

Managing and Understanding Leaves

Inland Personnel Council

October 1, 2025

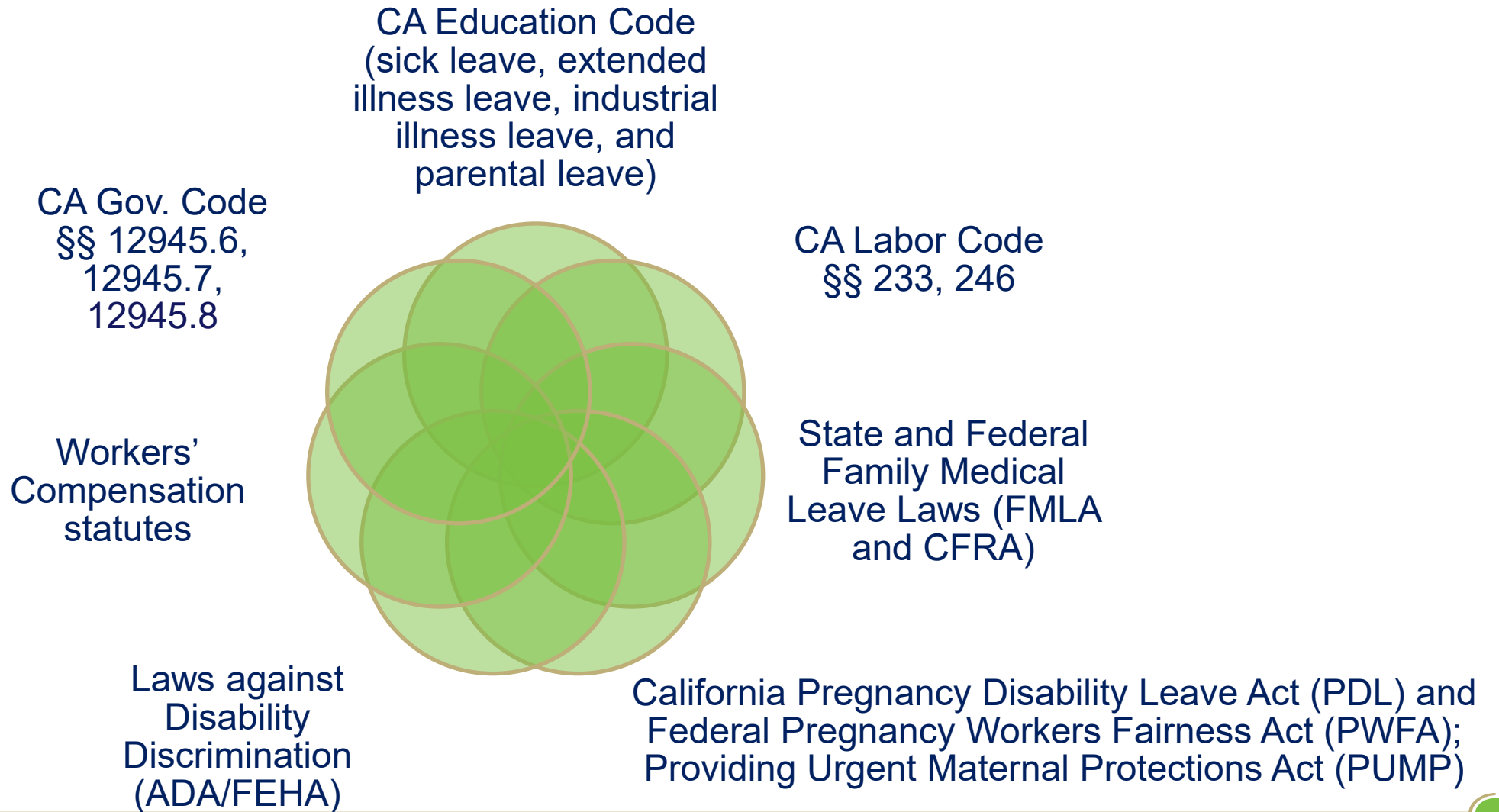
PRESENTED BY:

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LEAVES BOOT CAMP



Leave Laws Applicable to School Districts



Challenges for California School Employers

Education Code already VERY GENEROUS even without added FMLA/CFRA/PDL protections.

