

APPENDIX D

RETRAINING AND STUDY LEAVE POLICY FOR CLASSIFIED PERSONNEL

Legal Basis: Education Code Sections 88220 through 88227

Legislative Intent, Article 88220: "In enacting this article the Legislature recognizes that technological and other changes are occurring which may displace otherwise desirable classified employees in the public school systems of the state. The Legislature intends that the enactment of this article will encourage classified employees to prepare themselves for the changes that are occurring and will also encourage governing boards to utilize the article to further study and retraining by classified personnel."

Eligibility: All permanent contracted classified employees shall be equally eligible to apply for paid, unpaid or partially paid retraining and educational leaves, subject to the following policies and provisions:

Retraining Leave Policy

1. **Definitions**

- a. A leave granted to update or improve existing job skills for the purpose of retraining to meet changing conditions within the district.
- b. A leave granted to an incumbent employee to retrain for a new position when the existing position is to be abolished or significantly altered.
- c. A leave granted to an incumbent employee who, for physical or other reasons, can no longer perform in the present position, but who may be reasonably retrained for another.

2. **Eligibility and Criteria**

- a. **Employee request:** To be eligible for a retraining leave, an employee must have rendered service to the District for at least three consecutive years preceding the granting of such retraining leave, and no more than one such leave shall be granted in each three-year period. Further, the employee shall serve the District for at least two years after successful completion of the retraining program.
- b. **District request:** In the event that the Board contemplates the abolition of positions in the classified service and the creation of new positions because of automation, technological improvements, or for any other reason consistent with this policy, it shall, whenever possible, provide for the retraining of displaced employees in accordance with these rules:
 - (1) An employee must be serving in a position which the District contemplates abolishing or significantly changing the qualifications thereof.

- (2) The employee shall indicate a willingness to undergo the prescribed training program or, in the alternative, forfeit his/her claim to the provisions of this policy.
- (3) The results of the retraining program shall clearly be of benefit to the District.
- (4) The employee shall agree to serve the District for at least two years after successful completion of the retraining program.
- (5) Contract provisions relating to seniority (District hire date) shall apply.

The Board shall prescribe the retraining program and may provide the program internally or designate the institution or place where the program is to be conducted.

3. **Duration**

An approved retraining leave may be taken in cycles of time appropriate to the available training up to a period of one year, the successful completion of which must be accomplished within a three-year time span. Intervening work periods within a retraining program shall be calculated toward eligibility for additional retraining if such should become necessary, and such leaves shall not be considered a break in service. (Education Code 88221)

4. **Compensation**

An employee on retraining leave shall receive full compensation, including all benefits and seniority rights (District hire date) according to his/her placement on the salary schedule and employment status. The District shall, in addition to regular compensation, bear the costs, if any, of the approved retraining plan; or in the alternative the employee may bear such costs and apply the earned credit toward his/her professional growth increment program. (Education Code 88227)

STUDY LEAVE POLICY

1. **Purpose**

A study leave is intended to provide the opportunity for increasing professional competence, and in turn enhance an individual's service to the District. Any proposed plan of study should outline its relationship to the employee's position and/or career goals with the District.

2. **Eligibility and Criteria**

- a. **Employee request:** To be eligible for a study leave, an employee must have completed seven consecutive years of service to the District. (Education Code 88222)
- b. **Service after leave:** The employee shall serve the District for a period of time amounting to twice the term of the leave immediately following the leave. A

faithful performance bond or leave of absence agreement shall be executed as a condition of the leave.

3. **Duration**

- a. Leaves may be granted for a full year, for a partial year, for additional blocks of time, but in no case to exceed one full year.
- b. The study leave shall not be deemed a break in continuity of service, nor shall the period of such absence count toward the years required for further leaves.

4. **Compensation**

- a. An employee on a study leave may receive full, partial, or no compensation proportionate to the relative benefit gained by the District as a result of the study leave as determined by the President with the advice of the committee.
- b. Classified members on study leave shall be compensated for any work they perform at the District during the term of the leave.
- c. The employee shall continue to receive full fringe benefits for the duration of the study leave in proportion to the compensation received.

5. **Restrictions**

- a. Departments will be expected to adjust work loads, where feasible, in order to accommodate for the absence of an employee on a study leave. To avoid unnecessary hardship the number of classified personnel absent for a study leave during any one year shall not exceed two percent of the classified staff.
- b. All study leaves shall have priority on the basis of seniority (District hire date).

6. **Report**

Upon completion of a study leave, a written report shall be submitted to the Labor-Management Committee, the employee's supervisor and/or department administrator, and filed in the employee's personnel file. The report shall be due within 30 days of completion of the leave. If the purpose of the leave is academic study, an official transcript shall be included with the report.

APPLICATION AND APPROVAL PROCESS
RETRAINING AND STUDY LEAVE POLICIES

1. **Requests**

Requests for retraining or study leaves must be submitted in writing, on the appropriate forms, to the immediate supervisor and the administrator of the department. Leave request forms shall be provided by the Personnel Department. Details of the planned activity must accompany such requests. The supervisor and administrator shall, within five working days, forward such requests, together with their recommendations, to the Labor-Management Committee.

- a. **Committee approval:** Within five working days after receipt of such request, the committee shall notify the applicant and the applicant's immediate supervisor of its recommendation. When a request is approved by committee, the recommendation is forwarded to the President for action. If the request receives Presidential approval it shall be presented as a recommendation to the Governing Board.
- b. **Committee denial:** Should an employee's request be recommended for denial by the Labor-Management Committee, a written appeal may be filed with the committee through the employee's supervisor and/or Job Steward within five working days. When such appeal is filed, the committee shall respond within five working days. If the appeal is approved, the recommendation shall be forwarded to the President for action. If the President approves the request, it shall be presented as a recommendation to the Governing Board. If the appeal is denied, the committee shall forward its recommendation to the President. The President shall have final decision authority in all cases.
- c. **Committee approval - Presidential denial:** If the committee approves the request, but the President denies the recommendation, the appeal procedures shall be filed directly with the President.

2. **Recommendations**

Each committee member shall present his/her individual recommendation in writing to the President. A copy shall be available to the employee.