

**San Diego Education Association
Proposal To The
Gompers Preparatory Academy**

ARTICLE 12: LEAVES

SDEA Proposal Passed July 16, 2019

12.1 Personal Illness and Injury Leave (Sick Leave) [PARTIALLY FROM HANDBOOK]

12.1.1 All employees who work thirty (30) hours a week or more shall accrue eight (8) hours of sick leave for each month in the unit member's assignment year.

12.1.2 All employees who work less than thirty (30) hours a week shall accrue four (4) hours of sick leave for each month in the unit member's assignment year.

12.1.3 Sick leave shall accrue from year to year. Sick leave may only be used for an actual illness or injury and for no other purpose. Eligible employees may use sick leave for the diagnosis, care, or treatment of an existing health condition, or for preventative care for the employee or the employee's family member. Sick leave may also be used for victims of domestic violence, sexual assault or stalking. Time off for medical and dental appointments will also be treated as sick leave. No employee may receive pay in lieu of sick leave.

12.2 Transfer of Unused Sick Leave

Any sick days accumulated but unused will be transferred, if applicable, to a public school employer upon separation from employment. Employees will not be paid for unused sick time upon separation from employment.

12.3 Statements of Personal Illness and Injury Leave

12.3.1 GPA shall once annually or upon reasonable request provide each unit member with a written statement of (1) the accrued personal illness and injury leave total, and (2) the personal illness and injury leave entitlement for the school year. Such statement shall be provided no later than the last day of the first teaching month of each school year.

12.3.2 GPA retains the right to request verification from a licensed health care practitioner for any absence due to illness, injury, or disability if abuse of sick leave is suspected. Generally, verification will not be requested for an absence of three days or less. Sick pay may be withheld if a satisfactory verification is not received in a timely manner, generally defined as within ten workdays of the date of the request.

12.3.3 Upon retirement, the teacher's accrued sick leave, if any, may be applied towards service credit in accordance with State Teachers Retirement System (STRS) regulations.

12.3.4 Consistent with legal requirements, unit members on personal illness and injury leave shall be entitled to return to the same or similar position held before commencement of the leave.

12.4 Notification of Absence [FROM HANDBOOK]

If medical circumstances allow, employees should submit an absence request through Paychex before taking sick leave. If time does not allow, the request should be submitted immediately upon return.

12.5 Personal Necessity Leave

12.5.1 A unit member may elect to use up to five (5) days of his/her accumulated sick leave in any school year for purposes of personal necessity including:

- a) Death or serious illness of a member of his/her immediate family as defined in Section 12.7. (This is in addition to normal bereavement leave.)
- b) Accident involving his/her person or property or the person or property of a member of his/her immediate family.
- c) Appearance in court as a litigant, or as a witness under official order (in place of normal subpoena leave for jury duty).
- d) Adoption or birth of a child.
- e) Other activities or events that cannot reasonably be deferred to another day or time when the employee is free from duties.

12.5.2 The unit member shall notify his/her immediate supervisor of his/her intent to take personal necessity leave and shall state which of the above circumstances is the reason for the absence to qualify for the personal necessity leave.

12.6 Personal Business Absence

Unit members may use up to four (4) days per school year of accumulated sick leave for personal business. These days may be used at the unit member's discretion. At least forty-eight (48) hours advance notice shall be required. Personal business days may not be used during the student-testing window, before or after a three-day weekend or before or after a vacation period.

12.7 Bereavement Leave [FROM HANDBOOK]

GPA provides full-time employees up to three (3) days paid bereavement leave, beyond sick or personal time, due to the death of an immediate family member. This includes a parent (including an in-law and step-parent), spouse, domestic partner, dependent, sibling, step-sibling, grandparent or grandchild. If a funeral is more than 500 miles from your home, you may receive paid leave for five (5) days with prior approval from your supervisor.

12.8 Parental Leave

12.8.1 A unit member who has been employed for at least twelve (12) months prior to the birth of her child shall be granted six (6) consecutive work weeks of paid maternity leave immediately following the birth of her child.

12.8.2 Unit members are entitled to up to four months of leave for disability caused or contributed to by pregnancy, miscarriage, childbirth, and recovery there from on the same terms and conditions governing leaves of absence from other illness or medical disability. The unit member and her physician shall determine the length of such disability leave.

