

from **ARTICLE 19 - ABSENCES AND LEAVES**

19.1 General procedures for implementing absences and leaves procedures follow:

19.1.3 It shall be the responsibility of unit members on leave to notify the Human Resources Office in writing of their intention to return from a leave of absence to regular school district employment. Unless the Human Resources Office receives notice on or before April 1 for a year's leave and on or before December 15 for a semester's leave, and a date of return at the time of the request for leaves of less than one semester, the leave will be considered void. Unit members on partial leaves of absence will have their contracts reduced; unit members on full (100%) leaves will be terminated.

19.1.4 Upon notification of the unit member's intent to return, the District shall inform the unit member of current position vacancies. If conditions permit, the unit member may be reassigned to a position similar to that held prior to leave. Until the time the unit member is reassigned from leave status the unit member may apply for reassignment to any vacancy, and may indicate preferences to the Human Resources Office for reassignment beyond current vacancies. The unit member shall be notified of reassignment from leave status as soon as such reassignment is made by the Human Resources Office. Once reassigned, the unit member has the option of requesting transfer or reassignment as delineated in Articles 8.2 and 9.2.

19.1.5 Leaves of absence as specified in this article shall be limited to tenured unit members in the District with the following exceptions: sick leave, court summons leave, jury leave, maternity leave, bereavement leave, industrial accident and illness leave.

19.1.6 Full or partial leaves of absence for tenured unit members must be applied for each school year prior to July 1. Each type of leave is available for a maximum of one year, regardless of the percent of the leave. Tenured unit members shall be eligible for a maximum of two leave types for a total of two years of leave in any four school years.

19.2 Sick Leave and Daily Absences:

19.2.1 Each unit member working the 186 day bargained calendar year, whether on a traditional or year round calendar, shall be credited ten (10) days of sick leave each school year.

19.2.1.1 These days may be utilized for sick leave or personal necessity leave, as prescribed by law and the provisions of this agreement.

19.3 When persons employed in positions requiring certificated qualifications are absent from their duties due to illness, they shall use all of their accumulated sick leave. At the termination of the accumulated sick leave period, the unit member shall be eligible for up to five (5) additional months sick leave in the school year in which the absence occurs. For this additional sick leave, the District will pay the unit member the difference between the unit member's normal salary and the amount paid the substitute to fill the position or 50%, whichever is greater. Extended leave must be on the basis of a recognized medical doctor's statement.

19.4 Maternity Leave: Maternity leave will be provided in accordance with existing law and provision of this article including the use of appropriate accumulated days leave. Extended leave must be on the basis of a recognized medical doctor's statement.

19.5 Adoption Leave: Provided sick leave is available, a unit member who adopts a child will be granted the use of his/her accumulated sick leave (not differential) at the time of the adoption to a maximum of fifteen (15) days. Such leave shall be allowed at the time of the adoption for one parent in the event both parents are unit members of the District.

19.8 Bereavement Leave: All certificated unit members are entitled to three (3) days leave of absence, five (5) days if extensive travel is required, for the death of any member of their immediate family, and for such additional days as the

governing board may allow. No deduction shall be made from the salary of such unit member on account of such leave of absence.

19.9 Industrial Accident or Illness Leave: Pursuant to the provisions of Education Code Section 44984, a certificated unit member shall be provided leave of absence for industrial accident or illness under the following rules and regulations.

19.9.1 The accident or illness must have arisen out of and in the course of the employment of the unit member and must be accepted as a bona fide injury or illness arising out of and in the course of employment by the State Compensation Insurance Fund.

19.9.2 Allowable leave for each industrial accident or illness shall be for the duration of the temporary disability, but shall not exceed sixty (60) calendar days.

19.9.3 The leave under these rules and regulations will commence on the first day of absence.

19.9.4 When a person is absent from his/her duties on account of industrial accident or illness, he/she shall be paid such portion of the salary due him/her for any month in which absence occurs, as when added to his/her temporary disability indemnity under appropriate sections of the Labor Code will result in a payment to him/her of not more than his/her full salary.

19.9.5 Industrial accident or illness leave shall be reduced one day for each day of authorized absence regardless of a temporary disability indemnity award.

19.9.6 When an industrial accident or illness leave overlaps into the next fiscal year, the unit member shall be entitled to only the amount of unused leave due him for the same illness or injury.

19.9.7 During any paid leave of absence, the unit member shall endorse to the District the temporary disability indemnity checks received on account of his/her industrial accident or illness. The District, in turn, shall issue the

unit member appropriate salary warrants for payment of the unit member's salary and shall deduct normal retirement and other authorized contributions.

19.9.8 The benefits provided by the rules and regulations shall be applicable to all unit members who have completed a minimum of one year's service with the District.

19.9.9 Any unit member receiving benefits as a result of these rules and regulations shall, during the period of injury or illness, remain within the State of California unless the governing board authorizes travel outside the state.

19.9.10 Upon termination of the industrial accident or illness leave, the unit member shall be entitled to sick leave benefits as provided in Education Code Sections 44977, 44978, and 44983, and his absence for such purpose shall be deemed to have commenced on the date of termination of the industrial accident or illness leave, provided that if the unit member continues to receive temporary disability indemnity, he/she may elect to take as much of his/her accumulated sick leave as when added to his/her temporary disability indemnity, will result in payment to him/her of not more than his/her full salary.

19.10 Personal Necessity Leave

19.10.1 Unit members may use a maximum of ten (10) days of sick leave annually to attend to compelling personal business.

Personal Necessity Leave shall not be used for:

- Vacation
- Recreation
- Extension of holidays or extended weekends
- Personal convenience
- Concerted activities

19.10.2 Absences prior to, or following a holiday or extended weekend shall require a reason be provided.

19.10.3 Notification of the need for Personal Necessity Leave shall be submitted on the required absence form prior to the day of the absence, except in a case of emergency or family illness.

19.14 Family Tragedy Leave

Unit members who experience a tragedy involving a member of the immediate family (parent, spouse, child) shall be granted leave with differential pay. The leave shall be requested through the Human Resources Office, in writing, may be used only once in a school year, and the unit member will pay the difference between his/her salary and the cost of the substitute. This leave is available only after the unit member uses his/her other Personal Necessity leave days. The total number of consecutive days (inclusive of the first seven (10) of personal necessity) is twenty (20).

19.15 Use of Sick Leave to Care for a Child, Parent, Spouse or Domestic Partner

Under the provisions of California Labor Code, Section 223, unit members may use up to five (5) days of accrued and available sick leave per school year in order to attend to the illness of a child, parent, spouse or domestic partner.

19.16 Family and Medical Leave Act (FMLA) of 1993

Unit members are eligible for a variety of other leaves under FMLA. For further information, visit the following website: www.dol.gov/esa/whd/fmla