


## RULE 11

### LEAVE OF ABSENCE WITHOUT PAY

#### 1101 When Granted

- A. Leave of absence without pay may be granted to a classified employee, upon the written request of the employee and the approval of the Board of Education or its designated representative, subject to the following restrictions:

#### EDUCATION CODE SECTION 45190

1. Leave of absence without pay may be granted for any period not exceeding one year, except that leave of absence for military service shall be granted as provided by the Education Code and the Military and Veterans Code, 395-395.4, and leave of absence for service in the Peace Corps may be granted for a period not to exceed 24 months. In addition, military leave shall be granted for documented orders requiring that a physical examination be taken in another county providing the employee makes written attempt to have the location of the physical examination changed to Butte County.
  2. The granting of a leave of absence without pay gives to the employee the right to return to a comparable position at the expiration of the leave of absence, provided that the employee is physically and legally capable of performing the duties with or without a Reasonable Accommodation. The position may be filled only for the duration of the leave, and the employee so assigned must be re-assigned upon completion of the leave providing the employee is a permanent employee.
  3. Personal leaves of absence without pay for periods of fewer than 30 calendar days may be granted administratively by the Superintendent of Schools. Requests over 30 calendar days shall be submitted to the Board of Education in writing.
  4. 
- B. The Governing Board may, for good cause, cancel any leave of absence by giving the absent employee due notification providing the cancellation does not violate any statutory requirement. The employee may appeal the cancellation to the Personnel Commission which shall investigate and hear the appeal. The appeal by the employee will stay the cancellation directive of the Governing Board until action by the Personnel Commission, which shall be final and binding.

**Deleted:** The District may grant a leave of absence for a person to take another job; however, this request must be approved by the Board of Education. The Board generally does not grant leave for this reason. The circumstances for the request shall be written in the letter requesting the leave of absence. In addition, any employee who is granted a leave of absence and at a later date accepts another job must immediately report the fact in writing to the Board of Education. The Board could then reconsider the request for the leave of absence.

C. An employee must make a request to the Governing Board for permission to return to work prior to the expiration date of the leave. The Governing Board may approve or reject the request.

D. Failure to report to duty for three (3) consecutive days without District approval or failure to return from a leave of absence within five (5) working days after the expiration of an authorized leave.

May be considered abandonment of the position and the employee may be terminated by the Board of Education. The termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause.

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E. If the employee's classification has been abolished during the employee's absence, the employee shall be laid off for lack of work and placed on the re-employment list for the class that was abolished effective the date of termination of leave. Return to a vacant or filled position in a class at the same or a lower salary level for which qualified shall be according to seniority within the district. The District will follow the contracts Layoff protocols.

#### 1102 Leave to Serve In An Exempt, Temporary, or Limited-Term Position

A. Any permanent classified employee who accepts an assignment within the District to an exempt, temporary, or limited-term position shall, during such assignment, be considered for status purposes as serving in the regular position, and such assignment shall not be considered separation from service.

B. The employee may, with the approval of the appointing authority, voluntarily return to their permanent position or a position in the class of their permanent status prior to the completion of service in an exempt, temporary, or limited-term position. Failure to complete the required service, unless approved as specified herein, may constitute abandonment of position and may be grounds for disciplinary action by the appointing authority.

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Rule 11 Revised 02/2013, 5/2024

## RULE 12

### LEAVE OF ABSENCE WITH PAY

#### 1201 Jury Duty and Witness Leave

- A. Leave of absence for jury service except Grand Jury service shall be granted to any classified employee who has been officially summoned to jury duty in local, State, or Federal Court. Leave shall be granted for the period of the jury service. The employee shall receive full pay while on leave provided that the jury service fee less mileage and meals allowances paid for such leave is assigned to and the subpoena or court certification is filed with the District. Request for jury service leave shall be made by presenting the official court summons to jury service to the Human Resources Office.
- B. Leave of absence to serve as a witness in a court proceeding shall be granted an employee when they have been served a subpoena to appear as a witness, not as the litigant in the case. The length of the leave granted shall be for the number of days in attendance of the court. The employee shall receive full pay during the leave period, provided that the witness fee less mileage and meal allowances paid for such leave is assigned to and the subpoena or court certification is filed with the Chico Unified School District. Request for leave of absence to serve as a witness shall be made by presenting the official court summons to the Human Resource Office.
- C. An employee who has received leave of absence under this rule shall be available for work during the normal workday hours when presence is not required in court.
- D. If the jury service fee or the witness fee is greater than the amount of compensation the employee would have received for working that day, then the District will prorate this fee so that the employee will receive an amount equal to this fee.

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#### 1202 Absence for Examination

Every employee in the classified service shall be permitted to be absent from duties during working hours in order to take any examination for promotion in the District without deduction of pay or other penalty, provided that two days' notice is given to the immediate supervisor.

