

GARH-R Leaves and Absences

6/15/23

RATIONALE/OBJECTIVE:

On occasion, Cobb County School District (District) employees will need to be absent from work due to legitimate reasons. This rule is established to guide employees in the proper actions necessary when absent.

GENERAL PROVISIONS:

1. Daily attendance and punctuality are performance expectations for all employees and are included in each job description as a primary responsibility.
2. In the event that 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 discussed and provided in writing to all employees.
3. 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.
4. 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.
5. Leave under this Rule may be approved for extended periods of absence that are required for medical or certain other reasons.

I. AVAILABLE LEAVE**A. SICK LEAVE:****1. Accrual and Use of Sick Leave:**

- a. Sick Leave is accrued at 1¼ days per working month, provided that at least half the scheduled workdays of the month are worked.
- b. New employees who do not transfer any Sick Leave time to the District will be advanced five (5) days of leave. Due to this advance, the new employee earns no additional leave until the end of the fourth month of service.
- c. Any new employee who has previously worked at another Georgia school district may transfer up to 45 days of unused Sick Leave to the District with verified documentation from the previous district. Such documentation must be provided within the first 90 days of employment with the District.
- d. Terminated employees do not earn Sick Leave for the final month unless they work all the scheduled days of the month.
- e. The maximum accrual is 120 days of Sick Leave.
- f. Employees are not paid for unused Sick Leave when they separate from employment.
- g. Unused Sick Leave will lapse when an employee separates from employment with the District unless the employee is re-employed within 12 months. However, if the employee's work schedule was less than 12 months, s/he will regain the Sick Leave if s/he returns to employment by the beginning of the work calendar following 12 months. (
- h. Employees must take Sick Leave in ¼-day increments.
- i. The Report of Absence form (FS 348) should be used to report absences due to personal or family illness or injury. This form should be completed and submitted to the employee's supervisor as soon as the absence is anticipated, or as soon as practical in the case of an unforeseen emergency.
- j. During FMLA approved leave, employees will use accrued leave and Paid Parental Leave, when applicable, in order to be paid for absences. The remaining FMLA weeks will be unpaid.

- k. Employees who have additional available Sick Leave upon expiration of FMLA leave may remain out using Sick Leave until all such leave has been exhausted, with supporting physician documentation.
2. **Use of Sick Leave for Personal or Family Illness:**
 - a. Personal illness is defined as an illness or injury of the employee or exposure of the employee to a contagious disease which would endanger other people if the employee were on the job.
 - b. Family illness is defined as an illness or injury of any member of the employee's immediate family.
 - c. For purposes of this section, "immediate family" includes the employee's spouse, child, grandchild, grandparent, parent, the in-law and step equivalents of same, or any dependents as shown in the employee's most recent tax return.
 - d. **Provisions:**
 - (1) The employee is responsible for notifying the principal/supervisor immediately and for each successive day of absence as required by the principal/supervisor.
 - (2) Employees whose jobs require a substitute must take appropriate action to secure a substitute through the District's automated contact system.
 - (3) For absences which continue beyond ten (10) or more consecutive workdays it is the employee's responsibility to contact Human Resources/Benefits for further direction and/or approval.
 - (4) Employees are expected to return to work on the first workday after the physician determines that no medical disability exists.
3. **Required Documentation for the Use of Sick Leave:**

The District may require a physician's statement attesting that the employee was absent due to illness if the employee is absent:

 - a. Five (5) or more consecutive work days within a school year;
 - b. Seven (7) or more non-consecutive workdays within a school year; or
 - c. On a series of workdays that appear to occur in a pattern, such as a series of Monday and/or Friday absences; or
 - d. Other such circumstances as the District believes necessitates a physician's statement.

When non-FMLA leave is taken, the District reserves the right to designate a physician, at the District's expense, to confirm the reason for an absence. The employee will have the right to participate in the selection of this physician to the extent that the employee can choose from a list of District approved physicians given to the employee. In the event of unusual circumstances, the employee may utilize the services of a mutually agreed upon physician approved by Human Resources.

4. **Donation of Sick Leave to Spouse:**

Under specific circumstances, a District employee may donate up to ten (10) Sick Leave days to his/her spouse when that spouse is also a District employee. No other donations of Sick Leave are allowed by the District.

 - a. Both spouses must be District employees and both must participate in the Catastrophic Illness Leave Bank.
 - b. The receiving spouse must have exhausted all available leave options before being eligible for the donation from his/her spouse.
 - c. The receiving spouse must be able to provide medical certification or other appropriate documentation of the need if required.
5. **Absence 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 shall not be charged with Sick Leave for the first seven (7) workdays of absence resulting from a single injury.

