

CHAPTER XI: VACATION, LEAVES OF ABSENCE AND HOLIDAYS

Rule 11.1 Vacation

- Section 11.1.1 Ratio for Earning Vacation  
11.1.2 Vacation Procedures  
11.1.3 Vacation for Twelve Month Employees  
11.1.4 Vacation for Less Than Twelve Month Employees  
11.1.5 Interruptions of Vacation

Rule 11.2 Leaves of Absence

- Section 11.2.1 General Provisions

Rule 11.3 Sick Leave

- Section 11.3.1 Regular Sick Leave Provisions  
11.3.2 Industrial Accident, Injury and Illness Leave  
11.3.3 Extended Sick Leave (Non-Industrial)  
11.3.4 Additional Leave for Accident or Illness (Non-Industrial)  
11.3.5 Return from Illness (Non-Industrial)

Rule 11.4 Bereavement Leave and Procedure

- Section 11.4.1 General Provisions  
11.4.2 Immediate Family Defined  
11.4.3 Bereavement for Other Than Immediate Family

Rule 11.5 Personal Necessity Leave and Procedure

- Section 11.5.1 General Provisions

Rule 11.6 Pregnancy Disability Leave

- Section 11.6.1 General Provisions

Rule 11.7 Unpaid Child Rearing Leave, Family Medical Leave Act (FMLA), and California Family Rights Act (CFRA)

- Section 11.7.1 General Provisions

Rule 11.8 Jury Duty and Witness Leave

- Section 11.8.1 General provisions

Rule 11.9 Military Leave

Section 11.9.1 General Provisions

Rule 11.10 Other Leaves

Section 11.10.1 Leave of Absence Due to Epidemic/Quarantine  
11.10.2 Leave to Vote  
11.10.3 Release Time for Personnel Activities  
11.10.4 Leave to Serve in an Exempt, Temporary or Limited  
Term Position

Rule 11.11 Special Leaves of Absence

Section 11.11.1 Convention Attendance  
11.11.2 Administrative Leave

Rule 11.12 Transfer of Sick Leave from Another District

Section 11.12.1 General Provisions

Rule 11.13 Unpaid Leave of Absence

Section 11.13.1 General Provision

Rule 11.14 Paid Holidays

Section 11.14.1 General Provisions  
11.14.2 Eligibility for Holiday Pay

## CHAPTER XI

### VACATION, LEAVES OF ABSENCE AND 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.

Rule 11.1 VACATION

11.1.1 RATIO FOR EARNING VACATION

- A. Regular classified employees or a regular employee temporarily assigned to a provisional, working-out-of-class or limited term assignment, shall earn vacation at the rate defined in the collective bargaining agreement.
- 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 earned if an employee is in paid status for eleven (11) or more of the working days in the month.

11.1.2 VACATION 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.  
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 time has not been earned at the time the vacation is taken.
- F. Upon separation, the full salary amount 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 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.
- I. The minimum increment of vacation which may be taken is two (2) hours.
- 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 shall be requested in advance and must be approved by the supervisor before it is taken.

11.1.3

VACATION 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 supervisor.
- B. If the employee is not permitted to take their full annual vacation, the amount not taken shall accumulate for use in the next year or be paid for in cash at the option of the Board of Education.

11.1.4

VACATION 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 shall use their vacation during the winter and spring recess periods unless otherwise scheduled by the 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.

References: Education Codes 45136, 45137, 45190, and 45197

11.1.5

INTERRUPTION OF VACATION

- A. Governing boards of school districts may allow permanent classified employees to interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, provided the employee supplies adequate notice and relevant supporting information regarding the basis for such interruption or termination to Human Resources.

Reference: Education Code 45200

Rule 11.2

LEAVES OF ABSENCE

11.2.1

GENERAL PROVISIONS

- A. A leave of absence is an authorization for an 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 classification in a position of equal hours and months as the position held prior to the leave. The position may be in a different department or location.
- C. A paid leave, unpaid illness leave, FMLA, CFRA and military leave do not constitute a break in service.
- D. An employee on a paid leave of absence shall continue to accrue all benefits to which he/she is entitled as a regular employee.
- E. The Board of Education 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.
- F. 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.
- G. 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.
- H. An employee, while on leave of absence, may not accept other gainful employment, except ordered military service, without express prior approval of the Board of Education.

References: Education Codes 45136, 45137, 45190, 45192, 45197, 45200, 45260 and 45261

Rule 11.3            SICK LEAVE

11.3.1                REGULAR SICK LEAVE PROVISIONS

- 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 regular 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. The rate at which sick leave is paid shall be the employee's regular rate at the time sick leave is taken.
- D. Sick leave accrued, but not used, shall carry over from one fiscal year to another with no limit on accumulation.
- E. 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.

