



# LEADERSHIP TEAM HANDBOOK

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County Superintendent of Schools  
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## **THE LEADERSHIP TEAM HANDBOOK**


### **APPLICATION AND LIMITATIONS**

The provisions detailed in the Leadership Team Handbook apply to personnel in Executive Leadership, and Leadership Team salary Ranges 18 through 6 management, confidential, and supervisory positions. The Handbook is meant to clarify and augment the Employee Compliance Handbook, Administrative Regulations, and Superintendent's Policies of the Santa Clara County Office of Education as they relate to the leadership team.

The provisions contained herein prevail except where it may be that SCCOE's Policies and Procedures, the Personnel Commission Merit System Rules for classified employees, and relevant local, state, and federal codes or regulations may specifically apply.

Provisions specified herein apply to Cabinet except otherwise clarified or described in the Cabinet contract.

For purposes of Program Specialists, the following provisions of the Leadership Team Handbook shall not apply: 2.1, 2.3, 2.4, and 4.6.

A handwritten signature in black ink that reads "Mary Ann Dewan". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Mary Ann Dewan, Ph.D.  
County Superintendent of Schools

I N V E S T I N G F O R



EQUITY • DIVERSITY • INCLUSION • PARTNERSHIP

## Vision

Transforming Education through  
Leadership, Service, and Advocacy

## Mission

The Santa Clara County Office of Education  
is committed to serving, inspiring, and  
promoting student and public school success.

## Goals

Improve access to inclusive, equitable, high-quality education.

Provide quality support to districts, schools, students, and communities.

Be a premier service organization.

## Values

Students First

Collaboration

Innovation

Service

Strengths-Based

Focus on Student Success

Leverage Collective Capacity

Champion Creative Thinking

Exceed Expectations

Engage Strengths to Improve Results

## **LEADERSHIP TEAM RESPONSIBILITIES**

Members of the leadership team of the Santa Clara County Office of Education (SCCOE) have certain fundamental responsibilities. Those responsibilities are to:

1. Make the well-being of all students in Santa Clara County the basis of all decisions and actions;
2. Understand that the County Superintendent of Schools is the sole employer of all SCCOE employees;
3. Support the directives, vision, goals, values, and principles of the County Superintendent of Schools.
4. Exhibit professional conduct in words and actions;
5. Implement SCCOE policies and regulations;
6. Maintain education, ethical and professional standards at the highest possible level;
7. Adhere to the requirements outlined in the Employee Compliance Handbook (available on the Intranet / HR Forms Tab);
8. Adhere to all applicable State and Federal laws, rules, and regulations;
9. Remain current on the knowledge, skills, and abilities essential to the position held and in service to the vision of the SCCOE;
10. Lead in ways that contribute to a trusting, inclusive, collaborative, professional, welcoming, action-oriented, and respectful environment;
11. Attend and participate at all meetings called by the County Superintendent of Schools, including those designated as Leadership Team meetings unless excused; and
12. Demonstrate competence of the knowledge, skills, and abilities necessary for the assigned role.

## SECTION ONE—SELECTION AND ASSIGNMENT

### 1.1 ASSIGNMENT

Leadership team members are assigned to specific positions within their classifications by the County Superintendent of Schools. Assignments are made to ensure the effective functioning of the SCCOE and are accomplished in such a way as to show respect for and value in all members of the leadership team. All members of the leadership team shall serve at the pleasure of the County Superintendent of Schools.

### 1.2 LEADERSHIP VACANCIES—SELECTION AND PROMOTIONS

#### **Certificated**

Certificated leadership team positions may be filled by direct appointment by the County Superintendent of Schools, or the position may be posted for recruitment. SCCOE employees who apply for a posted leadership team position will be offered an interview provided they meet the qualifications for the position and pass the screening process and any required test.

#### **Temporary Certificated Leadership Team Vacancies**

If it becomes necessary to fill a certificated leadership team position for one (1) year or less, the County Superintendent of Schools may appoint an individual to the position.

If the individual filling the temporary vacancy already holds a leadership team position within the SCCOE, then that individual will be considered temporarily reassigned from their primary position to fill the temporary vacancy. The position vacated due to that individual's temporary reassignment may be backfilled with a non-permanent replacement for the duration of the leadership team member's reassignment.

#### **Classified**

Classified leadership team positions will be posted. The top three (3) ranks on the resulting eligibility list will be interviewed (see Merit System Rules).

### 1.3 PART-TIME ASSIGNMENTS

Part-time leadership team members are members who are hired into positions on a regular basis, but for less than a normal eight-hour day. Part-time leadership team members accrue rights to vacation, retirement, and sick leave in the same manner as full-time leadership team members proportional to time served as a percentage of full-time.

## **1.4 REASSIGNMENT**

### **1.4.1 Administrative Reassignment**

#### **Certificated**

A certificated leadership team member may be involuntarily reassigned with or without cause and for any reason effective June 30 of the year in which notice of reassignment is provided. Depending on the facts and circumstances of the situation, reasonable effort will be made to provide the member as much advance notice as possible. Such notification should normally be made by the appropriate Division Head at an individual conference. The circumstances surrounding the reassignment, the nature of the new position and the position's requirements should normally be discussed during the conference. Involuntary reassignments may include reassignment to non-administrator certificated positions.

#### **Classified**

With regard to classified leadership team members, the Merit System Rules shall apply unless the position is a contracted position of the County Superintendent or has been designated exempt. Classified leadership team members may appeal a reassignment directly to the Personnel Commission, which will meet with the member if the reassignment results in a decrease in salary.

### **1.4.2 Request for Change of Assignment**

#### **Certificated**

A leadership team member may submit in writing a request to their immediate supervisor for a lateral transfer to another site or position within the department or program. For the purpose of this provision, lateral transfer is defined as movement from one position at a given leadership team salary level to another position at the same level. Authority for the decision to transfer rests solely with the County Superintendent of Schools.

#### **Classified**

A classified leadership team member may be transferred at their request or for the good of the organization from one position to another in the same class at the recommendation of the department head involved, and approval of appropriate Division Head(s) provided that such action shall not be taken for punitive or preferential reasons (see Merit System Rules). Authority for the decision to transfer rests solely with the County Superintendent of Schools.



## **1.5 REINSTATEMENT FOLLOWING REASSIGNMENT**

A leadership team member who has been reassigned to a position because of reduction or elimination of services shall have the right to be considered for reinstatement to leadership team vacancies that may occur following reassignment, provided the following conditions are met:

The County Superintendent of Schools will reinstate a position based solely on the needs of the SCCOE; and

### **Certificated**

The open position is at the same level, or a lower level, on the leadership team salary schedule as that of the position held at the time of reassignment, and the leadership team member has received satisfactory evaluations in the interim. Reinstatement is discretionary with the County Superintendent of Schools.

### **Classified**

The leadership team member who has taken a voluntary demotion in lieu of layoff may be restored to their former class or to a related lower class, as determined by the Personnel Commission, within 63 months, provided that the same tests of fitness under which they qualified for appointment to the class shall still apply consistent with Merit System Rules. Reinstatement is discretionary with the Personnel Commission.

## SECTION TWO—WORK SCHEDULE

### 2.1 WORK YEAR

Except for Program Specialists, the work year for full-time leadership team members is twelve (12) months (260 paid days). The County Superintendent of Schools will define the annual calendar, which will be distributed to all leadership team members on or before the beginning of the fiscal year.

Program Specialists are paid only for days worked, do not accrue vacation, and are not paid for holidays.

### 2.2 WORKDAY/WEEK

The normal workday shall be defined as eight (8) hours per day. However, due to the requirements of leadership team positions, these hours must be balanced against the needs of the SCCOE, and the time required to fulfill the responsibilities of the position. Each leadership team member shall spend the hours per day of the work week necessary to perform that member's duties. Leadership team members are expected to leave information with their immediate supervisor or designee regarding where they can be contacted during regular work hours.

Leadership team members are exempt employees and are not eligible for overtime compensation, with the exception of Confidential Executive Assistants (includes Senior Executive Assistants and Executive Assistants). As exempt employees, leadership team members regularly work more than eight (8) hours in a workday to complete their responsibilities. Provided their work, customer service, and supervision responsibilities are completed when required, leadership team members may occasionally take personal time off during the workday without loss of accrued compensation. The leadership team member shall inform their direct supervisor or their designee when taking personal time off during the workday.

### 2.3 HOLIDAYS

Except for Program Specialists, the SCCOE will provide leadership team members with a schedule of holidays to be developed prior to the beginning of each fiscal year. Holidays will include at least the following:

Independence Day	Christmas Day
Labor Day	New Year's Eve
Floating Holiday (2)	New Year's Day
Veteran's Day	Martin Luther King's Birthday
Thanksgiving Day	Lincoln's Birthday
Day following Thanksgiving	President's Day
Christmas Eve	Memorial Day
Juneteenth Independence Day (June 19 <sup>th</sup> )	

Additionally, a day officially declared by the President of the United States or the Governor of California as a holiday, or any day legally adopted as a holiday by the County Superintendent of Schools, will be a paid holiday for all leadership team members.

Subject to Section 2.1, leadership team members are entitled to payment for authorized holidays as long as they are in paid status during any portion of the workday immediately preceding or succeeding the holiday. Pay for part-time regular employees will be the same as their normal daily pay.

In general, leadership team members are expected to observe the holidays set out in the SCCOE's annual published calendar. However, in recognition of the fact that clients may schedule holiday observances on alternate dates, the SCCOE may request members to work on days otherwise scheduled as holidays in order to ensure continuity of service. In such cases, members may then arrange with their immediate supervisors for alternate days off.

## **2.4 VACATION**

### **2.4.1 General**

Except for Program Specialists, leadership team members shall use appropriate vacation time. Vacation may be scheduled at any time consistent with the desire of the leadership team member and the needs of the SCCOE.

A leadership team member shall submit vacation requests to their supervisor for approval. The provisions of this section shall control unless agreed to differently in a duly executed employment agreement.

### **2.4.2 Prorating**

Vacation shall be prorated for leadership team members hired after the beginning of a fiscal year or for those members working less than a full day.

### **2.4.3 Vacation Accrual and Carry Over**

Leadership team members earn vacation at a rate of 1.83 days per month for a total of 22 vacation days per year (see chart below). Leadership team members shall be credited in advance, on July 1<sup>st</sup>, with 22 vacation days provided that their vacation balance on June 30 of the same calendar year does not exceed 44 vacation days. In the event that a leadership team member's vacation balance exceeds 44 days on June 30, the July 1 vacation credit shall be reduced accordingly so that the member's total vacation balance will not exceed 66 days on July 1. (For example, a leadership team member with 46 days of unused vacation as of June 30 would receive only 20 days of vacation credit on July 1.)

Month	Accrual	Vacation Days
July	1.83	1.83
August	1.83	3.67
Sept	1.83	5.50
Oct	1.83	7.33
Nov	1.83	9.17
Dec	1.83	11.00
Jan	1.83	12.83
Feb	1.83	14.67
March	1.83	16.50
April	1.83	18.33
May	1.83	20.17
June	1.83	22.00
<b>Total Annual Vacation Accrual</b>		<b>22.00</b>

#### 2.4.4 Compensation in Lieu of Vacation

##### General

Cash reimbursements for vacation balances may be granted only by approval of the County Superintendent of Schools. The SCCOE shall not grant compensation in lieu of vacation unless it can be demonstrated that the leadership team member has been prohibited from taking any of the member's authorized, accrued, unused vacation during the fiscal year because of job requirements. Members shall make their request for reimbursement through their Division Head, who will in turn make a recommendation regarding the request to the County Superintendent of Schools. If approved, reimbursements shall be paid at their daily rate. Vacation payoff shall not exceed eleven (11) days per fiscal year, unless otherwise approved by the County Superintendent of Schools.

