

North Orange County Regional Occupational Program
PERSONAL LEAVES
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AR 4261.2
AR 4361.2

AR 4161.2 (a)
AR 4261.2 (a)
AR 4361.2 (a)

Administrative Regulation

All Personnel

Personal leaves granted to ROP employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner.

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

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.

Members of the immediate family shall include: the mother, the father, grandmother, grandfather, grandchild, and brother and sister of the employee or employee's spouse, the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother-in-law, or sister-in-law, or any relative living in the employee's immediate household.

At the employee's request, bereavement leave may be extended under personal necessity leave provisions.

Personal Necessity

Employees may use up to seven days of their accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity.

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions

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2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family
3. A serious illness, preventative care, or other need of a member of the employee's immediate family
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order
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, personal necessity leave shall not 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.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of his/her immediate family, or the illness, preventive care, or other need of a member of the employee's family.

For any leave that is planned, or where the need for leave is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

Any absence due to personal necessity, the ROP employee shall verify the absence by submitting it to the ROP's attendance verification system.

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Legal Duties

An employee may take time off work in order to:

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

The employee shall turn over to the ROP any jury or witness fees received.

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

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between his/her regular earnings and any amount received for jury fees.

On the first day, employees are to report for jury duty, the following provisions shall apply:

1. Eight (8) hours employees who report and are released prior to noon shall return to work for the remaining four (4) hours of their day. Work hours for all eight (8) hours employees shall be adjusted on this day to begin at 8:00 a.m. If an employee is released prior to noon, the remaining work schedule shall be mutually agreed to by the employee and his/her immediate supervisor.
2. For employees who work less than eight (8) hours, if the jury service is more than fifty percent (50%) of their work hours, they are not required to return to work for the remainder of the day.
3. After the first day of jury service, should an employee be required to return or be empaneled on a jury, the hours spent in jury service shall constitute the working day. For any days court is not in session, the employee shall return to work.
4. An employee who is required to call the courts before noon for an afternoon appearance shall report to work. If required to appear, the employee is excused from work providing enough time to have lunch, travel and report on time to the court. The Superintendent or designee may give pre-approval not to report for work if travel considerations are burdensome.

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A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between his/her regular earnings and any jury fees he/she received.

Instructors who report and are released prior to noon shall call their work site to ensure substitute coverage has been provided and determine with their Administrator what professional activities they will complete to fulfill the remainder of the working day.

Leaves for Crime Victims

An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she is a victim, or an immediate family member, registered domestic partner, or child of a registered domestic partner of a victim, of any of the following crimes:

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee.

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim.

The ROP shall keep confidential any records pertaining to the employee's absence from work by reason of this leave.

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Leaves for Victims of Domestic Violence, Sexual Assault and Stalking

An employee who is a victim of domestic violence, sexual assault, or stalking as defined by law may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to him/her under the terms of his/her employment to attend to the following activities:

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his/her child
2. Seek medical attention for injuries caused by domestic violence, sexual assault, or stalking
3. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking
4. Obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking
5. Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following:

1. A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee has appeared in court

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3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking

The ROP shall maintain the confidentiality of such an employee to the extent authorized by law.

Personal Leave for a Child's School Activities

1. Any employee who is a parent/guardian having custody of one or more children in grades K-12 or attending a licensed child care provider, may use up to 40 hours of personal leave, vacation or compensatory time off each school year in order to find, enroll, or reenroll his/her child in a school or with a licensed child care provider or to participate in activities of the school or child care, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
 - a. A request by the school or child care provider that the child be picked up
 - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
 - c. Behavioral or discipline problems
 - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
 - e. A natural disaster, including, but not limited to, fire, earthquake, or flood

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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 of the second parent may be granted by the Superintendent or designee.

The employee may use existing vacation, personal leave or compensatory time off for purposes of this leave. The employee shall notify his or her supervisor of the leave type selected to cover the absence from the available options.

In lieu of using vacation, personal leave or compensatory time off, eligible employees giving reasonable advance notice may take unpaid leave each school year for this purpose.

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that he/she engaged in permitted child-related activities on a specific date and at a particular time.

Service on Education Boards and Committees

Employees shall be granted up to 20 days of paid leave per year for service performed with 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 ROP in writing of the service and the organization reimburses the ROP, upon the ROP's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Religious Leave

The Superintendent or designee may grant an employee up to three days of available personal necessity leave or vacation per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional ROP expenditures, the neglect of assigned duties, or any other unreasonable hardship on the ROP.

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.

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Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that his/her spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10.

Within two business days of receiving official notice that his/her spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of his/her intention to take the leave. The employee shall submit written documentation certifying that his/her spouse will be on leave from deployment during the time that the leave is requested.

Leave for Emergency Duty

An employee may take unpaid time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel.

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training.

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to him/her, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the ROP for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee.

The employee shall give the ROP as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification.

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