

**CLASSIFIED PERSONNEL**Leaves

Absent the existence of collective bargaining agreement provisions to the contrary, the following policy shall apply to classified employees.

**Personal Illness and Injury/Sick Leave**

Employees shall be entitled to twelve (12) days of paid leave of absence for illness or injury for each fiscal year of service. Employees serving less than twelve months per year and/or less than five days per workweek, shall have their allowable days of absence prorated accordingly.

In addition to any other entitlement for sick leave with pay, a newly hired classified 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

Pay for any day of such absence shall be the same as the pay which would have been received had the employee served during the day of absence.

At the beginning of each fiscal year, the full amount of sick leave granted under this section shall be credited to each employee. Credit for sick leave need not be accrued prior to taking such leave and such leave may be taken at any time during the year. However, a new employee of the Office of Education shall not be entitled to take more than six days until the first day of the calendar month after completion of six months of active service with the Office.

If an employee does not take the full amount of sick leave allowed in any year under this section, the amount not taken shall be accumulated from year to year.

An employee who leaves employment during a school year who has used more sick leave than he/she has accumulated up to the last day of service, shall have the unearned days deducted from the final pay warrant.

Employees may transfer unused accumulated sick leave from a former school district of employment into the Office if the former employment was for a year or longer, if the employee left the former district within a year of beginning employment with the Office, and if the former employment was not terminated for cause. Employees may transfer unused accumulated sick leave from the Office to another district under the same terms. Employees desiring to receive credit upon transfer must apply for the transfer to the prior employer in writing.

Any sick leave benefits earned but unused on the date of retirement may be converted by the employee to retirement credit in accordance with Government Code Section 20862.5 or its successor if the employee is filing a request for retirement.

**Bereavement 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 the 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.

**Court Duty**

Employees shall be entitled to leave without loss of pay for any workday or portion thereof lost due to required jury service. The employee shall endorse and deliver to the Office of Education any jury duty fees received, and the Office of Education shall issue to the employee his/her regular pay. Any meal, mileage, and/or parking allowance provided the employee for jury duty shall not be considered a "jury duty fee" and shall be retained by the employee. The Office of Education reserves the right to have the employee submit a "request for postponement" to the court if the original jury duty summons is for a time when the release of that employee would be a hardship for the Office. Court duty shall also be made available to an employee if required to appear in court as a subpoenaed witness.

**Military Leave**

An employee shall be entitled to any military leave provided by law, and as described in Policy 4161.5/4261.5/4361.5 Military Leave, and shall retain all rights and privileges granted by law arising out of the exercise of military leave.

**Pregnancy Leave**

Absences necessitated by pregnancy, complications thereof, childbirth and post-partum recovery qualify for accrued sick leave usage, so long as the employee is off work under the written instructions of her medical advisor.

A copy of such instructions shall be provided to the Personnel Office and shall specify the anticipated delivery date, the last date the employee may safely perform her duties and the estimated period of recovery following childbirth.

Pregnant employees shall keep the Office currently informed about anticipated absence dates around childbirth. The employee shall provide the Office with a written statement from her medical advisor when she may safely return to work.

An employee shall exhaust accrued comp time before qualifying for pregnancy leave; and, at her election, an employee may choose to exhaust earned vacation time as well before beginning pregnancy leave.

Sick leave usage under this section shall begin on the first day of absence from work, (or, in the alternative, after all vacation and/or comp time has been exhausted). Sick leave shall be used consecutively until the employee's bank of sick leave has been exhausted. (Sick leave for normal births is granted up to six weeks duration by law, if that much sick leave has been accrued by the employee. In unusual situations, additional sick leave, if available, can be taken if medical recovery has not yet occurred according to the medical care provider.)

Unpaid leave of absence for childrearing purposes, following recovery from child birth, is available under Family Leave and must be applied for separately.

**Family Leave**

- A. In coordination with other paid and unpaid leaves that may be available as described herein and subject to the limitations listed below, employees shall be granted unpaid leave of absence up to 12 workweeks during any 12 month period for the following reasons: (1) for childrearing purposes upon the birth, adoption, or legal foster care placement of a child; (2) to care for the spouse, son, daughter or parent of the employee if that individual has a serious health condition; and (3) because of a serious health condition that makes the employee unable to perform the functions of his/her position.
- B. Before family leave can be taken for reason A (2), the employee shall have exhausted all available personal necessity and, if appropriate, catastrophic leave for care of a terminally ill immediate family member (Catastrophic Leave I); or in the case of a personal health condition, reason A(3), the employee shall have exhausted all available sick and catastrophic leave (Catastrophic Leave II). The 12-workweek timeframe shall include all paid leave that was available and taken by the employee.
- C. The employer shall not be obligated to grant the leave request if one or more of the following conditions exist:

- a Where reasonable advance notice has not been provided, yet it was possible for the employee to do so because of the foreseeable nature of the medical condition and/or treatment program;
- b If the spouse of the employee is unemployed or taking family leave and is therefore available to care for the child or parent;
- c If the employee has not provided medical certification supporting the need for leave in the case of a serious health condition affecting the employee, parent, spouse or child;
- d If the employee has not yet completed one year of employment with the Office of Education.