##### Extreme Emergencies

Leadership team members may request up to five (5) days per year compensation in lieu of vacation for an extreme emergency. Members shall make their request for reimbursement in written form, with an explanation of their need, directly to the County Superintendent of Schools. A copy of such request shall be submitted to their respective Division Head. Approval is at the sole discretion of the County Superintendent of Schools.

#### 2.4.5 Vacation Compensation at Separation

When a leadership team member separates from service with the SCCOE, the member shall be entitled to compensation for earned, but unused vacation. If a member terminates employment after having taken vacation which they have not yet earned at the time of termination, the SCCOE shall deduct unearned vacation from the leadership team member's vacation balance. The SCCOE shall issue a warrant for earned/unused vacation at the end of the subsequent pay period following the leadership team member's date of separation.

For example, on July 1, a leadership team member receives 22 days of vacation and has a carryover balance of 10 vacation days. The total number of vacation days available, as of July 1, is 32. On October 31, the leadership team member separates from the SCCOE and has not taken any vacation; therefore, for vacation compensation purposes the leadership team member has a vacation balance of 17.33; see chart below.

<b>Date</b>	<b>Vacation Action</b>	<b>Vacation Balance</b>
June 30–Carry over	10 vacation days	10.00
July 1–advanced vacation days	22 vacation days credited	32.00
October 31–separates from SCCOE	-14.67 unearned vacation days	17.33
Vacation Balance	Vacation payoff	17.33

NOTE: Information regarding payment for unused sick leave upon resignation appears in Section 3.2.

## SECTION THREE—LEAVES, RESIGNATIONS AND RETIREMENTS

### 3.1 LEAVES

Leaves available to leadership team members are described in the following pages of this section. It should be noted that leadership team members who work less than full-time are eligible for the same leaves as those who work full-time, but on a pro-rata basis.

A leadership team member may take a leave for any reason approved by the County Superintendent of Schools. When a leadership team member wishes to take a leave of absence for any reason, the member must complete the form(s) required in any relevant SCCOE Policies and Procedures Document. Please see Superintendent's Policies (SP) 4161 which provides detailed information on leaves (see appendix).

Variations in the steps for processing leave requests occur for different types of leaves. All leaves are available to both classified and certificated leadership team members unless otherwise noted. For some types of leaves, additional information must be submitted with the written request, e.g., medical practitioner's statement, military orders, sabbatical proposal.

#### 3.1.1 Types of Leaves

##### a. Sick Leave

Full-time leadership team members shall be allowed twelve (12) working days of sick leave per year, unused portions of which shall be accumulated without limitation as to number of days. The annual allowance of sick leave shall accrue immediately at the start of the new work year (July 1) and may be taken at any time thereafter. Members who start work after the new work year or who work less than full days will have their sick leave prorated.

Leadership team members who work less than a 12-month work year accrue sick leave according to their number of contracted workdays per year: personnel with 220 or more workdays accrue twelve (12) days of sick leave per year; those with between 200 and 219 workdays accrue eleven (11) days; those with between 180 and 199 workdays accrue ten (10) days. Sick leave is prorated for those with contracts of less than 180 workdays.

##### 1) Written Verification

The SCCOE requires a doctor's written verification of illness if a leadership team member's medical absence exceeds one (1) month. However, the SCCOE reserves the right to request a note at any time.

## **2) Exhaustion of Paid Sick Leave**

Sick leave is regulated by Education Code and is different for classified and certificated managers. Questions about paid sick leave should be addressed to Payroll Services.

### **Certificated**

When all sick leave accrual has been exhausted and the employee is unable to return to work because of an accident or illness, 50 percent of the employee's salary shall be deducted whether a substitute is hired or not. Extended sick leave is a lifetime 100 days per accident or illness.

### **Classified**

When all sick leave accrual has been exhausted and the employee is unable to return to work because of an accident or illness, 50 percent of the employee's salary shall be deducted whether a substitute is hired or not. Extended sick leave is 100 days per fiscal year.

If eligible, the employee may receive Workers' Compensation, short-term disability, or long-term disability payments coordinated with paid sick leave. Questions about disability payments may be addressed to the Personnel Services, Benefits Unit.

The Education Code provides another avenue for school employees who have exhausted all paid leave. Education Code § 44043.5 authorizes the sharing of unused sick leave between school district employees (see appendix). Employees may "donate" unused sick leave into a Catastrophic Leave "bank" when an employee or member of an employee's family encounters a "catastrophic illness." Employees who work less than a 12-month work year may not receive catastrophic illness leave which would result in payment for days in excess of their regularly scheduled work year. Personnel Services has detailed information regarding this option. Please see AR 4161.9–Catastrophic Leave Program (see appendix).

## **3) Medical, Dental or Health Appointments**

Leadership team members may take up to two (2) non-accruable hours off work per month for medical, dental, or health appointments for themselves or their immediate family without loss of pay or sick leave. The leadership team member's supervisor should be notified of the absence in advance, if possible, and approve the use of this time. If additional time off is needed, it shall be charged against the member's sick leave balance.

#### **4) Prolonged Health Problem**

*(This leave will satisfy the requirements of the Federal Family and Medical Leave Act and the California Family Rights Act.)*

When a leadership team member is unable to perform regular job duties due to a serious health condition, an unpaid leave may be granted for up to twelve (12) months after the exhaustion of all paid leaves, notwithstanding any prior policies or practices to the contrary. A statement of medical need from a qualified physician will be required.

#### **5) Reemployment at the Conclusion of Medical Leaves - Classified**

For permanent classified leadership team members, the Education Code § 45195 provides for reemployment in the class in which the member was assigned at the conclusion of all paid or unpaid medical leaves (see appendix). If at the conclusion of all medical leaves, the classified leadership team member is still unable to resume the duties of the position, they shall be placed on a reemployment list for 39 months.

#### **6) Transferring Earned Sick Leave**

Leadership team members are entitled to transfer earned sick leave accumulated while employed at another county office or district, provided the education agency was in California or otherwise approved and accepted by the County Superintendent of Schools. Note that it is the leadership team member's responsibility to transfer such sick leave in a timely manner.

#### **7) Sick Leave and Retirement Service Credit**

For information regarding the addition of sick leave to retirement service credit in accordance with PERS and STRS policy regulations, see Section 3.3-Retirements.

#### **b. Family Leave**

*(This leave will satisfy the requirements of the Federal Family and Medical Leave Act and the California Family Rights Act. Fed-FMLA leave and CFRA leave run concurrently except for the following reasons: to care for a child without regard to age or dependency status, registered domestic partner, child of a registered domestic partner, parent-in-law, grandparent, grandchild, or sibling (CFRA only), incapacity due to pregnancy or prenatal care as a serious health condition (Fed-FMLA only), qualifying exigency leave as defined under the FMLA (Fed-FMLA only), qualifying exigency leave as defined under the CFRA (CFRA only), and military caregiver leave {Fed-FMLA only}).*



## **1) Eligibility and Benefits**

All leadership team members may use their annual allowance of sick leave for family illness on an incremental basis. Members who have completed twelve (12) months of service with the SCCOE and have worked at least 1,250 hours shall have the right to request an unpaid leave of absence for the purpose of caring for a seriously ill child, parent, spouse, grandparent, grandchild, sibling, domestic partner, or designated person as defined by Government Code section 12945.2. Family care leave for the purpose of caring for a seriously ill child, parent, spouse, grandparent, grandchild, sibling, domestic partner, or designated person shall only be available if the member provides certification by a health care provider that the member is needed to care for that person.

### **Military Family Leave**

Eligible employees are entitled to up to twelve (12) weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active-duty status, in support of a contingency operation.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the servicemember. The military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

## **2) Duration**

A member has the right to take such leave for up to a total of twelve (12) weeks or 26 weeks within a 12-month fiscal year period. Family leave constitutes an unpaid leave of absence. This leave may be taken intermittently or on a reduced schedule and may run concurrently with sick, differential, industrial and other leaves of absence to which the member is entitled. There is no carry-over of unused leave from 12-month period to the next 12-month period.

## **3) Definitions/Limitations**

“Serious health condition” is defined as an illness, injury, impairment or physical or mental condition that involves either (1) inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility including a period of incapacity or subsequent treatment in connection with such inpatient care, or

(2) continuing treatment by a health care provider as defined by federal and state regulations.

A “serious health condition” shall not include prenatal care or pregnancy related disability for purposes of determining family leave entitlement. Please see Section 3.1.1.d for pregnancy disability leave.

"Parent" is defined as a biological, foster, or adoptive parent, a step-parent or a legal guardian. "Child" means a biological, adopted or a foster son or daughter, a step-son or a step-daughter, a legal ward, or a son or daughter of a person standing in place of a parent who is either under eighteen (18) years of age or an adult child who is incapable of self-care because of a mental or physical disability.

#### **4) Family Leave Request**

The member shall provide reasonable advance notice to the SCCOE of the need for a family care leave, the date the leave will commence, and the estimated duration of the leave. If the need for a leave becomes known more than 30 days prior to the date a leave is to begin, the member shall attempt to provide at least 30 days written advance notice.

The SCCOE may request medical verification from the treating health professional to verify the serious illness leading to the request for family leave.

#### **5) Medical Benefits**

Health insurance coverage shall be continued for a member on family leave for a period which together with the continued medical benefits provided under the Prolonged Health Problem provision, above, and the Parental and Child Rearing Leave and Pregnancy Disability Leave provisions, below, do not exceed twelve (12) weeks or 26 weeks within a fiscal year. The member may elect to use any accrued vacation and/or sick leave during this unpaid leave of absence.

#### **6) Return from Leave**

A member is entitled to reinstatement to an equivalent position upon return from leave under this section. Please see Section 3.1.2 for other return to work provisions.

**c. Parental and Child Rearing Leave**

*(This leave will satisfy the requirements of the Federal Family and Medical Leave Act and the California Family Rights Act.)*

Upon request, parental leave without pay shall be granted to eligible members who are the natural, adoptive, or foster parents for a period which together with periods provided in the Prolonged Health Problem Leave and Family Leave sections above do not exceed twelve (12) workweeks within a 12-month fiscal year. Leave under this section may also be provided to stepparents and legal guardians, but it shall be limited to twelve (12) weeks within a 12-month fiscal year period. Parental leave must be taken within twelve (12) months of the birth, adoption, or placement in foster care of the child.

Members are eligible for parental and child rearing leave if they have been employed by the SCCOE for at least twelve (12) months and have worked 1,250 hours within the twelve (12) months preceding the commencement of the leave.

Health insurance coverage shall be continued for a member on such leave for a period which, together with the medical benefits provided under Medical Leave and Family Leave above and Pregnancy Disability Leave below, does not exceed twelve (12) weeks within a fiscal year.