Leave rights may be expanded even further by Board Policy, past practice and collective bargaining provisions.

Certificated and classified employee leave rights are governed by parallel, and *almost* identical Ed. Code provisions.

Reminder

- This presentation covers the statutes and regulations, which establish minimum levels of leave benefits.
- Districts and county offices have the authority to grant greater leave rights.
- Leaves are within the scope of bargaining. Changes in contract language or past practice require negotiation.

Family and Medical Leave: A Practical Guide for Employers

Overview of FMLA and CFRA

Family and Medical Leave Act of 1993 (FMLA)

- 29 U.S.C. §§ 2601, *et seq.*
- U.S. Department of Labor
 - 29 C.F.R. §§ 825.100, *et seq.*
- www.dol.gov/whd/fmla

California Family Rights Act (CFRA)

- CA Gov. Code, § 12945.2
- California Civil Rights Department (formerly DFEH)
 - Cal. Code Regs., tit. 2, §§ 11087 *et seq.*
- <https://civildrights.ca.gov/family-medical-pregnancy-leave/>

Overview of FMLA and CFRA

Eligible employees are entitled to:

- 12 workweeks of unpaid leave in a defined 12-month period for qualifying reasons.
- Continuation of health insurance.
- Reinstatement.
- No discrimination or retaliation.
- Significant expansion of CFRA effective January 1, 2021, January 1, 2022, and January 1, 2023.

FMLA/CFRA: Eligibility

Eligibility:

- Employed for at least 12 months. (FMLA/CFRA)
- Employee has actually worked 1,250 hours in the 12 months immediately prior to the leave. (FMLA/CFRA)
- Employee works at a location with 50 or more employees within a 75-mile radius. (FMLA only)
- Has not exhausted 12 workweeks of leave within 12-month period. (FMLA/CFRA)

FMLA/CFRA Eligibility: Employed 12 Months

- To be eligible, employee must have been employed by the employer for at least 12 months.
- Need not be consecutive.
- Include summer breaks where employed spring and fall.
- For day-to-day substitutes, one day in a week counts as one week, which accumulate to 52 weeks.
- Include all types of work for employer.
- Must go back at least seven years to determine 12 months.
- Includes employees who leave and are reemployed.

FMLA/CFRA Eligibility: 1,250 Hours Worked

Employee must have actually worked 1,250 hours in the 12 months immediately preceding the leave

- Excludes hours in paid status, such as holidays or paid leaves.
- Excludes unpaid leaves.
- Full-time instructors are presumed to work 1,250 hours each school year.
- Include hours worked in all assignments including extra time and overtime (counted as straight time).
- Paid and unpaid military leave counts as time worked.

FMLA Eligibility: 50 Employees

- FMLA requires that the employee work at a location with at least 50 employees of same employer.
- Persons are “employed” if they are on the payroll whether or not actually working.
- Excludes employees of another employer working at the same site.
- Effective 1/1/21, this rule no longer required for CFRA eligibility.

FMLA/CFRA Eligibility: 12 Workweeks of Leave

- Eligible employees are entitled to 12 workweeks of leave in a defined 12-month period: calendar year, fiscal year, or rolling year.
- Must adopt/negotiate 12-month period definition.
- 12 workweeks of leave in 12 months for all reasons combined, not per reason.
- 26 workweeks of military caregiver leave commencing on the first day of leave.

