

State of California

MEMORANDUM

TO: PERSONNEL MANAGEMENT LIAISONS DATE: February 18, 1998
REFERENCE CODE: 98-009

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Employee Relations Officers
Personnel Officers

FROM: Department of Personnel Administration
Policy Development Office

SUBJECT: Family School Partnership Act

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Labor Code Section 230.8 (Family School Partnership) allows eligible employees to take off up to 40 hours per school year to participate in their child's school activities. Eligible employees include parents, guardians, or grandparents having custody of a child in kindergarten or grades 1 to 12. Assembly Bill 47 (Chapter 157, 1997), which became effective January 1, 1998, extends the code section provisions to participation in licensed daycare activities. The bill also changed the maximum number of hours to 40 hours per calendar year instead of per school year.

This program was discussed in Personnel Management Liaison (PML) 96-038 and PML 96-061. The following information is provided as a reminder of the laws and policies used to administer this program.

An eligible employee, prior to taking time off to participate in an activity at their child's school, must give reasonable notice to their employer of the planned absence. According to the Department of Industrial Relations (DIR), the employer may define "reasonable" for the purposes of the employment involved (clerical, fire fighting, analytical, etc.). A departmental policy defining "reasonable" should be based on objective criteria and should be conveyed to the employees before they apply for leave under this section. Criteria could include remoteness of

work location, number of staff at the work location, time-sensitivity of work accomplished in the unit, etc. Departments are not required to honor a request that does not meet the reasonable notice criteria. Departments cannot refuse an employee's request for budgetary reasons.

Time off may not exceed eight hours in any calendar month. Employees shall use existing leave credits such as vacation, annual leave, personal leave, holiday credit, or compensating time off. Unpaid leave may only be used with the consent of the employer. The employee, if requested by the employer, shall provide written documentation from the school to verify he or she participated in the school activity on the specified date and time. If both parents of a child are employed at the same work location, only the first parent who requests the time off is entitled to it. The other parent may request the time off but the employer is not required to approve the request.

The most recent State collective bargaining agreements provided that the appointing authority has the discretion to determine when annual leave, vacation, personal leave, and compensating time off may be taken. Any dispute resulting from the denial of leave to a represented employee is subject to the grievance and arbitration process specified in the appropriate Memorandum of Understanding. A dispute of an excluded employee should be directed to the DIR.

The DIR is charged with administering the provisions of the Labor Code. However, to ensure that information regarding this statute is communicated to all departments, the Department of Personnel Administration has agreed to accept and consolidate questions and forward them to DIR. If you have any questions, please contact Nora Cheek at nscheek@dpa.ca.gov or at (916) 324-0441.



Wendell Coon
Division Chief