1203 Industrial Accident and Industrial Illness Leave

- A. Leaves resulting from an industrial accident or industrial illness shall be granted in accordance with the provisions of Education Code Sections 44043 and 45192 and this rule.
- B. An employee in the classified service who is absent from duty because of an illness or injury defined as an industrial accident or industrial illness under provisions of the Workers Compensation Insurance Law shall be granted paid industrial accident leave for each such accident or illness provided that they have permanent status. Workers Compensation covers all permanent, voluntary and substitute employees.
- C. Paid industrial accident leave shall be granted, as indicated in the employee's assignment, from the first day of absence to, and including, the last day of absence resulting from each separate industrial illness or industrial injury. A paid industrial accident leave shall be for not more than 60 working days;; however, the Governing Board may grant additional industrial accident leave at its discretion. Leave beyond 60 days is paid on a prorated basis as required by law.
- D. The initial 60 days of paid industrial accident leave shall be reduced by one day for each day of authorized absence regardless of the temporary disability allowance made under Workers Compensation. Days absent while on paid industrial accident leave shall not be deducted from the number of days of paid illness leave to which an employee may be entitled. Upon exhausting all paid leaves, the employee receives payments directly from the workers compensation carrier.
- E. If the employee is still unable to return to duty after exhausting paid industrial accident leave, the employee shall be placed on paid illness leave if eligible therefore. Accumulated illness leave will be reduced only in the amount necessary to provide a full day's wages or salary, as indicated in the employee's assignment, when added to compensation without penalties from the Workers Compensation Insurance Fund.
- F. After all paid illness leave has been exhausted following a paid industrial accident leave, an employee may apply for pay from accrued vacation to the extent necessary to make up the employee's regular salary when receiving a temporary disability allowance without penalties from the Workers Compensation Insurance Fund.

After the expiration of all paid leave privileges, additional sick leave shall be granted according to Education Code Section 45196 and Section 1208 of the Rules.

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G. Upon return to service from any paid or unpaid leave resulting from an industrial accident or industrial illness, an employee shall be assigned to a position in their former class ahead of any employee with a lesser amount of seniority. If no vacancy exists and the employee does not have seniority on any employee in the class, they may choose to bump other employees over whom they had seniority in a related lower class. If an employee's former class has ceased to exist or no vacancy exists and the employee chooses not to bump other employees or cannot bump other employees because of lack of seniority, then the employee may be reassigned or placed on a suitable reemployment list.

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H. An employee returning from such paid or unpaid leave of absence shall not have any loss or gain in status or benefits other than that which is specifically provided in applicable provisions of the Education Code and Personnel Commission rules. An employee shall continue to receive seniority credit during any time that the employee is in paid status.

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I. When all paid or unpaid leaves of absence have been exhausted following an industrial accident or industrial illness, the employee's name shall be placed on the re-employment list for the class from which they were on leave for a period not to exceed 39 months.

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J. An employee who fails to accept an appropriate assignment after being medically approved shall be removed from the re-employment list. Appropriate assignment is defined as an assignment to the employee's former class, in the former status and time basis, and in assignment areas in which the employee is available. Employees removed from a re-employment list under this rule may appeal the removal to the Personnel Commission.

K. While an employee is on any paid leave resulting from an industrial accident or industrial illness, the employee's salary paid by the District shall not, when added to a normal temporary disability allowance award without penalties granted the employee under Workers Compensation Insurance laws, exceed the employee's regular salary. A permanent employee's regular salary is computed on the basis of the number of hours and days in the basic assignment.

Final allowance for permanent industrial disability settlements shall not be subject to remittance to the District under this rule.

**Deleted:** During all paid leaves resulting from an industrial accident or industrial illness, the employee shall endorse to the District all wage-loss benefit checks received under Workers Compensation Insurance less compensation paid for travel allowances. The District shall issue to the employee appropriate warrants for payment of wages, loss of benefits, salary, and/or leave benefits and shall deduct normal retirement and other authorized contributions.

L. When an industrial accident or illness occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall, for the same illness or

injury, be entitled to use only that amount remaining of the 60 days, during the next fiscal year.

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#### 1204 Bereavement and Imminent Death Leave

- A. A classified employee who is absent on account of death of any member of his/her immediate family. No deductions shall be made from the salary of such employee nor shall such leave be deducted from leave granted by other sections of this Agreement. Members of the immediate family shall be entitled to up to five days' leave without loss of pay for each such bereavement. To be defined to be the , registered domestic partner, mother, father, aunt, uncle, grandmother, grandfather, or grandchild of the employee or his/her spouse; spouse, son, son-in-law, daughter, daughter-in-law, sister, sister-in-law, brother, brother-in-law, step-family, foster children, of the employee; or any relative living in the immediate household of the employee. Such leave must be taken within forty-five (45) calendar days after the death. Requests to use bereavement leave beyond the forty-five (45) day period will be considered on a case by case basis by the member's immediate supervisor. If not satisfied with the supervisor's response, the member may forward his/her request for consideration and a final decision by either the Executive Director/Director-Classified Human Resources or the Assistant Superintendent-Human Resources. Bereavement leave shall be expanded to, but not to exceed, seven (7) days in the case of a death of a child or spouse and/or registered domestic partner.
- In the case of a funeral of a niece or nephew, the classified employee shall be granted the difference between his salary and the amount paid a substitute even though the substitute may not be employed. This leave shall not exceed five (5) days per year.

#### EDUCATION CODE SECTION 45194

- B. Upon election, in case of absence due to serious illness of a member of the immediate family with death imminent, a classified employee shall be granted the difference between his salary and the amount paid a substitute even though the substitute may not be employed; however, the employee may choose to exercise rights under Section 1204.

#### 1205 Personal Emergency Leave-Parent-Restricted/School Aide Employees

Any days of absence for illness or injury pursuant to Section 1206, may be used by the employee, at their election, up to a maximum of six days in any fiscal year in cases of personal emergency, including any of the following:

**Deleted:** An employee must have served continuously with the District for a period of six (6) months before industrial accident and illness leave is made available to the employee. All probationary and permanent service of an employee to the District shall be credited in determining compliance with this requirement.

