



FAQ on Leave Rights under the Contract

What are employee leave rights under the UTLA-LAUSD contract?

Employees have specific rights to certain types of leaves under the contract (Article XII). Some categories of leave are:

- **Illness (paid):** Article XII, 12.0
- **Personal Necessity Leave (paid):** Article XII, 14.0
- **Personal Leave (unpaid):** Article XII, 17.0

Employees should read the contract (online at www.utla.net/members/contracts) and make a personal decision about what applies to your situation. Under the contract, the district can ask you for verification for all requested leave.

What circumstances are covered under the unpaid Personal Leave provision?

Unpaid Personal Leave (Article XII, Section 17.0) can be granted for “a specific personal reason satisfactory to the District.” For the May Day march in 2006, many UTLA members arranged with their administrators for a personal unpaid leave day.

What is covered under the Personal Necessity Leave provision?

There are a number of situations for which an employee may be granted paid Personal Necessity (PN) Leave. In 2015, UTLA negotiated an additional subsection that allows for a PN day during any “significant event of a compelling nature to the employee, the gravity of which is comparable” to the other expressed PN reasons “and demands the personal attention of the employee during assigned hours and which the employee cannot reasonably be expected to disregard” (Article XII, Section 14.0.h). This PN Leave is limited to “one (1) occasion in any school year.”

Many people believe that this year’s May 1 commemoration is of a “significant and compelling nature” to them personally, such that it is reasonable for them not to disregard that significance. Article XII, Section 14.0, allows, for example, for PN Leave for a religious holiday of the employee’s faith or for attendance at family weddings and graduations. An employee’s faith or religion, as well as one’s political convictions and family obligations, are certainly “comparable” in determining an employee’s personal attention to matters of conscience and duty, particularly in a political environment such as the one we face today.

But what if the District pushes back and cites another contractual provision in Article XII, Section 14.1, which says that PN Leave may not be used for any “strike, demonstration, or work stoppage?”

UTLA is not calling for a strike or work stoppage in this instance. We are collaborative participants in this march, in alliance with a broad coalition of labor and community organizations. Again, UTLA does not view this event on May 1 as a UTLA strike, demonstration, or work stoppage and would certainly defend ourselves to the Public Employment Relations Board if the district filed an Unfair Labor Practice charge.

What if the district refuses to approve the use of my contractual leave rights?

There are no guarantees that the district will not deny the use of contractual leave time on May 1, but there are grievance procedures and organizing tactics that can be used if LAUSD takes that stance. That being said, there is the possibility that the district will dock a member’s pay for the day if it is determined that the leave was used incorrectly.

How does an unpaid day impact STRS retirement credit?

CalSTRS measures service credit based on hours of service. If you had one unpaid day, you would receive 0.9975 credit for 2016-17, rather than 1.000, but this .0025 could be made up by converting unused illness time to service time.

For a small number of people, there are additional considerations. If you are planning on retiring this year with exactly 25 or 30 years of service credit, after factoring in unused illness time, you would lose your one-year final compensation enhancement for 25 years or would lose your career factor for 30 years. If you are on Reduced Workload Leave and do not work the exact number of hours already agreed to, you would receive CalSTRS credit only for the actual time worked, not a full 1.000 service year. It is highly advisable that people on reduced workload leave not have any unpaid time. Call CalSTRS for questions about your specific situation.

Additional FAQs coming: Send your questions to webmaster@utla.net