

CERTIFICATED PERSONNELPersonal Leaves

The following leave provisions apply to certificated employees not otherwise covered by a negotiated agreement between the Superintendent and an exclusive representative.

1. Sick Leave (Paid leave)

Full-time certificated employees shall be entitled to twelve (12) days of paid leave of absence for illness or injury for each school year of service. Part-time certificated employees shall be entitled to a prorated amount of leave.

- a. Unused sick leave shall be accumulated from year-to-year.
- b. The appropriate amount of sick leave shall be advanced to the employee at the beginning of the school year. Credit for sick leave need not be accrued prior to taking such leave, provided that service is rendered in full, per the employee's contract, during the entire school year. If the employee is separated from employment without completion of the terms of his/her contract, excess sick leave utilized beyond that which was earned shall be deducted from the final pay warrant commensurate with the employee's daily rate of pay.
- c. Pay for any day of sick leave absence shall be the same as the pay that would have been received had the employee served during the day of absence.
- d. In addition to any other entitlement for sick leave with pay, a newly hired certificated employee who is a military veteran with a military service connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment for his/her military service-connected disability. An eligible employee employed less than five days per week shall be entitled to such leave in proration to the time he/she works.

2. Bereavement Leave (Paid Leave)

Employees shall be granted a leave with full pay in the event of the death of any member of the employee's immediate family. The leave may be granted for not more than five (5) days upon request of the employee. The immediate family is defined as the mother, father, grandmother, grandfather or a grandchild of the employee or spouse of the employee, and the spouse, son, son-in-law, daughter, daughter-in-law, brother or sister of the employee, any person sharing an unmarried partnership with the employee living in the immediate household of the employee, or those blood relatives of the employee for whom the employee is considered to be the "next of kin," or those blood relatives, not next of kin in bloodline, over whom the employee has assumed primary care oversight responsibility.

3. Court Duty (Paid Leave)

Employees shall be entitled to paid leave for any work day or portion thereof lost due to required court service as a juror or a witness. The employee shall endorse and deliver to the employer any court service fees received. Any meal, mileage and/or parking allowance provided the employee for jury duty shall not be considered a "court service fee" and shall be retained by the employee. In all cases of jury duty summons, the employer reserves the right to declare that a business necessity exists and may submit a waiver or extension of said jury service pursuant to such declaration.

4. Personal Necessity Leave

Twelve (12) days of leave of absence for illness or injury allowed pursuant to Section 44978 may be used by a certificated employee, at his/her election, in cases of personal necessity.

Personal necessity leave may be taken for any of the following reasons:

- a. Death or serious illness of a member of the employee's immediate family when additional leave is required beyond that provided by Bereavement Leave.
- b. Accident or illness involving the employee's person or property, or the person or property of a member of his/her immediate family.
- c. Subpoenaed appearance in any court or before any administrative tribunal as a litigant party or witness.
- d. Special circumstances approved by the employer.

The employee shall notify his/her immediate supervisor and complete the HCOE Employee Leave Request Form as soon as possible after returning to work, with the exception of reasons "c" and "d" above, which shall require prior notification and advance approval by the employer.

5. Compelling Personal Importance Leave (Paid Leave)

Two (2) days of accrued sick leave may be granted to the employee for a matter of compelling personal importance. When possible, employees will provide advance notification of the need for leave. When certifying that the leave is for "compelling personal importance," the employee is certifying all the following to be true:

- a. The leave is needed for a reason that the employee cannot reasonably be expected to disregard; and
- b. Which requires the immediate attention of the employee; and
- c. Which cannot be taken care of during off duty hours, on weekends, or on other non-duty days.

6. Extended Illness Leave

When a person employed in a position requiring certification qualifications is absent from duties on account of illness or accident for a period of five (5)

school months or less, whether or not the absence arises out of or in the course of the employment of the employee, the amount deducted from the salary due him/her for any month in which the absence occurs shall not exceed the sum which is actually paid a substitute employee employed to fill his/her position during the absence or, if no substitute employee was employed, the amount which would have been paid to the substitute had one been employed. The employee shall receive at least 50 percent of the employee's regular salary during the additional period of absence.

7. Disability Allowance Applicant Leave (Unpaid Leave)

Pursuant to Education Code 44986, employees shall be entitled to be granted an unpaid leave of absence for the purposes of filing for disability allowance under the State Teacher's Retirement System.

8. Family Leave (No Salary, But Fringe Benefits Maintained)

In addition to other appropriate paid leave available herein, and subject to the limitations listed below, employees shall be granted unpaid leaves of absence for childrearing purposes upon the birth or adoption of a child, to care for a child who is seriously ill, and/or to care for a member of the employee's immediate family who has a serious health condition. The annual Family Leave entitlement is twelve (12) workweeks in any twelve (12) month period. Before family leave can be taken, the employee shall have exhausted all other appropriate paid leaves.

The Employer will not be obligated to grant the leave request if one or more of the following conditions exist:

- a. The employee has previously taken family leave for a period totaling twelve workweeks or longer during the previous twelve months;
- b. Where reasonable advance notice has not been provided, yet it was possible to do so because of the foreseeable nature of the medical condition and/or treatment program;
- c. If the spouse of the employee is unemployed or taking family leave and is therefore available to care for the child or parent;
- d. If there would be an undue hardship on the Employer, such as when a qualified substitute is not available; and/or
- e. If the employee has not yet completed one year of employment with the Employer.

9. Differential Pay for Parental Leave

During each school year, any certificated employee who has exhausted all available sick leave including accumulated sick leave, and continues to be

absent on account of parental leave (baby bonding) pursuant to Government Code 12945.2 shall receive differential pay for up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. Such parental leave shall run concurrently with the parental leave taken pursuant to Government code 12945.2 and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. Eligibility for parental leave pursuant to Education Code 44977.5 shall not require 1,250 hours of service with the district during the previous 12 months. An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks.

9. Catastrophic Leave I (Paid Leave)

An employee may elect to use up to forty-seven (47) days of accrued sick leave to provide necessary care for a member of the immediate family who is suffering from a life threatening illness. Verification of the family member’s status shall be required before approval of the leave. If the employee elects to apply for catastrophic leave benefits, any days used may, at the employer’s discretion, be counted towards the twelve workweeks leave referred to under “Family Leave,” above

10. General Leave

A leave of absence may be granted by the Superintendent to an employee on paid or unpaid basis. The awarding of such leave shall be based upon the following considerations:

- a. Impact on students
- b. Impact on overall services and programs
- c. Financial impact
- d. Impact on applicant

Legal Reference:

EDUCATION CODE

- 44964 Power to grant leave of absence in case of illness, accident, or quarantine
- 44965 Granting of leaves of absence for pregnancy and childbirth
- 44973 Reinstatement after leave of absence
- 44977 Salary deductions due to absence from duties; exhaustion of available sick leave
- 44977.5 Differential pay during parental leave up to 12 weeks after sick leave is exhausted
- 44978-44983 Sick leave
- 45191.5 Leave for military service-connected disability

GOVERNMENT CODE

- 3543.2 Scope of representation

Policy

Adopted: October 16, 1991
Reviewed: January 20, 1992
Revised: June 12, 2019

HUMBOLDT COUNTY OFFICE OF EDUCATION
Eureka, California