

**Policy 4161: Leaves**

Status: DRAFT

Original Adopted Date: 10/05/2010 | Last Revised Date: 02/15/2011

The Governing Board shall provide for paid and unpaid leaves of absence for employees in accordance with law, Board policy, administrative regulation, collective bargaining agreements, and merit system rules, as applicable.

**Employees have the right to take leaves as authorized by law and/or collective bargaining agreements, including, but not limited to:**

The Board recognizes the following justifiable reasons for employee absence:

1. Personal illness or injury
2. Industrial accident or illness
3. Family care and medical leave
4. Military service
5. Personal necessity and personal emergencies
6. Disability leave for certificated employees in accordance with Education Code 44986
7. Vacations for classified staff and certificated management staff, as applicable
8. Sabbaticals for purposes of study or training related to the employee's job duties
9. Attendance at work-related meetings and staff development opportunities
10. Compulsory leave
11. **Maternity, parental leave, and reproductive loss leave for both certificated and classified staff, as applicable under state law**
12. **Bereavement**

**Long-Term Leaves**

~~The Superintendent or designee shall be authorized by the~~**With** Board of Education to officially accept requests for **approval, an employee may receive** a leave of absence. The leave of absence, without pay and without accruing seniority or service credit, ~~may be~~ for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. **All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.**

At the end of a long-term leave, the employee shall be reinstated to a similar position as that **employee** held at the time leave was granted, unless otherwise agreed upon.

~~The effective dates of the leave shall be at the times and dates of acceptance by the Superintendent or designee.~~  
The Superintendent or designee **Board** shall consider any written request by an employee to return to work prior to the expiration date of the leave.

**Administrative and Supervisory Personnel**

Certificated administrative and supervisory employees who are not subject to the district's bargaining agreement for

certificated employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other certificated employees unless otherwise specified in individual contract, memorandums of understanding, Board policy, administrative regulation, or law.

Classified administrative and supervisory employees who are not subject to the district's bargaining agreement for classified employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other classified employees unless otherwise specified in individual contract, memoranda of understanding, Board policy, administrative regulation, or law.

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**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

### **State References**

	<b>Description</b>
Ed. Code 22850-22856	<a href="#">Pension benefits; STRS members on military leave</a>
Ed. Code 44018	<a href="#">Compensation for employees on active military duty</a>
Ed. Code 44036-44037	<a href="#">Leaves of absence for judicial and official appearances</a>
Ed. Code 44043.5	<a href="#">Catastrophic leave</a>
Ed. Code 44800	<a href="#">Effect of active military service on status of employees</a>
Ed. Code 44842	<a href="#">Reemployment notices; certificated employees</a>
Ed. Code 44940	<a href="#">Compulsory leave of absence for certificated persons</a>
Ed. Code 44962-44988	<a href="#">Leave of absence; certificated</a>
Ed. Code 45059	<a href="#">Employee ordered to active military/naval duty; computation of salary</a>
Ed. Code 45190-45210	<a href="#">Leaves of absence; classified</a>
Fam. Code 297-297.5	<a href="#">Rights, protections, benefits under the law; registered domestic partners</a>
Gov. Code 12945.1-12945.21	<a href="#">California Family Rights Act</a>
Gov. Code 12945.7	Bereavement leave
Gov. Code 20990-21013	<a href="#">Pension benefits; PERS members on military leave</a>
Gov. Code 3543.1	<a href="#">Rights of employee organizations</a>
Gov. Code 3543.2	<a href="#">Scope of representation</a>
Lab. Code 230-230.2	<a href="#">Leaves for victims of domestic violence, sexual assault or specified felonies</a>
Lab. Code 230.3	<a href="#">Leave for emergency personnel</a>
Lab. Code 230.4	<a href="#">Leave for volunteer firefighters</a>
Lab. Code 230.8	<a href="#">Time off to visit child's school</a>
Lab. Code 233	<a href="#">Leave to attend to family illness</a>
M&V Code 395-395.9	<a href="#">Military leave</a>
M&V Code 395.10	<a href="#">Leave when spouse on leave from military deployment</a>

### **Federal References**

	<b>Description</b>
29 USC 2601-2654	Family Care and Medical Leave Act
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

### **Management Resources References**

	<b>Description</b>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>

### **Cross References**

	<b>Description</b>
2121	<a href="#">Superintendent's Contract</a>

**Cross References****Description**

4112.1	<a href="#">Contracts</a>
4112.42	<a href="#">Drug And Alcohol Testing For School Bus Drivers</a>
4112.42	<a href="#">Drug And Alcohol Testing For School Bus Drivers</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4131	<a href="#">Staff Development</a>
4154	<a href="#">Health And Welfare Benefits</a>
4154	<a href="#">Health And Welfare Benefits</a>
4159	<a href="#">Employee Assistance Programs</a>
4161.1	<a href="#">Personal Illness/Injury Leave</a>
4161.11	<a href="#">Industrial Accident/Illness Leave</a>
4161.2	<a href="#">Personal Leaves</a>
4161.3	<a href="#">Professional Leaves</a>
4161.5	<a href="#">Military Leave</a>
4161.8	<a href="#">Family Care And Medical Leave</a>
4212.42	<a href="#">Drug And Alcohol Testing For School Bus Drivers</a>
4212.42	<a href="#">Drug And Alcohol Testing For School Bus Drivers</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4254	<a href="#">Health And Welfare Benefits</a>
4254	<a href="#">Health And Welfare Benefits</a>
4259	<a href="#">Employee Assistance Programs</a>
4261.1	<a href="#">Personal Illness/Injury Leave</a>
4261.11	<a href="#">Industrial Accident/Illness Leave</a>
4261.2	<a href="#">Personal Leaves</a>
4261.5	<a href="#">Military Leave</a>
4261.8	<a href="#">Family Care And Medical Leave</a>
4300	<a href="#">Administrative And Supervisory Personnel</a>
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4312.1	<a href="#">Contracts</a>
4312.42	<a href="#">Drug And Alcohol Testing For School Bus Drivers</a>
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4331	<a href="#">Staff Development</a>
4354	<a href="#">Health And Welfare Benefits</a>
4354	<a href="#">Health And Welfare Benefits</a>
4359	<a href="#">Employee Assistance Programs</a>
4361.1	<a href="#">Personal Illness/Injury Leave</a>
4361.11	<a href="#">Industrial Accident/Illness Leave</a>
4361.2	<a href="#">Personal Leaves</a>
4361.5	<a href="#">Military Leave</a>

**Cross References**

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**Description**

[Family Care And Medical Leave](#)