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**Deleted:** In the case of a funeral of an aunt, uncle, niece, or nephew, the classified employee shall be granted the difference between his/her salary and the amount paid a substitute even though the substitute may not be employed, and this leave shall not exceed five days per year.

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- A. Death of a member of the immediate family when additional leave is required beyond that provided in Section 1204.
- B. Serious illness or injury of a member of the immediate family as defined in Section 1204.
- C. Accident involving person or property, or the person or property of a member of the immediate family as defined in Section 1205.
- D. Such other reasons which may be prescribed by the Governing Board.

Unit members will provide two (2) working days notice to the District in advance of the use of personal necessity leave, except in cases of urgent circumstances. District approval or permission shall not be required.

**Deleted:** Proof of personal emergency may be required by the Superintendent for the purpose of this section.

#### EDUCATION CODE SECTION 45207

##### 1206 Sick Leave Defined

- A. Sick leave is the authorized absence of an employee because of disability, illness, or injury or exposure to contagious disease.
- B. Sick leave may be used for pregnancy or childbirth when an employee not on maternity leave is absent from her duties as a result of her own maternity-related illness prior to the birth or due to illness or medical or surgical complications subsequent to birth, abortion or miscarriage.
- C. A regular classified employee (probationary and permanent) shall earn paid sick leave in accordance with the provisions of Education Code Sections 45136 and 45191. Unused sick leave may be accumulated without limit.
- D. At the beginning of each fiscal year, the sick leave "bank" of the employee shall be increased by the number of days of paid sick leave which would normally be earned in the ensuing fiscal year. An employee's sick leave "bank" shall be adjusted if a change of assignment alters the amount of sick leave earnable. If an employee terminates prior to the end of the employees work calendar any unearned sick leave will be deducted from the employee's final paycheck.
- E. Sick leave may be taken at any time, provided that employees with probationary status may only use six days of paid sick leave during their initial probationary periods.

- F. Pay for any day of sick leave shall be the same pay the employee would have received if the employee had worked that day.
- G. In order to receive compensation while absent on sick leave, the employee must notify the supervisor of the absence at least 1/2 hour prior to the starting time, unless conditions are not practically possible. The burden of proof of hardship conditions shall be upon the employee.
- H. An employee on a leave of absence shall retain unused sick leave. Employees who remain in paid status will continue to accrue sick leave days until they leave paid status.
- I. At least one day prior to the expected return to work, the employee shall notify the supervisor in order that any substitute employee may be terminated. If the employee fails to notify the supervisor and both the employee and the substitute report, the substitute is entitled to the assignment.

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#### EDUCATION CODE SECTIONS 45136, 45191

#### 1207 Accrual of Sick Leave

- A. Classified employees shall be entitled to sick leave without loss of salary at the following rate:
1. Probationary and permanent employees shall earn sick leave at the rate of one day per calendar month and may use sick leave as defined in Section 1206.
  2. Limited-term employees shall earn sick leave at the rate of one day per calendar month.
    - (a) Limited-term employees who are assigned to work less than four consecutive months may not use sick leave.
    - (b) Limited-term employees who are assigned four or more consecutive months may use sick leave up to the number of months assigned; however, employees assigned six or more months may only use up to six days of sick leave during the first six months. This provision is waived if the employee working in the Provisional and/or emergency appointment is working in these positions in lieu of their normal permanent positions.
    - (c) Earned, unused sick leave for limited-term employees shall be credited if subsequently appointed as a probationary employee without a break in service of more than one week.



(d) If an employee terminates or is terminated prior to completion of the assignment and the employee has used sick leave that has not been earned, then the District shall deduct from the employee's pay the full amount of salary which was paid for such unearned days of sick leave taken.

3. Provisional and emergency employees may not use sick leave; however, if the employee is subsequently appointed as a probationary employee without a break in service of more than one week, then the District will grant the employee one day of sick leave per consecutive calendar month worked. This provision is waived if the employee working in the Provisional and/or emergency appointment is working in these positions in lieu of their normal permanent positions.

B. Unlimited accumulations shall be allowed in all sick leave benefits. However, the cumulative aspect of sick leave from year to year is based on accrual at the rate of one day's sick leave per whole month of employment. At least 50% of the number of working days in the calendar month must be in a paid status in order for the employee to earn sick leave for that month.

C. If an employee leaves the District, accumulated unused sick leave will not be credited to the employee's final payment.

#### 1208 Additional Sick Leave

A. After exhaustion of paid sick leave, an employee who is ill or injured may, upon request, use accumulated vacation (and compensatory time, if provided) to avoid leave without pay.

B. When an employee in the classified service is absent from duties on account of illness or accident for a period of five months or less, the employee is entitled to first use up accumulated sick leave and then receive the difference between their salary and the amount actually paid a substitute employee employed to fill the position during their absence.

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C. After exhaustion of all paid leave, a permanent employee may be placed on additional leave upon request and with the approval of the Board not to exceed six months. The additional leave may be paid or unpaid and may be extended for two additional periods of six months but not to exceed a total of 18 months. If placed on unpaid leave, the employee shall not again become eligible for paid leave because of the commencement of a new fiscal year until they have rendered service.

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- D. Upon certification from a physician, an employee who is compelled to be absent from duties because of quarantine which results from contact with other persons having a contagious disease while performing their duties or because of temporary inability to perform the services required because of quarantine, the employee will be allowed full pay during the period of enforced quarantine even though this is greater than the employee's accumulated sick leave.

