



ADMINISTRATIVE PROCEDURE

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:**
 - Bereavement leave 7140
 - Personal business leave 7134

B. LEGAL AND POLICY BASIS

- 1. **Reference:** Board Policy I-2220; Education Code Sections 44978, 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 Department, Finance 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*).
 - c. **Immediate family:** See definition in Procedure 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. (Procedure 7134)

- a. **Death of a member of immediate family** (Procedure 7140). Full-salary sick leave may be used after bereavement leave benefits are exhausted.
- b. **Death of a close friend or relative** not included in the definition of immediate family. Employee may use one (1) day per fiscal year to attend the funeral of a close friend or relative not included in the definition of immediate family.
- c. **Serious or critical illness** of a member of immediate family (as defined in Procedure 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/supervisor.
- d. **Accident** involving the employee's person or property, or person or property of the employee's immediate family (as defined in Procedure 7140), of such an emergency nature that the immediate presence of the employee is required during the workday.
- e. **Appearance in court** as a litigant, or as a witness, except under subpoena. 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. (Procedure 7142)
- f. **Observance of religious holiday** of employee's faith, limited to *three* days per year. An application must be filed not less than *five* workdays in advance of the religious holiday.
- g. **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 that prevent the employee from reporting to duty.
- h. **Paternity**, upon birth of a child, or parenthood, upon the adoption of a child. Where permitted under the collective bargaining agreement, one day of paternity or adoption leave may be taken without deduction to the employee's sick leave balance and should be reported as Paternity/Adoption leave. Personal necessity leave may be taken where separate Paternity/Adoption Leave is not available or to extend the absence beyond the one day of Paternity/Adoption Leave.

- i. **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.
 - j. **Personal/Family responsibility** allows an employee to use up to (3) days to attend to a compelling personal/family responsibility requiring the employee's presence during the workday.
4. **Limitations**
- 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 workday 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 (Education Code Section 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/supervisor to substantiate personal necessity (Education Code Section 44981).

D. IMPLEMENTATION

1. **Employee** makes verbal request, in person or by telephone, to principal/department head; upon return to duty, completes "Sick/Personal Business/Personal Necessity Leave" form (E.1.). Submits physician's statement when required, and any additional proof requested by principal/supervisor.
2. **Principal/department head** approves leave and signs appropriate leave application if within scope of regulations in C.

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3. **Timekeeper** enters time reporting codes and hours of leave into electronic timesheet of Time and Labor system. After entering absence, files signed Sick/Personal Business/Personal Necessity Leave form with site timekeeping records.
 4. Payroll Department processes personal necessity leave absences reported in Time and Labor and audits use of limited personal necessity leave by employees.

E. FORMS AND AUXILIARY REFERENCES

1. Sick/Personal Business/Personal Necessity Leave form, available on district website.
<http://www.sandi.net/204510929640440/FileLib/browse.asp?A=374&BMDRN=2000&BCOB=0&C=55589>



General Counsel, Legal Services
As to form and legality

H. ISSUED BY



Chief of Staff