

LOS ANGELES UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION

812

LAWS AND RULES

(Reissue) March 2, 1987

812 VACATIONS

The provisions of this Rule are based on Education Code Sections 45197 and 45200.

A. Vacation Accrual Rates for Regular Employees

1. Employees other than those referred to in Paragraphs A.2 and A.3 of this Rule:
  - a. Those who have served less than four years shall earn vacation credit at the rate of .03846 hour of credit for each hour for which pay is received, excluding overtime.
  - b. Those who have served less than 15 years but more than four years shall earn vacation credit at the rate of .05770 hour of credit for each hour which pay is received, excluding overtime.
  - c. Those who have served 15 but less than 16 years shall earn vacation credit at the rate of .06155 hour of credit for each hour for which pay is received, excluding overtime.
  - d. Those who have served 16 but less than 17 years shall earn vacation credit at the rate of .06539 hour of credit for each hour for which pay is received, excluding overtime.
  - e. Those who have served 17 but less than 18 years shall earn vacation credit at the rate of .06923 hour of credit for each hour for which pay is received, excluding overtime.
  - f. Those who have served 18 but less than 19 years shall earn vacation credit at the rate of .07308 hour of credit for each hour for which pay is received, excluding overtime.
  - g. Those who have served 19 or more years shall earn vacation credit at the rate of .07693 hours of credit for each hour for which pay is received, excluding overtime.
  - h. Most full-time 12 month employees will thus receive vacation credit for years of service as follows.

Years	Days
1 to 4 (each year)	10
5 to 15 (each year)	15
16	16
17	17
18	18
19	19
20	20

CHANGE:

Reissue of page, no change in text.

Remove: March 2, 1987, page 1 of 4. Add: (Reissue) March 2, 1987, page 1 of 8.

812

Page 1 of 8

LOS ANGELES UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION

LAWS AND RULES

812  
August 18, 2010

2. Employees who regularly work a full workweek of less than 40 hours and have served less than four years:
    - a. Those who have a workweek of 37 ½ to 39 ½ shall earn vacation credit at the rate of .04087 of credit for each hour for which pay is received, excluding overtime.
    - b. Those who have a workweek of 35 to 37 hours shall earn vacation credit at the rate of .04379 hour of credit for each hour for which pay is received, excluding overtime.
    - c. Those who have a workweek of fewer than 35 hours shall earn vacation credit at the rate of .03846 for each hour for which pay is received, excluding overtime.
  3. Employees in classes designated as executive/administrative in Rule 596 which are District represented shall earn vacation credit at the rate of .09232 hour of credit for each hour for which pay is received. Executive and administrative employees will thus receive a maximum of 24 days of vacation credit per year.
  4. For the purpose of this Rule, a year is defined as the period of time between July 1 and June 30 consecutive calendar years. In order to be credited with a year of service, an employee must have been in regular paid status for at least 130 days or on leave of absence prior to layoff or for industrial accident, industrial illness, military service, or service in the Peace Corps, Red Cross, or Merchant Marine. Time as a probationary or permanent employee in the Certificated Service shall be included in the computation of years of service. Credits for years of service shall be applied, and vacation accrual rates shall be changed as required by this Rule effective on July 1 of each year.
- B. An employee whose regular assignment is on other than a 12-month assignment basis and who is assigned as a limited-term employee shall earn vacation in accordance with the schedule in Paragraph A.1 or A.2 of this Rule, whichever is applicable to that position.
- C. No employee shall earn more vacation credit that can be earned for each hour worked in a pay period on his/her assigned basis.
- D. A regular employee may take earned vacation, subject to the provisions of Paragraph H. No payment for vacation accumulation shall be made to employees who terminate prior to completion of 130 days of paid service.
- E. Vacation time shall be used in units of a least one hour at a time. The amount of vacation actually earned and only that amount shall be available. The rate of pay during vacation shall be the employee's current rate.

CHANGE:

To modify legacy system terminology to current SAP terminology.

Remove: July 1, 1997, page 2 of 4. Add: August 18, 2010 page 2 of 8.