**d. Pregnancy Disability Leave**

An employee who is pregnant may continue to work if their physician approves. Pregnancy disability leave will be treated like any other disability leave. Any employee disabled from working due to pregnancy, childbirth, or related medical conditions will be granted pregnancy disability leave. Leaves will be granted in a nondiscriminatory manner. The duration of the pregnancy leave will be determined by the advice of the employee's physician, but employees disabled on account of pregnancy may take up to four (4) months of leave. An employee who takes pregnancy disability leave is also entitled to an additional twelve (12) weeks of medical, family, or parental and child rearing leave within any fiscal year(s) in which the member takes pregnancy disability leave. When making a request, a member must state the length of time for such leave. Please see Section 3.1.2 for other return to work provisions.

Health insurance coverage shall be provided by the SCCOE during the first twelve (12) weeks of leave as set forth by the "Medical Benefits" section of the Family Leave provisions above.

A member may elect to use accrued vacation and/or sick leave during this leave of absence.

**e. Personal Necessity Leave**

A leadership team member may elect to use up to seven (7) days sick leave in any one (1) fiscal year for personal necessity. Three (3) of these days may be used with no explanation given to the leadership team member's supervisor. (However, regular notification of the intended absence is required.) Personal necessity is defined as an emergency or a personal business matter which requires the leadership team member to be absent from work during the member's regular work hours. These instances are generally outside of the leadership team member's ability to control.

Leadership team members will, when possible, obtain advance approval from their supervisor prior to taking personal necessity leave, except in the instances enumerated below:

- (1) Death of a member of their immediate family, as defined in the Bereavement Leave section which follows, or any individual living in the immediate household when additional leave is required beyond that provided in bereavement leave provisions; and
- (2) Accident or illness involving the person or property of the leadership team member or the person or property of their immediate family, as defined in the Family Leave section.

**f. Bereavement Leave**

Leadership team members are entitled to a maximum of five (5) days leave of absence without loss of salary on account of the death of any member of their immediate family or any individual living in the immediate household.

Three (3) days of leave may be granted for attendance at the funerals of other family members or any person living in the immediate household of the team member. Such leave shall not be deducted from other earned leave. The days of bereavement leave need not be consecutive. The bereavement leave shall be completed within twelve (12) months.

Immediate family includes the spouse, registered domestic partner, child, son-in-law, daughter-in-law, parent, parent-in-law, grandparent, grandchild, sibling, brother-in-law, sister-in-law, stepchild, stepparent, or sibling of a registered domestic, or any person living in the immediate household of the member. Where applicable, these terms have the same meaning as they are used in Government Code sections 12945.2 and 12945.7.

**g. Reproductive Loss Leave**

Upon a reproductive loss event, all members who have been employed by the SCCOE for at least 30 days will be granted a total of five (5) days of reproductive loss leave. If an eligible member experiences multiple reproductive loss events within a 12-month period, the member may take no more than 20 days total of reproductive loss leave within the 12-month period. Reproductive loss leave need not be taken on consecutive days. It must be completed within three (3) months of the event entitling the eligible member to such leave, except that if, prior to or immediately following the reproductive loss event, the member is on or chooses to go on Pregnancy Disability Leave, California Family Rights Act leave, or any other leave pursuant to state or federal law, the member must complete their Reproductive Loss Leave within three (3) months of the end date of the other leave.

**1) Definition of Reproductive Loss Event**

A “reproductive loss event” means the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction, as those terms are defined below:

- “Failed adoption” means the dissolution or breach of an adoption agreement with the birth mother or legal guardian, or an adoption that is not finalized because it is contested by another party. This event applies to a member who would have been a parent of the adoptee if the adoption had been completed.
- “Failed surrogacy” means the dissolution or breach of a surrogacy agreement, or a failed embryo transfer to the surrogate. This event applies to a member who would have been a parent of a child born as a result of the surrogacy.
- “Miscarriage” means a miscarriage by a member, by the member’s current spouse or domestic partner, or by another individual if the member would have been a parent of a child born as a result of the pregnancy.
- “Stillbirth” means a stillbirth resulting from a member’s pregnancy, the pregnancy of a member’s current spouse or domestic partner, or another individual, if the member would have been a parent of a child born as a result of the pregnancy that ended in stillbirth.
- “Unsuccessful assisted reproduction” means an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure. This event applies to a member, the member’s current spouse or domestic partner, or another individual, if the member would have been a parent of a child born

as a result of the pregnancy.

- “Assisted reproduction” means a method of achieving a pregnancy through an artificial insemination or an embryo transfer and includes gamete and embryo donation and does not include any pregnancy achieved through natural means.

The definitions for Reproductive Loss Leave should be construed consistent with Government Code section 12945.6.

## **2) Notice of Reproductive Loss Leave**

Members should provide notice of their need for reproductive loss leave as soon as practicable to Personnel Services. The SCCOE shall maintain the confidentiality of any member requesting leave, and any information provided to the SCCOE by a requesting member shall not be disclosed except to Personnel Services or management, as necessary, or as required by law. The SCCOE prohibits retaliation in any form against a member who exercises their right to reproductive loss leave or as otherwise provided by applicable law.

### **h. Jury Duty**

Leadership team members are provided paid leave for regularly called jury duty; such leave is not counted against sick leave. The member will submit a written request for an approved absence no less than ten (10) days prior to the beginning date of the leave, if possible.

While serving on jury duty, the leadership team member will receive full pay. Based on CA Code of Civil Procedure CCP 215 (b), a juror who is employed by a federal, state, or local government entity, or by any other public entity as defined in Section 481.200, and who received regular compensation and benefits while performing jury service, may not be paid the fee typically afforded to jurors.

Whenever practicable, and subject to rules that may be developed by the SCCOE, the leadership team member is to report to the member's work location during normal work hours when not occupied as a juror.

### **i. Military Leave**

The SCCOE will grant military leave rights to leadership team members as provided in the Military and Veterans Code, and as specified in the Education Code § 44800 and AR 4161.5(a) (see appendix).

### **j. Elected Office Leave**

Under certain circumstances, leadership team members shall receive a leave to serve in elected office. Those circumstances, along with detailed

provisions governing such leaves, are detailed in the Education Code § 44987 (see appendix).

### **3.1.2 Return from Leaves**

#### **Certificated**

##### **a. Paid Leaves**

It is the intention of the SCCOE to return a leadership team member to their original position once that member returns from a paid leave.

##### **b. Unpaid Leaves**

The best interests of the SCCOE, as well as the program from which the leadership team member has taken a leave, will always be considered when making an assignment after an unpaid leave. Consequently, the necessity to eliminate the position or to fill it with a permanent employee could obviate the rights of return. Each situation shall be judged upon its individual merit, and the decision of the County Superintendent of Schools is, in all cases, final.

Leadership team members who are on leave must notify Personnel Services of their intent to return 90 days prior to the end of the leave.

#### **Classified**

##### **a. Paid Leaves**

Classified leadership team members shall return to their original position unless their position has been eliminated (refer to Merit Rules).

##### **b. Unpaid Leaves**

Unpaid leaves may be granted for any period not exceeding one (1) year with the approval of the County Superintendent of Schools. The position may be filled for the duration of the leave.

### **3.1.3 Sick Leave and Vacation Accrual**

Notwithstanding Section 3.1.1.a of this Handbook, sick leave and vacation time will not be credited to leadership team members during the period of any unpaid leave but will be credited during the period of any paid leave.

## **3.2 RESIGNATIONS**

Resignations must be submitted in writing to the leadership team member's immediate supervisor. A one-month notice of resignation is preferred; a two-week notice is required.

Once the resignation is accepted by Personnel Services, such resignation is considered final and binding.

A separation interview will be scheduled by the immediate supervisor. The leadership team member and the supervisor must complete the Employee Check-Out Form prior to the final day of work (see appendix). If the resigning leadership team member believes that they have information, suggestions, or comments for the SCCOE at the time of the member's departure, but for any reason does not wish to share such information with the immediate supervisor, that member is encouraged to contact the County Superintendent.

Upon resignation, leadership team members participating in STRS and hired after July 1, 1980, and in PERS who have five (5) continuous years of service with the SCCOE are entitled to 25 percent per diem pay for the first 60 days of unused sick leave and 12.5 percent per diem pay for unused sick leave in excess of 60 days. As noted in Section 2.4.5, members are entitled to lump-sum compensation for all earned but unused vacation.

### **3.3 RETIREMENTS**

Retirement notification must be submitted in writing to the leadership team member's immediate supervisor. A one-month notice of retirement is preferred; a two-week notice is required. Once the retirement notification is received by Personnel Services, such retirement is considered final and binding.<sup>16</sup>

#### **3.3.1 Retirement Systems**

##### **a. State Teachers' Retirement System (STRS)**

State Teachers' Retirement System (STRS) is mandated for all certificated employees with a few exceptions. The employee and the employer both make contributions to this system.

##### **Standard Retirement from STRS**

Classic members (those enrolled into membership before 1/1/2013)- requires the member to be at least 55 years of age and with five (5) years of service credit in STRS; or 50 years of age with 30 years of service credit.

PEPRA members (those enrolled into membership after 1/1/2013)- requires the member to be at least 55 years of age and with five (5) years of service credit in STRS.

Upon retirement, unused sick leave is applied to retirement service credit.



**b. Public Employees Retirement System (PERS)**

Public Employees Retirement System (PERS) is mandated for all classified employees with a few exceptions. The employee and the employer both make contributions to this system.

**Standard Retirement from PERS**

Classic members (those enrolled into membership before 1/1/2013)-requires members to be at least 55 years of age with five (5) years of service credit in PERS. There are some exceptions to the 5-year requirements.

PEPRA members (those enrolled into membership after 1/1/2013)-to be at least 52 years of age with five (5) years of service credit in PERS. There are some exceptions to the 5-year requirement.

Upon retirement, unused sick leave is applied to retirement service credit.

**3.3.2 Early Retirement Options**

**Retirement Incentive Program (STRS)**

The California Education Code § 22714 and § 44929 provide for an incentive program for CalSTRS leadership team members who wish to retire early (see appendix). This program has restrictions, and its use is governed by Education Code and Superintendent's Policy 4117.13 (see appendix).

**3.3.3 Continuation of Benefits after Retirement**

A percentage of SCCOE-paid medical benefits will be continued for a retiring leadership team member, as well as the member's spouse or one dependent, commencing at age 55 and until age 65.

If permitted by the appropriate insurance carriers, vision, dental, and employee assistance program benefits may be continued if the retiree so chooses. Such coverage shall be paid for by the leadership team retiree under COBRA continuation coverage for 18 months.

For Employees Hired Before November 1, 2008

The SCCOE shall pay the costs of a specified health insurance plan for retired Leadership Team employees at age 55 and for one dependent in the ratios for service to public education as indicated below.

For Employees Hired on or After November 1, 2008

The SCCOE shall pay the costs of a specified health insurance plan for retired Leadership Team employees at age 55 and for one dependent designated at the

time of retirement in the ratios for accumulated service to public education as indicated below provided they have completed ten (10) or more years of continuous service with the SCCOE.

Years of Service	% of Medical Insurance
30	100%
29	95.7%
28	92.4%
27	89.1%
26	85.8%
25	82.5%
(each year of service equals 3.3%)	
5	16.5%

Benefits shall continue until the retiree reaches the age of 65.