FMLA/CFRA Qualifying Reasons

- Serious health condition of the employee. (FMLA/CFRA)
- To care for a parent, spouse, or minor child or adult child with a disability and incapable of self-care, with a serious health condition. (FMLA/CFRA)
- To care for a registered domestic partner, grandparent; grandchild; sibling; child regardless of age, disability, or dependency status; parent-in-law; or designated person; with a serious health condition. (CFRA only)
- Birth of an employee's child or placement of a child with the employee for adoption or foster care. (FMLA/CFRA)

FMLA/CFRA Qualifying Reasons

- Qualifying exigency arising out of the fact that a spouse, registered domestic partner (CFRA only), child, or parent of the employee is a covered servicemember being deployed overseas (FMLA; CFRA effective 1/1/21).
- Serious illness or injury sustained in the line of duty on duty by a military servicemember or veteran who is the spouse, child, parent, or next of kin of the employee (FMLA and maybe CFRA).

FMLA/CFRA Qualifying Reasons: Definitions

Child with a serious health condition:

- FMLA — biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, minor or adult if child has an ADA-protected disability and is incapable of self-care.
- CFRA — biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, regardless of age, disability, or dependency status (commencing 1/1/21).
- *Child* serving in military: Biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, regardless of age.

FMLA/CFRA Qualifying Conditions: Serious Health Condition (Non-Military)

Serious Health Condition:

- Condition requires inpatient or inpatient-type care; or
- Employee (or family member) is incapacitated for at least three consecutive calendar days and the condition requires continuing treatment (two or more times) by a health care provider or treatment on at least one occasion that leads to a regimen of continuing treatment under the supervision of the provider.

FMLA/CFRA Qualifying Reasons: Serious Health Condition (Non-Military)

Includes:

- Chronic conditions: Asthma, Epilepsy, Diabetes

Excludes:

- CFRA excludes employee's disability caused by pregnancy, childbirth, and related medical conditions.

FMLA/CFRA Qualifying Reason: Military Caregiver

- To care for the spouse, son/daughter, parent, or “next of kin” who is a covered servicemember/veteran who suffered a serious illness or injury in the line of duty on active duty.
- 26 workweeks per servicemember, per illness/injury, in a 12-month period commencing on the first date leave is taken.
- Includes 12 workweeks taken for any other qualifying reason.
- FMLA and possibly CFRA depending on the family member.

FMLA/CFRA Qualifying Reasons: Qualifying Exigency

- For specific reasons related to a call to active duty or foreign deployment by the employee's parent, spouse, registered domestic partner (CFRA only), child who is a "covered servicemember," which requires foreign deployment.
- Exigencies — short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, non-health care provider counseling, post-deployment activities, and other activities related to deployment agreed upon by the employer and employee.

FMLA/CFRA: Notification/Documentation

- Must respond to request for leave within 5 business days of request
- All CFRA-related leave forms must be updated to reflect amendments to CFRA effective January 1, 2023
- Required leave forms:
 - Notice of Eligibility
 - Notice of Rights & Responsibilities
 - Designation Form
 - Certification Form (CRD)
- Caution: U.S. Department of Labor sample forms (do not include CFRA qualifying reasons): <https://www.dol.gov/agencies/whd/fmla/forms>

FMLA/ CFRA: Documentation

- Certification of Health Care Provider (CRDs) — For ill employee or family member
- Certification of Leave Taken to Care for Covered Servicemember or Veteran (FMLA Only)
- Certification of Qualifying Exigency (FMLA/CFRA)
- Documentation of family relationship

FMLA/CFRA: Calculating Leave

- Eligible employee entitled to 12 workweeks of leave in 12-month period.
- Can be taken in partial day or week increments.
- Do not count full week closures.
- When taken continuously, weeks with holidays still count as full weeks.

FMLA/CFRA: Interaction with Paid Leaves

- Paid leave can be “substituted for” (run concurrently with) unpaid FMLA and CFRA leave.
- If employee is absent for reason that qualifies as FMLA and/or CFRA, employer **must** designate the leave as FMLA/CFRA.
- Regular rules for use of paid leaves still apply.
- Employer or employee **may require** use of paid leaves where the absence is for a reason covered by the paid leave.
- Cannot require use of sick leave except for employee’s own illness — Paid parental leave exception.