Vacations

812  
Page 2 of 8

LOS ANGELES UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION

812  
July 21, 2022

LAWS AND RULES

---

- F. Vacation time off shall not be allowed during a limited-term assignment unless the employee has served in that assignment for at least 90 consecutive working days or receives specific approval from the appropriate administrator.
- G. Vacation shall be taken at a time convenient to the responsible administrator.
- H. Notwithstanding Paragraph G, an employee who is a parent, guardian, or grandparent having custody of one or more children in kindergarten or grades 1 to 12 shall be allowed to use up to 40 hours of vacation time or personal necessity leave per school year, not exceeding eight hours in any calendar month, 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, only the parent who first gives notice of the planned absence has a right to take the time off. The other parent may take time off simultaneously for the same child only if the administrative approval is granted. The employee must notify the immediate administrator at least five working days prior to the absence. The administrator may require the employee to provide documentation from the school indicating the date and time the employee participated in the child's school activity. An employee may take time off without pay for the absence subject to approval.
- I. No employee shall be permitted to accrue vacation in an amount greater than that which the employee earns in 18 months (the employee's "vacation cap amount"). The average of 21.75 days per month is used when calculating the vacation cap. Once the employee has accrued vacation in an amount equal to the employee's vacation cap amount, the employee shall cease to accrue vacation until he or she uses vacation in an amount sufficient to reduce the accumulated vacation balance below the vacation cap amount.
1. Consistent with the 18 month vacation cap amount set forth in I. above, the following procedure for scheduling of vacation time shall be in effect:
    - a. Step One: By March 15 of each fiscal year, administrators shall issue an annual vacation calendar for the next fiscal year. The calendar will include the following:
      - (1) A list of all dates when vacation cannot be taken due to operational needs.
      - (2) A list of all dates when vacation may be taken by all employees.
      - (3) A list of all dates when a part of the staff may take vacation indicating any limits on the number of employees who may take vacation or on the amount of vacation that may be taken.

CHANGE:

To align verbiage with bargaining unit agreements.

Remove: August 18, 2010 3 of 4. Add: July 21, 2022, page 3 of 8.

LOS ANGELES UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION

812

LAWS AND RULES

December 6, 1995

- b. Step Two: By April 15 of each fiscal year or two weeks after the adoption of school calendars, whichever occurs last, each employee shall provide to his or her appropriate administrator or designee a proposed written vacation usage schedule for the following fiscal year, which schedules vacation for the fiscal year in amount necessary to assure the employee will not exceed the vacation cap amount.

The vacation days identified in the employee-submitted vacation schedule shall be scheduled in a manner consistent with the provisions of subparagraphs I.2. through I.5. below. Unless otherwise directed by the employee's appropriate administrator, the proposed vacation schedule for B, C, and E basis employees shall include the appropriate winter and spring recess days within the employee's basis, and A and M basis employees, the second or third week of winter recess.

2. a. Within (15) calendar days of receipt of the employee's vacation usage schedule, the appropriate administrator shall provide a written acknowledgment either approving the employee's submitted vacation schedule for the following fiscal year, or disapproving the submitted schedule and providing reasonable basis in writing for that denial. Timely submitted vacation schedules shall not be denied for reasons other than workload, scheduling conflicts or where the proposed schedule for vacation would substantially interfere with the operation of the employee's work unit. Changes in pre-approved vacation schedules will not be made by the District except for critical operational necessity or an emergency that would substantially interfere with the operation of the employee's work unit. Vacations in progress shall not be canceled for reasons other than a declared state of emergency. Except as provided in subparagraph I.4. any scheduling conflict(s) between or among employees working in the same unit or office as to when vacation can be taken shall be decided by site or work unit seniority within classification. In the event of a tie, the scheduling conflict shall be determined by lot.
  - b. An employee whose previously approved vacation has been changed due to a critical operational necessity shall have the right prior to filing a formal grievance pursuant to Rule 893, to meet with the employee's appropriate administrator and the appropriate Division Head to attempt to informally resolve the appropriateness of the vacation change. The meeting shall occur and the decision of the administrator shall be provided within five (5) days of the employee's request for the meeting. Nothing herein shall alter the 15-day time limit for filing a written grievance as required by Rule 893, subparagraph C.2., Steps in the Grievance Process.
3. Once an employee's vacation schedule is submitted and approved pursuant to the above, no change can be made by the employee without submission of an alternative vacation schedule for the date(s) in question. The requested modification(s) shall not be unreasonably denied.