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#### EDUCATION CODE SECTION 45195

##### 1209 Termination of Sick Leave

- A. An employee who has been placed on paid or unpaid sick leave may return to duty at any time during the leave, provided the employee is able to resume the assigned duties and provided that the employee has notified the District of return at least one working day in advance.
- B. If, at the conclusion of all sick leave and additional leave, paid or unpaid, granted under this rule, the employee is still unable to assume the duties of the position, the employee will be placed on a re-employment list for a period of 39 months in the same manner as if laid off for lack of work or lack of funds.

##### 1210 Transfer of Sick Leave from Another District

A classified employee of another school district who has been an employee of that district for a period of one calendar year or more and who terminates employment with that district for the sole purpose of accepting a classified position with this District and who subsequently, within one year of termination of former employment, accepts a classified position in this District, shall be credited with all of the earned but unused sick leave which was credited in the former school district.

#### EDUCATION CODE SECTION 45202

##### 1211 Vacations--For Parent-Restricted/School Aide Employees

- A. All Parent-Restricted/School Aide employees shall be allowed a vacation with pay on the following basis:

Vacation credit for employees shall be accrued as follows:  
1 through 4 full years of service accrue 1-day credit/month  
5 through 7 full years of service accrue 1-1/4 days credit/month  
8 through 12 full years of service accrue 1-1/2 days credit/month  
13 through 17 full years of service accrue 1-3/4 days credit/month

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18 through 24 full years of service accrue 2 days credit per month  
25 or more full years of service accrue 2 days credit per month plus one (1)  
additional day for  
the year at or beyond 25 years of service for maximum of 25 days per year

B. Eligibility for Vacation--Employees with either probationary or permanent status are eligible to earn paid vacations in limited term, provisional, or emergency assignments as well as in their regular assignment.

C. When Vacation Is Taken

1. Vacation shall be taken only at times approved by the Superintendent or delegated representative. Vacations shall be scheduled at the convenience of the District and as nearly as possible at the convenience of the employee.
2. Employees whose regular assignments are less than 12-months shall earn vacation, and it shall be taken by them during the Winter and/or Spring recess period; or they may be allowed by mutual agreement to take such vacation at other times when it will least affect the efficiency of the school or department; or, with the approval of the Superintendent or delegated representative, they may be paid in cash due them. Any such employee may be required by the District to take specific days as vacation.
3. Earned vacation shall not become a vested right until completion of the initial six months of employment.
4. An employee may be granted vacation during the school year even though not earned at the time the vacation is taken.
5. If an employee is terminated and had been granted vacation which was not yet earned at the time of the termination of [their](#) services, the District shall deduct from the employee's severance check the full amount of salary which was paid for such unearned days of vacation taken.
6. Upon separation from service, each employee shall be entitled to lump sum compensation for all earned and unused vacation, except an employee who has not completed six months of employment in regular status shall not be entitled to such compensation.
7. All vacation earned by all employees in the previous fiscal year shall be taken before July 1 of the following fiscal year, unless approved for continuation or pay by the District.

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VACATION DAYS EARNED:

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8. No deduction shall be made from the vacation credit of any employee for approved District holidays occurring during the assigned vacation period of the employee.
  9. The District may allow permanent employees to interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, provided the employee supplies adequate notice and relevant supporting information regarding the basis for such interruption or termination.
  10. No vacation shall be taken at a lesser rate than 1/2 day at a time.
  11. The rate at which vacation is paid shall be the employee's rate of pay earned at the time the vacation is commenced.
  12. Upon termination, an employee shall be compensated for accumulated vacation at the current rate of pay.
- D. An employee absent on leave without pay or an employee laid off for lack of funds shall not accumulate vacation credit during the period of absence from active service.
  - E. Every employee who is a member of the National Guard or Naval Militia, or a member of the Reserve Corps or Force in the Federal Military, Naval or Marine service, and who is granted a military leave of absence, shall be granted all vacation privileges provided by the Military and Veteran's Code, Sections 389 and 395.

EDUCATION CODE SECTIONS 45190, 45197

1212 Leave of Absence for Study With Pay

- A. Every regular classified employee who has completed seven consecutive years of service in regular status with the District shall be eligible to apply for a leave of absence for study purposes. The purpose of the study leave should directly benefit the School District and must be related to current or anticipated job performances. The granting of such leave shall be entirely discretionary with the Governing Board. When a study leave has been authorized and taken, an additional seven years of service, after return to duty from the last leave, must be completed before another study leave may be granted.
- B. Study leave can be for any period of time not to exceed one year and may be taken in any time increments as approved by the Governing Board, but must be completed within three years after the initial part of the leave was commenced.

If the leave is not continuous, the service performed between the leave intervals shall be credited toward future study-leave eligibility.

