the District or
 - 2. To attend a Personnel Commission meeting at which a recommendation affecting the employee's classification, salary or status is being presented.
- B. The employee shall notify his/her immediate supervisor at least two (2) days prior to the date of the desired release.

11.10.4 LEAVE TO SERVE IN AN EXEMPT, TEMPORARY OR LIMITED TERM POSITION

- A. A regular classified employee may accept the assignment to an exempt, temporary or limited term position without loss or status in his/her regular position, classifications or entitlement to benefits.

- B. The employee may voluntarily return to his/her former position at any time prior to completion of the assignment in an exempt, temporary or limited term position, with the approval of the supervisors affected.

11.10.5 APPLICATION OF OTHER LEAVE TO UNIT MEMBERS

- A. Other leave provisions for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee organization.

Rule 11.11 SPECIAL LEAVES OF ABSENCE

The subject of this Rule is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

11.11.1 CASUAL ABSENCE LEAVE

- A. Administrators, managers and supervisors shall have the right to grant regular classified employees permission to be absent during the work day for periods up to two (2) hours. This leave shall be for unexpected occurrences that develop during working hours and require the employee's immediate attention.

11.11.2 CONVENTION ATTENDANCE

- A. Regular classified employee shall receive release time without loss of pay to attend conventions, workshops, seminars, training or professional business meetings related to the employees' job and approved of the District.

11.11.3 ADMINISTRATIVE LEAVE (EDUCATION CODE 45190, 45198)

- A Regular classified employees may be granted paid leave of absence for not more than thirty (30) days upon approval of the Board.

11.11.4 APPLICATION OF SPECIAL LEAVE TO UNIT MEMBERS

- A. Special leave provisions for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee organization.

Rule 11.12 TRANSFER OF SICK LEAVE FROM ANOTHER SCHOOL DISTRICT

11.12.1 GENERAL PROVISIONS (EDUCATION CODE 45202)

- A. Any person employed by the District in a regular classified position shall be entitled to transfer all accumulated sick leave under the following circumstances:
 1. The employees was employed for a period of one (1) calendar year or more by any school district or by the county superintendent of schools.
 2. The employee separated for reasons other than action initiated by the employer for cause.
 3. The employee was employed by the District within one year of separation from the previous district.

Rule 11.13 UNPAID LEAVE OF ABSENCE

The subject of this Rule is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

11.13.1 GENERAL PROVISIONS (EDUCATION CODE 45190, 45198)

- A. A permanent classified employee may be granted a leave of absence without pay for a period not to exceed thirty (30) days upon written request of the employee, recommendation of the immediate supervisor and approval of the Assistant Superintendent Personnel Services.

- B. A permanent classified employee may be granted a leave of absence without pay for a period not to exceed one (1) year upon written request of the employee and approval of the Board of Education for reasons satisfactory to the District and not otherwise enumerated in these Rules.
- C. Requests for unpaid leave of absence shall be submitted to the Assistant Superintendent-Personnel Services at least ten (10) working days prior to a regular Board meeting occurring before commencement of the leave.
- D. Granting of leave of absence without pay will give the employee the following rights:
 - 1. If the leave of absence is for six (6) months or less, the employee is entitled to return to his/her position.
 - 2. If the leave of absence is for more than six (6) months, the employee is entitled to return to a position in his/her class which is equal to the position that was held at the time the leave was granted.
- E. The Board may, for good cause, cancel an unpaid leave of absence by giving the absent employee at least five (5) working days notice of cancellation. The employee may appeal the cancellation to the Commission who shall investigate and hear the appeal. The appeal of a cancellation of leave shall stay the action of the Board until the Commission has issued a determination, which shall be final and binding.
- F. An employee may make a written request to the Board to return to work prior to the expiration date of the leave. The Board may approve or reject the request.
- G. Failure to report for duty within five (5) working days after a leave has been cancelled or expires shall constitute abandonment of the position. This provision does not apply to military leave.
- H. A probationary employee is not eligible for unpaid leave of absence.

- I. An employee on unpaid leave of absence may continue to participate in the District health and welfare plan, as provided by the insurance carrier. The employee must pay all premiums due during the unpaid leave.

11.13.2 APPLICATION OF UNPAID LEAVE PROVISIONS TO UNIT MEMBERS

- A. Unpaid leave provisions for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee organization.

Rule 11.14 PAID HOLIDAYS

The subject of this Rule is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

11.14.1 HOLIDAYS (EDUCATION CODE 45203, 45205, 45206.5)

- A. All regular classified employees shall be entitled to the following paid holidays which occur during their assigned work year, subject to eligibility provisions of this Rule.

1. Legal holidays

January 1

*Martin Luther King day

*Lincoln Day

*Washington Day

*Memorial Day

July 4

*Admission Day

*Veterans Day

Thanksgiving Day

December 25

*See Rule 11.14.18

2. Board approved Holidays

In addition to the legal holidays listed above, all regular classified employees shall be granted four (4) additional paid holidays as designated on the District calendar adopted each year prior to the beginning of the school year.

3. Specially Declared Holidays

Regular classified employees shall also be entitled to pay for all other holidays declared by the President or the State Governor or the Board.

4. Children's Center Calendar

The Board may adopt a different holiday calendar for the Children's Center. When Children's Center employees work on District designated holidays they shall be granted an in lieu of holiday.

B. The District may designate other days during the year as holidays in lieu of the holidays marked with an asterisk above, provided that:

1. the "in lieu" holidays are scheduled to provide at least a three (3) day weekend or
2. the "in lieu" holidays are designated prior to the beginning of the school year/

C. Regular classified employees who are required to work on a holiday shall be paid:

1. their regular pay for the holiday plus
2. their regular overtime rate (time and one-half) for all hours worked on the holiday.

11.14.2 ELIGIBILITY FOR THE HOLIDAY PAY (EDUCATION CODE 45206)

- A. Regular employees must be in a paid status during some portion of the working day before or the working day after the holiday.
- B. Provisional, limited term, temporary and substitute employees and employees hired for exclusive weekend or holiday work shall not be eligible for holiday pay.
- C. When a holiday falls on Saturday, the holiday shall be observed on the preceding Friday. When a holiday falls on a Sunday, the holiday shall be observed the following Monday.
- D. A regular classified employee assigned to a work week other than Monday through Friday shall be provided a substitute holiday when the regular holiday falls on a day on which the employee is not assigned to work.
- E. A regular classified employee who is not assigned to duty during student recess periods between September and June shall be paid for any holiday that falls within the recess, provided he/she was in a paid status during any portion of the working day that immediately precedes or follows the recess period.

11.14.3 APPLICATION OF PAID HOLIDAY PROVISIONS TO UNIT MEMBERS

- A. Paid holiday's provisions for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee organizations.