CHANGE:

Paragraph I amended to reflect Board of Education policy.

Remove: (Reissue) January 1, 1991 page 4 of 4. Add: December 6, 1995 page 4 of 8.

Vacations

812

Page 4 of 8

LOS ANGELES UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION

812

LAWS AND RULES

December 6, 1995

---

4. An employee who is prevented or prohibited from taking vacation previously approved by the employee's appropriate administrator shall be permitted to exceed by that amount the vacation cap amount for the fiscal year in question, and shall be granted a preference the following year in scheduling vacation so as to assure that employee's ability to schedule sufficient vacation to Reduce the employee's vacation accumulation below the vacation cap amount. However, such relief from the vacation cap amount must first be pre-approved in writing by the Superintendent or designee.
5. The District shall be permitted (but not required) to schedule and require employees to take vacation under the following circumstances:
  - a. On days designated by the District as school holidays or at any other time during the employee's assignment period to avoid leave without pay;
  - b. When the employee fails to provide an annual vacation schedule pursuant to I.1. above;
  - c. When the employee has accrued vacation in an amount equal to or greater than the vacation cap amount, as provided in I.4. above;
  - d. When the employee is sent home pending the results of disciplinary investigation (with the vacation used to be restored to employee's vacation balance if the investigation does not lead to discipline); and
  - e. During periods within the employee's assignment basis when the District is closed, when the employee's work site is closed, or when there is a lack of work (unless the employee and the appropriate administrator agree that the employee may go unpaid during such a period). Where assignment of mandatory vacation is necessary due to lack of work as determined by management, volunteers shall be considered first; preference shall be given to employees in the affected classification at the site with the highest site seniority in classification. If the number of volunteers is insufficient, assignment of mandatory vacation shall be to those employees with the highest vacation balance. Exception to the foregoing may be made considering special needs, attendance records, the individual employee's vacation balance, and/or previously approved scheduled vacation.

CHANGE:

Paragraphs I amended to reflect Board of Education policy.

Add: December 6, 1995, page 5 of 8 .

Vacations

812

Page 5 of 8

LOS ANGELES UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION

812  
July 21, 2022

LAWS AND RULES

---

- J. An employee who takes a voluntary reduction to limited-term status from the service for any reason is entitled to payment in a lump sum for accrued vacation as of the date of reduction in status or separation, provided that he has completed 130 days of paid service in regular status. An employee who takes such a reduction must request the lump-sum payment of their accrued vacation, payment for separation shall be made automatically following the processing of the action.
- K. Lump-sum payment for vacation earned during substitute, relief, and provisional assignments during the period excluded from the basic assignment may be made at the discretion of the head of the division or area in which the employee is regularly assigned. Such lump-sum payment shall be:
1. Authorized by the division head and/or Local District administrator by not later than November 1 of each year.
  2. Calculated at the rate at which the employee is paid during the limited-term assignments. If the employee is paid for limited-term assignments at more than one rate, the lump-sum payment shall be calculated at the last rate paid for such assignments on which vacation is earned.
- L. Employees of annexed school districts shall be allowed to transfer their earned vacation credits, up to a maximum of 120 hours, computed in accordance with their former district's practices. Employees whose vacation balances exceed 120 hours at the time of annexation shall be given a lump-sum payment for all vacation in excess of 120 hours. Such lump-sum payments will be made at the salary rate that the employees receive when they come to work for the Los Angeles Unified School District. Employees shall be eligible to take vacation immediately, subject to the provisions of Paragraph G, above.
- M. With appropriate administrative approval, a permanent employee may interrupt or terminate vacation in order to begin illness leave, provided that such leave is for a least two working days and that, at the earliest practical opportunity, the employee indicates the probable duration of the requested leave, and provides appropriate supporting documents, including certification of illness from a licensed physician or other practitioner. The responsible administrator shall take steps as necessary to verify that the paid illness leave was in accordance with Rule 808.

CHANGE:

To align verbiage with bargaining unit agreements.