- C. Any leave granted and taken under this rule shall not constitute a break in service for any purpose, but the leave time shall not count toward eligibility for a future study leave.
- D. The employee must file an application with the Governing Board for a leave of absence under this rule and must outline:
  - 1. The employee's work history with the District (e.g., positions held and length of service in each).
  - 2. Length of leave requested and time period in which the leave will be completed, if granted.
  - 3. The purpose for which the leave is requested. The application must include the complete course of study to be pursued, institution giving the course, costs involved, degree or credits to be granted, and other pertinent data.
  - 4. Amount of compensation requested while on leave.
  - 5. Service, if any, to be performed by the employee for the District during the leave.
  - 6. The benefits to be derived by the District by the granting of the leave.
  - 7. Willingness by the employee to provide a bond to the District as required by law which shall bring the amount of the total salary to become due to the employee during the leave of absence or the waiver of the bond by the Superintendent if they finds the interests of the District will be protected by the written agreement of the employee. The agreement by the employee that they will serve the District for at least two years after termination of the leave or will indemnify the District in the event of failure through their own fault to fulfill the agreement.
  - 8. Willingness to provide the District evidence of satisfactory study progress at agreed intervals during the leave. Failure to provide such evidence or to make satisfactory progress may, at the option of the District, result in immediate cancellation of the leave.
  - 9. Agreement by the employee that they will report any employment during the leave to the Governing Board who shall determine whether conflict exists with the purpose of the leave.

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- E. If a leave is granted under this rule, the employee will be paid as a minimum, the A-Step of the first salary range currently used. In lieu of the minimum, the Board and employee may agree, in writing, to greater compensation. If the Board approves compensation greater than the minimum, it shall be not less than 1/2 of the employee's normal rate of compensation and not more than full compensation.

#### EDUCATION CODE SECTION 45383

- F. Compensation shall be paid as follows:

1. The employee shall provide a required bond or acceptable agreement if approved by the Superintendent and then the employee shall be paid the agreed-upon compensation in the same manner as if they were in active service with the District. If the employee fails to complete two years of service for the District following return from leave, except as provided below, they may be required to refund to the District a prorated portion of any compensation received while on leave.
2. An employee who has provided a bond and fails to complete the required two years of service because of death or physical or mental disability shall be exonerated in the same manner as if the required service had been performed.

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- G. Upon return to employment from the study leave, the employee shall be returned to a position within the classification.

#### 1213 Leave of Absence for Retraining

In the event the Governing Board contemplates the abolition of positions in the classified service and creation of new positions because of automation, technological improvements, or for any other reason, it may provide for retraining of displaced employees in accordance with this rule for a maximum of one year.

- A. To be eligible for retraining leave, an employee must:

1. Have served at least three years in the District.
2. Be serving a position which the District contemplates abolishing, or
3. Show that the retraining will clearly benefit the District.

4. Indicate a willingness to serve the District for at least two years after successful completion of the retraining program and provide a bond.
- B. The Governing Board shall prescribe the retraining program and may provide the program internally or designate the institution or place where the program is to be given.
- C. The employee shall be considered a permanent employee for all purposes during the period of the retraining program and shall be paid regular compensation and benefits. The Board may prescribe duties, if any, to be performed by the employee on behalf of the District during retraining leave.
- D. The Board may establish retraining programs for purposes other than outlined in this rule and grant leaves of absence for retraining in the same manner as for study leaves of absence, except that the three-year service requirement shall prevail. Such programs shall be discretionary with the Governing Board and shall be in accordance with rules and regulations governing employee seniority rights.

#### EDUCATION CODE SECTION 45381

##### 1214 Leave of Absence to Attend Conferences

Upon approval of the Superintendent of Schools, a classified employee may be allowed to attend professional meetings, conferences or institutes, with full salary paid.

##### 1215 Maternity and Paternity

One day's leave of absence with pay is authorized upon the occasion of the birth of an employee's child.

##### 1216 Maternity Leave

- A. An expectant mother may continue working prior to delivery as long as her doctor certifies that she is physically and emotionally able to perform her duties.
- B. Maternity leave without pay may be requested by the expectant mother. Maternity leave may be taken at any time prior to delivery. The doctor's statement of expected date of delivery shall be submitted to administration at the time of request for leave, unless prohibited by the employee's religious beliefs.

- C. Following the birth of a child, the employee may return to a position within her classification as soon as her doctor supplies a written release stating that she is able to resume her duties. Employees on maternity leave must provide the district with a notice of intent to return to work. For leaves of more than 30 days, this notice of intent to return must be received prior to the intended date of return.

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- D. Disabilities caused or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom are temporary disabilities and are covered under the Merit System's sick leave provisions, Sections 1206, 1207 and 1208.

#### EDUCATION CODE SECTION 45193

#### 1217 Verification of Leave

The District may require proof that any leave taken is consistent with these Merit System leave rules.

#### 1218 Holiday, Sick, and Vacation Leave for Employees Working in Limited-term Classified Management or Confidential Positions

- A. Shall be entitled to payment for authorized holidays, provided that such employee is in a paid status during any portion of the working day immediately preceding and succeeding the holiday.
- B. Those employees who are assigned or work for less than four months may not use sick/vacation leave. Those employees who are assigned or work for four or more consecutive months may use sick/vacation leave up to the number of months assigned.
- C. Shall earn vacation leave according to the current District Management and Confidential Salary Schedule.
- D. Shall earn sick leave at the rate of the equivalent of one (1) work day per calendar month.
- E. Earned, unused sick/vacation leave shall be credited if subsequently appointed into a regular position without a break in service of more than one week.
- F. If the employee terminates prior to completion of the assignment after having used sick/vacation leave that has not been earned, the employee's pay shall be docked the full amount of wages paid for the unearned days of sick/vacation leave taken.



- G. If the employee terminates prior to or upon completion of the assignment and the employee works four or more consecutive months, then the employee will be compensated for vacation earned but not used. The employee will not receive compensation for unused sick leave.