- F. New probationary employees may not use more than six (6) days of paid sick leave during their initial probationary period.
- G. 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.
- H. In order to receive compensation while absent on 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 prior to the start of his/her shift.
- I. When a substitute employee has been provided, the absent employee shall notify his/her supervisor of his/her expected return date in order that the substitute may be released.
- J. 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.

References: Education Codes 45122, 45136, 45137, 45190, 45191, 45193, 45195, 45196.5, 45200, 45203, 45260 and 45261

### 11.3.2 INDUSTRIAL ACCIDENT, INJURY AND ILLNESS LEAVE

- A. An employee shall be eligible for not less than sixty (60) working days in any one (1) fiscal year for the same accident.
- B. When an industrial accident or illness occurs at a time when the full sixty (60) working days will overlap into the next fiscal year, the employee shall be entitled only to that amount remaining at the end of the fiscal



year in which the injury or illness occurred, for the same illness or injury.

- C. 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 supervisor.
- D. An employee claiming an industrial accident shall be examined and treated by a licensed physician approved by the District. If the employee has a physician's designation form on file with the District, they may elect to be examined by that physician. 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.
- E. 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.
- F. 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.
- G. 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 Assistant Superintendent of Human Resources.
- H. If an employee is still unable to return to duty after exhausted paid industrial accident leave, the employee shall then utilize accumulated 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 the worker's compensation award.

- I. 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 the worker's compensation award.
- J. 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 or the treating physician. The release must certify that the employee is able to return to his/her position without restrictions or limitations.
- K. 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.
- L. 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. When available, during the thirty-nine (39) month period, the employee shall be employed in a vacant position in the class of the employee's previous assignment over all other available eligibles except for a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with appropriate seniority regulations. 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.
- M. 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 dismissed and removed from the reemployment list.
- N. 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 the

worker's compensation award, exceed the employee's regular salary.

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

Reference: Education Code 45192

### 11.3.3 EXTENDED SICK LEAVE (NON-INDUSTRIAL)

- A. The employee shall submit a request for extended leave [in excess of ten (10) working days] 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.
- B. All regular classified employees who have exhausted all accrued and advanced sick leave shall be eligible to receive extended sick leave benefits subject to the following conditions:
  - 1. Extended sick leave shall be paid at fifty percent (50%) of the employee's regular salary.
  - 2. Extended sick leave shall be limited to one hundred (100) workdays in each fiscal year. At the beginning of a fiscal year, one hundred (100) workdays shall be credited to the employee's account, whether or not the employee is currently drawing benefits subject to this Rule.
  - 3. These one hundred (100) workdays shall be exclusive and in addition to all other paid and compensable leaves such as vacation, industrial accident or illness leave and holidays.
  - 4. All other available leaves, such as vacation, donated sick days, and floating holidays, must be exhausted.
- C. When a regular classified employee has exhausted all accumulated sick leave and continues to be unable to resume the regular duties of his/her position due to

illness or injury, the employee may request of the Assistant Superintendent of Human Resources to be placed on additional leave for accident, verified illness leave, or on unpaid illness leave.

Reference: Education Code 45196

#### 11.3.4 ADDITIONAL LEAVE FOR ACCIDENT OR ILLNESS (NON-INDUSTRIAL)

- A. A permanent employee of the classified service, who has exhausted all entitlement to sick leave, vacation, compensatory overtime, or other available paid leave and who continues to be absent because of non-industrial illness or accident may be granted an additional leave, paid or unpaid, not to exceed six (6) months upon recommendation of the supervisor and Assistant Superintendent of Human Resources, and with the approval of the Board of Education. The Board of Education may renew the leave of absence, paid or unpaid, for two (2) additional six (6)-month periods or lesser leave periods that it may provide but not to exceed a total of eighteen (18) months.
- 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 performance evaluations 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. An employee, upon ability to resume the duties of a position within the class to which they were assigned, may do so at any time during the leave of absence granted under this Rule and time lost shall not be considered a break in service. The employee shall be restored with all the rights, benefits,

and burdens of a permanent employee to a position within the class to which the employee is assigned and, if at all possible, to their position.

- D. If at the conclusion of all leaves of absence, paid or unpaid, the employee is still unable to assume the duties of his or her position, the employee shall be placed on a reemployment list for a period of 39 months.
- E. At any time, during the prescribed 39 months, the employee is able to assume the duties of his or her position the employee shall be reemployed in the first vacancy in the classification of his or her previous assignment. The employee's reemployment will take preference over all other applicants except for those laid off for lack of work or funds under Section 45298 in which case the employee shall be ranked according to his or her proper seniority. Upon resumption of his or her duties, the break in service will be disregarded [with an adjustment in seniority based on the leave] and the employee shall be fully restored as a permanent employee.