12.8.2.1 This leave is inclusive of the leave provided in Article 12.8.1.

12.8.2.2 Except to the extent that other paid leave is substituted for pregnancy-related disability leave, pregnancy disability leave is unpaid outside of the six weeks of leave provided in Article 12.8.1. An employee will be allowed to use accrued sick time a pregnancy disability leave. The substitution of paid leave for pregnancy disability leave does not extend the total duration of the leave to which the employee is entitled and which is supported by medical certification.

12.8.3 A unit member on leave for pregnancy disability shall be entitled to return to her same position held immediately before commencement of the leave.

12.8.4 All unit members are entitled to 12 workweeks for non-pregnancy disability-related family medical leave under the California Family Rights Act (CFRA) for the purpose of baby-bonding.

12.8.5 A unit members returning from parental leave may request a modified return-to-work schedule, to be developed in coordination between the unit member and the Director or designee.

12.9 Family Medical Leave (FMLA) and California Family Rights Act (CFRA)

Family medical leave shall be provided to eligible unit members in accordance with applicable federal and state laws and regulations.

12.10 Military Spouse Leave [FROM HANDBOOK]

12.10.1 An eligible employee-spouse of a qualified service member is entitled to take ten (10) days unpaid leave during a period when the spouse is on leave from deployment during a period of military conflict.

12.10.2 An eligible employee must work an average of 20 hours per week; must provide notice of his or her intention to take the leave within two (2) business days of receiving official notice that the service member will be on leave; and submit written documentation certifying that the service member will be on leave during the time the leave is required.

12.10.3 The employee may use accrued sick leave for this leave.

12.11 Jury Duty Leave [MOSTLY FROM HANDBOOK]

Full time employees may take up to five (5) days of paid leave for jury duty. Employees are directed to postpone a summons to perform jury duty to the summer period. Employees who receive a jury duty summons and need to take time off must notify their supervisor within two (2) workdays.

12.12 Court Witness Leave

Unless otherwise provided by law, employees shall receive up to two (2) paid days leave per year for absences due to time spent testifying as a witness in response to a court order or subpoena. The employee must submit a copy of the court order or subpoena as proof of specific days and time spent testifying.

12.13 Kin Care [FROM HANDBOOK]

12.13.1 GPA employees may use up to one-half of their annual sick leave entitlement to care for a family member. This includes time off for:

- a. Diagnosis, care, or treatment of an existing health condition (such as the flu);
- b. Preventive care (such as an annual physical or flu shot);
- c. Victims of domestic violence, sexual assault or stalking.

12.13.2 Kin care can be used for any family member, including a child, parent, parent-in-law, domestic partner's parent, spouse, domestic partner, grandparent, grandchild or sibling.

12.14 Workers' Compensation Leave [FROM HANDBOOK]

Employees that are temporarily disabled due to a work-related illness or injury will be placed on workers' compensation leave. The duration of leave will depend on the rate of recovery and the medical provider's recommendation. Workers' compensation leave will run concurrently with any other applicable medical leave of absence (FMLA/CFRA). Unless otherwise mandated by law, employees on a leave of absence of more than four (4) months are responsible for selecting continuing health coverage and paying the premium for such coverage through COBRA.

12.15 Time Off to Vote [FROM HANDBOOK]

12.15.1 GPA will allow any employee who is a registered voter and does not have enough time outside of working hours to vote in a statewide election up to two (2) hours of work time without loss of pay to vote. The request must be made at least two (2) working days in advance. The time must be at the beginning or end of the employee's regular shift, whichever allows the most free time for voting and the least time off from work unless GPA and the employee agree otherwise. The employee may be required to prove he or she is a registered voter.

12.15.2 An employee may also serve as an election official on Election Day without being disciplined, however GPA will not pay the employee for this time off. Personal leave may be used for this time off.

12.16 School Activities Leave [FROM HANDBOOK]

GPA encourages employees to participate in the school activities of their child(ren).

