

Certificated Personnel

PERSONAL ILLNESS/INJURY LEAVE

Full-time certificated employees are entitled to 10 days leave of absence for personal illness or injury (sick leave) per school year, with full pay. 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)

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

Any certificated employee who leaves the District after at least one 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 may not require new employees to waive their leave accumulated in a previous district. (Education Code 44979, 44980)

Sick leave may be used by certificated employees for:

1. Cases of 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. Absences due to pregnancy, miscarriage, childbirth and recovery (Education Code 44965, 44978)
3. Cases of personal necessity (Education Code 44981)
4. Medical and dental appointments, in increments of not less than a half day
5. Cases of 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, up to the amount of sick leave that would be accrued during six months (Labor Code 233)

PERSONAL ILLNESS/INJURY LEAVE (continued)

Sick Leave Beyond 10 Days

A certificated employee shall receive 50 percent of his/her regular salary during any period of absence due to illness or injury up to 100 days, beginning after all available paid leave has been exhausted.

After 100 days, if a certificated employee has exhausted all available sick leave and is not medically able to resume his/her duties, the employee shall be placed either in another position or on a reemployment list. If the employee is on probationary status, he/she shall be placed on the reemployment list for 24 months beginning at the expiration of the 100 day period provided pursuant to Education Code 44977; if on permanent status, the employee shall be placed on the reemployment list for 39 months. 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)

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 practitioner. 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 Superintendent or designee may require an employee to visit a physician selected by the District and 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 for 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.

PERSONAL ILLNESS/INJURY LEAVE (continued)

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

Regulation
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EAST WHITTIER CITY SCHOOL DISTRICT
Whittier, California