

Sacramento City USD

Administrative Regulation

Personal Leaves

AR 4361.2 4161.2,4261.2

Personnel

Whenever possible, employees shall request personal leaves in advance and prepare suitable lesson plans or instructions for a substitute employee.

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; or any relative living in the employee's immediate household. (Education Code 44985, 45194)

At his/her discretion, the Superintendent or designee may grant additional unpaid bereavement leave.

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. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. A serious illness of a member of the employee's immediate family

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

4. Required court appearance of an employee
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

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.

The employee shall request advance permission for personal necessity leave, except in urgent situations such as the death or serious illness of a member of the 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.

Personal Leave for a Child's School Activities

Any employee who is a parent, guardian or grandparent having custody of one or more children in grades K-12, or attending 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, unless otherwise provided by a collective bargaining agreement entered into before and in effect on January 1, 1995. (Labor Code 230.8)

In lieu of using vacation, personal leave or compensatory time off, eligible employees giving reasonable advance 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)

Legal and Civic Duties

Employees shall be granted leave with pay to appear in court as jurors and may be granted leave to appear in court as witnesses other than litigants. (Education Code 44036, 44037)

The employee shall turn over to the district any jury or witness fees received. (Education Code 44036)

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

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)

Religious Leave

Employees may take up to three days of leave per year for religious purposes. The Superintendent or designee may grant such leave provided that it is requested in advance.

The Superintendent or designee shall deduct the cost of a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee, as long as such leaves do not cause additional district expenditures, the neglect of assigned duties or any other unreasonable hardship on the district.

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

230.8 Leave to visit child's school

233 Illness of child, parent, spouse or domestic partner

CALIFORNIA CONSTITUTION

Article 1, Section 8 Religious Discrimination

UNITED STATES CODE, TITLE 29

2612 Leave requirements

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 SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

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