

# **Pacifica SD**

## **Administrative Regulation**

### **Personal Illness/Injury Leave**

AR 4361.1  
**Personnel**

Management employees shall receive 1-1/2 days sick leave for each month worked.

#### **Certificated Management**

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 who does not complete a given year of service shall be charged for any unearned sick leave used as of the date of termination.

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

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

Any certificated employee who leaves the district after at least one year of employment and accepts a certificated position in another district, county office of education or community college district within one year shall have transferred with him/her the total amount of accumulated sick leave. The district may not require new employees to waive their leave accumulated in a previous district. (Education Code 44979, 44980)

Sick leave may be used by certificated employees for:

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

(cf. 4357.1 - Work-Related Injuries)

2. Absences due to pregnancy, miscarriage, childbirth and recovery (Education Code 44965, 44978)

(cf. 4361.8 - Family Care and Medical Leave)

3. Cases of personal necessity (Education Code 44981)

4. Cases of industrial accidents or illnesses when leave granted specifically for that purpose has expired (Education Code 44984)

(cf. 4361.11 - Industrial Accident/Illness Leave)

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

(cf. 4361.2 - Personal Leaves)

An employee shall notify the district of his/her need to be absent as soon as such need is known. 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.

(cf. 4121 - Temporary/Substitute Personnel)

#### Extended Sick Leave, Certificated Management

The sick leave, including accumulated sick leave, and the five-month period shall run consecutively. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

A certificated employee shall receive 50 percent of his/her regular salary during any period of absence due to illness or injury up to five months, beginning after all available paid leave has been exhausted.

After five months, if a management employee has exhausted all available sick leave and is not medically able to resume his/her duties, the employee shall be placed either in another position or on a reemployment list. If the employee is on probationary status, he/she shall be placed on the reemployment list for 24 months beginning at the expiration of the five-month period provided pursuant to Education Code 44977; if on permanent status, the employee shall be placed on the reemployment list for 39 months. If during this time the employee becomes medically able, he/she may be returned to employment in a vacant position for which he/she is qualified.

(cf. 4116 - Probationary/Permanent Status)

#### Classified Management

Except as listed above, full-time classified management, supervisory or confidential employees

are entitled to 12 days leave of absence, with full pay, for personal illness or injury per fiscal year. Employees who serve less than a full fiscal year or less than five days a week shall be granted comparable sick leave in proportion to the time they work. (Education Code 45191)

#### Extended Sick Leave, Classified Management, Supervisory, Confidential

After a classified management or confidential employee has exhausted all paid leave, he/she shall be paid extended sick leave at fifty (50) percent of his/her regular salary. The employee is entitled to this differential pay for a period up to five months. (Education Code 45196)

After a permanent employee has exhausted all available sick leave, vacation, compensatory overtime and any other paid leave, and he/she is still absent because of nonindustrial accident or illness, he/she shall be so notified in writing and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. Total leave so granted shall not exceed 18 months. (Education Code 45195)

When a confidential employee has exhausted all available leaves, paid or unpaid, and is still not able to resume his/her duties, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able, he/she shall be reemployed in the first vacancy in the classification of his/her previous assignment. The employee's reemployment shall take preference over all other applicants except those laid off for lack of work or funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

#### 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 practitioner. 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 clear evidence indicates that an absence is not related to illness or injury.

The Superintendent or designee may require an employee to visit a physician selected by the district and 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 for 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.

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 and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

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

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

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

233 Illness of child, parent, spouse or domestic partner

234 Absence control policy

**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

**COURT DECISIONS**

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

Regulation PACIFICA SCHOOL DISTRICT

approved: August 29, 2012 Pacifica, California