

- 21.7.3 The teachers will track their attendance on an Academic Support Team form and, per STRS rules, submit timesheets monthly, by the 20th of each month. Timesheets submitted after the deadline may be subject to a fine from STRS.

ARTICLE TWENTY- TWO COMPENSATION

22.
22.1 Teachers shall be paid on the negotiated salary schedule as posted.

ARTICLE TWENTY- THREE SALARY PLACEMENT

23.
23.1 Classification by Professional Preparation
- a. A teacher shall be placed on the appropriate class of the salary schedule in accordance with the degrees and advanced preparation he/she has completed.
 - b. A teacher may be given credit for up to *ten (10) years* teaching experience at the time of initial placement on the salary schedule.
 - c. Point Arena School Intra district transferees shall retain current placement on the salary schedule.
- 23.2 Step Requirements
- a. Advancement on the salary schedule shall be at the rate of one (1) step for each year of teaching experience for a teacher who is .75 FTE or more, and works at least 75% of the contractual year
 - b. Advancement on the salary schedule shall be at the rate of one (1) step every other year for teachers who are employed at .50 to .74 FTE and work at least 75% of the contractual year.
- 23.3 Career Increments
- a. A teacher who has a Master's Degree Shall receive the negotiated amount added to his/her basic salary rate. A teacher who has a Doctorate degree shall receive the negotiated amount added to his/her salary rate. No Teacher shall receive recognition for more than one (1) advanced degree at any one time.
 - b. Upon prior written approval of the Site Administrator and verification by the Superintendent, each teacher will be entitled to a reimbursement of the negotiated amount per year for expenses undertaken to further his/her professional education in the amount not to exceed \$325.00.
- 23.4 Units Conversion
- a. Quarter units are converted to semester units by multiplying the quarter units by two-thirds (2/3). If this multiplication results in a fraction that when added to the other semester units is within one half (1/2) unit from the required units for qualifying for the next column, then the fraction shall be rounded up to the next whole number and the teacher shall be placed on the next column.
 - b. The District shall provide each teacher by December of each school year, a statement of the number of units that the District has on file with a copy placed in his/her personnel file.

**ARTICLE TWENTY- FOUR
TEACHER EVALUATION**

- 24.
- 24.1 a. Probationary teachers shall be evaluated annually.
- b. The performance of each certificated employee with permanent status shall be evaluated and assessed on a continuing basis as follows: (Education Code 44664)
1. At least every other year
 2. At least every five years if all of the following conditions are met:
 - a. The employees has been employed by the district at least 10 years.
 - b. The employee meets the qualifications of a highly qualified as defined in 20 USC 7801, of the federal No Child Left Behind Act, if 20 USC 6319 requires that his/her position be filled by a highly qualified teacher
 - c. The employee's previous evaluation rated him/her as meeting or exceeding evaluation standards.
 - d. The evaluator and the employee agree to this schedule. Either the evaluator or the employee may withdraw consent at any time.
 3. Permanent teachers who receive unsatisfactory or needs to improve on their evaluations will be evaluated the subsequent year.
 4. Permanent teachers who receive unsatisfactory or needs to improve on specific areas of their evaluations will be evaluated only on those specifically defined areas the subsequent year.
 5. Noninstructional certificated employees shall be evaluated on their performance in fulfilling their defined job responsibilities. (Education Code 44662)
- 24.2 The following staff evaluation procedures will be implemented.
- a. By October 15, the evaluator will hold a pre-evaluation conference with each teacher scheduled for evaluation at which teacher-directed and district-directed goals shall be established, based upon the California Standards for the Teaching Profession. Before the process begins, the evaluator will make it clear to teachers in writing on what they will be evaluated. Observations and written comments will focus on the agreed-upon goals. If an observation reveals a critical issue outside of the stated goals, the evaluator may, in conversation with the teacher, establish additional goals to be observed in subsequent observations and establish a plan to support those goals.
 - b. A copy of goals and objectives and the results of observations, including recommendations, shall be given to each teacher and placed in his/her personnel file.
 - c. The Teacher Evaluation Form shall be completed by March 1 and be specific in describing positive action to correct any cited deficiencies. The report shall

include but not be limited to recommendations for improvement. Areas of strength shall be noted on the Teacher Evaluation Form.

d. Methods of assessment shall include self evaluation, observation, discussions, conferences and formal observation forms.

