

## **AR 4461 Personal Illness/Injury Leave for Short-Term Temporary/ Substitute Personnel**

### **Applicability**

This Administrative Regulation applies to employees who meet the eligibility requirements described below, who are not covered by a collective bargaining agreement, and who would otherwise be entitled to less than 24 hours of sick leave per year under other Board Policies or Administrative Regulations.

Examples of employees who may be entitled to sick leave under this Administrative Regulation include:

1. Day-to-day and long-term substitute teachers who are not part of a bargaining unit
2. Noon aides
3. Intermittent employees with irregular work schedules (e.g., walk-on coaches, seasonal employees)
4. Limited-term, temporary, and substitute employees in positions not requiring credentials

Eligible employees are entitled to paid sick leave pursuant to Labor Code section 246. Where the term “employee” is used in this regulation, it refers only to employees who meet all of the criteria described in this Administrative Regulation.

The term “paid sick leave” in this Administrative Regulation refers to sick leave under Labor Code section 246. Nothing in this Administrative Regulation entitles an employee who is covered by a collective bargaining agreement, or an employee who receives at least 24 hours or 3 days of sick leave per year pursuant to the Education Code or another Board Policy or Administrative Regulation, to any additional days of sick leave.

### **Credit of Paid Sick Leave**

Employees who work at least 30 days within one year of initial employment are eligible for paid sick leave. The District shall advance to each eligible employee 24 hours of paid sick leave each year.

Paid sick leave shall not accumulate or carry over to a subsequent year. Unused sick leave is not transferable or payable in cash upon separation from employment.

### **Employees Paid Exclusively Via Stipend**

Employees who are compensated exclusively via a periodic stipend rather than on an hourly, daily, or other salary basis are eligible to be credited with 3 days of sick leave each year. (Labor Code 246) For these employees only, 1 day of sick leave means a day on which the employee is regularly scheduled to work in the stipend assignment, but is unable to work due to one of the reasons described below under Use of Paid Sick Leave.

When an eligible employee in a stipend assignment uses up to 3 days of sick leave per school year, the employee’s total stipend will not be reduced as a result of the absences.

Except as stated in this section, all other provisions of this Administrative Regulation apply equally to employees in stipend assignments.

## **AR 4461 Personal Illness/Injury Leave for Short-Term Temporary/ Substitute Personnel (continued)**

### **Use of Paid Sick Leave**

An eligible employee is entitled to use paid sick leave under this Administrative Regulation after he or she has worked for the District for 90 calendar days.

Employees may use sick leave as provided for in this policy for absences due to pregnancy, miscarriage, childbirth and recovery. Such leave will run concurrently with any state and federal statutory leaves for which the employee is eligible.

Employees may use paid sick leave for the diagnosis, care, or treatment of a health condition of, or preventive care for, the employee or a family member of the employee. A family member for this purpose includes a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling of the employee. (Labor Code 245.5)

Sick leave must be used in increments of at least one hour.

Employees in routine or long-term assignments shall notify the immediate supervisor of the need for sick leave no later than one hour prior to the beginning of the employee's work shift. The offer of any short-term, temporary or substitute assignment, as provided through the District's substitute tracking system, may be declined by choosing the option *AB1522 Leave*, provided that the employee has been employed with the District for 90 calendar days and has worked at least 30 days.

The Superintendent or designee shall establish regulations requiring proof of the employee's medical need for leave and specifying procedures for verification of the need for sick leave.

Employees may also use paid sick leave to obtain or seek any relief or medical attention specified in Labor Code sections 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking.

### **Legal Protections**

No employee will be denied the right to use credited paid sick days. The District will not discriminate or retaliate against any employee for using or attempting to use sick leave, filing a complaint with the California Labor Commissioner, or alleging violation of Labor Code sections 245-249.

The Superintendent or designee will display a poster with the information required by the Labor Code, provide notice to eligible employees of their sick leave rights, keep records of employees' use of sick leave for at least three years, and comply with other requirements of Labor Code sections 245-249.

**Board Approved:**

October 21, 2015

Effective Date: October 21, 2015