Regulation GARH-R(1): Employee Leaves and Absences - Employee Personal Leave on Designated Critical Days

Status: ADOPTED

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The Bibb County School District ("District") recognizes employees will need to be absent from work due to legitimate reasons. The purpose of this policy is to establish expectations and procedures for District employees that may need to be absent from work.

I. General Provisions

A. Daily attendance and punctuality are performance expectations for all employees.

B. All employees are required to follow the appropriate work calendar established for their positions and may take leave from work only in accordance with this policy or other leave policies enacted by the Board of Public Education for Bibb County ("Board").

C. In the event that an absence is necessary, employees are responsible for contacting their supervisor prior to the start of the workday. The specific call in protocol for each school or department will be communicated in writing to all employees.

D. Employees are expected to call in for each day of absence unless they are otherwise notified by their supervisor, or unless they are placed on an approved leave of absence.

E. Sick Leave is provided under state law to provide pay during absences related to medical issues for the employee or the employee's immediate family member, as well as for certain other absences.

F. Leaves of absence may be approved for extended periods of absence that are required for medical or certain other reasons. Such leave requests will be evaluated on an individual basis. See also Policy GBRIG - Federal Family and Medical Leave Act for additional information.

II. Available Leave

A. Accrual of Sick Leave for Medical and Related Reasons

1. Each benefits-eligible employee will be allowed to earn sick leave, with full pay, computed on the basis of one and one-fourth (1 1/4) working days for each completed month of service.

2. All employees may accumulate unused sick leave from one fiscal year to the next up to a maximum of 45 days, although the Teachers Retirement System of Georgia allows participating employees to accumulate an unlimited number of unused sick leave days for credit toward retirement. Sick leave accumulated by a certificated employee or bus driver is transferable from one school system to another, up to a maximum of 45 days.

3. Accumulated leave earned by a certificated employee must be forfeited if such employee withdraws from service for twelve or more consecutive months, but such forfeited leave may be reinstated in accordance with the provisions of O.C.G.A. § 20-2- 850.

4. Accumulated leave earned by a bus driver under O.C.G.A. § 20-2-1110 must be forfeited if the driver withdraws from service for 24 or more consecutive months.

   Sick leave may be used upon the approval of the Superintendent or their designee for absence due to personal illness or injury, exposure to contagious diseases, or for

absences necessitated by illness or death in the employee's immediate family.

5. For any absence in which sick leave is used, a physician's certificate may be required stating whether the employee is ill or has another medical condition and is unable to perform their duties.

6. In the event that sick leave is used to care for a member of the immediate family, the Superintendent or their designee may require a physician's certificate stating that the employee is needed to care for the sick family member.

7. For the purposes of absences, members of the immediate family are defined as spouse, children, parents, siblings, aunts, uncles, nieces, nephews, in-law equivalents of the same, grandparents, grandchildren or relatives living in the employee's household. These relationships include those arising from half-blood, adoption, foster placement, or marriage.

B. Sick Leave Donation between Employed Spouses

An employee may donate up to ten (10) days of sick leave to his/her spouse who is also an employee of the school district for purposes of maternity leave, illness, or illness or death of a family member.

C. Personal and Professional Leave

1. Employees may use up to five (5) days of accumulated sick leave for personal or professional leave if prior approval has been given and if the presence of the employee requesting absence is not essential for effective school operation.

2. For the purpose of this Regulation, a "day" is defined as the normal number of hours worked in a day. For example, for employees who work eight (8) hours a day, a "day" is eight hours. For employees working four (4) hours in a day, a "day" is four (4) hours.

3. Personal or professional leave must be entered into the leave management system and approved by the Superintendent or their designee one (1) week prior to leave.

4. Unless otherwise approved by the Superintendent or their designee, personal and professional leave will not be granted during pre-planning, post-planning, in-service days or on the day before or day after holidays. In addition, personal and professional leave will not be granted during the first week of the student school year or during the last week of the student school year, unless the Superintendent or their designee, in their discretion, determines that such leave should be granted.

5. The Superintendent or their designee may refuse to allow an employee to take personal or professional leave if qualified substitutes are not available.

6. Employees are not required to disclose the purpose for which such absence is sought but may be required to state whether the absence is for "personal" or "professional" reasons.

7. Professional leave taken at the request of the District or when required in conjunction with the District's routine professional development or training activities is professional leave under this section and will not be charged against the employee's sick leave and the employee will be paid as regular work time.

