



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 7136
PAGE: 1 OF 4
EFFECTIVE: 10-19-65
REVISED: 4-1 2-96

CATEGORY: Personnel, Leaves/Absences

SUBJECT: Personal Necessity Leave

A. PURPOSE AND SCOPE

1. To outline administrative procedures governing use of accumulated sick leave benefits in cases of personal necessity.
2. **Related Procedures:**
 Personal business leave No. 7134
 Bereavement leave No. 7140

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy, No. I-2220; Board minutes, 10-8-68, 9-28-71; Education Code Sections 44978, 44978.5, 44981, 45207; collective negotiations contracts.
2. This procedure pertains to matters within the scope of collective bargaining. Contract language within specific collective bargaining agreements on this topic shall prevail over any language to the contrary in this procedure.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Payroll Unit, Classification and Compensation Department, Human Resource Services Division.
2. **Definitions**
 - a. **Employee:** A contract certificated or monthly classified employee. Temporary or hourly employees are not eligible for personal necessity leave.
 - b. **Day:** For payroll reporting purposes, *eight hours* for a full-time assignment. Absences of regular employees assigned *less* than full time also are reported in hours on a proportionate basis (i.e., half-time employee = *four hours*; **three-fourths-time** employee = *six hours*; *etc.*).
 - c. **Immediate family:** See definition in Procedure No. 7140.
3. **Approved Use of Sick Leave Benefits.** Employees may use not more than eight (8) days of accumulated full-salary sick leave in any school year for personal necessity. Absence in excess of these limits, or in excess of accumulated full-time sick leave, must be taken as unpaid personal business leave. (See Procedure No. 7134.)

- a. **Death of a member of immediate family** (see Procedure 7140). Full-salary sick leave may be used after bereavement leave benefits are exhausted. Additionally, an employee may use one (1) day per year for the purpose of attending the funeral of a close friend or relative not included in the definition of immediate family.
- b. **Serious or critical illness of a member of immediate family** (as defined in Procedure No. 7140), calling for services of a physician, and of such an emergency nature that the immediate presence of the employee is required during the work day. The employee may be required to furnish a physician's statement and any other proof requested by the principal or supervisor.
- c. **Accident** involving the employee's person or property, or person or property of the employee's immediate family (as defined in Procedure No. 7140), of such an emergency nature that the immediate presence of the employee is required during the work day.
- d. **Appearance in court** as a litigant, or as a witness under an official order. The employee must furnish proof of court appearance. The employee must return to work when it is not necessary to be absent an entire day. (See applicable collective bargaining agreement). Appearance in court other than as a litigant, or as a witness under a subpoena, does *not* require a charge against sick leave and should be reported as short-term leave. (See Procedure No. 7142.)
- e. **Observance of religious holiday** of employee's faith, limited to *three* days per year. An application must be filed not less than five *work days in advance* of the religious holiday.
- f. **Unpredictable and verifiable acts of nature** (catastrophic fire, flood, tornado, typhoon, or other acts of nature of similar intensity) or other unpredictable and verifiable circumstances beyond the control of the employee which prevent the employee from reporting to duty.
- g. **Paternity**, upon birth of a child, or parenthood, upon the adoption of a child.
- h. **Family School Partnership leave**. Sick leave may be used for participation by a parent, guardian, or custodial grandparent in the school activities of his/her children in kindergarten through Grade 12. Up to forty (40) hours each school year and not more than eight (8) hours in any calendar month may be used. Reasonable advance notice of the planned activity, including the date and anticipated duration, shall be given prior to the employee's absence.

4. **Liitations**

- a. Only those instances of personal necessity specified in this procedure can be allowed; *no exceptions can be made*.

- b. Personal necessity leave pay can be granted only when an employee is in paid status (i.e., on a scheduled work day within his/her regularly assigned work year).
 - c. Personal necessity leave shall not be granted *during* a scheduled vacation or leave of absence.
5. **Advance permission** is not required for absences resulting from death, accident, or serious illness of members of an employee's immediate family; however, if a situation permits, employees should alert the school or department of intended absence. (Ed. Code Sec. 44981)
 6. **Verification of Reason for Absence.** An employee shall submit a signed statement and any additional proof identified above or requested by the principal or supervisor to substantiate personal necessity. (Ed. Code Sec. 44981)

D. **IMPLEMENTATION**

1. **Employee** makes verbal request, in person or by telephone, to principal or department head; upon return to duty, completes "Leave Application" (E. 1.). Submits physician's statement when required, and any additional proof requested by principal or supervisor.
2. **Principal or department head** approves leave if within scope of regulations in C. above.
3. **Time-recording secretary** enters information on official time sheet, following instructions in *Personnel - Payroll Handbook*.
4. **Payroll Unit, Classification and Compensation Department**
 - a. Checks for administrator's signature, employee's signature, and conformity with personal necessity leave rules and regulations.
 - b. If bereavement leave is indicated, checks that time sheet indicates a length of bereavement that complies with procedure or applicable collective bargaining agreement.
 - c. Allows payment for all leave application cards but refers any cards that are questionable to appropriate division head.
5. **Appropriate Division Head**
 - a. Reviews questionable emergency of leave application cards referred from Payroll Unit; communicates with appropriate principal or department head to obtain necessary information. (Questions concerning applicability of personal necessity leave to specific situations may be referred to Payroll Unit, Classification and Compensation Department.)

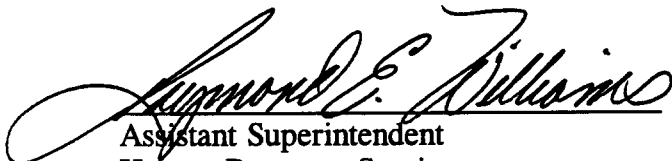
- b. Returns valid leave application cards to Payroll Unit after entering missing or incomplete information and obtaining additional signature of department head or principal.
- c. Returns leave application cards *approved in error* to Payroll Unit marked "CANCELED"; requests appropriate principal or department head to have employee complete "Request for Short-Term Leave" (E.2.) indicating "personal business" (without pay). Timekeeper forwards "Time Sheet Error Notice" to Payroll Unit, changing absence from "personal necessity" to "personal business." (Payroll Unit makes appropriate deduction from employee's next pay warrant.)

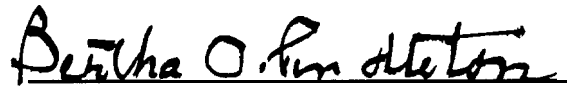
E. FORMS AND AUXILIARY REFERENCES

- 1. Leave Application, Stock No. 22-P- 1800.
- 2. Request for Short Term Leave, Stock No. 22-R-2733.
- 3. Personnel - Payroll Handbook.

F. REPORTS AND RECORDS

G. APPROVEDBY


Assistant Superintendent
Human Resource Services


Superintendent