FMLA/CFRA: Employee Rights While on Leave

- Continuation of Health Benefits
- Impact on Layoffs and Discipline
- Protection from Retaliation or Interference

FMLA/CFRA: Return from Leave

Reinstatement to same or equivalent position:

- Same salary and hours.
- Same opportunity for overtime or extra pay.
- Same or substantially similar duties and responsibilities, which require the same level of skill, effort, and responsibility.
- Same or geographically approximate worksite.
- Same shift or the same or equivalent work schedule.
- Same working conditions, including privileges, perquisites and status.

Pregnancy & Child Bonding Leave

Pregnancy Disability Leave Act:

- Grants an employee up to four months (17-1/3 weeks) of unpaid leave with benefits while the employee is disabled by pregnancy, childbirth, and related medical conditions.

Family and Medical Leave Act:

- Covers disabilities caused by pregnancy and childbirth, and child-bonding.

California Family Rights Act:

- Does not include an employee's pregnancy or childbirth-related disability as a qualifying reason for leave.
- Includes child bonding.

Pregnancy Disability Leave Act

- Gov't Code §12945
- California Civil Rights Departments
- <https://calcivilrights.ca.gov/family-medical-pregnancy-leave/>
- 4 months of unpaid leave for disability due to pregnancy, childbirth, or related medical conditions.
- Continuation of health insurance on the same terms as if working.
- Reinstatement to same or equivalent position.
- Protection against discrimination and retaliation.

Pregnancy & Child Bonding Leave

- Paid Parental Leave (AB 2393):
 - » Set forth in Education Code §§44977.5 (certificated), 45196.1 (K-12/county office classified), 87780.1 (academic), and 88196.1 (community college classified).
- The laws apply to all certificated, academic, and classified employees, including management, supervisory, and confidential employees.
- The four statutes set forth the same rules except for the rate of pay once full-paid sick leave is exhausted.
- Paid “parental leave” defined as leave taken for birth of a child of the employee or the placement of a child with the employee for adoption or foster care.
- All certificated, academic, and classified employees are entitled to use up to 12 workweeks of current and accumulated sick leave for parental leave.
- **Employees do not have to be FMLA or CFRA eligible to use sick leave for paid parental leave.**

Pregnancy Disability and Bonding Leave

- Extended illness leave can be used for pregnancy related disability leave.
- Both education code extended illness leave and child-bonding leave and use a similar pay structure (substitute/50%), but...
- The parental leave child-bonding leave “bucket” under the education code is separate from the five months/100 days “bucket” for extended illness or injury leave.

Pregnancy & Child Bonding Leave

Paid Parental Leave (AB 2393) (continued)

- **If an employee does not have 12 workweeks of sick leave** but wants to take 12 workweeks of child-bonding/parental leave, he or she may receive substitute differential or 50% pay (depending on which model the district or county office has adopted for extended illness leave) for the remainder of the 12 workweeks of parental leave if:
- The employee exhausts all current and accumulated sick leave; **and**
- The employee is eligible for CFRA leave except **the employee is not required to have worked 1,250 hours in the 12 months prior to the leave.**
- Regardless of which extended illness leave model the district or county office has adopted, **the employee is entitled to at least 50% pay for paid parental leave.**

California PDLA

Accommodating Pregnant Employees with Disabilities

- Employers must provide a reasonable accommodation to an employee for a condition related to pregnancy, childbirth, or related medical condition
 - Employer must engage in a good faith interactive process
 - “Reasonableness” is determined on a case-by-case basis, taking into consideration totality of circumstances and factors such as: employee's medical needs, the duration of the needed accommodation, the employer's legally permissible past and current practices
 - Example accommodations: temporary transfer to light duty position, modified schedule
 - Can require a medical note from the employee's health care provider (check CBA)

New Leave-Related Laws

New Federal Laws Regarding Pregnancy

- **Pregnancy Workers Fairness Act:** Qualified employers are required to provide “reasonable accommodations to the known limitations related to” pregnancy and childbirth, unless the employer can demonstrate accommodations will cause an “undue hardship.”
 - Broader in scope than the ADA
 - Covers employees who are temporarily unable to perform an essential function of the job
 - Examples of Reasonable Accommodations: Ability to sit or drink water, closer parking, more flexible hours, additional break time to use bathroom, eat, and rest
- **Providing Urgent Maternal Protections (“PUMP”) Act:** Expands scope of existing federal lactation laws; California law is broader
 - California lactation law requires a lactation room to be safe, clean, and free of hazardous materials; containing a surface to place a breast pump and personal items; containing a place to sit; having access to electricity; and having access to a sink.