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1219 Baby-Bonding Leave (as required by law; per Gov Code 12945)

An employee who is the natural or adoptive parent of a child shall be entitled to a paid leave of absence for the purpose of bonding with his or her child. Such leave shall be in minimum increments of two (2) weeks, or ten (10) working days, for a total of sixty (60) working days and shall be granted upon giving the District four (4) weeks' notice prior to the anticipated date on which the leave is to commence. However, employees are entitled to take on two occasions for a period of less than two (2) weeks. Leave for these purposes may be taken within one (1) year of the child's birth or placement of the adoptive parent. The District will follow all statutory requirements surrounding bonding leaves.

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1220 Family Illness Leave (as required by law)

During any calendar year employees are entitled to use up to one-half of their annual entitlement to Sick Leave as described in MS Rule 1206 to attend to an illness of a child, parent, or spouse of the employee. For the purposes of this provision a "child" is defined as a biological, foster, or adopted child; a stepchild, a legal ward, or a child of a person standing in *loco parentis*; a "parent" is defined as a biological, foster, or adoptive parent, a stepparent, or a legal guardian.

Rule 12 Revised 02/1984, 04/1992, 11/2012, 04/2019, 5/2024

## RULE 13

### PROBATIONARY PERIOD

#### 1301 Length of Probationary Period

Employees appointed to a position in the classifications of Parent Restricted Aide or the classification of School Aide, and those appointed to a permanent position from open-competitive eligibility list or a promotional eligibility list shall serve a probationary period of six months or 130 days of paid service, whichever is longer, for each classification held.

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#### EDUCATION CODE 45301

All classified positions that have been recognized by the Board of Education as "Management Positions" shall serve a probationary period of 12 months or 260 days of paid service, whichever is longer.

The probationary period shall not include time served under emergency, provisional, limited-term appointments, or leave of absence. No employee shall attain permanent status in the classified service until completing a probationary period in a class. During the probationary period an employee may use up to a maximum of 15 leave days (excluding holidays) to count toward completion of the probationary period.

#### 1302 Rights of Probationary Employees

- A. A new employee who is suspended or dismissed during the initial probationary period shall be notified in writing of the action taken and the reasons therefore.
- B. An employee who has permanent status in the classified service, and who has been promoted to a higher class, may be demoted during the probationary period to the former class. The employee shall be notified in writing of the action and the reasons therefore and shall have the right of appeal provided in Section 2004.
- C. A permanent employee who is suspended or dismissed or demoted to other than the former class during a probationary period retains full rights of appeal.

- D. Should the work for which a probationary employee has been appointed prove temporary instead of permanent as certified, and should the employee be laid off without fault or delinquency on their part before the probationary period is completed, their name shall be restored to the eligibility list and the time served shall be credited on the probationary period.

1303 Report of Performance

It shall be the duty of the appointing power during the probationary period of each employee to investigate thoroughly the conduct, competence, capacity, moral responsibility, and integrity to determine whether the employee is fully qualified for permanent status.

1304 Reinstatement of Probationer

A permanent employee who has vacated a position to accept a position in a classification at the same or higher level and who is rejected during the probationary period shall be reinstated to their former position. The incumbent (newly appointed employee) of such position at the time of reinstatement of the rejected probationer shall be transferred to a vacant position in the same classification, if such exists, or shall be restored to their prior position in the District, or to the eligibility list from which they were appointed if no prior position was held. Any employee displaced by such restoration to a prior position shall have similar rights of displacement as though the restored employee were a rejected probationary.

Rule 13 Revised 2/2006, 11/2012, 5/2019, 5/2020, [5/2024](#)

## RULE 14

### IMPROVEMENT RECORD EVALUATIONS

#### 1401 When Evaluations Are to Be Made

- A. All regular classified probationary employees shall be evaluated by their prime evaluator at least twice during their probationary period, not later than the end of the 3rd and 5th months; for classified management probationary employees, not later than the end of the 5th and 10th months. The final evaluation shall include a recommendation to either put the employee on a permanent status or dismissal from the service.
- B. All permanent classified employees may be evaluated by their prime evaluator at any time during the year. The purpose of this type of evaluation may be for outstanding service, for indicating to the employee that improvement needs to be made in certain areas of work, or for any reason deemed necessary.
- C. All permanent classified employees will be evaluated at least once every two years. A copy of the report is to be sent to the Classified Human Resources office for placement in the employee's record file.

#### 1402 Who Makes Evaluations

The prime evaluator of an employee is responsible for completing the evaluation form.

- A. If the employee holds positions in multiple classifications the employee will receive an evaluation for each classification.
- B. If the employee holds the same classification at two different locations the location that holds the greatest hours will be deemed to be the prime evaluator.
- C. If the employee's hours/days per year are the identical at two or more different work sites then all sites would be responsible for completing an evaluation.

#### 1403 Procedure for Personnel Evaluations

- A. The evaluation shall be recorded on prescribed forms by the employee's immediate supervisor and/or the supervisor of the immediate supervisor.
- B. The immediate supervisor or their immediate supervisor shall present the evaluation report to the employee and discuss it with the employee. The evaluation form shall be signed to indicate receipt, but not necessarily agreement with the evaluation and the employee shall be given a signed copy.

