

808 ILLNESS LEAVE

Education Code 45191

Every classified employee employed five days a week by a school district shall be entitled to 12 days of absence for illness or injury and such additional days, in addition thereto, as the governing board may allow for illness or injury, exclusive of all days he is not required to render service to the district, with full pay for a fiscal year of service.

A classified employee, employed five days a week, who is employed for less than a full fiscal year is entitled to that proportion of 12 days leave of absence for illness or injury as the number of months he is employed bears to 12 and the proportionate amount, consistent with this formula, of such additional days, in addition thereto, authorized by the governing board for classified employees employed five days a week for a full fiscal year of service.

A classified employee employed less than five days per week shall be entitled, for a fiscal year of service, to the proportion of 12 days leave of absence for illness or injury as the number of days he is employed per week bears to five and is entitled to the proportionate amount, consistent with this formula, of such additional days, in addition thereto, authorized by the governing board for classified employees employed five days a week for a full fiscal year of service. When such persons are employed for less than a full fiscal year of service this and the preceding paragraph shall determine that proportion of leave of absence for illness or injury to which they are entitled.

Pay for any day of such absence shall be the same as the pay which would have been received had the employee served during the day. Credit for leave of absence need not be accrued prior to taking such leave by the employee and such leave of absence may be taken at any time during the year. However, a new employee of a district shall not be eligible to take more than six days or the proportionate amount to which he may be entitled under this section, until the first day of the calendar month after completion of six months of active service with the district.

If such employee does not take the full amount of leave allowed in any year under this section the amount not taken shall be accumulated from year to year with such additional days as the governing board may allow.

The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of illness or injury for the purpose of this section. Such rules and regulations shall not discriminate against evidence of treatment and the need therefore by the practice of the religion of any well-recognized religious sect, denomination or organization.

CHANGE:

No change in text.

Remove: (Reissue) June 30, 1974, page 1 of 9. Add: *(Reissue) June 30, 1974, page 1 of 7.

LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

LAW AND RULES

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July 21, 1993

Education Code 45195

A permanent employee of the classified service who has exhausted all entitlement to sick leave, vacation, compensatory overtime, or other available paid leave and who is absent because of nonindustrial accident or illness may be granted additional leave, paid or unpaid, not to exceed six months. The employee shall be notified, in writing, that available paid leave has been exhausted, and shall be offered an opportunity to request additional leave. The board may renew the leave of absence, paid or unpaid, for two additional six month periods or lesser leave periods that may provide but not to exceed a total of eighteen months.

An employee, upon ability to resume the duties of a position within the class to which he or she was assigned, may do so at any time during the leaves of absence granted under this section and time lost shall not be considered a break in service. The employee shall be restored to a position within the class to which the employee was assigned and, if at all possible, to his or her position with all the rights, benefits and burdens of a permanent employee.

If at the conclusion of all leaves of absence, paid or unpaid, the employee is still unable to assume the duties of his or her position, the employee shall be placed on a reemployment list for a period of 39 months.

At any time, during the prescribed 39 months, the employee is able to assume the duties of his or her position the employee shall be reemployed in the first vacancy in the classification of his or her previous assignment. The employee's reemployment will take preference over all other applicants except for those laid off for lack of work or funds under Section 45298 of this code in which case the employee shall be ranked according to his or her proper seniority. Upon resumption of his or her duties, the break in service will be disregarded and the employee shall be fully restored as a permanent employee...

CHANGE:

Amendment of Education Code 45195 to reflect changes in notification of availability of illness leave.

Remove: (Reissue) June 30, 1974, page 2 of 9. Add: July 21, 1993, page 2 of 7.

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Education Code 45196

When a person employed in the classified service is absent from his duties on account of illness or accident for a period of five months or less, whether or not the absence arises out of or in the course of employment of the employee, the amount deducted from the salary due him for any month in which the absence occurs shall not exceed the sum which is actually paid a substitute employed to fill his position during his absence.