Reference: Education Code 45195

#### 11.3.5 RETURN FROM ILLNESS LEAVE (NON-INDUSTRIAL)

- A. To be eligible to return to work following paid or unpaid illness leave, a written release from the employee's physician may be required. If required, this statement shall be presented to the Assistant Superintendent-Human Resources. The release must certify that the employee is able to return to their position with no restrictions or limitations. The release is:
  - 1. Required upon return from surgery or illness requiring hospitalization regardless of the duration of the absence, or
  - 2. Required upon request by the District.
- B. The employee shall provide at least one (1) day advance notice of return to his/her supervisor and to Human Resources.

Rule 11.4 BEREAVEMENT LEAVE AND PROCEDURE

11.4.1 GENERAL PROVISIONS

Every person employed in the classified service of any school district shall be granted necessary leave of absence, not to exceed three (3) days, or five (5) days if out-of-state travel is required, on account of the death of any member of his/her immediate family. No deduction shall be made from the salary of such employee nor shall such leave be deducted from leave granted by other sections of this code or provided by the governing board of the district.

Reference: Education Code 45194

11.4.2 IMMEDIATE FAMILY DEFINED

A. The governing board may enlarge the benefits of this section and may expand the class of relatives listed below as members of the immediate family. Members of the immediate family, as used in this section, means the parent, child, grandparent or grandchild of either the unit member or his/her spouse; the spouse, brother, sister, aunt, uncle, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law of the unit member; step parents, step children, step siblings; domestic partner as defined by law; or any person living in the immediate household of the unit member; or any person for whose care the unit member has assumed primary responsibility. Individual exceptions may be submitted for approval to the Superintendent or his/her designee.

Reference: Education Code 45194

Note: SEIU Contract 9.3.2

11.4.3 BEREAVEMENT FOR OTHER THAN IMMEDIATE FAMILY

If granted, bereavement leave for other than immediate family members may be charged to personal necessity.

Rule 11.5 PERSONAL NECESSITY LEAVE AND PROCEDURE

11.5.1 GENERAL PROVISIONS

- A. A probationary or permanent employee may, at their election, use any days of absence for illness or injury earned pursuant to Education Code Section 45191 in cases of personal necessity, including any of the following:
1. Death of a member of the employee's immediate family when additional leave is required beyond that provided in Section 45194 and that provided, in addition thereto, as a right by the governing board.
  2. Accident, involving the employee's person or property, or the person or property of a member of the employee's immediate family.
  3. Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction.
  4. Other reasons that the governing board may prescribe, including, but not limited to, and of the following:
    - a. Incapacitating illness of a member of the immediate family;
    - b. Natural disaster such as earthquake, flood, or fire of a serious nature which requires the employee's presence;
    - c. Observance of major religious holidays of the employee's faith;
  5. Examples of reasons that would not justify personal necessity leave:
    - a. Political activities or demonstration
    - b. Vacation, recreation, or social activities, or
    - c. Extension of a school holiday, recess or vacation
- B. The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of personal necessity for the purpose of this section. The adopted rules and regulations may not require an employee to secure advance permission for leave taken for the purposes specified in paragraphs (1) and (2) of subdivision (a). Earned leave in excess of seven (7) days may not be used in any school year for the purposes enumerated in this section, except if either of the following conditions exist:

1. A maximum number of days in excess of seven (7) is specified for that purpose in an agreement between the exclusive representative of the employees and the school district.
  2. If there is no exclusive representative of the employees, the governing board of the school district, by resolution, adopts a policy allowing earned leave in excess of seven (7) days to be used in any school year for the purposes enumerated in this section.
- C. Authorized necessity leave shall be deducted from sick leave earned under the exemption of Section 45191.
  - D. "Immediate family" has the same meaning as Section 45194.
  - E. Employees shall submit report of absence forms to their supervisor for approval. Employees may be required to provide additional verification of the use of this leave as required by the District.

Reference: Education Code 45207

Rule 11.6 PREGNANCY DISABILITY LEAVE

11.6.1 GENERAL PROVISIONS

- A. 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 may be used for the period of absence medically certified by the employee's treating physician and approved by the District.
- C. Prior to the eighth month of pregnancy, the employee shall request an extended leave of absence and provide Human Resources a medical certificate stating the last date on



which she will be able to work, accompanied by a verification of her disability.

- D. Prior to returning to work, the employee shall provide to Human Resources, a release to return to work, from the treating physician.

Reference: Education Code 45193

Rule 11.7 UNPAID CHILD REARING LEAVE, FAMILY MEDICAL LEAVE ACT (FMLA), AND CALIFORNIA FAMILY RIGHTS ACT (CFRA)

11.7.1 GENERAL PROVISIONS

- A. UNPAID CHILD REARING LEAVE
  - 1. 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 the Human Resources Department four (4) weeks prior to the commencement of the leave.
- B. FMLA AND CFRA LEAVE
  - 2. Refer to the Human Resources Department for provisions of FMLA and CFRA and District policies related thereto.

