

AR 4261 Absence and Leave Provisions for Classified and Confidential Employees

General Provisions

The provisions in this regulation apply to classified and confidential employees. Unless otherwise specified, wherever the term “employee” appears in this regulation, the term shall be understood to include classified employees; confidential employees; and, except where a management employee has a written contract specifying different terms, classified management employees.

Immediate Family

Defined as a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, or sibling of the employee. For purposes of Bereavement Leave provisions only, “immediate family” also includes any relative living in the immediate household of the employee. (Education Code 44981, 45207)

Sick Leave Entitlement

Classified employees employed five days a week are entitled to 12 days’ leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. Unused sick days of leave shall be accumulated from year to year without limitation. (Education Code 45191)

Prorated Sick Leave

A classified employee, who is employed in a regular weekly assignment for less than a full fiscal year is entitled to the proportion of 12 days’ leave of absence for illness or injury as the months they are employed bears to 12. The employee must work at least 11 days in a given month for that month to count toward entitlement to sick leave.

Classified employees who work less than 12 months, and who are employed for summer school support, do not accrue sick leave during the summer term, but may use up to 2 days of accrued sick leave during summer employment, for the purposes for which sick leave is available pursuant to this regulation.

Short term or substitute employees and part-time classified employees who are entitled to a prorated amount of sick leave totaling less than 40 hours per year under this Administrative Regulation are instead entitled to paid sick leave under AR 4461. All such employees should refer to AR 4461 rather than this AR 4261 to determine their eligibility for sick leave.

Use Before Accrual

Annual credit for sick leave need not be accrued prior to the employee’s taking such leave, provided, however, that if the employee leaves the District for any reason prior to accruing all sick leave taken at the time of separation from employment, the employee shall reimburse the District for all compensation for sick leave taken but not accrued. The District may deduct such compensation from the employee’s final paycheck.

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New Employee Eligibility

A new employee of the District is not eligible to take more than 6 days of sick leave until the first day of the calendar month after completion of 6 months of active service with the District. For purposes of this paragraph, “active service” means time actually employed and at work; recess periods when the employee is not assigned to work, and time spent on leave of absence, whether authorized or not, shall not count as “active service.”

Physician’s Verification

The District may require a physician’s verification of illness for an employee’s absence of 5 or more consecutive days. In addition, the District may require such verification when misuse of sick leave is suspected, or when the employee has, in the opinion of the District, demonstrated a pattern of excessive use of leave. A physician’s verification shall be made by a licensed health care practitioner. The verification shall state the medical need for the absence, and the beginning and anticipated ending dates of the absence.

In the case of absences due to illness of more than 3 consecutive workdays, the District may require a physician’s verification of a serious medical condition to determine whether the employee is eligible for family care and medical leave (see Administrative Regulation 4561.1).

Use of Sick Leave

An employee may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact in the course of employment with other persons having a contagious disease. (Education Code 45199)
2. Pregnancy, miscarriage, childbirth, and related recovery. (Education Code 45193)
3. Personal leave. (Education Code 45207)
4. Medical and dental appointments, in increments of not less than one hour.
5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted. (Education Code 45192)
6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave). (Education Code 45196.1; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)
7. Need of the employee or the employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care. (Government Code 12945.2; Labor Code 233, 246.5)
8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking. (Labor Code 233, 246.5)

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Return to Work after Extended Illness or with Restrictions after Illness Leave

When an employee has been absent from work due to any illness or injury for 5 days or more, the employee shall, at the district's discretion, provide a physician's verification that the employee is released to return to their regular duties or modified duties. The verification shall state any work restrictions or functional limitations imposed by the physician and the anticipated duration of such restrictions or limitations. The District may request the employee's authorization to contact the physician for clarification as to any restrictions or limitations imposed. If the District is unable to obtain sufficient clarification from the employee's physician as to an employee's work restrictions or functional limitations, the District may, at its own expense, require the employee to be examined by another physician selected by the District for the purpose of determining the need for, and extent and duration of, any work restrictions.