* * *

The foregoing provisions shall not apply to any school district which adopts and maintains in effect a rule which provides that a regular classified employee shall once a year be credited with a total of not less than 100 working days of paid sick leave, including days to which he is entitled under Section 45191. Such days of paid sick leave in addition to those required by Section 45191 shall be compensated at not less than 50 percent of the employee's regular salary. The paid sick leave authorized under such a rule shall be exclusive of any other paid leave, holidays, vacation, or compensating time to which the employee may be entitled. Nothing in the section shall preclude the governing board from adopting such a rule.

Education Code 45202

Any classified employee of an school district, county superintendent of schools, or community college, who has been employed for a period of one calendar year or more and whose employment is terminated for reasons other than action initiated by the employer for cause and who subsequently accept employment with a school district or county superintendent of schools within one year of such termination of his or her former employment, shall have transferred with him or her to the school district or county superintendent of schools the total amount of earned leave of absence for illness or injury to which the he or she is entitled under Section 45191 or 88191. This transfer shall be in the same manner as provided for certificated employees.

In any case where an employee was terminated as a result of action initiated by the employer for cause, such the transfer may be made if agreed to by the governing board of the school district or the county superintendent of schools newly employing the employee.

All or any part of the previous service, not separated by a break in service greater than one year as of the last day of paid service, may, if agreed to by the employing entity, be construed to have been served in the new district of county superintendent of schools of employment for seniority purposes, except that the previous service may not be counted, for seniority purposes, when position or personnel reduction is ordered, for any reason, by the board...

CHANGE:
Deleting Education Code 45199.
Add: (Reissue) January 1, 1976, page 3 of 7.

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LAW AND RULES

January 12, 1987

- A. Illness is defined as any pronounced deviation from a normal, healthy state that makes it disadvantageous to the District or detrimental to the employee for the employee to be at work. This definition shall include emergency medical, dental, optical and prosthetic work, or a temporary disability caused or contributed to by pregnancy, miscarriage, or childbirth. This Rule applies to absence because of temporary disability caused or contributed to by pregnancy, miscarriage, or childbirth. The Rule does not apply to the period when an employee is on unpaid pregnancy leave.
- B. A new employee must render service before being entitled to illness leave.
- C. A regular employee who is absent because of illness, injury or quarantine shall be allowed illness leave with pay subject to the provisions set forth below:
 1. Each continuing employee and each employee who receives an initial regular appointment will earn illness leave at the rate of .05 hour of full-pay illness leave for each hour for which pay is received, excluding overtime. At the beginning of the First Special School Month of the payroll calendar, or upon initial regular appointment, reemployment, or reinstatement, an employee will have a bank of the total amount of any accumulated full-pay illness leave plus that amount which he is expected to earn during the new fiscal year on the basis of his assignment. In addition, he will be credited with the difference between such full-pay illness leave earned and/or credited and the hourly equivalent of 100 working days at half pay. In order to qualify for the annual illness leave credit and supplemental half-pay days, the employee must have been in paid status on any day during the final pay period of the previous Special School Month payroll calendar, in accordance with his assignment. Otherwise, he must be in paid status for a least one day in the new Special School Month payroll calendar year before qualifying for such credit.
 - a. An employee serving an initial probationary period shall not be eligible to be paid for more than the equivalent of 6 days of full-pay illness leave until the first day of the pay period after completion of 130 days of paid service in regular assignment. Half-pay illness leave shall not be paid during this time.
 - b. An employee who exhausts earned full-pay illness leave shall be permitted to use up to the total amount of full-pay illness leave the employee is schedule to earn by the end of that fiscal year. Upon separation from service, the District shall recover the appropriate amount of full-pay illness leave that was paid but unearned as of the date of separation.
 - c. There is no limit to the accumulation of full-pay illness leave.
 2. Half-pay illness leave shall be allowed after the exhaustion of full-pay leave.

CHANGE:

Editorial changes.

Add: January 12, 1987, page 4 of 7.

