

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.
- 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.

- 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.
- 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 the employee is qualified shall be according to seniority within the District. The District will follow the contract's 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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