The leave is subject to all of the following conditions:

- 12.16.1 Parents, guardians, or grandparents having custody of one or more children in kindergarten or grades 1 through 12 may take time off for a school activity;
- 12.16.2 The time off for school activity participation cannot exceed eight (8) hours in any calendar month, or a total of forty (40) hours each year;
- 12.16.3 Employees planning to take time off for school visitations must provide as much advance notice as possible to their supervisor;
- 12.16.4 If GPA employs both parents, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by his or her supervisor;
- 12.16.5 Employees must use existing personal leave in order to receive compensation for this time off;
- 12.16.6 Employees who do not have paid time off available will take the time off without pay.
- 12.16.7 Documentation of participation may be requested and will be sufficient if it is provided in writing by the school or the licensed child care/day care facility.

12.17 School Appearance/Suspension Leave [FROM HANDBOOK]

If the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor as soon as possible before leaving work. In compliance with California Labor Code section 230.7, no discriminatory action will be taken against an employee for taking time off for this purpose. This leave is unpaid but the employee may choose to use personal leave. The employee will not be discharged or discriminated against because of an absence protected by this law.

12.18 Crime Victim Leave [FROM HANDBOOK]

- 12.18.1 Employees are allowed to be absent from work to attend judicial proceedings related to a crime if they are a victim of a crime; an immediate family member of a victim; ^[SEP]a registered domestic partner of a victim; or ^[SEP]the child of a registered domestic partner of a victim.
- 12.18.2 An employee must give reasonable advanced notice to GPA by providing documentation of the proceeding. Documentation may be any of the following: a notice from the court or government agency setting the hearing; ^[SEP]the district attorney or prosecuting attorney's office; or ^[SEP]the victim/witness assistance office advocating on the victim's behalf.
- 12.18.3 This leave is unpaid but the employee may choose to use accrued sick leave. The employee will not be discharged or discriminated against because of an absence protected by this law.

12.19 Domestic Violence Leave/Sexual Assault Leave [FROM HANDBOOK]

12.19.1 If an employee is a victim of domestic violence, he or she may take unpaid time off to obtain or attempt to obtain judicial relief, such as obtaining restraining orders, to help insure his or her health, safety or welfare or that of his or her child(ren). The employee must give GPA reasonable notice unless advance notice is not feasible, and provide certification that you are seeking such assistance.

12.19.2 Certification may be sufficiently provided by any of the following: a police report indicating that the employee was a victim of domestic violence or sexual assault; a court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee appeared in court; or documentation from a medical professional, domestic violence advocate, health care provider, or counselor that the employee undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence or sexual assault.

12.19.3 GPA will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision. GPA will not discharge, discriminate or retaliate against an employee who exercises their rights under this law. Domestic violence, sexual assault and stalking victim's leave for medical treatment does not exceed or add to the unpaid leave time that FMLA/CFRA allows.

12.19.4 Employers are prohibited from discharging, discriminating or retaliating against an employee who is a victim of domestic violence or the victim of sexual assault for taking time off to seek medical attention, obtain services from a domestic violence shelter or program or rape crisis center, obtain psychological counseling, participate in safety planning, or temporary or permanent relocation.

12.20 Organ Donor/Bone Marrow Leave [FROM HANDBOOK]

12.20.1 If an employee volunteers to donate an organ, he or she may take up to thirty (30) days paid leave per year for this process or up to five (5) days paid leave for the donation of bone marrow.

12.20.2 The employee must give as much notice as is practicable and must provide certification of the medical necessity of the procedure. The employee will be required to use up to two weeks of any accrued paid leave for organ donation and up to five (5) days accrued paid leave for bone marrow donation. This leave does not run concurrently with FMLA/CFRA. The employee must have been employed for at least a 90-day period immediately preceding the beginning of the leave, if otherwise eligible.

12.20.3 The employee may take this leave incrementally, as medically necessary, or all at one time. All health benefits shall be maintained during this leave to the extent they exist at the time of the leave. This leave shall not be considered a break in service and the employee shall continue to accrue paid

time off and other benefits as if they had continued working. The employee shall be required to pay any portion of their benefits he or she currently paying.

12.20.4 An employee shall not have any greater rights during this leave than if he or she had been actively working during this time but will be reinstated to his or her same or equivalent job prior to the leave. No employee shall be discriminated or retaliated against for taking an organ donation or bone marrow leave.