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3. The hourly equivalent of the number of working days of half-pay illness leave to be credited is depended on the condition that any accumulated and credited full-pay illness leave shall be deducted from the maximum number of 100 working days of half-pay illness leave on an equivalent basis of one day at full pay for one day at half-pay.
4. Authorization to work additional hours, excluding overtime, beyond the basic daily assignment in one class in accordance with blanket authorizations approved by the Board of Education shall not increase illness leave benefits earned in that assignment. Employees who are granted multiple assignments subject to the provisions of Rule 725 shall earn illness leave in both the basic assignment and any supplemental assignments in accordance with the above paragraphs.
5. Paid illness leave shall not be allowed during layoff or during leave of absence except pregnancy leave or leave to accept other employment in the Classified Service.
6. An employee who is reinstated or reemployed in regular status, or appointed to a regular position from an eligibility list within 39 months after layoff, shall be credit immediately with that hourly equivalent amount of illness leave that was unused at the time of termination and that was not transferred to another school district or used in the computation of a retirement allowance. Thereafter, he will be credited with illness leave in accordance with Paragraph C.1.b, above.
7. Employees who are absent because of industrial accident or industrial illness shall be allowed leaves as provided in Rule 804, but salary received plus temporary disability compensation shall not exceed the regular salary for the period of absence for such cause. If compensation payments are made subsequent to illness payments, any excess of illness leave payments over the total amount permitted above shall be remitted to the School District.
8. In computing illness pay, long-term salary differentials as defined in Rule 500, shall be considered as part of the employee's regular rate and shall be continued during paid illness leave. (For determination of whether a particular differential is considered a long-term or short-term differential, refer to the pertinent rule.)
9. When a regular employee is assigned in limited-term status during a period excluded from the regular assignments, the employee shall earn and be allowed to take paid illness leave during such limited-term assignment(s) in accordance with the limitations set forth in the previous paragraphs of this Rule.
10. In accordance with Rule 812, a permanent employee may interrupt or terminate scheduled vacation in order to begin illness leave.

CHANGE:

Minor editorial changes and amendment of Paragraph D to enable a supervisor to determine the validity and work related effects of an illness leave.

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- D. A classified employee who has received a change-of-service assignment from the Certificated to the Classified Service, as provided in Rule 717, shall have transferred any unused paid illness leave benefits previously accrued. Such an employee shall enjoy the benefits provided in Paragraph C, above, without any restriction on paid illness leave usage placed against employees serving an initial probationary period and without obtaining additional illness leave benefits solely from the change of service.
- E. A classified employee who has been employed for one calendar year or more by any school district or county superintendent of schools, and who accepts a position with the District within one year of the termination of such employment shall furnish to the Payroll Services Branch a verified record of the amount of unused illness leave accumulated in the prior employ of another school district or county superintendent of schools. Upon submission of such information, the employee will immediately be credited with the hourly equivalent of the number of full-pay illness leave days accumulated in the former district. The number of half-pay illness leave days to be credited shall be calculated in accordance with Paragraph C.3, above. Such employee shall be subject to the restriction on paid illness leave during his initial probationary period as specified in Paragraph C.1.a, above.
- F. Compensation for paid illness leave shall be paid only when the employee's supervisor certifies on the time report that the absence was the result of illness, injury, or quarantine. Any such official may take steps necessary to verify the validity of the illness leave report and the ability of the employee to perform work assignments. An employee who is absent on account of illness or injury shall sign, on a form provided, a statement that such absence was due to illness or injury. In order that illness leave may be approved in any case when an employee is unable to sign a form or is not approved for return to work, a supervisor's approval of time reports authorizing payment of illness leave benefits will be required in lieu of the employee's certification. Such form shall be approved for payment by the proper administrator or supervisor and filed in his/her office. In case of multiple assignments, a separate form shall be submitted and appropriate approvals obtained for each assignment for which illness benefits are being requested. An employee absent from duty for any illness, injury or surgery for more than five working days shall be required to submit a signed attending physician's statement or appropriate health form to the immediate administrator and may be referred by the District for health approval prior to readmission.
- G. In order to receive compensation while absent on illness leave, the employee must notify his or her immediate supervisor of his absence within the first two working hours if possible. In order to be compensated for illness during a concerted labor action, the employee may be required to furnish verification of illness signed by a licensed medical practitioner.
- H. An employee who has been absent on illness leave shall notify his or her supervisor at least one day in advance of anticipated return in order that any substituted service may be terminated. In case of failure to comply with this provision, if both the regular employee and the substitute report for duty, the latter is entitled to the assignment for the day.

CHANGE:

Editorial changes.

