

MIDDLETOWN UNIFIED SCHOOL DISTRICT

Regulation 4361: Leaves

Original Adopted Date:1/17/2024

Failure to Return to Service After Leave

In the case 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, the district may terminate the employment of such an employee if all of the following circumstances exist: (Education Code 44842)

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 his/her 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 did not request or was not granted a leave of absence authorized by the Board.

In any such case, the district may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)

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)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 22850-22856

Ed. Code 44018

Ed. Code 44036-44037

Ed. Code 44043.5

Ed. Code 44800

Ed. Code 44842

Ed. Code 44940

Ed. Code 44962-44988

Ed. Code 45059

Description

[Pension benefits; STRS members on military leave](#)

[Compensation for employees on active military duty](#)

[Leaves of absence for judicial and official appearances](#)

[Catastrophic leave](#)

[Effect of active military service on status of employees](#)

[Reemployment notices; certificated employees](#)

[Compulsory leave of absence for certificated persons](#)

[Leave of absence; certificated](#)

[Employee ordered to active military/naval duty; computation of salary](#)

Ed. Code 45190-45210	Leaves of absence; classified
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
Gov. Code 20990-21013	Pension benefits; PERS members on military leave
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 3543.2	Scope of representation
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Leave to attend to family illness
M&V Code 395-395.9	Military leave
M&V Code 395.10	Leave when spouse on leave from military deployment
Federal	Description
29 USC 2601-2654	Family Care and Medical Leave Act
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994
Management Resources	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
2121	Superintendent's Contract
4112.1	Contracts
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4131	Staff Development
4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4159	Employee Assistance Programs

4161.1	<u>Personal Illness/Injury Leave</u>
4161.11	<u>Industrial Accident/Illness Leave</u>
4161.2	<u>Personal Leaves</u>
4161.3	<u>Professional Leaves</u>
4161.5	<u>Military Leave</u>
4161.8	<u>Family Care And Medical Leave</u>
4161.9	<u>Catastrophic Leave Program</u>
4161.9	<u>Catastrophic Leave Program</u>
4212.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4212.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4231	<u>Staff Development</u>
4241	<u>Collective Bargaining Agreement</u>
4254	<u>Health And Welfare Benefits</u>
4254	<u>Health And Welfare Benefits</u>
4259	<u>Employee Assistance Programs</u>
4261.1	<u>Personal Illness/Injury Leave</u>
4261.11	<u>Industrial Accident/Illness Leave</u>
4261.2	<u>Personal Leaves</u>
4261.3	<u>Professional Leaves</u>
4261.5	<u>Military Leave</u>
4261.8	<u>Family Care And Medical Leave</u>
4261.9	<u>Catastrophic Leave Program</u>
4261.9	<u>Catastrophic Leave Program</u>
4300	<u>Administrative And Supervisory Personnel</u>
4300	<u>Administrative And Supervisory Personnel</u>
4312.1	<u>Contracts</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4331	<u>Staff Development</u>
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>
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