

**Definitions**

The term “immediate family” is defined as:

Family

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee’s household at the time of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

Family Emergency

The term “family emergency” shall be limited to disasters and life-threatening situations involving the employee or a member of the employee’s immediate family.

Leave Day

A “leave day” for purposes of earning, use, or recording of leave shall mean the number of hours per day equivalent to the employee’s usual assignment, whether full time or part time.

Catastrophic Illness or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee’s immediate family that requires the services of a licensed practitioner for a prolonged period of time or requires five days of hospitalization and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Complications resulting from pregnancy shall be treated the same as any other condition.

**Availability**

The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year.

**Earning Local Leave**

An employee using full or proportionate paid leave shall be considered to be in paid status.

**Deductions**

Leave without Pay

The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee’s pay.

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**Leave Proration**  
*Employed for  
Less Than Full  
Year*

If an employee separates from employment with the District before his or her last duty day of the year, or begins employment after the first duty day, state personal leave and local leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for:

1. State personal leave the employee used beyond his or her pro rata entitlement for the school year; and
2. Local leave the employee used but had not earned as of the date of separation.

*Employed for Full  
Year*

If an employee uses more local leave than he or she earned and remains employed with the District through his or her last duty day, the District shall deduct the cost of the excess leave days from the employee's pay in accordance with administrative regulations.

**Recording**

Leave shall be recorded in half-day and whole day increments, even if a substitute is not employed.

If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.

For eligible biweekly hourly employees, leave shall be recorded in hourly increments.

**Order of Use**

Earned compensatory time shall be used before any available paid state and local leave. [See DEAB]

Unless an employee requests a different order, available paid state and local leave shall be used in the following order, as applicable:

1. Local leave, including local incentive leave for eligible teachers.
2. State sick leave accumulated before the 1995–96 school year.
3. State personal leave.

Use of extended sick leave or sick leave bank days shall be permitted only after all available state and local leave has been exhausted.

**Concurrent Use of  
Leave**

When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.

The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.

An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

**Medical Certification**

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than three consecutive work-days because of personal illness or illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent;
3. The employee requests FMLA leave for the employee's serious health condition or that of a spouse, parent, or child; or
4. The employee requests FMLA leave for military caregiver purposes.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

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**Note:** For District contribution to employee insurance during leave, see CRD(LOCAL).

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**State Personal Leave**

Under authority of Education Code 22.003 and to preserve the employee's leave entitlement while minimizing disruption to the instructional program, the Board requires employees to differentiate the manner in which state personal leave is used:

Non-Discretionary  
Use

1. Non-discretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Discretionary Use

2. Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

*Limitations*

Request for  
Leave

The employee shall submit a written request for discretionary use of state personal leave to the immediate supervisor or designee ten days in advance in accordance with administrative regulations. In deciding whether to approve or deny state personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use

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leave. The supervisor or designee shall, however, consider the effect of the employee's absence on the educational program or District operations, as well as the availability of substitutes.

Discretionary leave shall not be allowed on the day before a school holiday, the day after a school holiday, or days scheduled for state-mandated assessments.

Duration of  
Leave

Discretionary use of state personal leave shall not exceed three consecutive workdays.

**Local Leave**

All eligible employees shall earn five paid local leave days per school year in accordance with administrative regulations.

Local leave shall accumulate to a maximum of 30 leave days.

Local leave shall be used only for:

1. Illness of the employee;
2. Illness of a member of the employee's immediate family;
3. Family emergency; and
4. Death in the employee's immediate family.

Local leave may also be used for the first-year care following the birth or adoption of an employee's son or daughter or the placement of a child with the employee for foster care.

**Use for Bereavement  
Purposes**

Use of local and/or state leave for a death in the immediate family shall not exceed five leave days per occurrence, subject to the approval of the District.

**Extended Sick Leave**

After all available state and local leave days have been exhausted, a full-time employee shall be granted in a school year a maximum of 15 leave days of extended sick leave to be used for the employee's catastrophic illness or injury, including pregnancy-related illness or injury, or for absences related to the catastrophic illness or injury of a member of the employee's immediate family.

A written request for extended sick leave must be accompanied by medical certification of the illness or injury.

For professional employees, the average daily rate of pay of a substitute shall be deducted for each day of extended sick leave taken, whether or not a substitute is employed. Paraprofessional/support personnel shall be deducted half a day's daily rate, not to exceed \$50 per day for each day of extended sick leave taken.

**Sick Leave Bank**

The purpose of the sick leave bank (“the bank”) is to provide additional paid sick leave to employees who are members of the bank. A member shall be granted such leave only in the event of a catastrophic illness or injury that results in the member’s inability to perform basic job functions.

**Membership**

All full-time employees of the District may join the bank by contributing three days of available local leave.

A contribution of three available local leave days shall be required during the enrollment period between August 1 and September 30. All donated local sick leave days shall become the property of the bank. Eligible employees who elect not to join the bank during the enrollment period shall be required to wait until the following year’s enrollment period.

