

# **Pacifica SD**

## **Administrative Regulation**

### **Personal Leaves**

Attachment F1

AR 4361.2  
**Personnel**

Whenever possible, employees shall request personal leaves in advance.

#### **Bereavement**

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. 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)

Members of the immediate family shall include: the mother, father, grandmother, grandfather, or grandchild of the employee or of the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister; any relative living in the employee's immediate household or anyone who, over a period of time, has held the position of such a member, may be considered a member of the immediate family.

At the employee's request, bereavement leave may be extended under personal necessity leave provisions. (Education Code 44981, 45207)

#### **Personal Necessity**

Employees may use up to seven days of their accrued sick leave during each contract year for reasons of personal necessity. The use of more than seven days, by certificated management employees for reasons of personal necessity will require advance approval.

Acceptable reasons for the use of personal necessity leave include:

1. Additional bereavement leave
2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family
3. A serious illness of a member of the employee's immediate family
4. Appearance in court as a litigant or as a witness under an official order; a copy of the court order or official evidence must be submitted as verification

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
7. Adoption of a child
8. Religious observance

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall 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 a request reflects true personal necessity.

Advance permission shall not be required for employees in cases involving the death or serious illness of a member of the employee's immediate family or an accident involving the employee's person or property or the person or property of a member of the immediate family.

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

Classified employees called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury or witness fees. (Education Code 44037)

Certificated employees also shall be granted leave for jury duty with pay up to the amount of the difference between the employee's regular earnings and any amount received as juror's fees.

Employees shall be granted leaves 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.

An employee may use vacation, personal leave or compensatory time off 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, including but not limited to cases in which the employee is a victim of a crime
3. Obtain or attempt to obtain 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 when the employee is a victim of domestic violence

Prior to taking time off for a court appearance, an employee shall give reasonable notice to his/her supervisor unless an unscheduled or emergency court appearance is required for the health, safety or welfare of an employee who is a domestic violence victim or his/her child. When an unscheduled or emergency court appearance is required, the employee shall provide, within a reasonable time after the appearance, evidence from the court or prosecuting attorney that he/she has appeared in court. (Labor Code 230)

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

#### Personal Leave for a Child's School Activities

Any employee who is a parent, guardian or grandparent having custody of one or more children who are 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 school year, and the employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

(cf. 1240 - Volunteer Assistance)

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

The employee shall use existing vacation, personal leave or compensatory time off for purposes of this leave. (Labor Code 230.8)

In lieu of using vacation, personal leave or compensatory time off, eligible employees giving reasonable advanced notice may take up to 40 hours without pay each school year for this purpose, not to exceed eight hours in any month.

Upon request, the employee shall provide documentation from the school or licensed day care facility to prove that he/she participated in school or licensed day care facility activities at the time of the leave. (Labor Code 230.8)

#### Civic Duties

Certificated employees shall be granted up to 20 days of paid leave per year for service performed within the state on any boards, commissions, committees or groups authorized by Education Code 44987.3, provided that the service is in the state of California, the organization informs the district in writing of the service and the organization reimburses the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

(Education Code 44987.3)

Legal Reference:

EDUCATION CODE

44036-44037 Leaves of absence for judicial and official appearances  
44963 Power to grant leaves of absence (certificated)  
44981 Leaves of absence for personal necessity (certificated)  
44985 Leave of absence due to death in immediate family (certificated)  
44987.3 Leave of absence to serve on certain boards, commissions, etc.  
45190 Leaves of absence and vacations (classified)  
45194 Bereavement leave of absence (classified)  
45198 Effect of provisions authorizing leaves of absence  
45207 Personal necessity (classified)

LABOR CODE

230 Time off to appear in court  
230.8 Leave to visit child's school  
233 Illness of child, parent or spouse

CALIFORNIA CONSTITUTION

Article 1, Section 8 Religious discrimination

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VII, Civil Rights Act of 1964

COURT DECISIONS

Rankin v. Commission on Professional Competence (1988) 24 Cal.3d 167

Regulation PACIFICA SCHOOL DISTRICT

approved: May 1, 2002 Pacifica, California