24.3 Evaluations shall be based on the evaluator's first hand information and will follow the process as outlined in Teacher Evaluation Form. There shall be a minimum of two formal observations and other informal observations as appropriate prior to the final evaluation.

a. The formal observations will follow best practices;

1. The evaluator will schedule the observation time and date at least one week in advance. Except in the case of critical emergency, if the schedule must be altered, the teacher will be notified in advance and the evaluator will reschedule with the aforementioned requirements.
2. The evaluator will observe the whole lesson or class period.
3. The evaluator will hold a post-observation conference to discuss the lesson.

24.4 The Principal will develop Teacher Evaluation Forms. All forms must be mutually agreeable to District and AUTO.

ARTICLE TWENTY- FIVE PERSONNEL FILES

25.

25.1 A teacher shall be provided a copy within five (5) days of all derogatory material when it is to be placed in his/her personnel file. He/she shall be given an opportunity to prepare a written response within ten (10) days to such material. The written response shall be attached to the material.

25.2 Derogatory material shall be placed in the teacher's personnel file within twenty (20) days after the incident upon which it is based has occurred and/or twenty (20) days after District personnel become aware of the incident.

25.3 Upon written authorization by the teacher, a representative of the Association shall be permitted to examine and/or obtain a copy of material in such teacher's personnel file.

25.4 A teacher may request that commendations or other evidence of meritorious conduct be placed in his/her personnel file. A written response will be given if the material is not placed in his/her personnel file.

25.5 The person(s) who draft and/or place material in a teacher's personnel file shall sign the material and signify the date on which such material was drafted and placed in the file.

25.6 The Superintendent shall keep a log indicating the person(s) who have requested and received permission to examine a teacher's personnel file, as well as the date such examination was made. Such log shall be available for examination by the teacher or his/her Association representative if so authorized by the teacher.

25.7 Access to personnel files shall be limited to the District Superintendent and personnel staff on a need-to-know basis. Board members may request review of a teacher's personnel file at a closed session of the Board. The contents of all personnel files shall be kept in strict confidence.

APPENDIX A

GRIEVANCE FORM

Grievant _____ School/Site _____

Specify portion of your Association's Contract Agreement allegedly violated, misinterpreted, or improperly applied:

Statement of nature of grievance and summary of specific events which led to the grievance, including date(s) and location:

Remedy requested: _____

Grievant's Signature

Date

APPENDIX B

EXTRA DUTY PAY AND ADDITIONAL PAY ASSIGNMENT

The following extra duties will be compensated at the rate indicated. Stipends will receive any salary schedule increases negotiated by AUTO.

	<u>Certificated Rate</u>	<u>Non-Certificated Rate</u>
Athletic Director:	\$1180.00	\$1080.00
Coaches:		
• Volleyball	\$1180.00	\$1080.00
• Softball	\$1180.00	\$1080.00
• Boys Basketball	\$1180.00	\$1080.00
• Girls Basketball	\$1180.00	\$1080.00
Yearbook	\$1180.00	\$1080.00
Leadership Team	\$1000.00	
Webmaster	\$1000.00	\$900.00
Science Fair Coordinator	\$300.00	
Curriculum Assignment	\$25.00/hr.	
Additional Instruction	\$25.00/hr. + prorated prep time	

Assignments for these duties shall be voluntary and annually offered to certificated personnel first. In the event two or more certificated personnel volunteer, the same criteria as voluntary reassignment will be applied. In the event that no certificated personnel apply, the position may be offered to non-certificated persons.

TA'd 6/12/2014, pending board approval. Board approved 6/18/2014.

Certificated and Classified Personnel

BP 4161(a)
4261

LEAVES

The Governing Board shall provide for paid and unpaid employee leaves of absence in accordance with law, Board policy, administrative regulation and collective bargaining agreements.

(cf. 4141/4241-Collective Bargaining Agreement)
(cf. 4161.9/4261.9/4361.9-Catastrophic Leave Program)

The Board recognizes the following justifiable reasons for employee absence:

1. Personal illness or injury
(cf. 4161.1/5361.1-personal Illness/Injury Leave)
(cf. 4261.1-Personal Illness/Injury Leave)
2. Industrial accident or illness
(cf. 4161.11/4361.11-Industrial Accident/Illness Leave)
(cf. 4261.11-Industrial Accident/Illness Leave)
3. Family care and medical leave
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
4. Military service
(cf. 4161.5/4261.5/4361.5 - Military Leave)
5. **Personal necessity and personal emergencies**
(cf. 4161.2/4261.2/4361.2-Personal Leaves)
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
(cf. 4161.3-Professional Leaves)
(cf. 4261.3 - Professional Leaves)
9. Attendance at work-related meetings and staff development opportunities
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

LEAVES

10. Compulsory leave

(cf. 4118-Suspension/Disciplinary Action)

(cf. 4218-Dismissal/Suspension/Disciplinary Action)

Long-Term Leaves

With Board approval, employees may receive a long-term leave of absence without pay and without accruing, seniority or service credit, 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 held at the time leave was granted, unless otherwise agreed upon.