**Administration**

The bank shall be administered by a nine-member sick leave bank committee (the committee). The committee shall be composed of the following:

1. Four teachers;
2. One representative from among the secretarial, clerical, or paraprofessional personnel;
3. Two representatives from operation personnel;
4. One representative from noninstructional professional personnel; and
5. One representative from the administration.

The Board shall review sick leave implementation on an annual basis and approve the continuation of the sick leave bank. Following the annual sick leave bank enrollment period from August 1 to September 30 of each year, an election shall be held on the third Monday of October according to the guidelines found in the sick leave bank handbook approved by the Board.

The members of the committee shall be elected from among the members of the bank by the members of the bank.

The committee shall meet only as the need arises. The committee shall be responsible for the following:

1. Receiving requests for use of the bank;
2. Verifying the validity of requests;
3. Recommending approval or denial of requests; and

4. Communicating the committee's decision to the applicant and the executive officer defined in the sick leave bank handbook.

An approved applicant shall be compensated at the employee's regular rate of pay. Individual members shall not be compensated in excess of 60 working days annually with a calendar year that runs from September 1 to August 31. Members shall not be compensated if the bank has been depleted.

Request for Use

A member may request leave from the bank only when his or her accumulated state leave, local leave, vacation days, extended sick leave, or any other accumulated leave has been exhausted. To qualify for leave from the bank, the member making the request shall provide all the information required by the sick leave bank handbook approved by the Board. All information provided to the committee shall be kept confidential.

The bank shall be administered according to the guidelines found in the sick leave bank handbook approved by the Board.

Appeal

All decisions regarding the bank may be appealed in accordance with DGBA(LOCAL), beginning with the Superintendent or designee.

**Family and Medical Leave**

The 12-month period within which employees shall be eligible for family and medical leave shall be measured forward from the date an individual employee's first FMLA leave begins.

Twelve-Month Period

Combined Leave for Spouses

If both spouses are employed by the District, the District shall not limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks, nor shall the District limit military caregiver leave to a combined total of 26 weeks. [See DECA(LEGAL)]

Intermittent or Reduced-Schedule Leave

The District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. [See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]

Certification of Leave

If an employee requests leave, the employee shall provide certification, as required by FMLA regulations, of the need for leave. [See DECA(LEGAL)]

Fitness-for-Duty Certification

If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. If the District will require certification of the employee's ability to perform essential job functions,

	<p>the District shall provide a list of essential job functions to the employee with the FMLA designation notice.</p>
<p>End-of-Semester Leave</p>	<p>If a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester. [See DECA(LEGAL), Leave at the End of a Semester]</p>
<p>Failure to Return</p>	<p>If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of employee benefits contributions paid by the District during the leave. [See DECA(LEGAL), Recovery of Benefit Cost]</p>
<p><b>Temporary Disability Leave</b></p>	<p>Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]</p> <p>An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent or designee as a request for temporary disability leave.</p>
<p><b>Workers' Compensation</b></p>	<hr/> <p><b>Note:</b> Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance. [See CRD(LOCAL) regarding payment of insurance contribution during employee absences.]</p> <hr/>
	<p>An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.</p> <p>An employee eligible for workers' compensation income benefits, and not on assault leave, may elect in writing to use paid leave.</p>
<p><b>Court Appearances</b></p>	<p>Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.</p> <p>Absences for court appearances related to an employee's personal business shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay.</p>
<p><b>Buyback at Retirement for Teachers</b></p>	<p>Unused local leave days may be bought back by the District. Upon retirement, teachers employed by the District at least ten consecutive years may receive up to 60 days of compensation at \$100 per day for unused local leave. Unused local leave days may be</p>

bought back by the District. The District may compensate eligible teachers prospectively for up to 60 days of local leave.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

**Buyback at Retirement for Employees Other Than Teachers**

Unused local leave days may be bought back by the District. Upon retirement, personnel employed by the District at least ten consecutive years may receive up to 30 days of compensation at \$100 per day for professional employees and \$50 per day for nonprofessional employees for unused local leave. Unused local leave days may be bought back by the District. The District may compensate eligible employees prospectively for up to 30 days of local leave.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

**Teacher Attendance Incentive Program**

The District shall pay classroom teachers who are certified and teach at least four hours or 60 percent of the school day (as defined by SBOE rules) an award for no absences during the quarter under the attendance incentive program. Classroom teachers eligible to receive this award shall receive a check to be distributed at the campus level for quarters one through three. Classroom teachers eligible to receive this award in the fourth quarter shall receive payment in their July paycheck. For the purposes of the teacher attendance incentive program, each quarter shall include all working and staff development days designated for teaching staff during their contract period.

Teachers receiving perfect attendance for all four quarters in the same school year are eligible for one of the following incentives:

1. The District may compensate teachers with perfect attendance a set amount in exchange for five days of local leave; or
2. Teachers with perfect attendance for the school year may choose to bank up to five days of local leave with a cumulative maximum of 60 local days.

Jury duty, compliance with a subpoena, leave to conduct school business, nondesignated staff development, and religious holy days shall not be counted as absences for purposes of the attendance incentive program.

**Bus Driver Attendance Incentive Program**

The District shall pay full-time bus drivers an award for no absences during the semester under the bus driver attendance incentive program.



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