When two (2) employees who are married retire, the SCCOE shall pay the cost of medical insurance for one employee and dependent.

The retired employee may select the health plan preferred from those plans provided by the SCCOE at the time of retirement.

## SECTION FOUR—SALARY

### 4.1 GENERAL—TOTAL COMPENSATION

The County Superintendent of Schools has sole statutory authorization for setting total compensation (salary plus benefits) for the leadership team. Note: Compensation for the Executive Director-SELPA shall be subject to the SELPA Executive Council approval.

### 4.2 SALARY SCHEDULE

#### 4.2.1 General

The Leadership Team Salary Schedule is based on a compensation system; classifications are placed within the schedule on the basis of job duties, responsibilities and requirements. These “job factors” include decision making and problem solving, skill and ability, training and education, prior work experience, interaction with others, and supervision.

#### 4.2.2 Maintenance

Personnel Services has responsibility for maintaining the Leadership Team Salary Schedule, as well as all leadership team job descriptions, except those maintained by Classified Personnel Services for classified employees.

### 4.3 CHANGES IN COMPENSATION

#### 4.3.1 Anniversary Salary Increase

The salary of a leadership team member shall be increased to the next appropriate step provided:

- the leadership team member has rendered at least 169 days of paid service since the last anniversary increase;
- the leadership team member has received a satisfactory evaluation;
- the leadership team member has not yet reached the top step.

##### a. General

New members of the leadership team receive an anniversary increase one (1) year after joining the leadership team, subject to the same 169-day minimum. A member who promotes from within the leadership team retains the anniversary date of the previous assignment unless otherwise specified in a Cabinet contract.

##### b. Program Specialists

Program Specialists have an anniversary date of July 1, subject to the requirement of providing 169 or more days of service within the fiscal year.

#### **4.3.2 Promotions**

A leadership team member who is promoted shall be placed at a step which reflects an increase in annual salary. Placement shall not exceed more than the top salary step of the appropriate range. Any exception to the placement must be approved by the County Superintendent of Schools.

#### **4.3.3 Nonpermanent Reassignment to a Higher Classification**

A leadership team member in a nonpermanent leadership team reassignment shall be compensated with an increase over their present annual salary by placement on the appropriate step in the new range or at Step 1, whichever is greater. In order for the leadership team member to qualify for such a placement, the Division Head's approval must be obtained, and the following conditions must be met:

- 1) The leadership team member must assume a significant increase in duties and responsibilities of the higher leadership team position; and
- 2) The leadership team member must work in the higher position for at least 20 consecutive workdays.

### **4.4 ADDITIONAL COMPENSATION**

#### **4.4.1 Length of Service Compensation (Longevity)**

Stipends for longevity start at the beginning of each fiscal year and are made in monthly amounts throughout the work year.

##### **a. General**

Effective July 1, 2023, leadership team members with ten (10) years of service with the SCCOE will receive 2.5% of salary. Leadership team members with thirteen (13) years of service with the SCCOE will receive 3.75% of salary. Leadership team members with eighteen (18) years of service will receive 5% of salary. Program specialists are excepted from this section (see 4.4.1b).

Credits used for determining longevity stipends are calculated as shown below:

- 169 or more days equals one year credit (100%);
- 112 to 168 days equals one-half year credit (50%);
- 0 to 111 days equals no credit.

Leadership team members hired between July 1 and December 31 will receive their longevity pay beginning on January 1. Leadership team members hired between January 1 and June 30 will receive longevity pay effective July 1.

This section may be adjusted. Please refer to the current Leadership Team Salary Schedule.

**b. Program Specialists**

Program Specialists with fifteen (15) years of service with the SCCOE will receive \$500 per year at the beginning of their 16th year. Program Specialists with 19 years of service with the SCCOE will receive \$1,000 per year at the beginning of their 20th year. Program Specialists with 23 years of service with the SCCOE will receive \$1,800 per year at the beginning of their 24th year.

**4.4.2 Advanced Degree**

Effective July 1, 2022, Leadership team members receive a \$2,500 annual stipend for a master's degree and a \$2,500 additional stipend for a doctorate, provided official documentation is submitted.

Effective July 1, 2022, a Program Specialist receives an annual stipend of \$2,500 for a doctorate (and does not receive a separate master's stipend since it is folded into the Program Specialists' base salary schedule).

A leadership team member must submit required proof of advanced degrees within two (2) calendar months of the member's date of hire to receive a stipend retroactively to the date of hire. Should the degree be obtained after the date of hire, proof must be submitted within two (2) calendar months of the date of the degree in order to receive a stipend retroactively to the first of the month following the date of the degree. In either case, if the two (2) calendar month period has passed, the stipend will be effective the first of the month following the date of submission of the required proof.

**4.5 REIMBURSEMENT OF PROFESSIONAL DUES**

Leadership team members shall be eligible for 75% reimbursement of dues to one (1) professional organization, such as Association of California School Administrators (ACSA) or California Association of School Business Officials (CASBO).

## SECTION FIVE—BENEFITS

### 5.1 GENERAL

This section of the Handbook describes benefits which are provided to leadership team members. The SCCOE provides health care benefits to all leadership team members and their eligible dependents. Members have the option of waiving any health care coverage.

For more information on benefits, contact Personnel Services.

### 5.2 HEALTH BENEFITS—COVERAGE FOR TYPES OF MEMBERS

#### 5.2.1 Active Leadership Team Member

The SCCOE provides the following health care coverage for active leadership team members:

- Medical
- Dental
- Vision
- Short and Long Term Disability
- Life, Accidental Death, and Dismemberment Insurance
- Business Travel Insurance
- Personal Accident Insurance
- Employee Assistance Program (EAP)
- Family Forming/Fertility Services

#### 5.2.2 Leadership Team Members on Unpaid Leave

A leadership team member on unpaid leave of absence may choose to continue medical, dental, vision, and EAP at the member's own expense. Please note that if the unpaid leave falls under the provisions of Family Leave Section 3.1.1.b., the benefits may be paid by the SCCOE.

A leadership team member who has not chosen to continue benefits while on unpaid leave of absence must re-enroll within 30 days of return from leave in order to avoid waiting until the next annual open enrollment period for coverage.

#### 5.2.3 Terminated Leadership Team Members

A terminated leadership team member and the member's eligible dependents may choose to continue medical, dental, vision and EAP benefits at the member's own expense. Laid-off leadership team members shall continue receiving SCCOE-paid medical and dental coverage for two (2) months succeeding the month of layoff. Laid-off leadership team members shall continue to be responsible for their portion of the premium cost.

### **5.3 TUITION REIMBURSEMENT**

The SCCOE allocates \$20,000 annually for the Leadership Team Tuition Reimbursement Program. Total reimbursement for any one (1) leadership team member cannot exceed \$2,000 per fiscal year. Any leadership team member may apply, as can temporary or limited-term members, if their desired class or course ends before the expiration of the temporary or limited-term assignment.

Eligible leadership team members are entitled to participate in the program provided the training is directly related to the member's job duties or professional degree program, and that prior approval is granted by the County Superintendent or designee. Within established limits, leadership team members shall receive reimbursement for tuition, textbooks, and course-required materials upon presentation of receipts showing such payment and upon presentation of proof of successful completion of the course(s).

Annually, the Assistant Superintendent-Personnel Services shall prepare a report to the County Superintendent summarizing the usage of the Tuition Reimbursement Program. The report is due by September 1<sup>st</sup> of each year and shall cover the activity of the prior fiscal year.

## **SECTION SIX—PERFORMANCE MANAGEMENT, DISCIPLINE AND APPEALS**

### **6.1 Performance Management**

#### **6.1.1 Leadership Team Performance Management Process**

The purpose of performance management is to assist employees in achieving success, excellence, joy, and wellness in their roles at the SCCOE. In service to this purpose, the performance management process aims to enhance each leadership team member's skills in alignment with the SCCOE's mission, vision, values, goals, and guiding principles.

Throughout the course of the year, supervisors serve as coaches to leadership team members as they participate in a collaborative process that consists of goal setting, 1:1 check-ins, strengths-based coaching conversations, active reflection, and professional growth reviews three times per fiscal year.

Coaches may select one of two paths depending on the leadership team member's needs; Coaching for Continuous Growth or Coaching for Performance Improvement. It is recommended that all coaches begin with the Coaching for Continuous Growth process and move to the Coaching for Performance Improvement process when additional coaching and support is needed to help the leadership team member meet performance expectations and achieve goals.

#### **Coaching for Continuous Growth**

This is a collaborative process in which the leadership team member and their immediate supervisor, who serves as the coach, work together to set goals and assess progress toward those goals in a series of conversations dedicated exclusively to professional development and alignment with SCCOE expectations for members of the leadership team.

#### **Coaching for Performance Improvement**

This is a collaborative process involving the leader and their immediate supervisor, who serves as the coach. The Coaching for Performance Improvement process should be initiated only when the leader fails to meet performance expectations and requires additional support and/or structure.

The purpose of the Coaching for Performance Improvement process is to promote professional learning and leadership development in a manner more structured than in the Coaching for Continuous Growth process. In addition to defining goals, the timeline and resources provided to support goal attainment will be described.

#### **6.1.2 Goal Alignment and Division Workplans**

Goal alignment is the process by which all members of the SCCOE Leadership Team work collaboratively with the strategic plan. Division workplans ensure that members of the Leadership Team are informed about the priorities of their divisions and are primed to provide



guidance and support to departments and individuals in crafting appropriate and ambitious goals and work priorities. Individual goals generated in the Coaching for Continuous Growth or Coaching for Performance Improvement process should demonstrate a connection to the SCCOE strategic plan and the division work plan.

### **6.1.3 The SCCOE Leadership Team Competencies**

The following leadership competencies have been identified as being fundamental to leadership excellence at the SCCOE and should be used as guidelines for continuous growth and development.

- 1. Develops and fosters effective individuals and teams**
  - Mentors and coaches staff to their full potential
  - Fosters growth in self and others
  - Identifies/Utilizes individual/team strengths
  - Inspires optimism and creativity
  - Collaborates cross-functionally
  - Seeks out and celebrates positive performance
- 2. Operationalizes the organizational vision, mission, goals, shared values, and guiding principles**
  - Plans, develops, and implements sustainable, impactful systems
  - Collaborates with internal and external partners
  - Makes informed decisions with confidence
  - Aligns work with the organizational values
  - Applies appropriate technical and job-specific skills
- 3. Demonstrates emotional intelligence**
  - Models team-oriented leadership
  - Practices self-awareness and accountability for impact on others
  - Exhibits accountability and responsibility for oneself, the team, and the organization
- 4. Models inclusive, effective, and authentic communication**
  - Balances speaking and listening
  - Listens actively
  - Shares information transparently, respectfully, and inclusively
- 5. Applies knowledge of the intersectionality of race, equity, and inclusion**
  - Engages thoughtfully in courageous conversations
  - Exhibits willingness to improve inequitable systems and practices
  - Understands how systems impact Diversity, Equity, and Inclusion
  - Applies an inclusive and racial equity mindset
- 6. Builds and sustains positive, trusting relationships**
  - Builds positive, trusting relationships and partnerships
  - Builds and sustains a trusting work environment
  - Exhibits integrity and reliability

**7. Conducts SCCOE operations with the highest moral, legal, and ethical principles**

- Performs duties with efficiency, effectiveness, and attention to detail
- Adheres to SCCOE, state, and federal policies, rules, and regulations
- Monitors fiscal resources effectively
- Conducts timely evaluations of assigned personnel

**6.1.4 Leadership Team Performance Management Timelines and Forms**

**Coaching for Continuous Growth**

Ongoing documentation of the coaching process will be captured each trimester by the coach and the leadership team member using the Coaching for Continuous Growth online form on the Evaluat'd performance management portal. If the leader is meeting performance expectations, coach and leader will continue the Coaching for Continuous Growth process. If the coach believes the leadership team member requires additional support to meet expectations and reach goals, they will initiate the Coaching for Performance Improvement process immediately upon completion of the Coaching for Continuous Growth cycle.

