

**Regulation 4361: Leaves**

**Status:** ADOPTED

**Original Adopted Date:** 12/01/1988 | **Last Revised Date:**  
06/01/2024 | **Last Reviewed Date:** 06/01/2024

**Failure to Return to Service After Leave**

The district may terminate the employment of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year if all of the following circumstances exist: (Education Code 44842)

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1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of the intention to remain in service with the district in accordance with Education Code 44842
  2. The district had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work
  3. The employee continues to be absent from work for 20 consecutive working days, beginning from the date the employee was to report to work.
  4. The employee did not request or was not granted a leave of absence authorized by the Board
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**Use of Leaves by Classified Employees**

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination.  
(Education Code 45200)

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| State                      | Description                                                                      |
|----------------------------|----------------------------------------------------------------------------------|
| Ed. Code 22850-22856       | <u>Pension benefits; STRS members on military leave</u>                          |
| Ed. Code 44018             | <u>Compensation for employees on active military duty</u>                        |
| Ed. Code 44036-44037       | <u>Leaves of absence for judicial and official appearances</u>                   |
| Ed. Code 44043.5           | <u>Catastrophic leave</u>                                                        |
| Ed. Code 44800             | <u>Effect of active military service on status of employees</u>                  |
| Ed. Code 44842             | <u>Reemployment notices; certificated employees</u>                              |
| Ed. Code 44940             | <u>Compulsory leave of absence for certificated persons</u>                      |
| Ed. Code 44962-44988       | <u>Leave of absence; certificated</u>                                            |
| Ed. Code 45059             | <u>Employee ordered to active military/naval duty; computation of salary</u>     |
| Ed. Code 45190-45210       | <u>Leaves of absence; classified</u>                                             |
| Fam. Code 297-297.5        | <u>Rights, protections, benefits under the law; registered domestic partners</u> |
| Gov. Code 12945.1-12945.21 | <u>California Family Rights Act</u>                                              |
| Gov. Code 12945.7          | <u>Bereavement leave</u>                                                         |

Gov. Code 20990-21013

Gov. Code 3543.1

Gov. Code 3543.2

Lab. Code 230-230.2

Lab. Code 230.3

Lab. Code 230.4

Lab. Code 230.8

Lab. Code 233

M&V Code 395-395.9

M&V Code 395.10

#### **Federal**

29 USC 2601-2654

38 USC 4301-4334

#### **Management Resources**

Website

#### **Code**

2121

4112.1

4112.42

4112.42

4118

4118

4131

4141

4154

4154

4159

4161.1

4161.11

4161.2

4161.3

4161.5

4161.8

4161.9

4161.9

4212.42

4212.42

4218

4218

4231

4241

4254

4254

4259

4261.1

4261.11

4261.2

4261.3

4261.5

4261.8

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4261.9

4300

4300

4312.1

4312.42

4312.42

4331

Pension benefits; PERS members on military leave

Rights of employee organizations

Scope of representation

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

Leave for emergency personnel

Leave for volunteer firefighters

Time off to visit child's school

Leave to attend to family illness

Military leave

Leave when spouse on leave from military deployment

#### **Description**

Family Care and Medical Leave Act

Uniformed Services Employment and Reemployment Rights Act of 1994

#### **Description**

CSBA District and County Office of Education Legal Services

#### **Description**

Superintendent's Contract

Contracts

Drug And Alcohol Testing For School Bus Drivers

Drug And Alcohol Testing For School Bus Drivers

Dismissal/Suspension/Disciplinary Action

Dismissal/Suspension/Disciplinary Action

Staff Development

Collective Bargaining Agreement

Health And Welfare Benefits

Health And Welfare Benefits

Employee Assistance Programs

Personal Illness/Injury Leave

Industrial Accident/Illness Leave

Personal Leaves

Professional Leaves

Military Leave

Family Care And Medical Leave

Catastrophic Leave Program

Catastrophic Leave Program

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Personal Leaves

Professional Leaves

Military Leave

Family Care And Medical Leave

Catastrophic Leave Program

Catastrophic Leave Program

Administrative And Supervisory Personnel

Administrative And Supervisory Personnel

Contracts

Drug And Alcohol Testing For School Bus Drivers

Drug And Alcohol Testing For School Bus Drivers

Staff Development

|         |                                          |
|---------|------------------------------------------|
| 4354    | <u>Health And Welfare Benefits</u>       |
| 4354    | <u>Health And Welfare Benefits</u>       |
| 4359    | <u>Employee Assistance Programs</u>      |
| 4361.1  | <u>Personal Illness/Injury Leave</u>     |
| 4361.11 | <u>Industrial Accident/Illness Leave</u> |
| 4361.2  | <u>Personal Leaves</u>                   |
| 4361.5  | <u>Military Leave</u>                    |
| 4361.8  | <u>Family Care And Medical Leave</u>     |
| 4361.9  | <u>Catastrophic Leave Program</u>        |
| 4361.9  | <u>Catastrophic Leave Program</u>        |