

My employer has an incentive bonus program for employees who take no unpaid leaves of absence. If I take time off to participate in activities at my child's school or child care facility, will my doing so count against me?

Probably. *Labor Code* Section 230.8 contains no clear answer to this question, but it seems reasonable that an employer would apply an incentive bonus program equally to all unpaid leaves of absence, regardless of the reason for the leave.

What should I do if I feel that my employer has discriminated against me for taking time off to participate in my child's school or child care activities?

Your employer may not fire you, demote you, take away your benefits, deny you a promotion, or in any other way discriminate against you because you have chosen to participate in activities at your child's school or child care facility. The law provides for civil penalties and compensation to the parents if such discrimination occurs. The law does not, however, give enforcement powers to a specific governmental agency. If you feel you have suffered discrimination, contact the United States Department of Labor at 1-866-4USADOL or <http://www.dol.gov> or consult an attorney.

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Questions and Answers

from the
California Department
of Education

Sacramento, 2004

The Family–School Partnership Act

What is the Family–School Partnership Act?

The Family–School Partnership Act is a California law that allows parents, grandparents, and guardians to take time off from work to participate in their children’s school or child care activities. The law (*Labor Code* Section 230.8) first took effect in 1995. Its provisions were expanded in 1997 to add *licensed* child day care facilities to the kindergarten-through-grade-twelve levels included in the original legislation.

What opportunities am I offered under this law?

If the following criteria are met, you may take off up to 40 hours each year (up to eight hours in any calendar month) to participate in activities at your child’s school or day care facility:

- You are a parent, guardian, or grandparent who has custody of a child enrolled in a California public or private school, kindergarten through grade twelve, or *licensed* child day care facility.
- You work for a business that has 25 or more employees at the same location.

How should I account for my time off work?

The law allows you to use existing vacation time, personal leave, or compensatory time off to account for the time you use participating in your child’s school or child care activities. You may also use time off without pay if permitted by your employer. The employee, not the employer, chooses from the options that are available.



How can I take advantage of these opportunities?

Let your employer know in advance that you would like to take time off to participate in activities at your child’s school or child care facility. Although the law does not say how far in advance you should inform your employer, it is likely that rules are in place at your work site about reasonable notice for planned absences. And, if your employer requests, you are required to provide written proof of having participated at your child’s school or child care facility.



If both parents of a child are employed by the same employer at the same work site, does the law allow them to take time off together for the same school or child care activity?

The parent who first gives notice to the employer has priority for the planned absence, although the other parent may also participate if the employer approves.

Does the law apply to parents who work the night shift or only to those who work the day shift? What about part-time employees?

All parents working full time, regardless of the shift they work, are allowed up to 40 hours per year. Because a night worker normally sleeps during the day when school is in session, that employee might ask for approval of an absence during the night shift in order to rest adequately for participating in activities at his or her child’s school or child care facility. Part-time workers are allowed a proportionate number of hours. For example, half-time workers may take up to 20 hours a year. Teachers, even though they might work only ten months out of the year, are considered full-time employees and may take up to 40 hours per year.

What kinds of school or child care activities may I participate in with my child?

Under the law *any* activity that is sponsored, supervised, or approved by the school, school board, or child care facility is acceptable. Examples might be volunteering in your child’s classroom; participating in parent–teacher conferences, Back-to-School Night, Open House, field trips, or extracurricular sporting events sponsored by the school, school board, or child care facility; and assisting in community service learning activities.

I am a teacher. Is my employer required to pay for a substitute teacher during my absence?

Because teachers generally get neither vacation nor compensatory time off during the school year, their only options under this law are time off without pay and possibly personal leave, unless their collective bargaining agreement provides for other alternatives. The school district would cover the cost of a substitute teacher through the salary savings gained from the classroom teacher’s time off without pay. Check with your personnel director.



Does my employer have the right to refuse my request for time off to participate in activities at my child’s school or child care facility?

If your employer has 25 or more employees at the same location, he or she cannot refuse the request. All such employers must comply with the law and allow you to take off up to 40 hours a year to participate in your child’s school or child care activities. At least one of the options—using vacation, personal leave, compensatory time off, or time off without pay—must be provided to the employer.