

Fall River Joint Unified School District
Regulation 4161.1, 4361.1
Personnel
Personal Illness/Injury Leave

Full-time certificated employees are entitled to a minimum of 10 days leave of absence for personal illness or injury (sick leave) per school year, with full pay as prescribed by Education Code 44978 for certificated employees. The Governing Board may allow additional days at its discretion. Employees working less than five days per week shall be granted comparable sick leave in proportion to the time they work. (Education Code 44978)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

An employee who does not complete a given year of service shall be charged for any unearned sick leave used as of the date of termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

Any certificated employee who leaves the district after at least one school year of employment and accepts a certificated position in another district, county office of education or community college district within one year shall have transferred with him/her the total amount of accumulated sick leave. The district shall not require new employees to waive their leave accumulated in a previous district. (Education Code 44979, 44980)

Sick leave may be used by a certificated employee for:

1. Temporary inability to perform duties because of illness, accident or quarantine, whether or not the cause of absence arises out of and in the course of employment (Education Code 44964)
2. Pregnancy, miscarriage, childbirth and recovery (Education Code 44965, 44978)
3. Personal necessity (Education Code 44981)
4. Medical and dental appointments
5. Industrial accidents or illnesses when leave granted specifically for that purpose has expired (Education Code 44984)
6. Illness of the employee's child, parent, spouse, registered domestic partner or domestic partner's child, in an amount not less than the sick leave that would be accrued by the employee during six months at his/her then current rate of entitlement. (Labor Code 233)

An employee shall notify the district of his/her need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence.

Continued Absence After Available Sick Leave is Exhausted

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or injury, continues to be absent from his/her duties for an additional period up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary.

An employee shall not be provided more than one five-month period per illness or injury. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year.

If a certificated employee is not medically able to resume his/her duties after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (Education Code 44978.1)

The sick leave, including accumulated sick leave, and the five-month period shall run consecutively. (Education Code 44977)

Verification Requirements

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or other authorized health care provider. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

The Genetic Information Nondiscrimination Act specifies that it is unlawful for a district to request, require, or purchase an employee's or his/her family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior, knowing, voluntary, and written authorization.

The Superintendent or designee may require an employee to visit a physician selected by the district at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

Legal Reference:

EDUCATION CODE

44964 Power to grant leave of absence in case of illness, accident or quarantine
44965 Granting of leaves of absence for pregnancy and childbirth
44976 Transfer of leave rights when school is transferred to another district
44977 Salary deduction during absence from duties
44978 Provisions for sick leave of certificated employees
44979 Transfer of accumulated sick leave to another district
44980 Transfer of accumulated sick leave to a county office of education
44981 Leave of absence for personal necessity
44983 Exception to sick leave when district adopts specific rule
44986 Leave of absence for disability allowance applicant

LABOR CODE

233 Illness of child, parent, spouse or domestic partner
234 Absence control policy

CODE OF REGULATIONS, TITLE 5

5601 Transfer of accumulated sick leave
(10/98 11/99) 3/02

Regulation adopted: 3/2/88

Regulation revised: 10/5/05, 6/15/2011