

### Personal Leaves

All employees may refer to their specific Bargaining Unit Contract for information regarding personal necessity leave, sick leave, maternity/paternity leave, bereavement leave, quarantine leave, subpoena or jury leave, sabbatical leave, military leave, industrial injury and illness leave, catastrophic leave, family care and medical leave, and disaster related personal necessity leave.

### Leaves for Victims of Domestic Violence, Sexual Assault and Stalking

An employee who is a victim of domestic violence, sexual assault, or stalking as defined by law may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to him/her under the terms of his/her employment to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his/her child
2. Seek medical attention for injuries caused by domestic violence, sexual assault, or stalking
3. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking
4. Obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking
5. Participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim of domestic violence, sexual assault, or stalking
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, sexual assault, or stalking, or other evidence from the court or prosecuting attorney that the employee has appeared in court

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3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or stalking

The District shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

### Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Legal Reference: EDUCATION CODE Sections 44036-44037, 44963, 44981, 44985, 44987, 44987.3, 45190, 45194, 45198, 45207, 45210, 45240-45320 Family Code Section 297-297.5 Evidence Code 1035.2, 1037.1; AB 1522; Family Code 297-297.5 Government Code Sections 3543.1, 12945.1-12945.2 Labor Code Sections 230-230.2, 230.3, 230.4, 230.8, 233, 234, 246.5, 1500-1507 Military and Veterans Code Sections 395.10 Penal Code 667.2, 1192.7 California Constitution Article 1, Section 8 United States Code Title 29, 2601-2654 United States Code Title 42, 2000d-2000d-7 Title VII ; Court Decisions: Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167 Public Employment Relations Board Decisions: Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954

#### MANAGEMENT RESOURCES:

#### WEB SITES

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

California Teachers Association: <http://www.cta.org>

Public Employment Relations Board: <http://www.perb.ca.gov>

Rules Approved: 09/21/2015

Rules Revised: 01/13/2017