12.21 Drug and Alcohol Rehabilitation Leave [FROM HANDBOOK]

GPA will reasonably accommodate any employee who volunteers to enter an alcohol or drug rehabilitation program, if the reasonable accommodation does not impose an undue hardship on the school. Reasonable accommodation includes time off without pay and adjusting work hours. The employee may use accrued and unused sick leave. All reasonable measures to safeguard the employee's privacy will be maintained.

12.22 Volunteer Civil Service Leave [FROM HANDBOOK]

An employee is allowed to be absent from work to engage in volunteer emergency duty as a volunteer firefighter, reserve police officer or emergency rescue personnel. This is an unpaid leave but the employee may use any accrued sick leave.

12.23 Civil Air Patrol Leave [FROM HANDBOOK – minus last sentence]

12.23.1 GPA provides eligible employees who are volunteer members of the California Wing of the Civil Air Patrol and are called to emergency operational missions up to 10 days of unpaid leave per calendar year. Leave for a single emergency operational mission will generally be limited to three days unless an extension is granted by appropriate government entities and approved by GPA.

12.23.2 To be eligible, employees must have been employed by GPA for 90 days immediately preceding the commencement of leave. Additionally, GPA may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave requested or taken.

12.23.3 Employees may use accrued, unused sick leave taken under this policy.

12.24 Leave without Pay

A leave of absence for up to one (1) year without pay may be granted upon mutual agreement between the unit member and the Director. Reasons for such leaves may include physical or mental illness, accident, family care, education, sabbatical, or professional training or experience in a field related to the unit member's duties or planned duties at the charter school. The Director and unit member shall mutually agree to the return date prior to the start of an unpaid leave of absence.

12.25 Return after Leave of Absence

Unit members who have been granted an unpaid leave of absence will notify the Director of their intent to return at least one week prior to such return.

12.26 Catastrophic Illness or Injury Program

Catastrophic injury or illness is defined as a life-threatening injury or illness of an employee which totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Acute chronic illnesses or injuries, such as cancer or major surgery, which result in intermittent absences from work and which are long-term in nature and require long recuperation periods may be considered catastrophic, but common conditions such as back pain, a broken limb, or influenza shall not. In the event of catastrophic illness or injury, a bargaining unit member may use up to a maximum of 65 additional sick leave days in a school year, donated by other members of the bargaining unit, subject to the following conditions:

- a) The bargaining unit member must have donated at least one day to the bank, unless waived by the committee delineated in Letter C below.
- b) The bargaining unit member or a person authorized shall make a written request to the Director for the additional days, stating the reason for the request and the number of days requested. Upon request of the Director, the unit member shall provide confirmation or additional information from the unit member's treating physician. The Physician Certification form used for FMLA purposes shall be the minimum foundation for required documentation. (This form shall be used for this purpose even if the employee is not yet eligible for FMLA leave.)
- c) A committee consisting of the Director, another representative of GPA, and two unit members selected by the Union shall determine whether the unit member qualifies for the additional sick leave under this standard. (The Committee may meet by conference call.) All information provided by the unit member concerning his or her condition shall be held in strictest confidence by the members of the committee, and shall be isolated from other employment records, as required by the Americans with Disabilities Act.
- d) The unit member shall have exhausted his/her own sick leave and personal leave to be eligible to receive donated sick days.
- e) To ensure that unit members retain sufficient sick leave to meet their own needs, donors shall not reduce their accumulated sick leave to fewer than 24 hours.
- f) All transfers of eligible leave credit shall be irrevocable. The Director shall ensure that all donations are confidential if so requested.
- g) The unit member who is the recipient of the donated leave credits must use those credits within twelve (12) consecutive months.
- h) If donated credits are not used by the unit member within twelve (12) consecutive months, the credits shall be placed in a pool that will be available to

the next eligible employee who requests catastrophic leave. SDEA shall be notified when days placed in the pool are either credited or used.

12.27 Professional Growth Leave

Unit members shall be granted up to ten (10) days per year of professional growth leave for purposes of improving the member's work-related skills and contributions to the school.

12.28 Other Leaves

Unit members shall be granted all other leaves afforded them under state and federal law.