

## LEAVES AT A GLANCE

**Key:**  
 EC = California EC  
 LC = California Labor Code  
 CCR = California Code of Regulations  
 CGC = California Government Code  
 CSBA = California School Boards Association  
 CCP = California Code of Civil Procedure  
 Ops Cal Atty Gen = California Attorney  
 General's Opinion

	<b>Certificated</b>	<b>Classified</b>	<b>Policy</b>  <b>Collective Bargaining Agreement</b>	<b>Comments/Other Resources</b>  Consult applicable superintendent and/or Board Policy, Collective Bargaining Agreement, and/or Legal Counsel
APPEARANCE IN COURT AS A WITNESS	EC 44036  LC 230  GC 68096.1	EC 44036  LC 230  GC 68096.1		
BEREAVEMENT	EC 44985 Three (3) days for in- state travel or five (5) days for out of state travel; no deduction from sick leave	EC 45194 Three (3) days for in- state travel or five (5) days for out of state travel; no deduction from sick leave		
CALIFORNIA FAMILY RIGHTS ACT (CFRA)	GC 12945 Unpaid CFRA leave is permitted for the same eligibility and reasons as under the FMLA, except for the following circumstances: an employee's own serious health condition does not include the employee's	Same		

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	disability leave on account of pregnancy or related medical conditions and an employee is not permitted to take leave to care for a domestic partner			
CATASTROPHIC LEAVE	EC 44043.5 Donation of vacation/sick leave for employee or family member who has exhausted all paid leaves	EC 44043.5 Donation of vacation/sick leave for employee or family member who has exhausted all paid leaves		CSBA sample policy 4161.9, 4261.9
EXTENDED ILLNESS/SICK LEAVE (Difference Pay)	EC 44977 5 months – concurrent with paid leaves Difference between salary and cost of substitute (or would have been paid a substitute)  44983 50% pay (exempts 44977 if adopted) for a period of 100 days  44978.1 If at conclusion of all leaves, paid or unpaid, employee unable to resume duties,	EC 45191 EC 45192 5 months – concurrent with paid leaves per Attorney General opinion  EC 45196 Employee paid difference between salary and cost of substitute when all other paid leaves have been exhausted  CBA or Board may adopt a 50% pay for a period of 100 days		CSBA sample policy 4161, 4151.1, 4261, 4261.1

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	employee is placed on 24 month rehire list (probationary) or 39 month rehire list (permanent)	45195 Additional unpaid leave of up to 6 months may be granted; if at conclusion of all leaves, paid or unpaid, employee unable to resume duties, employee is placed on 39 month rehire list		
FEDERAL FAMILY & MEDICAL LEAVE ACT (FMLA)	GC 12945 Eligible employee may take up to twelve (12) workweeks of leave during a 12-month period. Leave may be taken for any of the following reasons: employee's newborn child, adoption or foster care of a child, care of a spouse, child, or parent who has a serious health condition or employee's own serious health condition. To qualify for unpaid FMLA leave the employee must be employed by the employer for 12 months and worked at least 1,250 hours	Same		United States Code (USC) 2601-2654 Family and Medical Leave Act of 1993  CSBA Sample Policies: 4161.8 and 4261.8  <a href="http://www.dol.gov/whd/fmla">http://www.dol.gov/whd/fmla</a>

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	during the 12 months and work at a worksite with 50 or more employees within 75 miles			
INDUSTRIAL ACCIDENT (WORKERS' COMPENSATION)	EC 44984 60 days Industrial Illness/Accident leave per fiscal year, same accident	45192 60 days Industrial Illness/Accident leave per fiscal year, same accident		<p>CSBA sample policy 4161.11, 4261.11</p> <p>EC: 44984; 45192</p> <p>LC: 3200-4855; 3550-3553; 3600-3605; 3760; 4600; 4906; 5400; 6409.1</p> <p>CCR, Title 8: 15596</p> <p>Senate Bill 899</p> <p><a href="http://www.dir.ca.gov/DIR/OS&amp;H">www.dir.ca.gov/DIR/OS&amp;H</a></p> <p>LC 4453 Calculation of earnings for temporary and permanent disabilities</p> <p>California Workers' Compensation Institute (CWCI): "Facts about Workers' Compensation" pamphlet, compensation posting notices, DWC-1 claim forms, and other information – <a href="http://www.cwci.org">www.cwci.org</a></p>

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				<p>(See attached Claims Reporting Documents and Instructions)</p> <p>EC 1297 (Refers to the responsibility of the county superintendent of schools to insure employees)</p> <p>LC 4600-4614.1 (Overview of workers' compensation process)</p>
JURY SERVICE	<p>EC 44036</p> <p>LC 230</p> <p>CCP 191 and 193</p> <p>Ops Cal Atty Gen 633 (1976)</p> <p>EC states that the employer "may" grant leave while Labor Code states leave is mandatory; while not required, pay "may be" up to the difference between the employee's regular earnings less any jury fee</p>	<p>EC 44037</p> <p>LC 230</p> <p>Leave is mandatory; employee shall be paid up to the amount of difference between the employee's regular earnings less any jury fee</p>		

