

MANAGEMENT, SUPERVISORY AND CONFIDENTIAL PERSONNELLeavesDefinition of Immediate Family

The immediate family is defined as the mother, father, grandmother, grandfather or a grandchild of the staff member or spouse/registered domestic partner of the staff member, and the spouse/registered domestic partner, son, son-in-law, daughter, daughter-in-law, brother or sister of the staff member, or any relative living in the immediate household of the staff member, or those relatives by birth or adoption for whom the staff member is considered to be the "next of kin," or those relatives by birth or adoption who are not next of kin, but over whom the staff member has assumed primary care/oversight responsibility.

Bereavement Leave (Paid Leave)

Staff members shall be granted a leave with full pay in the event of the death of any member of the staff member's immediate family. The leave may be granted for not more than five (5) days upon request of the staff member.

Catastrophic Leave I (Paid Leave)

A staff member 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 staff member elects to apply for catastrophic leave benefits, any days used may, at the Superintendent's discretion, be counted towards the twelve workweeks leave referred to under "Family Leave," paragraph 3, section (a) above. Catastrophic Leave I shall be in addition to the benefits provided under Personal Necessity Leave.

Court Duty

Staff members shall be entitled to leave without loss of pay for any time the staff member is required to perform jury duty. The staff member shall endorse and deliver to the Superintendent any jury duty fees received, and the Superintendent shall issue to the staff member his/her regular pay. Any meal, mileage, and/or parking allowance provided the staff member for jury duty shall not be considered in the amount received for jury duty. The Superintendent reserves the right to have the staff member submit a "request for postponement" to the court if the original jury duty summons is for a time when the release of that staff member would be a hardship for the Superintendent. Court duty shall also be made available to staff members if required to appear in court as a subpoenaed witness.

Military Leave

A staff member shall be entitled to any military leave provided by law and shall retain all rights and privileges granted by law arising out of the exercise of military leave.

Sick Leave

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

Pay for any day of such absence shall be the same as the pay which would have been received had the staff member 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 staff member. 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 staff member of the Superintendent 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 Superintendent.

If a staff member 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. A staff member 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.

Staff members 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 staff member left the former district within a year of beginning employment with the Office, and if the former employment was not terminated for cause. Staff members may transfer unused accumulated sick leave from the Office to another district under the same terms. Staff members desiring to receive credit upon transfer must apply for the transfer to the prior Superintendent in writing.

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

Pregnancy Leave

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

A copy of such instructions shall be provided to the Superintendent and shall specify the anticipated delivery date, the last date the staff member may safely perform her duties and the estimated period of recovery following childbirth. Pregnant staff members shall keep the Superintendent currently informed about anticipated absence dates around childbirth. The staff member shall provide the Superintendent with a written statement from her medical advisor when she may safely return to work.

A staff member shall exhaust accrued comp time before qualifying for pregnancy leave; and, at her election, a staff member 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 staff member's bank of sick leave has been exhausted. (Note: Sick leave for normal births is granted up to six weeks duration by law, if that much sick leave has been accrued by the staff member. 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 childbirth, is available under Family Leave and must be applied for separately.

Family Leave

1. In coordination with other paid and unpaid leaves that may be available as described herein and subject to the limitations listed below, staff members shall be granted unpaid leave of absence up to 12 workweeks during any 12 month period for the following reasons: (a) for childrearing purposes upon the birth, adoption, or legal foster care placement of a child; (b) to care for the spouse, son, daughter or parent of the staff member if that individual has a serious health condition; and (c) because of a serious health condition that makes the staff member unable to perform the functions of his/her position.
2. Before family leave can be taken for reason 1 (b), the staff member 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 1 (c), the staff member shall have exhausted all available sick leave. The 12-workweek timeframe shall include all paid leave that was available and taken by the staff member.