Remove: October 27, 2014, page 6 of 8; add: July 21, 2022, page 6 of 8.

LOS ANGELES UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION

812

August 18, 2010

LAWS AND RULES

---

- N. With appropriate administrative approval, a permanent employee may interrupt or terminate vacation in order to begin bereavement leave in accordance with Rule 800. Bereavement leave shall not be extended by use of Rule 807. The responsible administrator shall take steps as necessary to verify that the paid bereavement leave was used in accordance with Rule 800.
- O. With appropriate administrative approval, a permanent employee may interrupt or terminate vacation in order to begin Jury Duty in accordance with Rule 782. The responsible administrator shall take steps as necessary to verify that the paid Jury Duty Leave was in accordance with Rule 782.
- P. With appropriate administrative approval, a permanent employee may interrupt or terminate vacation in order to begin a Military Leave of Absence in accordance with Rule 820. The responsible administrator shall take steps as necessary to verify that the Military Leave was in accordance with Rule 820.
- Q. Time served prior to break in service shall not be applicable to any of the provisions of this Rule. However, a break in service is disregarded if an employee is reinstated, reemployed in regular status, or appointed to a regular position from an open or promotional eligibility list within 39 months after layoff while his or her name is on a reemployment list.
- R. Except as set forth in S.1. below, in computing pay for vacation, all applicable salary differentials shall be included and vacation shall be paid at the salary rate in effect at the time the vacation is taken.
- S. 1. Notwithstanding the foregoing provisions and in order to facilitate a complete transition from an unlimited vacation accrual system to the 18 month vacation cap system, the District shall, for each employee employed by the District, calculate the employee's total accrued vacation as of June 30, 1994 (the "1994 accrual bank"). The District will then credit each employee with the employee's 1994 accrual bank as vested vacation to be paid out at the time the employee separates from the District, but at the employee's salary rate in effect as of June 30, 1995.
2. In order to encourage employees to draw from their 1994 accrual bank (and thereby reduce the District's current unfunded vacation liability), should an employee utilize any vacation from his or her 1994 accrual bank during the employee's employment with the District, that vacation shall be paid out at the employee's current salary rate at the time the vacation is utilized and deducted from the 1994 accrual bank annually at the end of the fiscal year.

CHANGE:

To modify legacy system terminology to current SAP terminology.

Remove: December 6, 1995, page 7 of 8; add: August 18, 2010, page 7 of 8.

Vacations

812

Page 7 of 8

LOS ANGELES UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION

LAWS AND RULES

812  
August 18, 2010

3. The amount of vacation from the 1994 accrual bank which may be utilized by an employee during any fiscal year shall be limited to twenty (20) days. This limitation shall include vacation used in lieu of illness days pursuant to Rule 808. Exceptions may be made at the sole discretion of the District, but must be pre-approved in writing by the Superintendent or designee.
- T. Except as set forth in S. above with respect to employees' 1994 accrual bank, on separation from service, the dollar value of the employee's vacation balance shall be paid as a lump sum at the employee's salary rate at the time of such separation (pursuant to Paragraph R. above).
- U. Attendance Incentive Plan
1. A vacation-earning employee who accumulates a total of fifty (50) or more days of full pay illness absence credit earned subsequent to June 30, 1995 shall on a one-time basis as of June 30 of the fiscal year in which the employee accumulated those fifty (50) days, be credited with two (2) additional days of vacation. An employee whose full-pay illness absence credit earned subsequent to June 30, 1995, thereafter drops below 50 days shall not be entitled to additional vacation under this subparagraph, except pursuant to subparagraph (U.2.).
  2. Each additional increment of twenty-five (25) days of unused full-pay illness absence credit beyond fifty (50) days and earned subsequent to June 30, 1995 shall entitle the employee to one (1) additional vacation day.
  3. At the option of the appropriate Division Head, B, C, and E basis employees may be paid for the additional days of vacation earned in U.1. and U.2. on the basis of their daily rate of pay during the preceding fiscal year.

CHANGE:

To modify legacy system terminology to current SAP terminology.

Remove: December 6, 1995, page 8 of 8; add: August 18, 2010, page 8 of 8.

Vacations