8. Employees who wish to attend conferences of their own choice must use personal or professional leave as noted above and as approved by the principal or supervisor.

D. Paid Parental Leave Under Georgia Law

In accordance with O.C.G.A. § 45-20-17, the District will make paid parental leave equally available to all eligible employees under the following terms:

1. An employee will be eligible for paid parental leave for qualifying life events upon satisfying the following criteria:

    a. The employee is classified as full-time by the District and is eligible to participate in the TRS (Teachers Retirement System of Georgia) or the PSERS (Public School Employees Retirement System); and

    b. The employee has six continuous months of employment with the Board, regardless of whether he or she is eligible for paid or unpaid leave under federal law. An employee paid on an hourly basis must have worked a minimum of 700 hours over the six-month period immediately preceding the requested paid parental leave date.

2. A qualifying life event means:

    a. The birth of a child of an eligible employee;

    b. The placement of a minor child for adoption with an eligible employee; or

    c. The placement of a minor child for foster care with an eligible employee.

3. The maximum amount of paid parental leave that may be taken by an eligible employee during a rolling 12 month period is 240 hours, regardless of the number of qualifying life events that occur during such period.

    a. The rolling 12 month period will be measured backward from the date an eligible employee first uses parental leave.

    b. Any unused paid parental leave that remains 12 months after the qualifying event will not carry over for future use.

    c. Unused paid parental leave will have no cash value at any time of the eligible employee's separation from employment with the School District.

3. Paid parental leave under state law will run concurrently with any leave provided under federal law, to include leave under Policy GBRIG, Family Medical Leave Act ("FMLA").

4. Employees who are eligible for paid parental leave but noother leave provided under federal law may take paid parental leave intermittently. In such case, paid parental leave may be taken as needed within the 12 month period and may be taken in increments less than eight hours but not less than four hours.

5. If the employee is eligible for paid parental leave and other leave provided under federal law to include FMLA for child bonding as set out in Policy GBRIG, paid parental leave must be taken concurrently with such leave and may not be intermittent.

6. Employees requesting leave under this section should contact the Human Resources Department to obtain the necessary forms.

7. Eligible employees requesting paid parental leave must submit the District's designated form to the Human Resources Department at least 20 work days in advance of the requested leave start date.

E. Maternal Birth Leave under Georgia Law

1. 'Maternal birth leave' means a period of paid time off from work necessary to recuperate as a result of a qualifying life event.

2. Full-time salaried employees with six continuous months of employment who have given birth to one or more children in a single or multiple pregnancy are eligible for maternal birth leave during the three weeks immediately after the qualifying life event (childbirth) to recuperate from such birth.

3. Full-time hourly employees who have worked at least 700 hours during the six months immediately preceding the requested maternal birth leave and who have given birth to one or more children in a single or multiple pregnancy are eligible for maternal birth leave during the three weeks immediately after the qualifying life event (childbirth) to recuperate from such birth.

4. Maternal birth leave is capped at 120 hours and must be taken within the three weeks immediately after the qualifying life event (childbirth) to recuperate from such birth. If the employee is off-contract or not working during any of the three weeks immediately after the qualifying life event, the employee is not eligible for that portion of the maternal birth leave.

5. Maternal birth leave shall run concurrently with any other leave provided under federal law, specifically the FMLA. However, employees who meet eligibility requirements may qualify for maternal birth leave regardless of whether the employee qualified for paid or unpaid leave under the FMLA.

6. Documentation shall be required to establish the existence of a qualifying event in accordance with applicable guidelines implemented by the District.

7. Part-time positions are not eligible for maternal birth leave.

8. Unused maternal birth leave shall have no cash value upon separation of employment.

9. Requests for maternal birth leave shall be made to the Human Resources Department.

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III. Other Types of Absences

A. Observance or Religious Holidays

Employees may use personal leave for the observance of recognized religious holidays. If an employee desires to take leave for religious reasons beyond their available personal leave days, they should submit a request for a religious accommodation to the Department of Human Relations who will determine whether the request can be granted.

B. Absences Due to Physical Violence

Employees absent due to an injury resulting from physical violence by a student while the employee is engaged in the performance of his/her duties will not be charged with sick leave for the first seven (7) work days of absence resulting from a single injury. A teacher or other person who is absent for up to seven (7) days due to such an injury also shall not have his or her compensation reduced because of such absence. Immediate notification of the injury by the principal/supervisor to Human Resources is required.