Add: January 12, 1987, page 6 of 7.

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LAW AND RULES

October 3, 2013

- I. An employee shall not be allowed to undertake any gainful employment while absent because of illness or injury. The employee shall certify on the certification of illness or injury that he was not gainfully employed during the period covered by the certification of illness or injury.
- J. When a permanent employee has exhausted his or her full-pay illness credit, he or she may, at his or her request, be allowed vacation pay in lieu of illness pay. In order to effect such a change, the employee shall notify his or her time-report office of the dates to be paid as vacation. The beginning date shall not be earlier than the date on which the request is made, and the number of days to be paid vacation shall not exceed the employee's vacation balance. Upon completion of payment for the designated vacation period, the employee may again be paid for illness leave.
- K. A permanent employee who has exhausted all paid illness leave privileges, vacation, and other available paid leaves may, upon the recommendations of the head of the employee's division or Educational Service Center, be granted additional illness leave for a period not to exceed six months. The employee shall be notified, in writing, that available paid leave has been exhausted, and shall be offered an opportunity to request additional leave. The leave may be renewed for two additional six-month periods, provided the above approval is received for each period. The total of six-month leave period, shall not exceed 18 months. An employee who declines to use available vacation may not be granted additional illness leave under the provision of this paragraph.
1. Unless notified to the contrary with 30 days, the employee may properly assume the leave has been granted.
 2. Denial of the requested leave for medical reasons may be a basis for appeal in accordance with Rule 836. Denial of the requested leave for other than medical reasons may be a basis for the employee to avail himself of Rule 893.
- L. Upon return to service from such leave, an employee shall be restored to a position in his or her former class and assignment basis as provided by Rule 740 and if possible, to his or her former position in the class. If no vacancy exists in his or her former class and approximately the same assignment basis, he or she shall have the right to return to a regular position in the class and approximately the same assignment basis provided that he does not have the least seniority in that class. If an employee's former class has ceased to exist, the employee may be reassigned or shall be placed on the reemployment lists for the classes in which he or she had attained regular status.

CHANGE:

Clerical error clean-up.

Remove: December 18, 2002, page 7 of 9. Add: October 3, 2013, page 7 of 8.

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LAW AND RULES

June 26, 2012

- M. When all paid or unpaid leaves of absence have been exhausted, an employee who is unable to assume the duties of his or her position shall be placed on a reemployment list for a period of 39 months as if he were being laid off. An employee on a reemployment list shall have the same rights and benefits as an employee laid off for lack of work or lack of funds as provided in Rule 740. An employee who has been separated because all paid leaves have been exhausted from the class of Stenographic Secretary I or Stenographic Secretary II shall have the right of reemployment in the class of Secretary; an employee who has been separated because all paid leaves have been exhausted from the class of Senior Stenographic Secretary shall have the right of reemployment in the class of Senior Secretary. . An employee who has been separated because all paid leaves have been exhausted from the classes Adult School Office Assistant, File and Index Clerk, Intermediate Clerk, Office Assistant, or Order Clerk shall have the right of reemployment in the class of Office Technician when able to return to duty. An employee who has been separated because all paid leaves have been exhausted from the class of Customer Services Assistant, Data Control Clerk, Engineering Clerk, Intermediate File and Index Clerk, Office Computer Operator, Senior Office Assistant, Personnel Clerk, Statistical Clerk or Word Processor Operator shall have the right or reemployment in the class of Senior Office Technician when able to return to duty.
- N. An employee who record of illness appears to follow a pattern of reoccurrence for a series of relative minor indispositions may be made the subject of a special investigation by the administration. Disciplinary action may be taken under the provisions of Rule 902 and 903 if the findings of the investigation warrant such action.
- O. There shall not be a lump-sum payment for any unused accumulated illness allowance upon separation from service. Upon retirement, the unused accumulated illness leave of an employee who became a member of PERS prior to July 1, 1980, will be credited by PERS at the rate of 0.004 year of service for each unused day of earned sick leave.

CHANGE:

Paragraph M deleted to incorporate classes affected by the Clerical Consolidation study.

Delete: January 7, 2009, page 8 of 8. Add: June 26, 2012, page 8 of 8.

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