

SERVICE: Certificated
ISSUED BY: Pers. Research (11-20-09)
REPLACES: PC: L 7 (03-21-88)
REFERENCE: UTLA Agreement Article XII; AALA Agreement Article XI, Education Code Sections 44800 and 45059, 38 United States Code § 4311 et seq, and Human Resources Division Bulletin 4223
CHANGES: References to exemption requests for Jury Service for A Basis employees have been deleted.

1. Definition A Government Order Leave or Absence may be granted for service on a Commission on Professional Competence, for military service, to serve as a witness, and for jury service.
2. Requirements
 - a. For service on a Commission on Professional Competence, permanent status is required; for military service, witness appearance, and jury duty, other than temporary status is required, except as provided in Item c. below.
 - b. Employee must be in active service (not on leave) at the time of the leave or absence.
 - c. Substitutes and temporary employees must be serving and not released at the close of the working day immediately preceding the day for which a government order absence is requested.
3. Length of Leave or Absence Government Order Leave or Absence will vary in length depending upon the requirements of the jurisdiction ordering service or attendance.
4. Compensation
 - a. Commission on Professional Competence An employee selected to serve on a Commission on Professional Competence (a hearing panel in another school district) will be paid his/her regular salary by the District while serving.
 - b. Military Service Any employee, including substitutes and temporary employees, shall be paid for time on military leave or absence. Payment will be allowed for up to 20 working days if assignment period is 204 days or less (C basis or equivalent hours) or for up to 22 working days if assignment is more than 204 days (A, E, D, B, or K basis). Substitutes and temporary employees are allowed pay for the number of days salary was earned in the preceding school month subject to the above maximum limitation. For indefinite military leaves (in excess of 180 days) payment described above is allowed for the first year of service only.
 - c. Witness Employees granted leave or absence to appear as a witness shall be paid salary for the days of attendance in court as certified by the clerk or other authorized officer of the court or grand jury, except that substitutes, temporary, and limited status employees will be paid only if they have an assignment covering the dates of absence and are prevented from

4. Compensation (Cont'd.)

serving in such assignment because of appearances as a witness. Any witness fees paid to an employee are to be presented to the employee's timekeeper along with the subpoena or Certification of Jury or Witness Service. The timekeeper will forward such fees and verifications to the Accounting and Disbursements Division, 333 South Beaudry Ave., 26th Floor, Los Angeles, CA 90017.

- d. Jury Service The intention of the District is that jury service be encouraged, but also limited, as far as practical, to periods of time when the continuity of instruction and District operations will not adversely be affected. An employee summoned to jury service shall notify the immediate administrator of such summons. As a condition for payment employees on all bases except "A" Basis, shall seek postponement of the jury service so that it can be performed on the employee's recess or off-track period. As a condition for payment, employees assigned to "A" basis shall seek postponement to a date mutually agreed upon with the immediate administrator if the summoned date is disruptive to the continuity of instruction or District operations.
- (1) For Federal jury service, if the court denies the request for postponement, paid absence or leave shall be granted for the term of the service.
 - (2) For other than "A" basis employees for jury duty in other than a Federal court, the employee will be granted an unpaid leave of absence except where the jury service is commenced during the employee's non-work time and then unavoidably runs into his/her work time. In these instances, a paid leave of absence shall be granted for up to twenty (20) working days subject only to such exceptions as may be agreed upon by the District and UTLA.
 - (3) All jury fees paid to the employee while serving as a juror while in District-paid status shall be remitted to the Accounting and Disbursements Division, 333 South Beaudry Ave., 26th Floor, Los Angeles, CA 90017.

5. Effect on Benefits

a. Military Service

- (1) Time spent on paid military leave or absence will count toward salary step advancement and retirement service credit.
- (2) Vacation earned but not used may be granted prior to, during, or after military service in accordance with the vacation policy in effect at the time the vacation is taken. Vacation will accrue while on paid military leave or absence.

- b. Other Government Order Absence Paid absence to appear as a member of a Commission on Professional Competence, as a witness, or as a Federal juror will count toward all benefits, except tenure, as though active service were rendered.

6. Request Procedure

- a. Twenty Days or Less For leave or absence of less than twenty (20) working days, employee must submit to the immediate administrator, a Certification and/or Request for Non-Illness (Form 60 NON-ILL).
- b. Over Twenty Days For leave or absence of more than twenty (20) working days employee must:
 - (1) Complete Certificated Request for Leave or Absence (Form 1065).
 - (2) Attach appropriate verification as follows:
 - (a) Commission on Professional Competence Attach letter from the Office of Administrative Hearings, State of California verifying appointment to a Commission.
 - (b) Military Service (Indefinite and Temporary) Attach official orders from the appropriate service branch.
 - (c) Jury Service Attach certification or Jury Service completion issued by the court.
 - (d) Witness Attach subpoena.
 - (3) Obtain signature of the immediate administrator and forward to the appropriate Certificated Personnel Office in the Human Resources Division.
 - (4) Employee will be notified by the Certificated Personnel Office regarding the official approval of the leave.
 - (5) Note: A request for cancellation of a Government Order Leave or for cancellation of a request for such leave shall be granted unless an employee other than a day-to-day substitute has been assigned to the employee's position at the site. Exceptions may be made at the sole discretion of the District.

7. Return procedure

- a. An employee returning from a Government Order Leave of twenty days or less must report directly to the immediate administrator.
- b. An employee returning from a Government Order Leave of over twenty days shall file with the appropriate Certificated Personnel Office a Request to Return from Leave (Form 1038) and attach appropriate verification.