C. Jury and Witness Leave

Each employee will be allowed leave with pay for the purposes of serving as a juror in any court or when attending a judicial proceeding in response to a subpoena or other court order or process that requires the employee's attendance at the judicial proceeding in a work-related matter. Jury and/or witness leave will not be deducted from an individual's accumulated personal, professional or sick leave. No employee utilizing

jury or witness leave will be required to pay the cost of employing a substitute to serve during his or her absence for such leave. Employees who serve on juries or who are subpoenaed to attend a judicial proceeding in a work-related matter may keep any jury/witness pay they receive.

D. Military Leave

As set out in O.C.G.A. § 38-2-279, all employees are entitled to be absent and shall be deemed to have a leave of absence from duties while engaged in the performance of ordered military duty.

All employees are entitled to paid leave not to exceed eighteen (18) days in any one federal fiscal year for the purpose of complying with ordered military duty with the armed forces of the United States or State of Georgia, including duty as a voluntary member of the National Guard or any reserve component of the United States or State of Georgia.

In the event the Governor declares an emergency that results in an employee being ordered to military duty as a member of the National Guard, the employee, while performing such duty shall be entitled to paid leave for a period not exceeding thirty (30) days in any one federal fiscal year.

Employees who have military commitments will inform the Superintendent or his or her designee annually, provide a copy of the official military orders, and 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.

E. Bereavement Leave

Employees will be granted up to three (3) days of paid leave due to death in the immediate family, which will not be charged against the employee's accumulated sick leave. If the employee desires to take bereavement leave due to death of an individual other than an immediate family member in excess of the days allowed for personal leave, the employee may request to take unpaid leave.

F. Bone Marrow/Organ Transplant Leave

Employees shall be entitled to the following leave without loss of pay. Such leave shall not be deducted from sick leave, and shall be counted as service in computing retirement or pension benefits:

1. Up to seven (7) days for bone marrow donation for transplantation.
2. Up to thirty (30) days for organ donation for transplantation.

At least seven (7) days prior to any leave under this section, employees requesting such leave must provide a statement from a medical practitioner who is to perform such transplantation procedure or hospital administrator where such procedure is to be performed, confirming the donation.

G. Family and Medical Leave Act (FMLA) – Board Policy GBRIG

See Policy GBRIG (Federal Family and Medical Leave Act). To the extent that any provision in this Policy conflicts with or is superseded by the FMLA, the regulations promulgated thereunder, or any other federal or state law, the provisions of the applicable law or its regulations, as the case may be, will control.

The following unpaid leaves are available to certificated personnel only, provided they are approved by the Superintendent or their designee.

H. Sabbatical Leave

Sabbatical leave may be granted to the professional staff for graduate study, if the staff member has served in Bibb County Schools for seven (7) consecutive years.

I. Exchange Leave

Exchange teaching leave of absence may be granted to the professional staff for a period of one year. The purpose of this leave is to exchange a teacher with another school system from another country.

J. Association Leave

Association leave may be approved for delegates of the Georgia Association of Educators (GAE), the Professional Association of Georgia Educators (PAGE), and the American Federation of Teachers (AFT) to attend annual conferences of the association. Permission to attend any association conference under this section must be obtained from the employee's principal or supervisor.

IV. Other Issues Related to Absences

A. Unauthorized Absences

1. Absences for reasons other than those listed above, absences without proper notification to management and supporting documentation, and absences after time has been denied or approved leave has expired, may be considered unauthorized absences in violation of this Regulation unless the absences are approved in advance by the Superintendent or his or her designee.

2. For each day of unauthorized absence, a pro-rated portion of the annual salary will be deducted from the employee's pay, calculated upon the number of days in the work year.

3. Leave approved for a designated purpose may not be used for any other purpose and may be deemed unauthorized. The District may require acceptable proof of the reason for an employee's absence when there is a question as to whether the absence is acceptable.

4. Unauthorized absences are not acceptable, and appropriate disciplinary action will be taken promptly as provided in policy and regulation, as well as the District's Attendance Protocol.

5. As permitted by federal and Georgia law, unauthorized absences may be deemed job abandonment. For classified employees, unauthorized absences and/or absences without notification which last three (3) or more consecutive work days are deemed to be job abandonment and such abandonment will be considered a voluntary resignation of employment. For certified employees, such abandonment will be considered grounds for termination.

B. Performance Expectations

Employees placed on a performance improvement plan prior to the leave of absence will continue under the requirements of that plan following the leave of absence, even if in a new position and/or at a different school or department.