The 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.

(cf. 2121 - Superintendent's Contract)

(cf. 4300 - Administrative and Supervisory Personnel)

(cf. 4312.1 - Contracts)

Legal Reference:

EDUCATION CODE

22850-22856 Pension benefits, STRS members on military leave

44018 Compensation for employees on active military duty

44036-44037 Leaves of absence for judicial and official appearances

44043.5 Catastrophic leave

44800 Effect of active military service on status of employees

44842 Failure to provide notice or to report to work

44940 Sex offenses and narcotic offenses; compulsory leave of absence

44962-44988 Leaves of absence (certificated)

LEAVES

45059 Employee ordered to active military/naval duty, computation of salary

45190-45210 Leaves of absence (classified)

FAMILY CODE

297-297.5 Registered domestic partner rights, protections and benefits

GOVERNMENT CODE

3543.1 Release time for representatives of employee organizations

3543.2 Scope of representation

12945.1-12945.2 California Family Rights Act

20990-21013 Pension benefits, PERS members on military leave

LABOR CODE

230-230.2 Leaves for victims of domestic violence, sexual assault or specified felonies

230.3 Leave for emergency personnel

230.4 Leave for volunteer firefighters

230.8 Leave to visit child's school

233 Illness of child, parent, spouse or domestic partner

MILITARY AND VETERANS CODE

395-395.9 Military leave

395.10 Leave when spouse on leave from military deployment

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993

UNITED STATES CODE, TITLE 38

4301-4334 Uniformed Services Employment and Reemployment Rights Act of 1994
(12/88 10/98) 7/08

**Policy
adopted:**

**ARENA UNION ELEMENTARY/POINT ARENA JT. UHSD
December 11, 2008
Point Arena, California**

LEAVES

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.

(cf. 4112.1 - Contracts)

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

(cf. 4117.4 - Dismissal)

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)

(12/88 10/98) 7/08

**Regulation
Approved:**

**ARENA UNION ELEMENTARY/POINT ARENA JT. UHSD
December 11, 2008
Point Arena, California**

PERSONAL ILLNESS/INJURY LEAVE

Certificated employees working five school days per week are entitled to 10 days leave of absence for personal illness or injury (sick leave) per school year, with full pay. Employees working less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee who is entitled to less than three days of paid sick leave due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246. (Education Code 44978)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

Certificated employees may use sick leave for absences due to:

1. Temporary inability to perform assigned duties because of illness, accident, or quarantine, whether or not the cause of the absence arises out of and in the course of employment (Education Code 44964)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 44965, 44978)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity (Education Code 44981)

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

4. Medical and dental appointments, in increments of not less than one hour

5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)

6. Illness of the employee's child, parent, spouse, domestic partner, or domestic partner's child for up to the amount of sick leave that would be accrued by the employee during six months at his/her then current rate of entitlement (Labor Code 233)

7. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code 245.5 (Labor Code 246.5)

Adopted CSBA recommended language

PERSONAL ILLNESS/INJURY LEAVE

8. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 246.5)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

The district shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

Notification of Absence

An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which he/she intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

(cf. 4121 - Temporary/Substitute Personnel)

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or injury, continues to be absent from his/her duties for an additional period up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

If a certificated employee is not medically able to resume his/her duties after the five-month

Adopted CSBA recommended language

PERSONAL ILLNESS/INJURY LEAVE

period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

(cf. 4116 - Probationary/Permanent Status)

Verification Requirements

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or other authorized health care provider. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to duty and stipulating any necessary restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Adopted CSBA recommended language

PERSONAL ILLNESS/INJURY LEAVE

Healthy Workplaces, Healthy Families Act Requirements

No employee shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting or using sick leave is prohibited by law and an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference:

EDUCATION CODE

44964 Power to grant leave of absence in case of illness, accident, or quarantine

44965 Granting of leaves of absence for pregnancy and childbirth

44976 Transfer of leave rights when school is transferred to another district

44977 Salary deduction during absence from duties up to five months after sick leave is exhausted

Adopted CSBA recommended language

PERSONAL ILLNESS/INJURY LEAVE

- 44978 Provisions for sick leave of certificated employees
- 44978.1 Inability to return to duty; placement in another position or on reemployment list
- 44979 Transfer of accumulated sick leave to another district
- 44980 Transfer of accumulated sick leave to a county office of education
- 44981 Leave of absence for personal necessity
- 44983 Exception to sick leave when district adopts specific rule
- 44984 Industrial accident or illness
- 44986 Leave of absence for disability allowance applicant