Reference: Family Medical Leave Act (1993); California Family Rights Act (1991)

Rule 11.8 JURY DUTY AND WITNESS LEAVE

11.8.1 GENERAL PROVISIONS

- A. Leave of 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 to 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 the District Office;
  - 2. The jury service or court attendance is certified by the jury commissioner or the clerk of the court and filed with the District Office, and
  - 3. In accordance with District policy, the jury service or witness fees shall be assigned to the District except for travel, parking and 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.

References: Education Code 44036 and 44037

## Rule 11.9 MILITARY LEAVE

### 11.9.1 GENERAL PROVISIONS

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- 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 corps, 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 on military leave shall be granted the first thirty (30) calendar days at full pay, salary step advancement, and 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.

References: Education Code 44018  
Military and Veterans Codes 389, 395.01, 395.02, 395.03, 395.04, 395.05, 395.1, 395.3  
Federal Uniformed Services Employment and Reemployment Rights Act (USERRA)

#### Rule 11.10 OTHER LEAVES

##### 11.10.1 LEAVE OF ABSENCE DUE TO EPIDEMIC/QUARANTINE

- A. An employee shall be paid his/her regular salary for any period during which the employee's place of employment is closed because of quarantine, epidemic or other conditions involving the health or safety of employees provided that the employee is ready, willing and able to perform his/her regular or other reasonable and suitable duties. During this period, the District shall endeavor to assign the employee to work elsewhere.

Reference: Education Codes 45260 and 45261

##### 11.10.2 LEAVE TO VOTE

- A. If a voter does not have sufficient time outside of working hours to vote at a statewide election, the voter may, without loss of pay, take off enough working time that, when added to the voting time available outside of working hours, will enable the voter to vote.

- B. No more than two (2) hours of time may be taken off for voting without loss of pay. The time off for voting shall be only at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed.

Reference: Election Code 14000

#### 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 Board of Education or 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 supervisor at least two (2) days prior to the date of the desired release. Exceptions to the two (2) day notice requirement for items in A.1. and A.2. shall be determined by the Director of Classified Personnel.

#### 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 regular position prior to completion of the assignment in an exempt, temporary or limited term position, on a date mutually agreed upon by all parties.

#### Rule 11.11 SPECIAL LEAVES OF ABSENCE

##### 11.11.1 CONVENTION ATTENDANCE

- A. Regular classified employees 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 by the District.

11.11.2 ADMINISTRATIVE LEAVE

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

Reference: Education Codes 45190 and 45198

Rule 11.12 TRANSFER OF SICK LEAVE FROM ANOTHER SCHOOL DISTRICT

11.12.1 GENERAL PROVISIONS

- 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, county superintendent of schools, or community college district.
  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 (1) year of separation from the previous district.

Reference: Education Code 45202

Rule 11.13 UNPAID LEAVE OF ABSENCE

11.13.1 GENERAL PROVISIONS

- A. A permanent classified employee may be granted a leave of absence without pay for a period not to exceed thirty (30) calendar days upon written request from and approval by the Assistant Superintendent – Human Resources.
- 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 from the employee and approval of the

Board of Education for reasons satisfactory to the District and not otherwise enumerated in these Rules.

- C. Granting of leave of absence without pay will give the employee the following right:
  - 1. 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.
- D. The Board of Education may, for good cause, cancel an unpaid leave of absence by giving the absent employee at least five (5) working days notice of cancellation. E. An employee may make a written request to the Board of Education to return to work prior to the expiration date of the leave. The Board may approve or reject the request.
- F. 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.
- G. 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, except in circumstances where benefits are covered under provisions of FMLA or CFRA (Merit Rule 11.7).

References: Education Codes 45190 and 45198

#### Rule 11.14 PAID HOLIDAYS

##### 11.14.1 GENERAL PROVISIONS

- 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

New Year's Day	January 1 (or 2 according to District Calendar)
Martin Luther King Day	3 <sup>rd</sup> Monday in January
Lincoln's Birthday*	2 <sup>nd</sup> Monday in February
President's Day*	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 <sup>st</sup> Monday in September
Admissions Day*	September 9
Veterans Day	November 11
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Christmas Day	December 25

\*See Merit Rule 11.14.1.B

2. Board of Education 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 of Education.

4. Child Development Services Calendar

The Board of Education may adopt a different holiday calendar for the Child Development Services Department. When Child Development employees work on District designated holidays they shall be granted a substitute 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 substitute holiday is scheduled to provide at least a three (3) day weekend, and

2. The substitute 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 HOLIDAY PAY

- 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 a 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, with approval by the supervisor.
- E. A regular classified employee who is not assigned to duty during student recess periods between August 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.

Reference: Education Codes 45203, 45204, 45205, and 45206.5