**Coaching for Performance Improvement**

The coach should begin documenting performance improvement goals immediately upon completing the Coaching for Continuous Growth cycle if it has been determined that performance expectations have not been met. The timeline for the Coaching for Performance Improvement cycle should be established by the coach in consultation with the leader as they identify the type of support and frequency of ongoing supervision that are required to help the leader meet expectations and achieve goals.

**6.1.5 Due Dates**

**Certificated**

Online forms for Coaching for Continuous Growth and Coaching for Performance Improvement for all certificated leadership team members shall be submitted to Employment Services at the end of each trimester.

**Classified**

Online forms for Coaching for Continuous Growth and Coaching for Performance Improvement for all classified leadership team members shall be submitted to Employment Services at the end of each trimester.

**6.1.6 Non-Disciplinary Release**

**Certificated**

Certificated leadership team members serve at the pleasure of the County Superintendent of

Schools. They do not serve a probationary period and may be released from employment with or without cause and for any reason effective June 30 of the fiscal year in which notice of release is provided.

Depending on the facts and circumstances of the situation, reasonable effort will be made to provide the member as much advance notice as possible before being released effective June 30. Such notification should normally be made by the appropriate Division Head at an individual conference. The circumstances surrounding the release should normally be discussed during the conference. The decision to release a certificated leader from employment is not appealable.

### **Classified**

Leadership team members who are members of the classified service shall serve any applicable probationary period and may be released from employment during any applicable probationary period in accordance with the Merit System Rules.

Non-disciplinary reassignment and dismissal for classified Senior Management will follow the procedure set forth in Education Code section 45100.5, which includes receiving at least 45-days notice of the disciplinary action before the expiration of their term which is June 30 of each year, unless a different term end date is applicable to a specific employee.

## **6.2 DISCIPLINE**

The SCCOE acknowledges and accepts its responsibility to work with leadership team members when job performance, rules infraction or other problems arise. The SCCOE holds strongly to the framework of progressive discipline, believing that a system of sequenced, tempered, and deliberate actions is the most effective and fair means of managing employee discipline.

Leaders may be placed on administrative leave with pay whenever the Superintendent or designee finds that doing so is in the best interests of SCCOE, which may include, but is not limited to, situations where a leader is under investigation or disciplinary action is pending.

### **6.2.1 Causes for Discipline**

Any of, but not limited to, the following acts or omissions of a leadership team member who has permanent status shall be cause for disciplinary action to be taken:

- Neglect of duty;
- Inefficiency, ineffectiveness, or negligence in performance of duties;
- Incompetence;

- Insubordination or willful violation of an SCCOE policy, rule, or regulation prescribed by the County Superintendent of Schools, or the Division Head or department head or supervisor to which the leadership team member is assigned;
- Dishonesty;
- Misuse, abuse, or waste of SCCOE funds;
- Failure to effectively steward the fiscal resources under their purview;
- Conviction of either a felony, misdemeanor, or any other offense other than minor traffic violations, in connection with or affecting the leadership team member's duties. Conviction means plea of guilty or nolo contendere or a determination of guilt in a court of competent jurisdiction;
- Conviction of a sex offense as defined in Education Code § 44010, conviction of a narcotics offense as defined in § 44011, or conviction as a sexual psychopath as defined in Division 6, Chapter 2, of the Health and Safety Code (§ 6300, et seq.);
- Conviction of a serious or violent felony as per Penal Code § 647.b;
- Failure to comply with mandated reporter policies or to report incidents of harassment and/or abuse;
- Discourteous treatment of the public, students, or other employees which has an adverse impact upon the leadership team member's job performance or the ability of the SCCOE to maintain harmonious relationships;
- Absence without proper leave, including the exhaustion of leave;
- Being under the influence of a controlled substance, alcohol, or intoxicant while on duty during work hours;
- Failure to conduct evaluations of assigned personnel;
- Physical or mental unfitness to perform assigned duties;
- Making a willful, material misrepresentation in connection with obtaining or maintaining employment or position;
- Political activity in violation of federal and/or state law, SCCOE policies, or the Fair Political Practices Commission (FPPC);
- Conduct, either during or outside of duty hours, which adversely affects the leadership team member's performance or operation of the department in which they are employed;

- Repeated tardiness or absenteeism;
- Failure to report to work as assigned; and
- Failure to fulfill any of the responsibilities described as Leadership Team Responsibilities on Page vi.

### **6.2.2 Types of Formal Discipline**

#### **a. Written Reprimand**

A written reprimand is a letter or memorandum written by the employer which states a complaint against a leadership team member.

#### **b. Suspension**

Suspension is temporary removal from paid employment for a specified period of time.

#### **c. Involuntary Reassignment**

Involuntary reassignment is the directed change of assignment to a position other than that occupied by the member without the member's voluntary consent and for purposes of discipline. Involuntary administrative reassignment for other purposes and reassignments required as a result of layoff for lack of work or lack of funds are not considered to be a form of discipline.

#### **d. Involuntary Demotion**

Involuntary demotion is the directed placement of an employee in a lower classification for disciplinary purposes.

#### **e. Dismissal**

Dismissal is removal from the employment of the SCCOE.

### **6.2.3 Due Process – Certificated Leaders**

The following due process procedure applies to disciplinary action involving suspension, involuntary reassignments, involuntary demotion, and dismissal of certificated employees.

Prior to the implementation of a suspension, disciplinary involuntary reassignment, involuntary demotion, or dismissal, the appropriate Division Head will provide the certificated employee with notice of the proposed disciplinary action which will state the causes for discipline and summarize the

grounds for the disciplinary action. The notice will explain that the disciplinary action will become final within seven (7) calendar days of service of the notice unless the employee submits a written request to meet with the Superintendent within five (5) calendar days of service of the notice. If the employee timely requests a meeting with the Superintendent, the employee will have an opportunity to present information and explain why the proposed disciplinary action should not be imposed. After the meeting, the Superintendent shall issue final notice of the disciplinary action which may affirm the recommended discipline, impose lesser or more severe discipline, or no discipline. The decision of the Superintendent is final and non-appealable.

#### **6.2.4 Due Process – Classified Leaders**

Disciplinary action for leaders who are members of the classified service will follow the Merit System Rules. Disciplinary action for classified Senior Managers will follow the procedure for certificated leaders.

The Education Code and the Merit System Rules (for members of the classified service) have control over any provision of this Handbook that conflict with the Education Code or Merit System Rules.

## SECTION SEVEN—OTHER PROVISIONS

### 7.1 STAFF DEVELOPMENT

All leadership team members are encouraged to strengthen their professional effectiveness. The SCCOE supports professional activities for leadership team members which are designed to strengthen professional skills and understandings. The SCCOE embraces innovation in order to find the best methods to operate the SCCOE efficiently and effectively.

Professional growth is defined as activities undertaken which tend to develop, enlarge, expand, or augment the effectiveness and efficiency of leadership team members. The SCCOE is responsible for providing assistance to leadership team members in planning and implementing opportunities for professional growth.

To assist leadership team members in meeting the professional growth objectives required in the evaluation process, the SCCOE shall provide opportunities, including release time, for professional growth and development of leadership potential essential for all leadership team members. Release time to participate in staff development shall require the prior approval of the supervisor.

As noted in Section 5.3, leadership team members may also participate in the SCCOE's Tuition Reimbursement Program as a means of furthering their professional development.

### 7.2 PERSONAL PROPERTY AND EQUIPMENT

The SCCOE may reimburse leadership team members for damaged or stolen personal property and equipment, provided the property or equipment was required in the course of employment and provided certain conditions have been met and certain procedures have been followed. Please contact Risk Management for information.

### 7.3 PARTICIPATION ON LOCAL, STATE, NATIONAL, OR INTERNATIONAL EXTERNAL COMMITTEES, COMMISSIONS OR SIMILAR FUNCTIONS

To avoid conflicts of interest and gifts of public funds, appointment and/or participation on external committees, commissions, informal and formal work groups, or similar functions is subject to the approval of County Superintendent of Schools.

The Leadership Team member shall provide a letter requesting approval to the County Superintendent of Schools detailing the proposed participation, role/function, time commitment, and rationale before accepting the invitation or appointment. All related backup documentation (invitations, emails, etc.) must be attached to the letter. The Leadership Team member's supervisor shall also review the request prior to its submission.

External committees, commissions, informal and formal workgroups, or similar functions shall not take precedence over the assigned duties of the Leadership Team member.

Leadership Team members approved to serve in this capacity shall represent the SCCOE and the County Superintendent and adhere to all applicable rules and regulations and will ensure their participation positively reflects upon the SCCOE. If the appointment or participation is to continue, a new request or request for renewal of appointment/participation must be made annually at the start of each fiscal year. Time spent on these activities must be reflected on the calendar of the Leadership Team member.

The County Superintendent reserves the right to appoint other staff to these assignments and to deny requests for participation. Decisions of the County Superintendent are final.



## ADMINISTRATIVE REGULATION 4161.5

Book	Board Policies and Administrative Regulations
Section	4000 Superintendent's Policies
Title	Military Leave
Number	4161.5 AR
Status	Active
Adopted	April 30, 2012
Last Revised	April 30, 2012
Last Reviewed	April 30, 2012

Military leave shall be granted in accordance with applicable state and federal law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (Education Code 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.9; 38 USC 4301, 4303, 4316)

(cf. 4161/4261/4361 - Leaves)

An employee who needs to be absent from the SCCOE to fulfill their military service shall provide advance written or verbal notice to the County Superintendent or designee unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. (38 USC 4312; 20 CFR 1002.85, 1002.86)

### Salary/Compensation

An employee shall receive their salary or compensation for the first 30 days of any one absence for military leave or during one fiscal year, under any of the following conditions:

1. Active Military Training or Exercises: The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
  - a. He/she has been employed by the Santa Clara County Office of Education for at least one year immediately prior to the day the military leave begins.
  - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
2. Active Military Duty: The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that he/she has been employed by the SCCOE for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)

## AR 4161.5 CONTINUED

3. War or Other Emergency: The employee, however long employed by the SCCOE, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)

4. Inactive Duty Training: The employee is a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia who is engaged in temporary inactive duty training, provided that they have been employed by the SCCOE for at least one year immediately prior to the day the military leave begins and the ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

In determining the length of SCCOE employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to SCCOE employment shall be included.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (Education Code 45059)

Certificated employees shall not be entitled to compensation during non-teaching, non-paying months of the year.