- C. The immediate supervisor or their immediate supervisor shall forward the signed copy through the department to the representative of the Governing Board assigned to handle the classified employees.
- D. The administrative representative (Superintendent or their designee) may override the final recommendation of the supervisor as to whether the probationary employee will be retained in the classified service.
- E. Evaluation reports shall be filed in the employee's personnel file and may be available for review in connection with promotional examinations and disciplinary actions. Employees should provide the Human Resources Department at least 24 hours' notice prior to reviewing their personnel files.
- F. All personnel files shall be kept in confidence and shall be available for inspection only to the employee, persons having written authorization from the employee, the Executive Director/Director-Classified Human Resources, confidential secretaries and Human Resource staff authorized as custodians of the personnel files, and Human Resource management personnel authorized by the Superintendent when actually necessary in the proper administration of the District's affairs or the supervision of the employee.

#### 1404 Availability of Personnel File

- A. Any member of the classified service may, by request, inspect their personnel file whether maintained by the Commission, in the District Office, or at a school or other District location. Employees are expected to provide the Human Resource Department with at least 24 hours' notice prior to reviewing their personnel file.
- B. The employee's request for inspection shall be during a time when not required to render service to the District unless it is impossible to arrange for such service during off-duty hours and the Human Resources Department has been contacted by the employees supervisor acknowledging that the employee is released to review employment files. The Executive Director/Director of Human Resources has the ability to release employees from their worksite to review personnel files during an employees scheduled work hours.
- C. Any redacted or removed materials must be approved by the Executive Director/Human Resources Director.
- D. Information of a derogatory nature, except material in § C. above, shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. An employee shall have the right to enter, and have attached to any such derogatory statement, their own comments thereon. The employee's request for inspection shall be during a time when not required

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**Deleted:** employed has the written permission of the immediate supervisor to be absent from work for a specified period of time and proper arrangements have been made for the employee to inspect the file.

**Deleted:** Prior to examination of the file, all of the following data shall be removed: ratings, reports, or records which (a) were obtained prior to employment with the District, (b) were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional examination

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to render service to the District unless it is impossible to arrange for such service during off-duty hours.

**Deleted:** This review shall take place during business hours and the employee shall be released from duty for this purpose without salary reduction.

#### EDUCATION CODE SECTION 44031

##### 1405 Intent of This Rule

It is the intent of the Board of Education that the Evaluation Guide shall be used as a tool for providing effective means of communication by which the employee and the supervisor may discuss and evaluate the progress of the employee on all matters affecting performance, efficiency and job requirements, thereby developing mutual understanding and more effective work relationships.

*Rule 14 Revised 2/2006, [5/2024](#)*

## RULE 15

### PROMOTIONS AND VOLUNTARY DEMOTIONS

#### 1501 Vacancies Filled By Promotion

Vacancies in positions, unless filled from a re-employment list or reinstatement or transfer list shall be filled insofar as practicable by promotion from among permanent employees. Promotions shall be based upon merit as determined by the competitive written examinations and/or superior qualifications of the employee promoted as shown by interview, or by other appropriate means to ascertain the past performance and future potential of the employee. Internal promotion opportunities are enhanced through the use of seniority points. Seniority points are increased based upon the time the employee has with the District. Unless directed by the Classified Human Resources Department all promotional opportunities are recruited through Open and Promotional recruitments. Internal employee's seniority points are designed to provide internal applicants with a greater opportunity for promotion and interviews.

#### 1502 Eligibility for Promotional Examinations

Any permanent employee in the classified service is eligible to compete in a promotional examination if the employee meets the employment criteria established for the classification. All promotions require the internal applicant to pass the Classified Human Resources competency exam(s).

#### EDUCATION CODE SECTION 45272

#### 1503 Voluntary Demotions

- A. A permanent employee may request voluntary demotion to a class with a lower maximum salary rate. Such demotion requires the approval of the District.

#### EDUCATION CODE SECTION 45261

- B. Voluntary demotion is only available to a probationary employee when they would otherwise be laid off for lack of work or lack of funds. If an employee requests a voluntary demotion while on probation, the demotion must be to your previously held classification in which the employee held a permanent position and for which the employee has a seniority right over employees who currently work in the classification.

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#### EDUCATION CODE SECTIONS 45272, 45302

1504 Placement When Demoted

An employee who accepts voluntary demotion shall be placed on the step of the range of the lower class according to the time in service, provided that the employee shall not receive a salary increase thereby. The employee shall retain the increment month established in the higher class.

1505 Promotional Lists

- A. The names of internal competitors who are successful in promotional only examinations as provided in these rules shall be placed on a promotional eligibility list for the class for which such examination is held, the recruitment that is designated as Promotional Only, shall take precedence over the open-competitive list. An employee who leaves the service, except by layoff or military leave, shall be considered as having relinquished the right to promotion and that name shall be removed from such promotional eligibility lists.
- B. Appointments from a list resulting from a promotional examination shall be one of the ranks standing highest on the list who are ready and willing to accept the appointment.

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1506 Seniority Credit--Promotional Examination

In promotional examinations only, seniority credit shall be added to the final passing scores of candidates in the amount of 1/4 of one (1) point for each year of service, not to exceed a total of five (5) points. Credit shall be granted for time spent in regular positions in the classified service and on leave from the classified service while otherwise employed in this District. A full year's credit shall be granted to employees whose regular position is assigned on less than a calendar-year basis. Credits shall be calculated for units of not less than a half year, unless greater accuracy is required in order to break ties in examination scores, and fractions of years shall not normally be counted.

