

807 PERSONAL NECESSITY LEAVE

Education Code 45207

- (a) A probationary or permanent employee may, at his or her election, use any days of absence for illness or injury earned pursuant to Section 45191 in case of personal necessity, including any of the following:
- (1) Death of a member of his or her immediate family when additional leave is required beyond that provided in Section 45194 and that provided, in addition thereto, as a right by the governing board.
  - (2) Accident, involving his or her person or property, or the person or property of a member of his or her immediate family.
  - (3) Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction.
  - (4) Other reasons that the governing board may prescribe.
- (b) The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of personal necessity for the purpose of this section. The adopted rules and regulations may not require an employee to secure advance permission for leave taken for the purposes specified in paragraphs (1) and (2) of subdivision (a). Earned leave in excess of seven days may not be used in any school year for the purposes enumerated in this section except if either of the following...
- A. In a school year, a regular classified employee may be permitted to use not more than seven days of paid illness leave for personal necessity leave, except that six additional days may be taken solely to attend to the illness of a child, parent, or spouse of an employee, provided that adequate notice is given to his or her immediate supervisor and the reason for the absence is stated on the prescribed form.
- B. The leave benefits provided by this Rule may be used only for the personal necessities described below:
1. The death of a member of the employee's immediate family when necessary leave beyond that provided by Rule 800 is required. Member of the immediate family means the employee's
    - a. spouse or a cohabitant who is the equivalent of a spouse
    - b. parent (includes in-law, step, and foster and parent of cohabitant who is the equivalent of a spouse)
    - c. grandparent (includes in-law and step and a grandparent of cohabitant who is the equivalent of a spouse)
    - d. child (includes child of spouse, and spouse's step children and a child of cohabitant who is the equivalent of a spouse)

CHANGE:

To revise and update rules.

Add: December 18, 2002, page 1 of 4. Add: July 6, 2015, page 1 of 4.

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- e. grandchild (includes grandchild of spouse, and spouse's step grandchildren and grandchildren of a cohabitant who is the equivalent of a spouse)
  - f. brother
  - g. sister
  - h. relative living in the employee's immediate household.
2. An accident involving the employee's person that is not chargeable to illness leave or industrial leave or industrial accident/illness leave.
  3. An accident involving the employee's property or the person or property of a member of the employee's immediate family or an illness of a member of the employee's immediate family, as defined above. Such accident or illness must be serious in nature, involve circumstances that the employee cannot reasonably be expected to disregard, and require the employee's attention during assigned hours of service.

An employee shall be allowed up to six days of personal necessity leave, in addition to those days provided for in paragraphs A and C.1, in any calendar year to attend to the illness of a child, parent, spouse, child of a domestic partner, or domestic partner of the employee as provided by Section 233 of the Labor Code. All existing rule conditions for use of illness leave shall apply to this leave as well. Use of illness leave as provided in this paragraph shall not extend the maximum period of leave to which an employee is entitled under Rule 819, Family Care and Medical Leave/Absence.

4. An appearance of the employee in any court or before any administrative tribunal as a litigant, party or witness under an official governmental order, provided that the employee

If the employee is a witness, he or she may utilize vacation time or unpaid time in addition to or in lieu of any days allowed for personal necessity leave in a school year.

- a. presents a certification from the clerk of the court or other authorized officer indicating each date of necessary attendance
  - b. remits any witness fee to the Accounting and Disbursements Division
  - c. in available for work between the hours of 8 a.m. and 5 p.m. when an appearance in court or before an administrative tribunal is not necessary.
5. The birth of a child to an employee making it necessary for the employee to be absent from his position during his assigned hours of service.

CHANGE:

To revise and update rules.

Remove: December 19, 2001, page 2 of 3. Add: December 18, 2002, page 2 of 4.

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LAW AND RULES

February 26, 2003

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6. Imminent danger to the employee's home, occasioned by a factor such as flood or fire, that the employee cannot be expected to disregard and that required attention during assigned hours of service.
7. A religious holiday of the employee's faith.
8. Up to two hours for verifiable automobile failure if the employee's automobile is required to be used for work purposes on that day.
9. Up to one day a year for verifiable registration or final examinations at a District-recognized institution of higher learning.
10. Required attendance at the employee's child's or ward's classroom and meeting with the school administrator because of the child's or ward's suspension.
11. Adoption of a child by the employee.
12. Conference or convention attendance according to established District standards but where other paid absence is denied.
13. Up to 40 hours of personal necessity leave or vacation time a year, not exceeding eight hours in any calendar month, for an employee who is a parent, guardian, or grandparent having custody of one or more children in kindergarten or grades 1 to 12 to participate in the activities of the child's school.  
  
If both parents of a child are District employees working at the same work location, at any one time, only the parent who first gives notice of the planned absence has a right to the leave. The other parent may take a leave simultaneously for the same child only if administrative approval is granted.  
An employee may take time off without pay for the absence subject to approval.
14. Obtaining or attempting 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 an employee who is a domestic violence victim as defined in Section 6211 of the Family Code or his or her child.  
  
The employee may utilize vacation time or unpaid time in addition to or in lieu of any days allowed for personal necessity leave in a school year.
15. On a maximum of two (2) occasions during a school year (up to a cumulative total of eight (8) hours in a school year), to attend the funeral of a close friend or relative not included in the definition of immediate family.
16. Other significant even of a compelling nature to the employee, the gravity of which in comparable to the above, which demands the personal attention of the employee during assigned hours and which the employee cannot reasonably be expected to disregard, limited to one (1) occasion in any school year.

CHANGE:

To reflect changes in the law, add number 16.

Add: February 26, 2003, page 3 of 4. Add: July 6, 2015, page 3 of 4.

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LAW AND RULES

(Reissue) January 1, 2000

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- C. The following limits and conditions are placed upon personal necessity leave and personal necessity leave pay:
1. The total number of days allowed in one school year (July 1 - June 30) for such leave or leaves shall not exceed seven days.
  2. The time allowed shall be deducted from and may not exceed the number of hours of paid illness leave to which the employee is entitled.
  3. Personal necessity leave shall not be granted during a vacation or leave of absence.
  4. The employee shall be required to certify on a prescribed form that the absence was a result of a personal necessity, as defined above. The administrator or supervisor shall take whatever steps are necessary to substantiate that a personal necessity within the limits of this Rule did exist.

CHANGE:

Continuation of rule.

Remove: January 1, 2000, page 4 of 4. Add: (Reissue) January 1, 2000, page 4 of 4.

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