

# Proposed LEAVE Policy UPDATE:

## SICK & PERSONAL LEAVE

Blue Oak Charter School (BOCS) offers paid sick/personal leave to regular, salaried, exempt employees at the rate of ten (10) days per BOCS year. Sick/Personal leave carries over from year to year. BOCS does not pay employees in lieu of unused sick leave. BOCS classified non-exempt employees will accrue one hour of paid sick leave for every 30 hours worked. Paid sick leave will carry over from year to year. (**Lab. Code § 246.5, subd. (a)**).

At retirement, CalSTRS will calculate the amount of service credit for unused sick leave by dividing the number of unused sick leave days by the number of contract base days of service in the school year. If an employee decides to leave BOCS before retirement, they should request an *Express Benefit Report* to transfer their accumulated unused sick leave to their new employer. Employees retiring from BOCS should also request an *Express Benefit Report* to turn into CalSTRS.

<https://www.calstrs.com/post/service-credit>

Once an employee has exhausted sick leave, the employee may continue on an unpaid medical leave, depending upon the facts and circumstances of the employee's basis for leave beyond accrued sick leave. Time off for medical and dental appointments will be treated as sick leave.

## INDUSTRIAL INJURY LEAVE

***Blue Oak Board Policy: #4161***

Blue Oak Charter School (BOCS), in accordance with state law, provides insurance coverage for employees in case of work-related injuries. The workers' compensation benefits provided to injured employees may include:

- Medical care;
- Cash benefits, tax-free to replace lost wages; *and*
- Vocational rehabilitation to help qualified injured employees return to suitable employment.

To ensure you receive any worker's compensation benefits to which you may be entitled, you will need to:

- Immediately report any work-related injury to the Executive Director;
- Seek medical treatment and follow-up care if required; *and*
- Complete a written *Employee's Claim Form* (DWC Form 1) and return it to the Executive Director.

It is BOCS's policy that when there is a job-related injury, the first priority is to ensure that the injured employee receives appropriate medical attention.

- If an employee is injured on the job, he/she is to go or be taken to an approved medical center for treatment. If injuries are such that they require the use of emergency medical systems (EMS) such as an ambulance, the choice by the EMS personnel for the most

appropriate medical center or hospital for treatment will be recognized as an approved center.

- All accidents and injuries must be reported to the Executive Director and to the individual responsible for reporting to BOCS's insurance carrier. Failure by an employee to report a work-related injury by the end of their shift could result in loss of insurance coverage for the employee. An employee may choose to be treated by their personal physician at his/her own expense, but he/she is still required to go to BOCS's approved medical center for evaluation. All job-related injuries must be reported to the appropriate State Workers' Compensation Bureau and the insurance carrier.
- When there is a job-related injury that results in lost time, the employee must have a medical release from BOCS's approved medical facility before returning to work.
- Any time there is a job-related injury, BOCS's policy requires drug/alcohol testing along with any medical treatment provided to the employee.

## **FAMILY LEAVE ACT**

***Blue Oak Board Policy: #4161***

Blue Oak Charter School (BOCS) complies with the federal Family and Medical Leave Act ("FMLA") and the California Family Rights Act ("CFRA"), both of which require the school to permit each eligible employee to take up to 12 work weeks of FMLA leave in any 12-month period.

### Employee Eligibility Criteria:

To be eligible for FMLA leave, the employee must have been employed by the school for the last 12 months and must have worked at least 1,250 hours during the 12-month period immediately preceding commencement of FMLA leave.

For purposes of this handbook, please refer to *Blue Oak Board Policy: #4161 - Leaves* for more information on FMLA and CFRA.

### **FMLA Health Benefits:**

BOCS shall provide continued health insurance coverage while an employee is on a leave consistent with applicable law. The continuation of health benefits is for a maximum of four (4) months in a 12-month period. BOCS can recover premiums that it already paid on behalf of an employee if both of the following conditions are met:

1. The employee fails to return from leave after the designated leave period expires.
2. The employee's failure to return from leave is for a reason other than the following:
  - The employee is taking California Family Rights Act (CFRA) leave
  - The continuation, recurrence or onset of a health condition entitles the employee to CFRA leave or other circumstances beyond the employee's control.

An employee on pregnancy disability leave remains an employee of BOCS and a leave will not constitute a break in service. When an employee returns from pregnancy disability leave, they will return with the same seniority they had when the leave commenced.

For purposes of this policy, all leave taken under FMLA or CFRA will be referred to as “FMLA leave.”

## **UNPAID LEAVE OF ABSENCE**

*Blue Oak Board Policy: #4161*

Blue Oak Charter School (BOCS) recognizes that special situations may arise where an employee must leave his or her job temporarily.

Regular employees may request, subject to the sole discretionary approval of the BOCS board, an unpaid leave of absence without pay or employment benefits for a period not to exceed three (3) months. Requests for a leave of absence should be submitted in writing to the Executive Director as far in advance of the anticipated date as possible. The leave request must be dated, signed by the employee, and state the reasons, circumstances, duration, and location of the employee during leave.

The granting of an unpaid leave of absence always presumes the employee will return to active work by a designated date or within a specific period. Upon expiration of a leave of absence, the employee may be reinstated in the position held, or one equivalent to the one held at the time leave was granted if such a position is available. An employee who fails to report promptly for work at the expiration of a leave of absence, or who applies for and receives unemployment insurance while on leave, will be considered to have voluntarily resigned.

## **BEREAVEMENT LEAVE**

*Blue Oak Board Policy: #4161*

Whenever a regular employee believes it necessary to be absent from duty because of the death of a member of the employee’s immediate family, the employee may request permission from the Executive Director to be absent for not more than 5 days and will be considered personal leave for each occasion. In the case of the deaths of individuals other than those defined as “immediate family” who were living in the employee’s household as family members, approval for the use of bereavement leave shall be on a case-by-case basis at the sole discretion of the Executive Director.

## **JURY DUTY OR WITNESS LEAVE**

*Blue Oak Board Policy: #4161*

Blue Oak Charter School (BOCS) will provide employees time off to serve as required by law, on a jury or grand jury if the employee provides reasonable advance notice. BOCS will also provide employees with time off to: 1) appear in court or other judicial proceeding as a witness to comply with a valid subpoena or other court order, or 2) obtain any relief including a temporary restraining order, to help ensure the health, safety, or welfare of a domestic violence victim or his or her child. Leaves under this section will be unpaid. If jury service extends beyond fifteen days, the employee may submit a request for a personal leave of absence.