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KIN CARE LEAVE	LC 233  Permits employee to use six months of sick leave accrual/calendar year to attend to illness of family member.	Same		District's PN policy is likely to be more generous than Kin Care provisions. Does not extend the maximum leave period for FMLA.
LONG TERM LEAVES		EC 44036, 45190-45207 Long-term leaves may be granted for the following purposes: study, travel, restoration of health, family disabilities, political, maternity/child care, military service		
MILITARY LEAVE	LC 1501, 1503 Military and Veterans Code 395.10  EC 44018, 44800, 44931, 45041, 45059  10 days paid leave available for employee working an average of 20 or more hours per week whose spouse is a member of the Armed Forces;	Same		CSBA sample policy 4161.5, 4261.5  Military and Veterans Codes 395 - 395.9  United States Code (USC) 4301 - 4334  California Federation of Teachers <a href="http://www.cft.org">http://www.cft.org</a> California School Employees Associations

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	<p>Up to 10 days unpaid leave per year for employees to respond to an emergency operational mission of the California Civil Air Patrol</p> <p>Temporary and Non-Temporary Military Leave provides both paid and unpaid leave of absence</p>			<a href="http://www.csea.com">http://www.csea.com</a> California Teachers Association <a href="http://www.cta.org">http://www.cta.org</a>
PERSONAL NECESSITY LEAVE	<p>EC 44981            Seven (7) days per school year; deducted from employee's sick leave</p>	<p>EC 45207            Seven (7) days per school year; deducted from employee's sick leave</p>		
PREGNANCY DISABILITY (PDL)	<p>EC 44965            GC 12945            Maximum of 4 months whenever employee becomes disabled by pregnancy, childbirth, or related medical conditions. No eligibility requirements; an employee is eligible at the time of hire</p>	<p>EC 45193            GC 12945            Maximum of 4 months whenever employee becomes disabled by pregnancy, childbirth, or related medical conditions. No eligibility requirements; an employee is eligible at the time of hire</p>		
SABBATICAL LEAVE/ PROFESSIONAL LEAVE	<p>EC 44966, 44967, 44968, 44968.5, 44969, 44973, 44974            Governing board may</p>	<p>EC 45380-45387            Governing Board may grant up to 1 year leave for study or</p>		<p>CSBA sample policy 4161, 4161.3, 4261, 4261.3</p>

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	grant up to 1 year study/travel leave if it will benefit the schools	retraining the employee to meet changing conditions in the district		
SCHOOL APPEARANCE LEAVE	LC 230.7  Parent/Guardian takes time off to appear in school under Ed Code 48900	Same		
SCHOOL ACTIVITIES LEAVE	LC 230.8  Allows parent/guardian to participate in activities of day care, and K-12.	Same		Not to exceed 8 hours in a calendar month, 40 hours in a year. Requires reasonable notice to employer.
SICK LEAVE	EC 44954, 44978 For full time employees: 10 days leave per year and can be accumulated year to year; CBA can give more days  EC 44979 Transferring sick leave from one LEA to another	EC 45191 Full time employees earn 12 days; can be accumulated year to year; CBA can give more days  EC 45202 Transferring sick leave from one LEA to another		
VACATION	Certificated employees do not accrue vacation	EC 45197, 45200 Allows for interruption of vacation leave for other paid leave		



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VICTIM OF DOMESTIC VIOLENCE OR VIOLENT CRIME	LC 230 and 230.2 Family Code 6211	Same		
OTHER LEAVES	Certificated	Classified	Policy / Contract	Comments/Other Resources
OFFICER OF AN EMPLOYEE ORGANIZATION	EC 45210 Elected officer of local school district (or County Superintendent of Schools) public employee organization; elected officer of any statewide or national public employee organization with which the local organization is affiliated; no loss of compensation; school district shall be reimbursed by the employee organization for all compensation paid the employee on account of leave	Same as certificated		GC 3543.1
SERVICE ON BOARDS, COMMISSIONS, COMMITTEES, GROUPS	EC 44987.3 Grants leave of absence of up to 20 school days per year; no loss of compensation; service must be performed in the state of California;	N/A		

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	District shall be reimbursed by the Board, Commission, etc., for compensation paid to the employee's substitute and actual administrative costs on account of leave			
SERVICE IN THE LEGISLATURE	EC 44801	N/A		
EMERGENCY CONDITIONS	Weather related; natural catastrophe; refer to Personal Necessity Leave	Same		
PARENT TO APPEAR IN CHILD'S SCHOOL	EC 48900.1 LC 230.7, 230.8	Same		
TIME OFF TO VOTE	Elections Code 14000	Same		
RELIGIOUS TIME OFF	GC 12940(a)(1) Title 2, CCR 7293.3	Same		