

## ORIGINAL POLICY

### Board Policy GBRI: Professional Personnel Personal Leaves and Absences

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The Board of Education ("Board") expects all employees to maintain regular attendance and to avoid unnecessary absences. Out of concern for the health and welfare of employees and their families, and in compliance with applicable laws, the Board will provide certain categories of leave for which employees may seek approval. Immediate supervisors are expected to monitor employee attendance, and take appropriate action when attendance problems occur. Leave taken without approval, as required, may be treated as unauthorized leave and may result in disciplinary action up to and including termination. Further, submitting falsified documents for sick leave, other types of leave, or FMLA may also result in disciplinary action, up to and including termination.

#### A. SICK LEAVE

In accordance with Georgia law, all full-time personnel shall be eligible for sick leave earned at the rate of one-and-one-fourth (1.25) days for each month of service. Effective July 1, 1994 any unused sick leave may be carried forward from one fiscal year to the next in a reserve bank until a maximum of one hundred and ninety days is accumulated.

| Months of Service          | Sick Leave Days Per Year |
|----------------------------|--------------------------|
| 10-Month Employee – 8 Hour | 12.5 Days                |
| 10-Month Employee – 7 Hour | 11.25 Days               |
| 10-Month Employee – 6 Hour | 11.25 Days               |
| 11-Month Employee – 8 Hour | 13.75 Days               |
| 12-Month Employee – 8 Hour | 15 Days                  |

All days absent shall be reported by the employee, certifying the dates and reasons for the absence. A physician's certificate may be required by the Superintendent or his/her designee at any time deemed necessary, but such certificate shall always be required for any illness longer than three consecutive workdays.

Sick Leave is provided under state law to provide pay during absences related to medical issues for the employee or immediate family member, as well as for certain other absences. An employee may utilize sick leave upon the approval of the Superintendent or his/her designee for absence(s) due to illness or injury, or necessitated by exposure to contagious disease or to illness or the death of the employee's relative. "Immediate Family Member" under this Policy, is defined as the following: spouse, child, sibling, parent, grandparent, grandchild, and corresponding step and in-law relations.

At the time of employment, a new teacher shall be credited with up to forty-five days of unused sick leave if the teacher earned such sick leave while employed in any other public school system in the State of Georgia, provided that the teacher has not been withdrawn from active service as a public school teacher for the twelve months preceding employment by the DeKalb County School District ("District"), and provided that the sick leave has been accrued in accordance with Georgia law and policies of the Georgia State Board of Education.

Any accumulated unused sick and personal leave credited to an employee shall be forfeited if such employee withdraws from service for a period of twelve or more consecutive months, unless the withdrawal from service is for educational leave to seek a higher level or different field of certification and is for no longer than twenty-four consecutive months.

## **B. PERSONAL LEAVE**

During a school year, employees may utilize up to a maximum of three days of any accumulated sick leave as personal leave, if prior approval of the absence has been given by the employee's immediate supervisor and if the presence of the employee requesting the absence is not essential for effective school operation. Employee attendance on certain days, designated critical days, is crucial for effective school operation. Neither personal nor vacation leave may be authorized during the following designated critical days for any personnel: pre-planning, post planning, the first five days of the school year, and the last five days of the school year. Any exceptions must be approved by the Superintendent or his/her designee.

Further, neither personal nor vacation leave may be authorized for school-based employees during either the first two days prior to a school holiday period or a work calendar reduction day or the two days following a school holiday period or a work calendar reduction day. Nor may personal or vacation leave be authorized for school-based employees during any federal or state standardized assessments administered by the District.

All requests for personal leave must be submitted in writing to the employee's principal or supervisor at least three days prior to the requested leave date. Any days missed for personal reasons in excess of three days are unauthorized absences and will result in a loss of pay charged at the employee's daily rate of pay and may further result in disciplinary action, up to and including termination. An employee is not required to indicate specific reasons for personal leave. The employee's principal or supervisor has the right to approve or deny the employee's request for personal leave.

## **C. VACATION LEAVE**

Full-time, twelve-month employees who have completed a minimum of ninety days of service in the District will earn ten days of vacation per year during the first five years of continuous employment. During each additional one-year period of continuous service, the employee earns one more day of vacation than that earned the preceding year, not to exceed twenty days of vacation per year. Unused vacation days may be accumulated up to a maximum of thirty days in addition to vacation earned during the current year of service, but no more than one-half of the earned but unused vacation of the previous year may be accumulated. If separation occurs, the employee will be paid for all accumulated, unused vacation. All requests for vacation leave must be submitted, in writing, to the employee's principal or supervisor at least two weeks prior to the requested leave date. The

employee's principal or supervisor has the right to approve or deny the employee's request for vacation leave.