SB 848: Reproductive Loss Leave

Overview

- Signed by the Governor on October 11, 2023, **effective January 1, 2024, adds Government Code § 12945.6**
- Previous Law: Employers were already required to provide bereavement leave upon the death of an employee's family member
 - Government Code § 12945.7 (eff. Jan. 1, 2023)
 - Education Code § 44985 (certificated) and § 45194 (classified)
- **SB 848:**
 - Allows leaves of absence for a “**reproductive loss event**”
 - Makes it an unlawful employment practice for an employer to refuse to grant an employee's request to take leave following a reproductive loss
 - An employee who experiences a reproductive loss event is entitled to up to 5 nonconsecutive days of leave from the final day of the event (capped at 20 days per 12-month period)

SB 848: Reproductive Loss Leave

What is a “Reproductive Loss Event”?

- Includes:
 - Failed adoption
 - Failed surrogacy (including the dissolution/breach of surrogacy agreement **or** failed embryo transfer)
 - Miscarriage
 - Stillbirth; or
 - An “unsuccessful assisted reproduction”
 - I.e., an unsuccessful artificial insemination or embryo transfer
 - This does **not** include an attempt to become pregnant through sexual intercourse
- All definitions apply to both persons who would have been a parent if the reproductive event had been successful

CA Paid Sick Leave – The Healthy Workplaces, Healthy Families Act (Amended by SB 616)

Labor Code §§ 245-249

- Typically applies to employees who are not covered by the CBA (e.g., seasonal coaches, substitutes).
- Increases minimum from 3 days or 24 hours to 5 days or 40 hours of paid sick leave.
- Accrual starts from day one of employment.
- May accrue or front-load each year.
- Employers may limit *use* until the 90th day of employment.

Transfer of Sick Leave Balances Between School Employers (AB 2134)

Amends Ed Code §§ 44979, 44980, 44982, and 45202 (merit & non-merit)

- An employer receiving an employee's transfer of leave request must honor the request at any time during the employee's employment with the subsequent school employer.
- Certificated employee must have worked one school year for Employer 1 (44979); classified employee must have worked one calendar year for Employer 1 (45202).
- Information Employer 1 must provide in response to Employer 2's request (44979(b); 45202(e)).
- Classified employees (see 45202):
 - Excludes employees terminated by Employer 1 for cause, unless both employers agree.
 - Provides options for Employer 2 to count work for Employer 1 for seniority.

Violence Victim's Leave (AB 2499)

Adds Gov. Code § 12945.8, among other revisions to laws

- Expansion of prior rights for victims of DV
- Now codified in FEHA; will be enforced by CA CRD
- Employers required to provide written notice of rights established under this bill to new hires, to all employees annually, at any time upon request, and any time the employer becomes newly aware that an employee or an employee's family member is a victim
- Replaces crime or abuse with "qualifying act of violence."
- Requires reasonable accommodation of employees
- "Family member" means a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, as those terms are defined in [Gov. Code § 12945.2, or designated person.

Leaves for Public Education Employees

Full-Paid Sick Leave

Certificated Employees (Ed. Code § 44978)



- Full-time employees earn 10 days per year
- Part-time employees earn proportionally less

Classified Employees (Ed. Code § 45191)



- Full-time 12-month employees earn 12 days of sick leave per year
- Part-time employees , or those who work less than 12 months, earn proportionally less

Full-Paid Sick Leave

Unused sick leave is never lost and accumulates from year to year.

Employees may not cash out when leaving employment.

