

**TEMPORARY/SUBSTITUTE PERSONNEL**

**Paid Sick Leave**

Any temporary or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

A temporary or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. The diagnosis, care, or treatment of an existing health condition of, or preventative care for, the employee or his/her family member as defined in Labor Code 245.5
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking.
3. No employee shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against any employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep of records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249 and in AR 4161.1/4361.1-Personal Illness/ Injury Leave.

Legal Reference:

EDUCATION CODE

[22455.5](#) Provision of retirement plan information to potential members

[22515](#) Irrevocable election to join retirement plan

[37200](#) School calendar

[44252.5](#) State basic skills assessment required for certificated personnel

[44300](#) Emergency teaching or specialist permits

[44830](#) Employment of certificated persons; requirements of proficiency in basic skills

[44839.5](#) Employment of retirant

[44845](#) Date of employment

[44846](#) Criteria for reemployment preferences

[44909](#) Employees providing services through categorically funded programs

[44914](#) Substitute and probationary employment computation for classification as permanent employee

[44915](#) Classification of probationary employees

BP 4121 (b)

- [44916](#) Time of classification; statement of employment status
- [44917](#) Classification of substitute employees
- [44918](#) Substitute or temporary employee deemed probationary employee; reemployment rights
- [44919](#) Classification of temporary employees
- [44920](#) Employment of certain temporary employees; classifications
- [44921](#) Employment of temporary employees; reemployment rights (unified and high school districts)
- [44953](#) Dismissal of substitute employees
- [44954](#) Release of temporary employees
- [44955](#) Layoff of permanent and probationary employees
- [44956](#) Rights of laid-off permanent employees to substitute positions
- [44957](#) Rights of laid-off probationary employees to substitute positions
- [44977](#) Salary schedule for substitute employees
- [45030](#) Substitutes
- [45041](#) Computation of salary
- [45042](#) Alternative method of computation for less than one school year
- [45043](#) Compensation for employment beginning in the second semester
- [56060-56063](#) Substitute teachers in special education

GOVERNMENT CODE

- [3540.1](#) Educational Employment Relations Act, definitions

LABOR CODE

- [220](#) Sections inapplicable to public employees
- [230](#) Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off
- [230.1](#) Employers with 25 or more employees; domestic violence, sexual assault and stalking victims, right to time off
- [233](#) Illness of child, parent, spouse or domestic partner
- [234](#) Absence control policy
- [245-249](#) Healthy Workplaces, Healthy Families Act of 2014

CODE OF REGULATIONS, TITLE 5

- [5502](#) Filing of notice of physical examination for employment of retired person
- [5503](#) Physical examination for employment of retired persons
- [5590](#) Temporary athletic team coach
- [80025-80025.5](#) Emergency substitute teaching permits

COURT DECISIONS

McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170

Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446

Neily v. Manhattan Beach Unified School District, (2011) 192 Cal.App.4th 187

California Teachers Association v. Vallejo City Unified School District, (2007) 149 Cal.App.4th 135

Bakersfield Elementary Teachers Assn. v. Bakersfield City School District, (2006) 145 Cal.App.4th 1260, 1277

Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>