Before an employee may return to work with restrictions or modifications, one or more individuals designated by the Personnel office will communicate/meet with the employee, and the employee's supervisor as appropriate, to consider whether reasonable accommodation of work restrictions can be provided (see Administrative Regulation 4032). To facilitate this process, one or more of the following actions may be necessary:

1. If the restrictions are temporary, and job duties can be reasonably modified to accommodate the restrictions, the employee will return to work immediately. The employee will notify the Personnel office of any changes to their temporary work restrictions. The parties will communicate/meet again as appropriate to discuss the effectiveness of the modifications and the continuing need for modifications, if any.
2. If the restrictions are temporary and, in the opinion of the supervisor and the Personnel office, job duties cannot be reasonably modified, the employee may be temporarily assigned to other duties until the restrictions are removed or modified to permit the employee to return to their regular job duties. If no temporary assignment is available for which the employee is qualified and which will accommodate the employee's restrictions, the employee may be placed on sick leave. If the employee has no sick leave available, the employee may be eligible for extended illness pay, request an unpaid leave or be placed on a reemployment list, as appropriate, until the restrictions are removed or modified to permit the employee to return to their regular job duties.
3. If the restrictions are permanent, and job duties can be reasonably modified to accommodate the restrictions, the employee will return to work immediately. The employee will notify the Personnel office of any changes to their work restrictions or functional limitations.
4. If the restrictions are permanent, and it is determined the employee cannot perform all of the essential functions of their job, with or without reasonable accommodation, the Personnel office and the employee will review the vacant positions within the District for which the employee may be qualified. If the only vacant position(s) that meet the employee's restrictions would represent a promotion from the employee's most recent assignment, the employee may apply and compete for such position(s) along with other applicants.
5. The above determinations shall be made through an interactive process, which may include:
 - a. Communicating/meeting with the employee to discuss their functional limitations, job requirements, and possible accommodations;

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- b. Reviewing the job description and job function analysis, as appropriate;
- c. Reviewing the physician's statement of work restrictions, and obtaining additional information from the physician regarding the employee's functional limitations as necessary;
- d. Follow-up discussions to determine whether attempted accommodations are effective; and
- e. Reviewing the employee's qualifications for vacant positions within the District if the employee is unable to perform the essential functions of their regular job, with or without accommodation.

All information shared through the interactive process shall remain confidential, except as needed to determine the employee's need for, and the District's ability to provide, reasonable accommodation.

1. "Reasonable accommodation" may include, but is not limited to:
 - a. Modifications to the work environment to permit individuals with disabilities to perform the essential functions of a job;
 - b. Making facilities accessible;
 - c. Job restructuring;
 - d. Modified work schedules; and
 - e. Acquiring or modifying equipment.

Reasonable accommodation does not include removal or reassignment of essential functions of the employee's job, or modifications that would pose an undue hardship to the District or pose a direct threat to the health or safety of the employee or others.

Personal Leave

Employees may use a maximum of seven (7) days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal leave. (Education Code 44981, 45207)

Personal leave days may be taken at the discretion of the employee for personal or family business that cannot be conducted outside of the regular workday. Acceptable reasons for the use of personal leave may include but are not limited to:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions.
(Education Code 44981, 45207; Government Code 12945.7)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family. (Education Code 44981, 45207)

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3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5. (Education Code 44981; Government Code 12945.2; Labor Code 246.5)
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order. (Education Code 45207)

Use of sick leave days for personal leave shall not be used for purposes of participating in work stoppage or slowdown, or sick-out.

Bereavement Leave

Employees are entitled to a leave of up to five (5) days upon the death of any member of the employee's immediate family, as defined above.

The bereavement leave days do not need to be taken consecutively, but must be taken within three months of the immediate family member's date of death.

The district may request that an employee seeking bereavement leave provide documentation to support the leave. Documentation may include: death certificate, published obituary, or written verification of death, burial or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution or government agency.

If documentation is requested, the employee must provide it to the district within 30 days of the first day of leave. Any documentation provided by an employee must be kept confidential and cannot be disclosed, except to internal personnel, legal counsel or as required by law. (Government Code 12945.7 (f) (i)).

No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985 and 45194; Government Code 12945.7)

Quarantine

Current year and accrued sick leave may be used for absence due to quarantine of an employee by city or county health departments because of exposure to a disease or illness in the course of the employee's duties. If all paid sick leave is exhausted at the time the quarantine is imposed, the Board of Trustees may, at its discretion, provide additional paid leave for some or all of the period of quarantine.

Extended Illness Leave (Half Pay)

Each year, each regular classified employee shall be credited with no fewer than 100 working days of paid leave for personal illness or injury, including current year and accumulated days of leave. When the current year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at least 50 percent of the employee's regular salary. Any of the 100 days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. This paid leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled. (Education Code 45196)

The 100-day period of extended illness leave shall run concurrently with all available sick leave. Unused extended illness leave shall not accumulate from year to year. (Education Code 45196)

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A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

If the employee is still unable to return to work after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, the employee shall be offered reemployment in the first vacancy in the classification of the employee's previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to seniority. (Education Code 45195)

Notification of Absences

Procedures for notification of absences are mandatory. All employees are required to report each absence using the District's substitute reporting system and/or the District's timekeeping system as soon as the need for the leave of absence is known, but in no event less than one hour before the employee's normal reporting time. Failure to follow absence notification procedures may result in forfeiture of salary for the day(s) of absence.