Entire annual entitlement can be used immediately (before actually earned), except for new classified employees.

Extended Illness Leave

Two different types of extended illness leave available for each group of employees (certificated and classified)

1. Substitute Differential (default) (Ed Code §§ 44977, 45196)
2. 50% Rule (if alternative is adopted by District or COE) (Ed Code §§ 44983, 45196)
3. Some districts negotiate a hybrid — sub differential or 50% whichever is greater

May be used day-by-day for illness once full-paid sick leave exhausted (*CTA v. Parlier USD* (1984) 157 Cal. App. 3d 174)

Extended Illness Leave (Sub Differential)

Certificated Employees (Ed. Code § 44977)




Entitled to the difference between regular salary and the amount paid to a sub or would have been paid to a sub

Reduced pay and five-month clock begin after exhaustion of all current and accumulated sick leave

Limited to one 5-month period per illness/accident (see *Veguez v. Gov. Bd. of Long Beach USD* (2005) 127 Cal. App. 4th 406)

Classified Employees (Ed. Code § 45196)



Entitled to the difference between regular salary and the amount paid a sub only if a sub is hired

5-month clock runs concurrently with sick leave, vacation, and other paid leaves and sub difference pay available after they are exhausted

No per-illness limit

Extended Illness Leave (50% Rule)

Certificated Employees (Ed. Code § 44983)

Entitled to 50% of salary for 5 months per year

5-month clock begins after the current year's entitlement of sick leave and runs concurrently with accumulated sick leave; 50% pay commences after sick leave exhausted

No per-illness limit

Classified Employees (Ed. Code § 45196)

Entitled to 50% of salary for 100 days per year

Credited with 100 days each year

100-day clock runs concurrently with sick leave but exclusive to other paid leaves (such as vacation)

No per-illness limit

Industrial Accident and Illness Leave

Certificated Employees (Ed. Code § 44984)



Entitled to 60 days per fiscal year for same illness or accident (if regulation adopted limiting it to 60 – otherwise unlimited)

Used prior to sick leave and extended illness leave

Pay is integrated with temporary disability payments, so employee gets no more than 100% of salary

Classified Employees (Ed. Code § 45192)



Same amount and timing as with certificated employees

District can require specified minimum service time (up to 3 years) before eligibility

Pay is integrated with temporary disability payments, so employee gets no more than 100% of salary

Industrial Accident and Illness Leave

During industrial accident/illness leave, the employee receives no more than regular pay for 60 work days.

Any workers' compensation benefits paid to the employee during the 60 days are deducted from the industrial leave pay.

When industrial leave is exhausted, the employee may use current and accumulated sick leave, vacation, and comp time, to the extent he/she is not compensated through WC benefits. If the employee receives full pay leave, he/she must endorse benefit payments to the district.

Industrial Accident and Illness Leave Classified Employees

When all leave is exhausted, the employee goes on a 39-month reemployment list.

An employee on the 39-month list who is medically released for return to duty and fails to accept an appropriate assignment *shall be dismissed*. (Distinct from other types of 39-month reemployment rights.)

Labor Code §233

- Employees may use not less than the amount of sick leave that would be accrued in six months up to one-half annual accrual of full-paid sick leave
- To care for specified family members who are ill or who have preventive care medical appointments — parents, parents-in-law, spouse, registered domestic partner, children (regardless of age and dependency status, and including those for whom the employee acts in loco parentis), grandparents, grandchildren, siblings, and designated person (*eff. Jan. 2023*).
 - “Designated person” defined as “a person identified by the employee at the time the employee requests paid sick days.” An employer may limit an employee to one designated person per 12-month period for paid sick days. (Lab. Code, § 245.5.)
- Counts against FMLA/CFRA entitlement if illness is a serious health condition.
- Employee’s sole discretion whether to use.
- Not clear if in addition to Personal Necessity Leave.

Calculating Leaves

Calculating Leaves

- Certificated, classified, and academic employee leaves are counted differently.
- Some leaves renew each school year, others do not.
- Check contract language and past practice.
- Human resources and payroll offices should consult to ensure consistency and accuracy in leave counts.