During the period of military leave, an employee may, upon their own request, use any vacation or similar paid leave accrued before the commencement of the military leave. The SCCOE shall not require the employee to use such leave. (38 USC 4316; 20 CFR 1002.153)

### Benefits

An employee may elect to continue their health plan coverage during the military leave. The maximum period of coverage for the employee and their dependents shall be either 24 months from the beginning of the leave or until the day after the employee fails to apply for or return to employment, whichever is less. (38 USC 4317; 20 CFR 1002.164)

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required. (38 USC 4316)

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan. (38 USC 4317; 20 CFR 1002.166)

### Vacation and Sick Leave Accrual

## **AR 4161.5 CONTINUED**

An employee on temporary military leave under the conditions described in item #1 Active Military Training or Exercises, in the section entitled "Salary/Compensation" above, shall continue to accrue the same vacation, sick leave, and holiday privileges to which he/she would otherwise be entitled if not absent. (Military and Veterans Code 395)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

An employee on military leave who is serving in active duty in time of war, national emergency, or United Nations military or police operation shall not accrue sick leave or vacation leave during the period of such leave. (Military and Veterans Code 395.1)

However, an employee who is a National Guard member on active duty as described in item #3 War or Other Emergency, in the section entitled "Salary/Compensation" above, shall not suffer any loss or diminution of vacation or holiday privileges because of their leave of absence. (Military and Veterans Code 395.05)

### **Pension Plan Service Credit**

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service had occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System or Public Employees' Retirement System. (Education Code 22850-22856; Government Code 20990-21013)

### **Employment Status**

Absence for military leave shall not affect the classification of any certificated employee. In the case of a certificated probationary employee, the period of such absence shall not count as part of the service required to obtain permanent status but shall not be construed as a break in the continuity of service for any purpose. (Education Code 44800)

(cf. 4116 - Probationary/Permanent Status)

### **Reinstatement Rights**

At the conclusion of the military duty, an employee shall be promptly reinstated in the position held at the beginning of the leave, at the salary to which they would otherwise have been entitled, except under the conditions noted below. (Education Code 44800; Military and Veterans Code 395, 395.2; 38 USC 4304, 4313; 20 CFR 1002.180-1002.181)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to their position within six months of

## AR 4161.5 CONTINUED

an honorable discharge or placement on inactive duty. Reinstatement rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which he/she could terminate or could cause to be terminated their active service. (Education Code 44800; Military and Veterans Code 395.1)

When an employee has been on military leave for reasons other than war or national emergency, the time frame for reinstatement shall depend on the length of military service as follows: (38 USC 4312; 20 CFR 1002.115, 1002.118)

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of military service, provided the employee has a period of eight hours to rest following transportation to their residence.
2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.
3. For a leave of more than 180 days, the employee shall submit a written or verbal application for reinstatement within 90 days after the completion of military service.

In cases where reporting within the periods specified in items #1 and #2 above is impossible or unreasonable through no fault of the employee, he/she shall report as soon as possible after the expiration of the period. (38 USC 4312; 20 CFR 1002.115, 1002.117)

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reinstatement at the end of the period that is necessary to recover from such illness or injury, but no more than two years after the completion of military service unless circumstances beyond the employee's control make reporting within the two-year period impossible or unreasonable. (38 USC 4312; 20 CFR 1002.116)

(cf. 4032 - Reasonable Accommodation)

Upon receiving an application for reinstatement, the Superintendent or designee shall reinstate the employee as soon as practicable under the circumstances of their case, but within a time period not to exceed two weeks, absent unusual circumstances. (20 CFR 1002.181)

If the employee's previous position has been abolished, they shall be reinstated in a position of like seniority, status, and pay, if such position exists, or to a comparable vacant position for which he/she is qualified. (Military and Veterans Code 395, 395.1; 38 USC 4313; 20 CFR 1002.192)

An employee failing to apply for reinstatement within the appropriate period does not automatically forfeit their rights, but shall be subject to the Board's rules governing unexcused absences. (38 USC 4312)

## AR 4161.5 CONTINUED

The Superintendent or designee may elect not to reinstate an employee following military leave if any of the following conditions exists:

1. The SCCOE's circumstances have so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee. (38 USC 4312; 20 CFR 1002.139)
2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the SCCOE as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)
3. The employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)
4. The employee's cumulative length of absence and length of all previous military leave while employed with the SCCOE exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)
5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions. (Military and Veterans Code 395.1; 20 USC 4304, 4312; 20 CFR 1002.134-1002.138)

### Notices

The Superintendent or designee shall provide employees a notice of the rights, benefits, and obligations of employees granted military leave and of the SCCOE under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. (38 USC 4334)

This requirement may be met by posting the notice where the SCCOE customarily places notices for employees. (38 USC 4334)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

### Legal Reference:

#### EDUCATION CODE

22850-22856 Pension benefits, STRS members on military leave

44018 Compensation for employees on active military duty

44800 Effect of active military service on status of employees

45059 Employee ordered to military/naval duty - computation of salary

#### GOVERNMENT CODE

18540 Definition of armed forces

18540.3 Recognized military service

20990-21013 Pension benefits, PERS members on military leave

**AR 4161.5 CONTINUED**

MILITARY AND VETERANS CODE

146 Events justifying calling of militia into active service

389 Definitions; temporary military leave

394 Nondiscrimination based on military service

395-395.9 Military leave

UNITED STATES CODE, TITLE 38

4301-4334 Uniformed Services Employment and Reemployment Rights Act of 1994

CODE OF FEDERAL REGULATIONS, TITLE 20

1002.1-1002.314 Uniformed Services Employment and Reemployment Rights Act of 1994

COURT DECISIONS

Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503

Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65

ATTORNEY GENERAL OPINIONS

77 Ops.Cal.Atty.Gen. 209 (1994)

69 Ops.Cal.Atty.Gen. 185 (1986)

63 Ops.Cal.Atty.Gen. 924 (1978)

19 Ops.Cal.Atty.Gen. 132 (1952)

18 Ops.Cal.Atty.Gen. 178 (1951)

## ADMINISTRATIVE REGULATION 4161.9

Title	Catastrophic Leave Program
Number	4161.9 AR
Status	Active
Adopted	April 30, 2012
Last Revised	April 30, 2012
Last Reviewed	April 30, 2012

When an employee or a member of their family experiences a catastrophic illness or injury which requires the employee to take time off from work for an extended period of time, and the employee has exhausted all available sick leave and other paid time off, they may request donations of sick leave credits. (Education Code 44043.5)

In making such a request, the employee shall provide verification of the catastrophic injury or illness. (Education Code 44043.5)

Verification shall be made by means of a letter, dated, and signed by the sick or injured person's physician, indicating the incapacitating nature and probable duration of the illness or injury.

Upon determination that the employee is unable to work due to their own or a family member's catastrophic illness or injury, any other employee, upon written notice to the County Superintendent or designee, may donate and/or sick leave credits to the requesting employee. Donations shall be in one day increments to a sick leave bank. (Education Code 44043.5)

To ensure that employees retain sufficient accrued sick leave to meet their own needs, donors shall not reduce their accumulated sick leave to fewer than 10 hours.

All transfers of eligible leave credit shall be irrevocable. (Education Code 44043.5)

The County Superintendent or designee shall ensure that all donations are confidential.

The employee who is the recipient of the donated leave credits shall use those credits until end of work year.

If donated credits are not used by the employee, the credits shall be placed in a pool that will be available to the next eligible employee who requests catastrophic leave.

## **SUPERINTENDENT’S POLICY 4117.13**

Book	Board Policies and Administrative Regulations
Section	4000 Superintendent's Policies
Title	Early Retirement Option (Certificated Personnel)
Number	4117.13 SP
Status	Active
Adopted	April 30, 2012
Last Revised	October 25, 2017
Last Reviewed	October 25, 2017

When it is beneficial to the Santa Clara County Office of Education (SCCOE), the Santa Clara County Superintendent of Schools (County Superintendent) may offer certificated employees the option to retire early in accordance with law.

### **Two Years of Service Credit Retirement Incentive**

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System (STRS), the County Superintendent or designee may offer such employees an additional two years of service credit. (Education Code 22714, 44929)

Before taking formal action to approve this service incentive, the County Superintendent shall determine that encouraging early retirement would be in the best interest of the SCCOE due to the curtailment of services or changes in the manner in which services are performed and that the retirement will result in a net savings to the SCCOE. The County Superintendent shall demonstrate and certify that the formal action taken would result in a net savings to the SCCOE. (Education Code 22714, 44929)

The County Superintendent or designee may also consider the impact of the early retirement option on the staffing needs of SCCOE schools.

To be eligible for the two years of service credit option, the employee must have five or more years of service credit and must retire during a period of 60 to 120 days after the County Superintendent takes formal action to implement the option. (Education Code 22714)

In providing the early retirement option, the SCCOE shall meet all conditions as specified in Education Code 22714 and 44929.

### **Two + Two Retirement Incentive: 2 Years of Service Credit + 2 Years of Age Credit**

As an incentive to early retirement for certificated employees participating in the State Teachers' Retirement System, the County Superintendent may offer an additional two years of service credit and two years of age credit to employees who retire within the "window period" established by the SCCOE prior to January 1, 2005 pursuant to repealed Education Code 22714.5.



## **SUPERINTENDENT’S POLICY 4117.13 CONTINUED**

### Legal Reference:

#### EDUCATION CODE

22714 Service credit under STRS; additional two years

44929 Service credit under STRS; additional two years

#### COURT DECISIONS

United Teacher of Los Angeles v. Los Angeles Unified School District (1994) 24 Cal. App. 4th 1510

### Management Resources:

#### CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM PUBLICATIONS

Retirement Incentive Program, Frequently Asked Questions

### WEB SITES

California State Teachers' Retirement System: <http://www.calstrs.com>

Approved: April 30, 2012

Revised: January 30, 2018

## **SUPERINTENDENT’S POLICY 4161**

Book	Board Policies and Administrative Regulations
Section	4000 Superintendent's Policies
Title	Leaves
Status	Active
Adopted	April 30, 2012
Last Revised	April 30, 2012
Last Reviewed	April 30, 2012

The Santa Clara County Office of Education (SCCOE) shall provide for paid and unpaid leaves of absence for employees in accordance with law, SCCOE policy, administrative regulation, collective bargaining agreements, and merit system rules, as applicable.

(cf. 4141/4241 - Collective Bargaining Agreement)  
(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)

The SCCOE recognizes the following justifiable reasons for employee absence:

1. Personal illness or injury

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)  
(cf. 4261.1 - Personal Illness/Injury Leave)

2. Industrial accident or illness

(cf. 4161.11/4361.11 - Industrial Accident/Illness Leave)  
(cf. 4261.11 - Industrial Accident/Illness Leave)

3. Family care and medical leave

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

4. Military service

(cf. 4161.5/4261.5/4361.5 - Military Leave)

5. Personal necessity and personal emergencies

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

6. Disability leave for employees in accordance with Education Code 44986

7. Vacations for classified staff and certificated management staff, as applicable

8. Sabbaticals for purposes of study or training related to the employee's job duties

(cf. 4161.3 - Professional Leaves)

## SP 4161 CONTINUED

(cf. 4261.3 - Professional Leaves)

### 9. Attendance at work-related meetings and staff development opportunities

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

### 10. Compulsory leave

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

## Long-Term Leaves

With County Superintendent approval, an employee may receive a leave of absence, without pay and without accruing seniority or service credit, for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated to a similar position as that held at the time leave was granted, unless otherwise agreed upon.