3. The Superintendent 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 staff member to do so because of the foreseeable nature of the medical condition and/or treatment program;
 - b) If the spouse of the staff member is unemployed or taking family leave and is therefore available to care for the child or parent;
 - c) If the staff member has not provided medical certification supporting the need for leave in the case of a serious health condition affecting the staff member, parent, spouse or child;
 - d) If the staff member has not yet completed one year of employment with the Superintendent.
4. If both husband and wife are employed by the Superintendent, 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 1b above.
5. 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 staff member shall make reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the Superintendent.
6. The Superintendent shall maintain group health insurance coverage for a staff member on Family Leave if such insurance was provided before the leave was taken and on the same terms as if the staff member had continued to work.
7. Eligible staff members with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible staff members to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the

servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Industrial Accident or Illness Leave

In addition to any other benefits that a staff member may be entitled to under the Workers' Compensation laws of this state, staff members shall be entitled to the following benefits:

1. A staff member 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 sixty 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 staff member shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred.
2. Payment for wages lost on any day shall not, when added to an award granted the staff member under the Workers' Compensation laws of this state, exceed the normal wage for one day.
3. 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 section has been exhausted, entitlement to other sick leave, vacation or other paid leave may then be used. If however, the staff member is still receiving temporary disability payments under the Workers' Compensation laws of this 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.
4. Any time a staff member 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.

Personal Necessity Leave

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

1. The death of a member of the staff member's immediate family when additional leave is required beyond that provided by bereavement leave.
2. As a result of an accident or illness involving the staff member's person or property, or the person or property of a member of his/her immediate family.

3. When resulting from an appearance in any court or before any administrative tribunal as a litigant, party or witness.

4. Such other reasons approved by the Superintendent.

General Leave - When no other leaves are available, a leave of absence may be granted to a staff member on a paid or unpaid basis at any time and upon any terms acceptable to the Superintendent and the staff member.

Miscellaneous Provisions

1. If a staff member on any unpaid leave desires health and welfare benefits coverage, the staff member shall be responsible for paying the premium costs for said benefits in any month in which the staff member is on unpaid status on the first working day of the month.
2. If a staff member begins an unpaid leave after the first working day of any calendar month, the Superintendent shall pay the health and welfare premiums until the end of that month. If the staff member 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.
3. If a staff member is on paid leave: The absence shall not be considered as a break in service; all benefits accruing under the provisions of this Agreement shall continue to accrue during such absence.
4. If a staff member is on unpaid status for six (6) months or less: No break in service shall be recorded; the staff member shall retain eligibility for an annual step increase upon return; benefits (such as vacation accrual and Superintendent-paid health and welfare) under this Agreement shall not continue.
5. If a staff member is on unpaid status for more than six (6) months: No break in service shall be recorded; the staff member shall not retain eligibility for an annual step increase; benefits shall not continue.

Continuity of Service

No absence under any paid leave provision shall be considered as a break in service for any staff member who is in paid status, and all benefits accruing under the provisions of these paid leave policies shall continue to accrue during such absence.

Staff members who are on an approved leave of absence shall notify the Superintendent by March 1 whether or not they intend to return from leave for the following school year.

Staff members on unpaid leaves may continue to participate in the health and welfare benefits program(s) if the premium(s) are paid by the staff member. Upon expiration of the leave, the returning staff member's placement shall be in compliance with specified areas of competence as defined by credentials held by the staff member.

In accordance with board action taken on November 6, 1991, the superintendent shall be entitled to the same paid leaves provided to other certificated management staff.

Legal Reference:

EDUCATION CODE

44036 Leaves of absence for judicial and official appearances

44037 Unlawful to encourage exemption from jury duty

44842 Failure to provide notice or to report to work

44940 Sex offenses and narcotic offenses; compulsory leave of absence

GOVERNMENT CODE

3543.2 Scope of representation

HUMBOLDT COUNTY OFFICE OF EDUCATION

Policy Adopted: October 21, 1987

Eureka, California

Reviewed: January 20, 1993

Revised: September 23, 2010