1507 Promotional Lists When the Exam Is Given on a Promotional and Open-Competitive Basis

When the same examination is held on a promotional and open-competitive basis, the eligible lists shall be compiled and certified as follows:

- A. Seniority credit for promotional candidates will be added to passing scores based upon Merit System Section 1506 above.
- B. Certification shall include a total of the highest scoring ranks from either list (Open or Promotional) except that candidates on the Open list must have a

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higher score before adjustment for preferential credits than the score of the highest available candidate on the Promotional list after seniority credits have been added.

EDUCATION CODE SECTION 45284

*Rule 15 Revised 09/1999 [5/2024](#)*

## RULE 16

### TRANSFERS

#### 1601 Transfers

- A. An employee may submit a transfer request and may transfer, subject to the discretion of the District, from one position to another position in the same class. The request for transfer may be made in writing/email or by telephone to the Executive Director/Director-Classified Human Resources.
- B. The District may transfer an employee from one position to another position in the same class based on the needs of the District. Reasons for an involuntary transfer shall be discussed with the employee by the immediate supervisor. If an involuntary transfer is for disciplinary reasons, then the action will be covered under Merit System Rule 20, Disciplinary Procedures.
- C. A permanent employee may submit a transfer request and, subject to the discretion of the District, the employee may transfer from one classification to another at the same level with the approval of administration.
- D. Employees requesting a transfer from one classification to another classification at the same level must meet the employment criteria for the vacant position in order to be considered for the transfer. Additionally, employee seniority, and the needs of the District shall also be considered.
- E. Transfers shall be made without change in increment date, accumulated illness leave, accumulated vacation credit or in any other manner which will reflect adversely upon the rights of the employee, as provided in the Code and these rules.
- F. A permanent employee who is transferred to a position in a class in which the employee has not previously completed a probationary period shall be considered probationary in that class for a period of six (6) months or 130 days of paid service, whichever is longer. At any time during the probationary period, the employee may request to be returned (transferred) to the former class. If the employee is unsuccessful during their probationary period and is released for reasons other than cause the employee will be returned to their previous classification.
- G. Transfers shall have the following effects on seniority: (1) within the same class--none; (2) from one class to another--the employee shall not receive seniority credit in the new class for service in other classes; however, the employee shall retain such credit as seniority in the classified service.

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| Rule 16 Revised 11/2012, [5/2024](#)

RULE 18  
RESIGNATIONS

1801 Submission in Writing

When a classified employee desires to resign from a position, ~~they~~ shall present the resignation containing the reason therefore in writing to the appointing power. A reasonable period of at least ten (10) working days prior to the proposed date of termination. Classified Management employees shall present their resignation in writing at least 20 working days prior to the proposed date of termination. A copy of such resignation shall immediately be filed by the appointing power with the ~~Executive Director~~/Director-Classified Human Resources. It is understood that under some emergency situations that the above timelines may not be met.

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1802 Rights on Lists

A resignation, without an approved reason such as illness, from a regular or limited-term classified position eliminates the employee from the resigned eligibility list. Any deviation from this rule must be approved by the Executive Director/Director of Human Resources and knowledge of the Personnel Commission.

**Deleted:** all eligible lists, except that if the employee is on a current open-competitive examination eligible list, then the employee's name shall remain on that list until the expiration of the eligible list.

1803 Absent Without Leave

- A. Failure to report to duty for three (3) consecutive days without District approval or failure to return from a leave of absence within five (5) working days after the expiration of an authorized leave. May be considered abandonment of the position and the employee may be terminated by the Board of Education. The termination may be appealed to the Personnel Commission in the same manner as any other dismissal for cause.

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*Rule 18 Revised 11/2012, 7/2018, 5/2024*

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¶  
B. .An employee who fails to return from a leave of absence within five (5) working days after the expiration of an authorized leave may be deemed to be absent without leave. Such absence may be deemed an automatic resignation.

## RULE 19

### REINSTATEMENT AFTER RESIGNATION

#### 1901 Definition

A permanent classified employee who resigned in good standing may be reinstated in a vacant position in the former class and status within 39 months of the last date of paid service. Also, the employee may be reinstated in a vacant position in a lower related class, if qualified, or in a limited-term status in the same or lower class. Such actions are discretionary with the appointing power. If the appointing power refuses to support the reinstatement of a former employee the Personnel Commission shall not hear the matter. Failure of the appointing power to approve of a reinstatement will not preclude the former employee from applying for a position as a new employee. Unless the employee was released for a violation of one of the Personnel Commissions Rules.

#### EDUCATION CODE SECTION 45309

#### 1902 Reinstatement Rights

- A. When an employee is reinstated after resignation, they shall be restored to the former step in the current salary range for the class, or if restored to a lower class, to the rate closest to that of the step to which they would be assigned if not restored in the former class.
- B. If restored to permanent status, restoration of accumulated sick leave and seniority as of the date of the separation.
- C. Restoration of a new increment date based on the days worked prior to separation but without step-advancement credit for the off-duty period.
- D. Restoration of all rights, benefits and burdens of a permanent employee in the class to which restored.

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#### 1903 Resigned Probationer

A person who resigns while in good standing during the probationary term may be returned to her/his original place on the eligibility list at the discretion of the Commission. A person who resigns because of inability to cope successfully with the reasonable requirements of a position will have no standing under this rule.

#### 1904 Appointment After Resignation (Not a Reinstatement)

A former employee who resigned while in good standing and within 39 months of the last day of paid employment is appointed from a valid eligibility list pursuant to these Rules, shall be accorded only the benefits and rights of a new employee on a probationary basis.

| Rule 19 Revised 11/2012, [5/2024](#)