D. If both husband and wife are employed by the Office of Education, the number of workweeks of leave to which both may be entitled shall be limited to 12 workweeks during any 12-month period if leave is being taken because of the birth, adoption or foster care placement of a son/daughter, or in order to care for a relative as noted in A (2) above.

E. Leave taken for childrearing shall not be taken intermittently. Leave taken because of a serious health condition or to care for a relative as noted above may be taken intermittently or on a reduced leave schedule when medically necessary. If the leave is to assist with medical treatment, the employee shall make reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the employer.

The Office of Education shall maintain group health insurance coverage for an employee on Family Leave if such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work.

### **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.

**Catastrophic Leave I**

An employee may elect to use up to forty-eight (48) days of accrued sick leave to provide necessary care for a member of the immediate family who is suffering from a terminal 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 12 weeks of leave referred to under "Family Leave" above. Catastrophic leave shall be in addition to the benefits provided under Personal Necessity Leave.

**Industrial Accident or Illness Leave**

In addition to any other benefits that an employee may be entitled to under the Workers' Compensation laws of the state, employees shall be entitled to the following benefits:

- A. An employee suffering an injury or illness arising out of and in the course and scope of his/her employment shall be entitled to a leave of not more than 60 days in any one fiscal year for the same accident or illness. This leave shall not be accumulated from year to year, and when any leave will overlap a fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred.
- B. Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' Compensation laws of this state, exceed the normal wage for one day.
- C. The industrial accident or illness leave is to be used in lieu of normal sick leave benefits. When entitlement to industrial accident or illness leave under this policy has been exhausted entitlement to other sick leave, vacation or other paid leave may then be used. If however, the employee is still receiving temporary disability payments under the Workers' Compensation laws of the state at the time of the exhaustion of benefits under this section, he/she shall be entitled to use only that portion of his/her accumulated and available sick leave which, when added to the Workers' Compensation award, provides for a day's pay at the regular rate of pay.
- D. Any time any employee on industrial accident or illness leave is able to return to work, he/she shall be reinstated in his/her position without loss of pay or benefits.

**Substitute Differential Pay Leave**

When an employee is absent for his/her duties on account of illness or accident for a period of five months or less, whether or not the absence arises out of or in the course of employment, commencing with the first day of the five-month period, 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 his/her

absence. An employee receiving compensation under this section shall continue to receive employer-paid health and welfare benefits at the normal rate as if the employee were working. The employee shall receive at least 50 percent of the employee's regular salary during the additional period of absence.

**Personal Necessity Leave**

A maximum of twelve (12) days of sick leave may be used by an employee, at his/her election, in cases of personal necessity each fiscal year. Leave for personal necessity shall be limited to the following reasons:

- A. The death of a member of the employee's immediate family when additional leave is required beyond that provided by bereavement leave.
- B. As a result of an accident or illness involving the employee's person or property, or the person or property of a member of his/her immediate family.
- C. When resulting from an appearance in any court or before any administrative tribunal as a litigant, party or witness.
- D. Such other reasons approved by the employer

General Leave

When no other leaves are available, a leave of absence may be granted to an employee on a paid or unpaid basis at any time and upon any terms acceptable to the employer and the employee.

Miscellaneous Provisions

- A. If an employee on any unpaid leave desires health and welfare benefits coverage, the employee shall be responsible for paying the premium costs for said benefits in any month in which the employee is on unpaid status on the first working day of the month.
- B. If an employee begins an unpaid leave after the first working day of any calendar month, the employer shall pay the health and welfare
- C. premiums until the end of that month. If the employee continues on unpaid leave and desires coverage after this date, he/she shall be responsible for paying the full premium costs beginning the first day of the next calendar month. Payment for premiums shall be pre-paid.
- D. If an employee is on paid leave, the absence shall not be considered as a break in service. All benefits accruing under the provisions of this policy shall continue to accrue during such absence.
- E. If an employee is on unpaid status for six months or less, no break in service shall be recorded. The employee shall retain eligibility for an annual step increase upon return. Benefits (such as vacation accrual and employer-paid health and welfare) shall not continue.

- F. If an employee is on unpaid status for more than six months, no break in service shall be recorded. The employee shall not retain eligibility for an annual step increase. Benefits shall not continue.

*Legal Reference*

EDUCATION CODE

44977.5 Differential pay during parental leave up to 12 weeks after sick leave is exhausted

45127 Workweek

45128 Overtime

45129 Compensatory time off

45130 Exclusion from overtime provisions

45131 Overtime; length of workday

45132 Four-consecutive-day workweek

45190 et seq. Leaves of absence

45191.5 Leave for military service connected disability

45192 Industrial accident and illness leaves for classified employees

FAIR LABOR STANDARDS ACT

Policy

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**HUMBOLDT COUNTY OFFICE OF EDUCATION**

**Eureka, California**