

**Regulation 4361: Leaves**

Status: DRAFT

Original Adopted Date: Pending

Failure to Return to Service After Leave

In the case of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, the district may terminate the employment of such an employee if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of his/her intention to remain in service with the district in accordance with Education Code 44842.
2. The district had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work.
3. The employee did not request or was not granted a leave of absence authorized by the Board.

In any such case, the district may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)

Use of Leaves by Classified Employees

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination. (Education Code 45200)

**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**

**Description**

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 12945.1-12945.2	<a href="#">California Family Rights Act</a>
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  
Lab. Code 233  
M&V Code 395-395.9  
M&V Code 395.10

[Time off to visit child's school](#)  
[Leave to attend to family illness](#)  
[Military leave](#)  
[Leave when spouse on leave from military deployment](#)

**Federal References**

29 USC 2601-2654  
38 USC 4301-4334

**Description**

[Family Care and Medical Leave Act](#)  
[Uniformed Services Employment and Reemployment Rights Act of 1994](#)

**Management Resources References**

Website

**Description**

[CSBA District and County Office of Education Legal Services](#)

**Cross References**

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4312.42	<a href="#">Drug And Alcohol Testing For School Bus Drivers</a>
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