#### **D. BEREAVEMENT/RELIGIOUS LEAVE**

An employee may use up to a maximum of three days of accumulated sick leave and/or up to three days of personal leave as religious or bereavement leave in the event of the death of an immediate family member. "Immediate family member" is defined as the following: spouse, child, sibling, parent, grandparent, grandchild, and corresponding step and in-law relations. If the employee desires to take leave in excess of the days provided under this Policy, the employee may take unpaid leave.

In advance of an absence, the employee must apply for bereavement or religious leave in writing, stating the specific reason for the anticipated absence. The principal or supervisor has the authority to approve or deny the employee's request for bereavement or religious leave. The employee may appeal a denial of the request for bereavement or religious leave to the assigned-Superintendent or Division Head within five days of the denial of the request for leave.

#### **E. PROFESSIONAL LEAVE (School Representative)**

Annually, each District school will be allotted professional leave days which will not be charged against an employee's personal leave allotment when used as specified by this Policy. Each school will be allotted one day for each seven full-time, certificated employees. An employee desiring to use one or more of these days to attend a professional meeting should submit a written request to the principal at least three weeks prior to the meeting date. Principals are responsible for developing and maintaining an equitable system for distributing allotted professional leave days among teachers of different departments and grades.

#### **F. PROFESSIONAL LEAVE (Graduate Study Without Pay)**

Full-time personnel who have been employed with the District for at least twelve months and wish to pursue graduate degrees in education that are related to the employees' position with the District may request an unpaid leave of absence to complete a residence degree program, student teaching assignment, or other internship as required by the attending university.

The employee must submit an application for professional leave at least six weeks prior to the leave event. Once an employee is granted professional leave, he/she may take up to one year of unpaid leave to complete the course requirements. Only one professional leave may be granted for each employee within a two-year cycle. Employees wishing to complete non-degree programs are not eligible for professional leave. The Division of Human Resources has the right to deny the request for professional leave. Reasonable efforts will be made to reassign an employee who returns from professional leave within the allotted time, but not necessarily to the same position previously held.

#### **G. FAMILY MEDICAL LEAVE**

The policy of the DeKalb County Board of Education is to comply with all regulations of the Federal Family Medical Leave Act of 1993 ("FMLA"). FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons, with continuation of

group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Regarding the interpretation of this Policy, employees should be guided by FMLA itself and its regulations.

An employee requesting leave covered by this law shall have the appropriate health care provider complete the WH380 form, which requests information permitted by FMLA.

## **H. EXTENDED MEDICAL LEAVE**

Employees who have exhausted the leave provisions under the FMLA or DeKalb Medical Leave and who are unable to return may apply for an extended medical leave. The extended medical leave may not exceed a period of one year from the first day of the approved continuous leave period. After one year, if the employee does not return to the District, the employee will be separated from the District.

## **I. JOB PROTECTION UPON RETURN FROM LEAVE**

The Division of Human Resources will make every effort to find a position for reemployment for eligible employees returning from leaves of absence. Employees returning from FMLA leave will be returned to the same or equivalent position and location, as defined under the FMLA. Employees returning from an approved Extended Leave of Absence may be considered for reinstatement in accordance with the associated Administrative Regulation.

## **J. LEAVE OF ABSENCE WITHOUT PAY**

The Division of Human Resources must approve all requests for a leave of absence without pay. Any employee who takes a leave of absence, for any reason, without approval from the Division of Human Resources will be placed on leave without pay. The Division of Human Resources will notify the employee of the unapproved leave, with a request to immediately return to work. If the employee fails to respond to the notification or to return to work, the employee may be recommended to the Board for termination from the District for abandonment of his/her assigned position.