The County Superintendent shall consider any written request by an employee to return to work prior to the expiration date of the leave.

## Administrative and Supervisory Personnel

Administrative and supervisory employees who are not subject to the bargaining agreement for employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other employees unless otherwise specified in individual contract, memorandums of understanding, SCCOE policy, administrative regulation, or law.

### Legal Reference:

#### EDUCATION CODE

22850-22856 Pension benefits, STRS members on military leave

44018 Compensation for employees on active military duty

44036-44037 Leaves of absence for judicial and official appearances

44043.5 Catastrophic leave

44800 Effect of active military service on status of employees

44842 Failure to provide notice or to report to work

44940 Sex offenses and narcotic offenses; compulsory leave of absence

44962-44988 Leaves of absence (certificated)

45059 Employee ordered to active military/naval duty, computation of salary

45190-45210 Leaves of absence (classified)

**SP 4161 CONTINUED**

**FAMILY CODE**

297-297.5 Registered domestic partner rights, protections and benefits

**GOVERNMENT CODE**

3543.1 Release time for representatives of employee organizations

3543.2 Scope of representation

12945.1-12945.2 California Family Rights Act

20990-21013 Pension benefits, PERS members on military leave

**LABOR CODE**

230-230.2 Leaves for victims of domestic violence, sexual assault or specified felonies

230.3 Leave for emergency personnel

230.4 Leave for volunteer firefighters

230.8 Leave to visit child's school

233 Illness of child, parent, spouse or domestic partner

**MILITARY AND VETERANS CODE**

395-395.9 Military leave

395.10 Leave when spouse on leave from military deployment

**UNITED STATES CODE, TITLE 29**

2601-2654 Family and Medical Leave Act of 1993

**UNITED STATES CODE, TITLE 38**

4301-4334 Uniformed Services Employment and Reemployment Rights Act of 1994

## EDUCATION CODE – 1294

### TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]

*(Title 1 enacted by Stats. 1976, Ch. 1010.)*

### DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]

*(Division 1 enacted by Stats. 1976, Ch. 1010.)*

### PART 2. COUNTY EDUCATIONAL AGENCIES [1000 - 2603]

*(Part 2 enacted by Stats. 1976, Ch. 1010.)*

### CHAPTER 2. County Superintendents of Schools [1200 - 1350]

*(Chapter 2 enacted by Stats. 1976, Ch. 1010.)*

#### 5.2.2.1.1 ARTICLE 3. Staff [1290 - 1302]

*(Article 3 enacted by Stats. 1976, Ch. 1010. )*

#### 1294.

Each person employed by a county superintendent of schools in a position requiring certification qualifications, except employees included in the civil service system or in any merit system, or any person who holds an office by virtue of an election conducted under the Elections Code or the Education Code, and whose salary is paid from the county school service fund, has the same right with respect to leaves of absence, sick leave, and bereavement leave as a person employed by a school district or a community college district in a position requiring certification qualifications.

Sections 22724, 44845, 44922, 44949, 44955, 44962 to 44976, inclusive, 44977, 44978, 44979, 44983, 44984, 44985, 44987, 87413, 87414, 87740, 87743, 87763 to 87779, inclusive, 87780, 87781, 87782, 87786, 87787, and 87788 apply to persons so employed by a county superintendent of schools and so paid from the county school service fund. Whenever, in those provisions, a duty or power is imposed upon or granted to the governing board of a school district or community college district or an employee thereof, the power or duty shall, for the purposes of this section, be deemed to be granted to or imposed on the county superintendent of schools or his or her employee, respectively. When “district” is used in those provisions, it shall, for the purposes of this section, be deemed to mean “county superintendent of schools.” Compensation paid to employees during those leaves shall be paid from the county school service fund.

The granting of leaves of absence to employees pursuant to Section 44966 or 87767 shall be by the county superintendent of schools, upon approval by the county board of education.

*(Amended by Stats. 1990, Ch. 1372, Sec. 22.)*

## EDUCATION CODE – 22714

TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32527] (Title 1 enacted by Stats. 1976, Ch. 1010.)

DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32527] (Division 1 enacted by Stats. 1976, Ch. 1010. )

PART 13. STATE TEACHERS' RETIREMENT SYSTEM [22000 - 25115]

(Part 13 repealed and added by Stats. 1993, Ch. 893, Sec. 2.)

CHAPTER 13. Service Credit [22700 - 22724] ( Chapter 13 added by Stats. 1993, Ch. 893, Sec. 2.)

### 22714.

(a) Whenever the governing board of a school district or a community college district or a county office of education, by formal action, determines pursuant to Section 44929 or 87488 that, because of impending curtailment of, or changes in, the manner of performing services, the best interests of the district or county office of education would be served by encouraging certificated employees or academic employees to retire for service and that the retirement will result in a net savings to the district or county office of education, an additional two years of service credit shall be granted under this part to a member of the Defined Benefit Program if all of the following conditions exist:

(1) The member is credited with five or more years of service credit and retires for service under Chapter 27 (commencing with Section 24201) during a period of not more than 120 days or less than 60 days, commencing no sooner than the effective date of the formal action of the employer that shall specify the period.

(2) The documentation required by this section is received by the system no later than 30 calendar days after the last day of the window period established in paragraph (1).

(3) (A) The employer transfers to the retirement fund an amount determined by the Teachers' Retirement Board to equal the actuarial equivalent of the difference between the allowance the member receives after receipt of service credit pursuant to this section and the amount the member would have received without the service credit and an amount determined by the Teachers' Retirement Board to equal the actuarial equivalent of the difference between the purchasing power protection supplemental payment the member receives after receipt of service credit pursuant to this section and the amount the member would have received without the service credit. The payment for purchasing power shall be deposited in the Supplemental Benefit Maintenance Account established by Section 22400 and shall be subject to Section 24415. The transfer to the retirement fund shall be made in a manner and a time period, not to exceed eight years, that is acceptable to the Teachers' Retirement Board. The employer shall transfer the required amount for all eligible employees who retire pursuant to this section.

(B) Regular interest shall be charged on the unpaid balance if the employer makes the transfer to the retirement fund in installments.

(4) The employer transmits to the retirement fund the administrative costs incurred by the system in implementing this section, as determined by the Teachers' Retirement Board.

(5) The employer has considered the availability of teachers or academic employees to fill the positions that would be vacated pursuant to this section.

**EDUCATION CODE – 22714 CONTINUED**

(b) (1) The school district shall demonstrate and certify to the county superintendent that the formal action taken would result in a net savings to the district.

(2) The county superintendent shall certify to the Teachers' Retirement Board that the result specified in paragraph (1) can be demonstrated. The certification shall include, but not be limited to, the information specified in subdivision (c) of Section 14502.1.

(3) The school district shall reimburse the county superintendent for all costs to the county superintendent that result from the certification.

(c) (1) The county office of education shall demonstrate and certify to the Superintendent of Public Instruction that the formal action taken would result in a net savings to the county office of education.

(2) The Superintendent of Public Instruction shall certify to the Teachers' Retirement Board that the result specified in paragraph (1) can be demonstrated. The certification shall include, but not be limited to, the information specified in subdivision (c) of Section 14502.1.

(3) The Superintendent of Public Instruction may request reimbursement from the county office of education for all administrative costs that result from the certification.

(d) (1) The community college district shall demonstrate and certify to the chancellor's office that the formal action taken would result in a net savings to the district.

(2) The chancellor shall certify to the Teachers' Retirement Board that the result specified in paragraph (1) can be demonstrated. The certification shall include, but not be limited to, the information specified in subdivision (c) of Section 84040.5.

(3) The chancellor may request reimbursement from the community college district for all administrative costs that result from the certification.

(e) The opportunity to be granted service credit pursuant to this section shall be available to all members employed by the school district, community college district, or county office of education who meet the conditions set forth in this section.

(f) The amount of service credit shall be two years.

(g) Any member of the Defined Benefit Program who retires under this part for service under Chapter 27 (commencing with Section 24201) with service credit granted under this section and who subsequently reinstates shall forfeit the service credit granted under this section.

(h) Any member of the Defined Benefit Program who retires under this part for service under Chapter 27 (commencing with Section 24201) with service credit granted under this section and who takes any job as an employee, independent contractor, or as an employee of a third party with the school district, community college district, or county office of education that granted the member the service credit less than five years after receiving the credit shall forfeit the ongoing benefit the member receives from the additional service credit granted under this section.

**EDUCATION CODE – 22714 CONTINUED**

(i) This section does not apply to any member otherwise eligible if the member receives any unemployment insurance payments arising out of employment with an employer subject to this part within one year following the effective date of the formal action under subdivision (a), or if the member is not otherwise eligible to retire for service.

*(Amended by Stats. 2020, Ch. 275, Sec. 10. (AB 2101) Effective January 1, 2021.)*



## EDUCATION CODE – 44043.5

### TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100]

*(Title 2 enacted by Stats. 1976, Ch. 1010.)*

### DIVISION 3. LOCAL ADMINISTRATION [35000 - 45460]

*(Division 3 enacted by Stats. 1976, Ch. 1010.)*

### PART 25. EMPLOYEES [44000 - 45460]

*(Part 25 enacted by Stats. 1976, Ch. 1010.)*

### CHAPTER 1. Employees [44000 - 44114]

*(Chapter 1 enacted by Stats. 1976, Ch. 1010.)*

#### 5.2.2.1.1 ARTICLE 2. Rights and Duties [44030 - 44050]

*(Article 2 enacted by Stats. 1976, Ch. 1010. )*

#### 44043.5.

(a) The governing board of a school district or county office of education may establish a catastrophic leave program to permit employees of that district or county office to donate eligible leave credits to an employee when that employee or a member of his or her family suffers from a catastrophic illness or injury.

For the purposes of this section the following terms are defined as follows:

(1) “Catastrophic illness” or “injury” means an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee’s family which incapacity requires the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because he or she has exhausted all of his or her sick leave and other paid time off.

(2) “Eligible leave credits” means vacation leave and sick leave accrued to the donating employee.

(b) Eligible leave credits may be donated to an employee for a catastrophic illness or injury if all of the following requirements are met:

(1) The employee who is, or whose family member is, suffering from a catastrophic illness or injury requests that eligible leave credits be donated and provides verification of catastrophic injury or illness as required by the governing board of the school district or county office in which he or she is employed.

(2) The governing board of the school district or county office determines that the employee is unable to work due to the employee’s or his or her family member’s catastrophic illness or injury.

(3) The employee has exhausted all accrued paid leave credits.

(c) If the transfer of eligible leave credits is approved by the governing board of the school district or county office, any employee may, upon written notice to the governing board of the district or county office, donate eligible leave credits at a minimum of eight hours, and in hour increments thereafter.

#### EDUCATION CODE 44043.5 CONTINUED

(d) The governing board of a school district or county office that provides a catastrophic leave program pursuant to this section shall adopt rules and regulations for the administration of this section, including, but not limited to, the following:

(1) The maximum amount of time for which donated leave credits may be used, but not to exceed use for a maximum period of 12 consecutive months.