Calculating Leaves Example – Certificated Sub Difference Pay

Illness and Extended Illness Leave:

- ***Substitute Differential Pay Leave (§ 44977)***

10 days of current year sick leave

20 days of accumulated sick leave

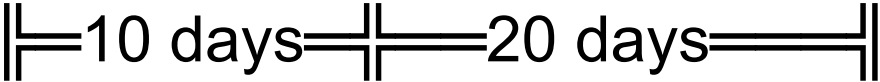
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||=10 days=||=20 days==||=====5 months=====||


- ||==full salary (30 days) ==||=sub differential pay (5 months)=||

Calculating Leaves Example – Classified Sub Differential Pay

- Illness and Extended Illness Leave:
- ***Substitute Differential Pay Leave (§ 45196)***
10 days of current year sick leave
20 days of accumulated sick leave

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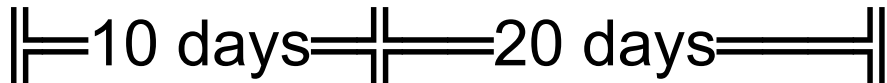
||=10 days=||=20 days=||
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||===== 5 months =====||
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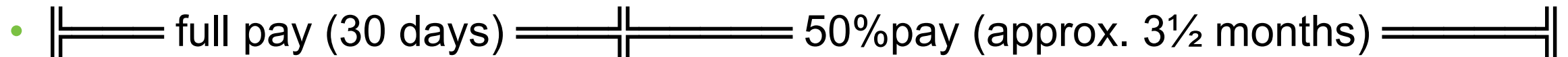
||===== full pay (30 days) =====||
||===== sub differential pay (approx. 3½ months) =====||

Calculating Leaves Example – Certificated/Academic 50% Pay

- Illness and Extended Illness Leave:
- **50% Pay Leave (§§44983)**
10 days of current year sick leave
20 days of accumulated sick leave

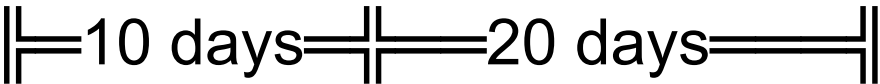



• A horizontal timeline with two segments. The first segment is labeled "10 days" and the second segment is labeled "20 days". Both segments are enclosed in double vertical bars at their ends.

A horizontal timeline with a single segment labeled "5 months". The segment is enclosed in double vertical bars at both ends.

- A horizontal timeline with two segments. The first segment is labeled "full pay (30 days)" and the second segment is labeled "50%pay (approx. 3½ months)". Both segments are enclosed in double vertical bars at their ends.

Calculating Leaves Example – Classified 50% Pay

- Illness and Extended Illness Leave:
- **50% Pay Leave (§ 45196)**
10 days of current year sick leave
20 days of accumulated sick leave

- 
- 
- 
- 

Calculating Leaves Example – Certificated with Worker's Compensation and Sub Difference Pay

Worker's Compensation Leave

- *FMLA/CFRA leave running concurrently with paid leaves*
Substitute Differential Pay Leave (§ 44977)
10 days of current year sick leave
20 days of accumulated sick leave
60 days Industrial Accident Leave (§ 44984)
2/3 Pay Temporary Disability Payments

Calculating Leaves Example – Certificated with Worker's Compensation and Sub Difference Pay

(continued)

- 60 days
- $\text{10 (30) days} \text{ } \text{20 (60) days}$
- 5 months
- FMLA/CFRA^*
- $\text{full salary (150 days)} \text{ } \text{sub. diff. pay/ 2/3 temp. disab.(5 mos)}$

*FMLA/CFRA is 12 workweeks = approx. 60 working days

Calculating Leaves Example – Classified with Worker's Compensation and Sub Difference Pay