Continued or repeated failure to follow these procedures may result in disciplinary action, up to and including dismissal from employment.

Vacation

Classified employees shall be entitled to accrue and utilize or be compensated for vacation time as provided in the following paragraphs. Where the term "full-time" is used in this section, it refers to employees with regular assignment of 8 hours per day. For purposes of vacation, references to 12-month employees and less-than-12-month employees indicate the employees' regular assignments, without taking into account additional assignments during the summer or school recess periods. Vacation does not accrue during overtime or extra duty assignments.

Earned vacation shall not become a vested right until completion of the initial 6 months of employment.

Substitute and short- or limited-term employees, employed and paid for less than 75% of the school year, are not entitled to accrue vacation or be paid for holidays.

Except as specified below, vacation is earned in increments of 1 day per month of service, prorated to reflect partial work years and part-time employment.

Vacation Accrual

12-Month Employees

Full-time classified employees who work 12-months per year, shall receive 12 paid vacation days per year for the first 10 years of employment and 17 days per year thereafter. For purposes of calculating vacation entitlement under this paragraph only, a 12-month full-time classified employee shall be deemed to have

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worked one complete year of employment if the employee actually serves at least 50% of the workdays of his or her employment within the year, July 1 to June 30. If a 12-month full-time employee works less than 50% of the workdays of the year, that year shall not count toward the 10 years of service required for entitlement to 17 vacation days per year.

Regular classified employees employed more than 4 but less than 8 hours per day who work 12 months, July 1 to June 30, shall receive 12 paid vacation days per year, based on the hours of the employee's regularly assigned workday, regardless of length of service.

Full-time 12-month regular classified employees in the following job classifications shall receive 17 vacation days per year regardless of length of service:

- Administrative Assistant II
- Administrative Assistant III
- Computer Support Specialist
- Supervisor of Custodial and Grounds
- Supervisor of Maintenance
- Supervisor of Facilities
- Systems Engineer/Security & Network

Effective January 1, 2017, full-time 12-month classified employees whose job descriptions designate their positions as director or manager shall receive 17 vacation days per year for the first 10 years of employment and 22 vacation days per year thereafter. For purposes of calculating vacation entitlement for these positions, a 12-month, full time classified management employee shall be deemed to have worked one complete year of employment if the employee actually serves at least 50% of the work days of their employment within the year, July 1 to June 30. If a 12-month, full time management employee works less than 50% of the workdays of the year, that year shall not count toward the 10 years of service required for entitlement to 22 vacation days per year.

Less-Than-12-Month Employees

Regular non-management classified employees employed full time for at least 8 hours per day who work 9, 10, or 11 months per year shall accrue 1 paid vacation day per month worked for the first 10 years of employment, and 1.5 days per month worked thereafter. For purposes of calculating vacation entitlement under this paragraph only, a full-time classified employee shall be deemed to have worked 1 complete year of employment if the employee actually serves at least 50% of the workdays of their employment within the school year. If a full-time less-than-12-month employee works less than 50% of the workdays of the school year, that year shall not count toward the 10 years of service required for entitlement to 1.5 vacation days per month.

Regular classified employees employed for less than 8 hours per day who work less than 12 months per year, (e.g. August 1 to June 30) shall earn 1 paid vacation day per month worked, regardless of the length of service, based on the hours of the employee's regularly assigned work day.

An employee must work at least 11 days in a given month for that month to count toward entitlement to vacation accrual.

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Use of Vacation

Employees who work 12 months per year must take their vacations during the summer months between the close of the school year and the beginning of the subsequent school year, except in those cases where the supervisor gives advance written approval to a different arrangement.

Employees regularly assigned to work less than 12 months per year shall have their vacation pay calculated and made a part of their regular earning in each payroll cycle. These employees are not eligible to take vacation as time off from work. Employees may be assigned to take certain days off work during winter or spring recess, which shall not affect their vacation balance.

All vacation must be approved by the immediate supervisor in writing at least 5 days in advance of the commencement of the vacation period. Vacation that is not approved in advance in accordance with this policy will not be compensated, regardless of the amount of vacation the employee has accrued.

If a 12-month employee does not take their full annual vacation during the year in which it was earned, the amount not taken shall accumulate for use in the next school year. An employee may accumulate a maximum of the vacation time earned in (2) years of service.