(2) The verification of catastrophic injury or illness required pursuant to paragraph (1) of subdivision (b).

(3) Making all transfers of eligible leave credit irrevocable.

(e) An employee who receives paid leave pursuant to this section shall use any leave credits that he or she continues to accrue on a monthly basis prior to receiving paid leave pursuant to this section.

(f) Notwithstanding the provisions of this section, the governing board of a school district or county office and an exclusive bargaining representative of employees in that district or county may agree to include in any collective bargaining agreement, a provision setting forth requirements for a catastrophic leave program.

*(Amended by Stats. 1994, Ch. 78, Sec. 1. Effective May 20, 1994.)*

## EDUCATION CODE – 44800

### TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100]

*(Title 2 enacted by Stats. 1976, Ch. 1010.)*

### DIVISION 3. LOCAL ADMINISTRATION [35000 - 45460]

*(Division 3 enacted by Stats. 1976, Ch. 1010.)*

### PART 25. EMPLOYEES [44000 - 45460]

*(Part 25 enacted by Stats. 1976, Ch. 1010.)*

### CHAPTER 4. Employment—Certificated Employees [44800 - 45061.5]

*(Chapter 4 enacted by Stats. 1976, Ch. 1010.)*

#### 5.2.2.1.2 ARTICLE 1. Rights and Duties [44800 - 44824]

*(Article 1 enacted by Stats. 1976, Ch. 1010.)*

## 44800.

Every person employed by a school district as a probationary or permanent employee in a position requiring certification qualifications who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service, created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the service of the United States Merchant Marine, or in full-time paid service of the American Red Cross, during any period of national emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, shall be entitled to absent himself from his duties as an employee of the district.

Such absence shall not affect in any way the classification of such employee. In the case of a probationary employee, the period of such absence shall not count as part of the service required as a condition precedent to the classification of such employee as a permanent employee of the district, but such absence shall not be construed as a break in the continuity of the service of such employee for any purpose.

The dismissal or termination of any probationary employee because of reduced attendance due to war conditions, after his entry into the active military service or service in the American Red Cross, shall not deprive him of any of the benefits of this section.

Within six months after such employee honorably leaves such service or has been placed on inactive duty he shall, subject to the provisions of this section, be entitled to return to the position held by him at the time of his entrance into such service, at the salary to which he would have been entitled had he not absented himself from the service of the school district under this section.

If such employee was employed under a lawful contract for a period in excess of one year in a position in which he had not become a permanent employee of the district, he shall be entitled to return to such position for the period his contract of employment had to run at the time he entered such service. Notwithstanding any provision of this code to the contrary, a person employed to take the place of any such employee shall not have any right to such position following the return of such employee to the position.

*(Enacted by Stats. 1976, Ch. 1010.)*

## EDUCATION CODE – 44929

### TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100]

(Title 2 enacted by Stats. 1976, Ch. 1010.)

### DIVISION 3. LOCAL ADMINISTRATION [35000 - 45460]

(Division 3 enacted by Stats. 1976, Ch. 1010.)

### PART 25. EMPLOYEES [44000 - 45460]

(Part 25 enacted by Stats. 1976, Ch. 1010.)

### CHAPTER 4. Employment—Certificated Employees [44800 - 45061.5]

(Chapter 4 enacted by Stats. 1976, Ch. 1010.)

#### 5.2.2.1.1 ARTICLE 2. Employment [44830 - 44929]

(Article 2 enacted by Stats. 1976, Ch. 1010.)

#### 44929

Whenever the governing board of a school district or a county office of education, by formal action, determines that because of impending curtailment of or changes in the manner of performing services, the best interests of the district or county office of education would be served by encouraging the retirement of certificated employees and that the retirement will result in a net savings to the district or county office of education, an additional two years of service shall be credited under the Defined Benefit Program of the State Teachers' Retirement Plan to a certificated employee pursuant to Section 22714 if all of the conditions set forth in that section are satisfied.

(Amended by Stats. 2003, Ch. 313, Sec. 14. Effective January 1, 2004.)

## EDUCATION CODE – 44987

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 65001] ( Title 2 enacted by Stats. 1976, Ch. 1010. )

DIVISION 3. LOCAL ADMINISTRATION [35000 - 45500] ( Division 3 enacted by Stats. 1976, Ch. 1010. )

PART 25. EMPLOYEES [44000 - 45500] ( Part 25 enacted by Stats. 1976, Ch. 1010. )

CHAPTER 4. Employment—Certificated Employees [44800 - 45061.5] ( *Chapter 4 enacted by Stats. 1976, Ch. 1010.* )

ARTICLE 3. Resignations, Dismissals, and Leaves of Absence [44930 - 44988] ( *Article 3 enacted by Stats. 1976, Ch. 1010.* )

### 44987.

(a) (1) The governing board of a school district shall grant to any employee, upon request, a leave of absence without loss of compensation for the purpose of enabling the employee to serve as an elected officer of any local school district public employee organization, or any statewide or national public employee organization with which the local organization is affiliated.

(2) The leave shall include, but is not limited to, absence for purposes of attendance by the employee at periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. Compensation during the leave shall include retirement fund contributions required of the school district as employer. The required employer contribution rate shall be the rate adopted by the Teachers' Retirement Board as a plan amendment with respect to the Defined Benefit Program as provided in Section 22711. The employee shall earn full service credit during the leave of absence and shall pay member contributions as prescribed by Section 22711. Any employee who serves as a full-time officer of a public employee organization is not eligible for disability benefits under the State Teachers' Retirement Plan while on the leave of absence.

(3) Following the school district's payment of the employee for the leave of absence, the school district shall be reimbursed by the employee organization of which the employee is an elected officer for all compensation paid the employee on account of the leave. Reimbursement by the employee organization shall be made within 10 days after its receipt of the school district's certification of payment of compensation to the employee.

(4) The leave of absence without loss of compensation provided for by this section is in addition to the released time without loss of compensation granted to representatives of an exclusive representative by subdivision (c) of Section 3543.1 of the Government Code. The leave provided under this section shall be in addition to any leave to which public employees may be entitled by other laws or by a memorandum of understanding or collective bargaining agreement.

(5) For purposes of this section, "school district" also means "county superintendent of schools."

(b) (1) An employee who after August 31, 1978, was absent on account of elected-officer service, shall receive full service credit in the State Teachers' Retirement Plan, provided that both of the following conditions are met:

(A) The employee makes a written request to the employer for a leave of absence for the period of the elected-officer service.

**EDUCATION CODE 44987 CONTINUED**

(B) The employee organization of which the member is an elected officer pays to the member's employer an amount equal to the required State Teachers' Retirement Plan member and employer retirement contributions, including regular interest on the balance of contributions due to the State Teachers' Retirement System, calculated from the date the contributions would have been due when the elected-officer service was performed to the date payment is received by the State Teachers' Retirement System, compounded daily based on the regular interest rate in effect the day the payment is received by the State Teachers' Retirement System, as prescribed by this section.

(2) The school district, following this written request and payment, shall transmit the amount received to the State Teachers' Retirement System, informing it of the period of the employee's leave of absence. The State Teachers'

Retirement System shall credit the employee with all service credit earned for the period of the elected-officer leave of absence.

(3) If the employee has been compensated by the school district for the period of the service, then, as a condition to the employee's entitlement to service credit for this period, the school district shall be reimbursed by the employee organization for the amount of the compensation.

(c) Notwithstanding any other provisions of law, this section shall apply retroactively to all service as an elected officer in a public employee organization occurring after August 31, 1978.

*(Amended by Stats. 2021, Ch. 539, Sec. 2. (SB 294) Effective January 1, 2022.)*

## EDUCATION CODE – 45195

### TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100]

*(Title 2 enacted by Stats. 1976, Ch. 1010.)*

### DIVISION 3. LOCAL ADMINISTRATION [35000 - 45460]

*(Division 3 enacted by Stats. 1976, Ch. 1010.)*

### PART 25. EMPLOYEES [44000 - 45460]

*(Part 25 enacted by Stats. 1976, Ch. 1010.)*

### CHAPTER 5. Classified Employees [45100 - 45460]

*(Chapter 5 enacted by Stats. 1976, Ch. 1010.)*

#### 5.2.2.1.1 ARTICLE 4. Resignation and Leaves of Absence [45190 - 45210]

*(Article 4 enacted by Stats. 1976, Ch. 1010.)*

#### 45195.

A permanent employee of the classified service who has exhausted all entitlement to sick leave, vacation, compensatory overtime, or other available paid leave and who is absent because of nonindustrial accident or illness may be granted additional leave, paid or unpaid, not to exceed six months. The employee shall be notified, in writing, that available paid leave has been exhausted, and shall be offered an opportunity to request additional leave. The board may renew the leave of absence, paid or unpaid, for two additional six-month periods or lesser leave periods that it may provide but not to exceed a total of 18 months.

An employee, upon ability to resume the duties of a position within the class to which he or she was assigned, may do so at any time during the leaves of absence granted under this section and time lost shall not be considered a break in service. The employee shall be restored to a position within the class to which the employee was assigned and, if at all possible, to his or her position with all the rights, benefits and burdens of a permanent employee.

If at the conclusion of all leaves of absence, paid or unpaid, the employee is still unable to assume the duties of his or her position, the employee shall be placed on a reemployment list for a period of 39 months.

At any time, during the prescribed 39 months, the employee is able to assume the duties of his or her position the employee shall be reemployed in the first vacancy in the classification of his or her previous assignment. The employee's reemployment will take preference over all other applicants except for those laid off for lack of work or funds under Section 45298 in which case the employee shall be ranked according to his or her proper seniority. Upon resumption of his or her duties, the break in service will be disregarded and the employee shall be fully restored as a permanent employee.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.

*(Amended by Stats. 1987, Ch. 529, Sec. 2.)*

### EMPLOYEE CHECK-OUT FORM

Employee: \_\_\_\_\_ Department: \_\_\_\_\_

Work Site: \_\_\_\_\_ Separation Date: \_\_\_\_\_

**INSTRUCTIONS:** Managers/Supervisors are responsible for completing and processing this form and for knowing the location of all SCCOE property/items.

Managers/Supervisors distributing SCCOE property/items to employees or accepting receipt of that property/items when an employee leaves the Office should use this form to keep track of the transactions by initialing for each item distributed or returned. A copy should remain with the School Office Coordinator (SOC) or department Administrative Assistant.

	N/A	PROPERTY/ITEM DESCRIPTION	DATE RETURNED TO SUPERVISOR	NOTES
		<b>Departmental Items:</b>		
		IPad / NotePad		
		Lap Top Computer		
		Work Materials & Supplies		
		Keys		
		Time Sheet		
		Work Materials & Supplies		
		Other:		
		<b>Accounting Services Items:</b>		
		Purchasing Card		
		Cash Advances		
		Other:		
		<b>Personnel Services Items:</b>		
		ID Badge or Card (return to HR)		
		Resignation/Retirement F o r m		
		Building Access Card		
		Other:		

Supervisor's signature at separation: \_\_\_\_\_ Date: \_\_\_\_\_

Employee's signature at separation: \_\_\_\_\_ Date: \_\_\_\_\_

**Distribution**  
 Manager  
 Employee  
 Personnel File

Revised 8/11/22