## **K. UNUSED SICK LEAVE FINANCIAL EXCHANGE**

Retiring employees who have accrued unused sick leave benefits may redeem them only under the following conditions:

1. For employees covered by the Georgia Teachers Retirement System ("TRS"), a financial exchange for unused sick leave will be provided only if the employee has established 40 years of creditable service with TRS and cannot apply accumulated sick leave to increase the employee's creditable service with TRS pursuant to O.C.G.A. § 47-3-92. All other employees may redeem unused sick leave benefits upon retirement pursuant to this section without regard to years of service.
2. Sick leave days transferred from other school systems will be excluded from the Sick Leave Financial Exchange Program.
3. Unused sick leave days earned by an employee may be redeemed under the Sick Leave Financial

Exchange Program at retirement according to the following schedule:

Redeemed under the Sick Leave Financial Exchange Program at retirement according to the following schedule:

| Unused Sick Leave | Days Rate of Pay |
|-------------------|------------------|
| Less than 25 days | \$0.00 per day   |
| 26-50 days        | \$3.00 per day   |
| 51-75 days        | \$4.00 per day   |
| 76-100 days       | \$5.00 per day   |
| 101-125 days      | \$6.00 per day   |
| 126-150 days      | \$7.00 per day   |
| 151-175 days      | \$8.00 per day   |
| 176 days or more  | \$9.00 per day   |

#### **L. JURY AND WITNESS LEAVE**

An employee subpoenaed either for jury duty or as a witness to testify before a court of law in a case arising out of the employee's duties as a District employee shall be allowed a leave of absence without loss of pay. An employee who serves as a juror or a witness, as described herein, shall not have the leave deducted from sick, personal, or professional leave. No employee utilizing witness leave shall be required to pay the cost of employing a substitute employee to serve during the employee's absence on such witness leave.

After an employee has been absent for ten days for jury duty in any twelve-month period, the District shall receive all compensation paid the employee for serving on a jury, excluding personal expenses. Upon return to duty by the employee, a copy of the subpoena to serve as a juror or as a witness shall be attached to the Statement of Absence.

#### **M. MILITARY LEAVE**

Employees, other than those employed on a temporary basis, shall be entitled to paid military leave not to exceed eighteen days in any federal fiscal year for the purpose of complying with ordered military duty with the Armed Forces of the United States or the State of Georgia, including duty as a voluntary member of the militia or the reserve component. Employees are also entitled to paid leave, not exceeding thirty days in any one federal fiscal year if ordered to duty as a result of the declaration of any emergency by the Governor or by the appropriate officials of the United States Armed Forces.

Employees who have military commitments should inform the Superintendent or his/her designee annually and shall cooperate, to the extent possible, in scheduling such leave so as to minimize the disruption in those employees' duties and the mission of the Board.

Employees shall be entitled to military leave for long-term, ordered military duty, with full employment and reinstatement rights as provided by law. The employee subject to such military duty must provide the Division of Human Resources with a copy of the official military orders, along with the request for such leave.

#### **N. SICK LEAVE BANK**

The District may establish and maintain a Sick Leave Bank for the purpose of awarding eligible employees who voluntarily make contributions to the Sick Leave Bank each year with sick leave days from the Bank after their earned sick leave accruals have been exhausted. The Sick Leave Bank will be developed and maintained pursuant to O.C.G.A. 20-2-850 and to the guidelines developed by the Superintendent.

#### **O. PAID PARENTAL LEAVE**

In accordance with Georgia law, eligible employees of the District shall be granted paid parental leave upon the birth of an employee's child or the placement of a child with an employee through adoption or foster care. Full-time personnel shall be eligible for parental leave after six continuous months of employment with the District, and hourly employees shall be eligible if they have worked 700 hours during the preceding six-month period. The District will promulgate rules regarding paid parental leave.

#### **P. DEKALB MEDICAL LEAVE**

The District sponsored medical leave is available to employees who have a serious medical condition as defined by the federal Family Medical Leave Act (FMLA) but who do not qualify for FMLA. Employees may apply for an unpaid job-protected Medical Leave for a qualifying reason as defined in the FMLA, with the continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. The District will allow employees to take a medical leave per rolling calendar year for the employee or an immediate family member measured backward from the date an employee uses any Medical Leave. "Immediate family member" is defined as parent, spouse, child under 18 years or child over 18 years of age and incapable of self-care because of mental or physical disability. The employee must give the Division of Human Resources at least 30-days advance notice of the need to take a DeKalb Medical Leave. When the need is unexpected the employee must notify the Division of Human Resources as soon as possible.

The leave does not need to be taken in a continuous block. When medically necessary, eligible employees may take the leave intermittently. The allowable time off is limited to the period of disability as certified by the attending physician but no more than 40 work days (8 weeks) or 160 hours. At the end of the approved leave period the employee will be required to return to work, apply for additional leave (if applicable), or resign his/her position. A continued employee absence beyond the approved medical leave period will be considered job abandonment. The Division of Human Resources has the right to deny a request for Medical Leave for ineligibility purposes.