Worker's Compensation Leave

- *FMLA/CFRA leave running concurrently with paid leaves*
Substitute Differential Pay Leave (§§ 45196)
10 days of current year sick leave
20 days of accumulated sick leave
60 days Industrial Accident Leave (§§ 45192)
2/3 Pay Temporary Disability Payments

Calculating Leaves Example – Classified with Worker's Compensation and Sub Difference Pay

(continued)

- $\overline{\overline{60 \text{ days}}}$
- $\overline{\overline{10 (30) \text{ days}}} \overline{\overline{20 (60) \text{ days}}}$
- $\overline{\overline{5 \text{ months}}}$
- $\overline{\overline{\text{FMLA/CFRA}^*}}$
- $\overline{\overline{\text{full salary (150 days)}}} \overline{\overline{\text{sub. diff. pay/ 2/3 temp. disab. (2 mos)}}}$

*FMLA/CFRA is 12 workweeks = approx. 60 working days

Calculating Leaves Example – Classified with Worker's Compensation and 50% Pay

Worker's Compensation Leave

- *FMLA/CFRA leave running concurrently with paid leaves*
50% Pay Leave (§§ 45196)
10 days of current year sick leave
20 days of accumulated sick leave
60 days Industrial Accident Leave (§§ 45192)
2/3 Pay Temporary Disability Payments

Calculating Leaves Example – Classified with Worker's Compensation and 50% Pay

(continued)

- 60 days
- 10 (30) days 20 (60) days
- vacation/holidays
- 90 days 10 days
- FMLA*
- full salary (60 days)(90 days) full salary 50%.pay/2/3 temp disab (10 days)

*FMLA/CFRA is 12 workweeks = approx. 60 working days

Calculating Leaves Example – Pregnancy and Paid Parental Leave

Pregnancy Disability Leave and Child Bonding Leave

- (Assume 8 weeks of pregnancy disability and 12 workweeks of child bonding.)

FMLA leave concurrently with paid leaves

CFRA child-bonding and Education Code §§ 44977.5, 45196.1 parental leave

Pregnancy Disability Leave

Substitute Differential Pay Leave (§§ 44977, 45196)

10 days of current year sick leave

20 days of accumulated sick leave

(Continued)

Calculating Leaves Example – Pregnancy and Paid Parental Leave

- Pregnancy Disability Leave and Child Bonding Leave continued:
- | 10 days | 20 days |
- |===== 8 weeks =====|
- |=====FMLA (12 wk wks)=====|
- |=====PDLA (8 weeks)=====|
- |=====CFRA (12 wk wks)=====|
- |=====pd. parental lv. (12 wk wks)=====|
- | full pay (30 days) | sub diff pay (2 wks) | sub diff/50% pay (12 wk wks) =====|

Exhaustion of Leaves

Reasonable Accommodation

- Prior to terminating an employee for exhaustion of leaves, employer must consider whether employee has a disability protected by state and/or federal law.
- If he/she has a disability the employer must engage in the interactive process to determine whether employee can be reasonably accommodated.
- Additional leave, paid and unpaid, can be a reasonable accommodation under law.

Placement on Reemployment List upon Exhaustion of All Leaves

Certificated Employees (Ed. Code § 44978.1)

Permanent – 39 months, probationary – 24 months of reemployment rights

Automatic right to be reemployed in a position for which they are credentialed and qualified — no vacancy required.

Classified Employees (Ed. Code § 45192 and § 45195)

39 months: Industrial – probationary or permanent
39 months: Non-industrial – permanent only

Entitled to be reemployed in a vacant position in the class of the previous assignment

Must be advised of the right to request additional leave, but no obligation to grant the request

Before Placing Employees on the Reemployment List, Consider Leave Rights under Other Laws

Family Medical Leave Statutes

- Family and Medical Leave Act (FMLA)
- California Family Rights Act (CFRA)
- Pregnancy Disability Leave Act (PDL)

Disability Discrimination / Accommodation Statutes

- Americans With Disabilities Act (ADA)
- Fair Employment and Housing Act (FEHA)

Question & Answer Session

Thank You

For questions or comments, please contact:

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