At the District's option, an employee may be paid for any accrued vacation.

If an employee has been granted vacation that was not yet earned at the time of separation from service, the District shall deduct from the employee's final paycheck the full amount of salary that was paid for such used but unearned vacation.

Holidays

Regular hourly employees shall receive holiday pay for the number of hours they would normally work when a designated holiday falls on a day immediately preceding or following a scheduled workday for that employee.

Classified employees who work 12-month work schedules shall receive the following holidays with pay: July 4, Labor Day, Admission Day, Veterans' Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve and Christmas Day, New Year's Eve and New Year's Day, Martin Luther King Day, Lincoln's Day, Presidents' Day, Memorial Day and Juneteenth.

Classified employees who work 10 or 10½ month work schedules may, contingent upon the criteria as stated in this section, receive the following holidays with pay:

Labor Day, Admission Day, Veterans' Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve and Christmas Day, New Year's Eve and New Year's Day, Martin Luther King Day, Lincoln's Day, Presidents' Day, and Memorial Day.

Regular classified employees who are not normally assigned to duty during the winter recess, including the school holidays of Christmas Day and New Year's Day, shall be paid for those two holidays provided they are in paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

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When a holiday listed above falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday listed above falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. (Education Code 45203)

When any classified employee is required to work on a District holiday, they shall be compensated for such work at a rate of (1½) times the normal rate of pay in addition to the regular pay received for the holiday.

When computing the number of hours worked, time during which an employee is excused from work because of holidays, regular sick leave, vacation, compensatory time off, extended illness leave, and other paid leaves of absence, shall be considered as time worked by the employee and shall not constitute a break in service. Unpaid leaves of absence and any unauthorized leaves of absence shall not be considered as time worked by the employee.

Service as a Juror

There shall be no deductions from regular pay for the absence of classified employees for jury duty. Any payment received by an employee for jury duty, excluding mileage, shall be made payable to the District. Classified employees who are called for jury duty shall request payment therefore to the extent available under the law.

Any classified employee who is absent as a result of jury duty shall obtain the appropriate form from the court certifying the employee's attendance for each day of jury service, and shall promptly submit the completed form through his or her administrator.

When computing the number of hours worked, time during which a classified employee is excused from work for jury service shall be considered as time worked by the employee and shall not constitute a break in service.

The Board of Trustees does not encourage employees to seek exemption from jury duty, or suggest to any employee that he or she seek exemption from jury duty. The Board shall not discriminate against any employee with respect to assignment, employment, promotion, or in any other manner because of the employee's service on any jury panel. (Education Code 44037; Labor Code 230)

Depending on work schedules and needs of the District, an employee may be asked to defer jury service to a later time. However, no employee shall be required to defer jury service.

Personal Emergency

Absence of an emergency nature for personal reasons may be permitted for up to one hour during a workday without deduction from the employee's pay. To be eligible for such emergency absence, the employee must notify his/her supervisor immediately upon learning of the need for the absence and, upon request, submit written verification of the need for the absence.

Absence in excess of one hour for personal reasons shall be deducted from the employee's pay. No employee shall receive pay for more than one hour of emergency absence in any calendar month.

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Leave Without Pay

A permanent classified employee may request an unpaid leave of absence for a period not to exceed one school year for any reason not specified elsewhere in Board Policy, provided the following requirements are met:

1. A substitute or temporary employee meeting District standards can be obtained for the entire period for which the absence is requested.
2. The application for the unpaid leave of absence, including the reason for the request, shall be submitted by February 15 of the school year prior to the requested leave.
3. The District shall indicate to the employee by May 15 of the year prior to the requested leave whether the leave request has been granted or denied.
4. The employee shall receive no fringe benefits or accrue any other rights, including seniority, during the unpaid leave of absence.
5. The leave must be in the best interests of the District's instructional program.
6. If more than one classified employee applies for an unpaid leave of absence during the same time period, the District may, but is not required to, consider seniority when determining whether to grant the request(s).
7. Unpaid leave shall not be granted for the purpose of seeking or accepting other employment. Accepting other employment during an approved leave will automatically terminate the leave.
8. Upon return from unpaid leave, the employee may be assigned to any site(s) within the District in their regular classification.

The above-mentioned dates do not preclude the granting of an unpaid leave request for an applicant making such request after February 15.

Employees returning from leave shall confirm in writing their intent to return upon conclusion of the leave no later than March 15 of the year of the leave.

The Board of Trustees shall make the final decision whether to grant any unpaid leave of absence and may deny any leave request for any reason, regardless of prior treatment of leave requests.

Board Approved:

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