

## Administrative Regulation

Classified Employees, Paid Sick Leave for

## A. Use of Sick Leave

Sick leave is the authorized absence of an employee because of illness or injury or exposure to contagious disease.

Sick leave with pay shall be earned by regular classified employees based on a 40-hour week or service from the anniversary date of employment.

1. Full-time classified employees shall accrue sick leave on the basis of one day for each month of continuous full-time service. To qualify for a month of service, the employee must be compensated for one half or more of the working days of a calendar month.
2. A part-time classified employee shall accrue sick leave on a proportionate basis as his/her work week relates to 40 hours.
3. A calendar month worked for the purpose of earning sick leave credit is one in which the employee has been compensated for more than one half the working days during the month.

Sick leave accrued, but not used, shall carry over from one fiscal year to another with no limit of accumulation.

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 he would normally earn 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.

No sick leave shall be allowed while an employee is on layoff or leave of absence without pay. Employees who fail to return to service following illness must refund all amounts paid for earned sick leave.

New probationary employees shall be granted one day of sick leave for each month of employment for the first six months.

Pay for any day of sick leave shall be the same pay the employee would have received if he/she had worked that day.

In order to receive compensation while absent on sick leave, the employee shall notify the district in accordance with procedures promulgated by the employee's department head or by the district. If no procedure is otherwise established, the employee shall notify the supervisor within the first working hour of the day of absence, unless conditions make notification impossible. The burden of proof of impossible conditions shall be upon the employee.

The employee shall notify his/her supervisor at least one day prior to his/her expected return to work so that a substitute employee may be terminated. If such notification is not given and both the employee and substitute report, the substitute is entitled to the assignment and the employee shall not receive pay for that day.

To be eligible to return to work following paid or unpaid sick leave, a written statement from the employee's personal physician may be required. This statement shall be presented to the Office of Personnel Services. The physician's statement will contain the scheduled release date and will define any restrictions or limitations. This statement is required:

1. of employees whose absence extends beyond 10 working days. The statement shall verify that the employee is unable to work and provide an estimate of the expected duration of the illness.
2. upon return from absence of 10 working days or more due to illness. The approval must reach the Office of Personnel Services one working day prior to the employee's intended return.
3. upon return from surgery or from illness requiring hospitalization, regardless of the duration of absence.
4. of employees using casts or orthopedic devices at work.
5. upon request of the department head when the employee's illness is of such a nature that the normal work assignment of the employee may impair recuperation or may present a reasonable risk of continued aggravation to the injury or cause of illness.

If paid sick leave occurs on the working day immediately before and/or after a paid holiday, the holiday is not charged against sick leave.

No sick leave shall be allowed while an employee is on layoff or leave of absence without pay.

B. Appeal to the Commission

Any rejection for medical reasons of an employee who has been on leave of absence may be appealed to the Personnel Commission.

1. The appeal process shall be conducted pursuant to Personnel Commission Rule No. 4220.1(D).
2. The Commission may utilize outside medical experts to give a medical advisory opinion.
3. The Commission, based on evidence submitted and the advice of medical experts to the Commission, shall determine whether or not the denial of return from leave shall be sustained. The decision of the Commission shall be final and binding on all parties.

C. Exhaustion of Sick Leave

Employees who have exhausted all accrued and advanced sick leave shall receive extended sick leave benefits subject to the following conditions:

1. Extended sick leave shall be paid at 50% of the basic salary rate.
2. Extended benefits shall be limited to 100 work days in each fiscal year. At the beginning of a fiscal year, 100 work days shall be credited to the employee's account, whether or not the employee is currently drawing benefits subject to this rule.
3. Sick leave days at full pay shall be included in the 100 work days.
4. Other compensable leave, such as vacation, industrial illness leave, holidays, etc., shall not be counted toward the 100 work days.

At the time of resignation or termination of employment, no payment or time off will be allowed for unused accumulated sick leave.

After exhaustion of all paid leave, a permanent employee may be granted additional leave for six months upon request and with the approval of the Board of Education. The additional leave may be extended for two additional six-month periods. An employee on unpaid leave shall not again become eligible for paid leave, because of the commencement of a new fiscal year, until he has rendered service.

If, at the conclusion of all paid or unpaid leave, the employee is still unable to assume the duties of his/her position, he/she will be placed on a reemployment list for a period of 39 months in the same manner as if he/she were laid off for lack of work or lack of funds.

Any new classified employee who has accumulated sick leave from another public school district in California may transfer the accumulated sick leave if the employee had been with the former district for one year or more and the break in service was less than one year.

Employees of the district are entitled to a pre-paid six month continuation of fringe benefits in medical, dental, and life plans while in a Board-approved medical or maternity leave status. The continuation of such fringe benefits shall begin on the last day worked and will terminate at the conclusion of the sixth calendar month thereafter. Such benefits shall be in effect during the interim period between the expiration of the above described 100 days and the expiration of the six-month period of extended district benefit coverage, unless there is a personnel action terminating the employee prior to the six-month limitation of coverage.

The subject of this regulation is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the school district and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this regulation as they apply to employees in that unit.

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