LABOR CODE

- 220 Sections inapplicable to public employees
- 230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off
- 230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off
- 233 Illness of child, parent, spouse or domestic partner
- 234 Absence control policy
- 245-249 Healthy Workplaces, Healthy Families Act of 2014

CODE OF REGULATIONS, TITLE 5

- 5601 Transfer of accumulated sick leave

UNITED STATES CODE, TITLE 42

- 2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

CODE OF FEDERAL REGULATIONS, TITLE 29

- 1635.1-1635.12 Genetic Information Nondiscrimination Act of 2008

COURT DECISIONS

Veguez v. Governing Board of Long Beach Unified School District, (2005) 127 Cal.App.4th 406

(3/02 7/10) 12/14

**Regulation
Adopted**

**ARENA UNION ELEMENTARY/POINT ARENA JT. UHSD
May 13, 2015
Point Arena, California**

Adopted CSBA recommended language

PERSONAL LEAVES

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

(cf. 4121 - Temporary/Substitute Personnel)

Bereavement

Employees are entitled to six days (6) upon the death of the employee's *relative, employee's spouse's relative or domestic partner's relative as defined by the District*. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

(cf. 4161/4261/4361 - Leaves)

Members of the immediate family include: (Education Code 44985, 45194)

1. The mother, father, grandmother, grandfather, or grandchild of the employee or of the employee's spouse/domestic partner
2. The employee's spouse/*domestic partner*, son, son-in-law, daughter, daughter-in-law, brother, or sister
3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Employees may use a maximum of seven days of their accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

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PERSONAL LEAVES

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4261.1 - Personal Illness/Injury Leave)

Acceptable reasons for the use of personal necessity leave include:

1. *Death of a member of the employee's relative, employee's spouse's relative or domestic partner's relative as defined by the District* when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee's *relative, employee's spouse's relative or domestic partner's relative as defined by the District* person or property or the person or property of a member of the employee's *relative, employee's spouse's relative or domestic partner's relative as defined by the District* (Education Code 44981, 45207)
3. A serious illness of a member of the employee's *relative, employee's spouse's relative or domestic partner's relative as defined by the District* (Education Code 44981)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

4. An employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or designee shall have final discretion as to whether or not a request reflects personal necessity.

Advance permission shall not be required of any employee in any case involving the death of a member of the employee's *relative, employee's spouse's relative or domestic partner's relative as defined by the District*, an accident involving the employee's person or property or the person or property of the *employee's relative, employee's spouse's relative or domestic partner's relative as defined by the District*, or the serious illness of a member of the employee's *relative, employee's*

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PERSONAL LEAVES

spouse's relative or domestic partner's relative as defined by the District. (Education Code 44981, 45207)

However, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

Legal Duties

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between his/her regular earnings and any amount received for jury fees. (Education Code 44037)

A certificated employee also shall be granted leave for jury duty with pay up to the amount of the difference between his/her regular earnings and any amount received for jury fees.

Employees shall be granted leave to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

Leaves for Crime Victims

An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she is a victim, or an immediate family member, registered domestic partner, or child of a registered domestic partner of a victim, of any of the following crimes: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)

Adopt CSBA recommended language and keep some of our old language

PERSONAL LEAVES

2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Domestic Violence, Sexual Assault and Stalking

An employee who is a victim of domestic violence, sexual assault, or stalking as defined by law may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to him/her under the terms of his/her employment to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his/her child
2. Seek medical attention for injuries caused by domestic violence, sexual assault, or stalking
3. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking
4. Obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking

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PERSONAL LEAVES

5. Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

Personal Leave for a Child's School Activities

Any employee who is a parent/guardian or grandparent having custody of one or more children enrolled in grades K-12 or who attend a licensed day care facility may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the year. The employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If both parents/guardians of a child are employed at the same work site, this leave shall be allowed for the first parent/guardian who applies. Simultaneous absence by the second parent/guardian may be granted by the Superintendent or designee. (Labor Code 230.8)

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PERSONAL LEAVES

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed day care facility that he/she participated in school or licensed day care facility activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state.
2. The board, commission, organization, or group informs the district in writing of the service.
3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization. (Education Code 44987, 45210)

(cf. 4140/4240/4340 - Bargaining Units)
(cf. 4143/4243 - Negotiations)

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation

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