B. PERSONAL LEAVE:

1. Employees have Personal Leave which allows them to be absent with pay for up to three (3) days per school year for any reason. The District allows employees with 15 or more years of service to be absent four (4) days per school year.
2. Personal Leave is deducted from available Sick Leave. If no Sick Leave is available, Personal Leave may not be taken.
3. Employees are required to give as much advance notice as possible for Personal Leave.

4. Requests for Personal Leave will be approved unless the day requested is considered a "critical needs" day at the school or work site and, therefore, attendance is crucial for effective operations. These days normally include pre- and post-planning, the initial and final work days of the semester, days immediately before and after a holiday break, and standardized testing dates. The Leadership and Learning Division will declare which days are District-wide Critical Days.
 - a. Principals may declare school-specific Critical Days when faculty/staff attendance is deemed critical for the well-being of students, the academic success of the school, or in response to emergencies. Examples include, but are not limited, to:
 - (1) Special events which create unstructured days for students (such as field days) and/or bring large numbers of parents/guardians or other non-employees into the building;
 - (2) State or District mandated testing; and
 - (3) School, regional, or national disasters.
 - b. Principals/Supervisors may differentiate Critical Days for various employee groups such as certificated or classified.
 - c. School-specific Critical Days may not be declared in an effort to reduce the number of employee absences on days routinely characterized by high absenteeism, such as Mondays or Fridays.
 - d. Principals are to submit their non-emergency school-specific Critical Days to the appropriate Level Assistant Superintendent for approval. These days should be part of the annual plan for covering classes when substitutes are not available.
 - e. In emergency situations, Principals should confer with the appropriate Level Assistant Superintendent prior to declaring a school-specific Critical Day.
 - f. When emergency situations arise which necessitate an employee's absence for personal/professional reasons on District-wide or school-specific Critical Days, the Principal/Supervisor will approve or deny the request.
 - g. The Superintendent/Principal/Supervisor or designee may deny all requests for Personal Leave at any time that the actual or anticipated absences of a specific school/department/division on a given date reach 10% of the total staff.
5. Requests for Personal Leave cannot be denied due to failure to disclose the reason for the absence.

C. PARENTAL LEAVE:

It is the employee's responsibility to check with Human Resources/Benefits to determine individual eligibility for Maternity/Paternity/Adoptive/Foster leave (Parental Leave), based on the criteria set forth below.

1. Family and Medical Leave Act for Child Bonding:

Eligible employees are allowed up to 12 weeks of unpaid leave under the Family Medical Leave Act (FMLA) for the birth and care of a newborn or the legal placement of a child with the employee for adoption or foster care ("child bonding") in accordance with Board Policy GBRIG and GBRIG-R.

- a. Use of Accrued Leave/Paid Parental Leave (PPL):
Delivering, non-delivering, adoptive, and foster parents must use accrued leave and Paid Parental Leave (PPL) in order to be paid for absences related to parental/adoption/foster care. The remaining FMLA weeks will be unpaid.
- b. As provided by law, the District requires that FMLA leave for child bonding be taken in a continuous block. If a delivering, non-delivering, adoptive, or foster parent chooses not to utilize the entire FMLA child bonding leave in a 12-week continuous block, s/he forfeits any remaining FMLA leave for child bonding. S/he does not forfeit any remaining FMLA leave for another qualifying event.
- c. When both spouses are employed by the school system, the combined total amount of leave that may be taken because of the birth, adoption or foster care placement of a child and bonding with the child may not exceed 12 weeks during a 12-month period. This restriction does not apply to leaves of absence occasioned by either spouse's own serious health condition or that of their child.

2. Paid Parental Leave:

- a. Eligible full-time or part-time benefitted employees of the District are eligible to request PPL in accordance with O.C.G.A. § 45-20-17 and applicable guidelines implemented by the District for the following qualifying events:

- (1) The birth of a child;
- (2) The placement of a minor child for adoption; and
- (3) The placement of a minor child for foster care.
- b. PPL shall run concurrently with any other leave provided under federal law, specifically the FMLA. However, employees who meet eligibility requirements may qualify for PPL regardless of whether the employee is eligible for paid or unpaid leave under the FMLA.
- c. Employees who are eligible for PPL but not FMLA may take PPL intermittently. If the employee is eligible for PPL and FMLA, PPL must be taken in a continuous block, concurrently with FMLA.
- d. The maximum amount of PPL that may be taken by any eligible employee during any rolling 365-day period is 120 hours, regardless of the number of qualifying events that occur within such period.
- e. Documentation shall be required to establish the existence of a qualifying event in accordance with applicable guidelines implemented by the District.
- f. No portion of any such leave that remains 365 days after the qualifying life event shall carry over for future use.
- g. Unused PPL shall have no cash value upon separation of employment.
- h. Requests for PPL shall be made to Human Resources/Benefits.

D. BEREAVEMENT LEAVE:

In the event of the death of a family member, employees may be absent up to five (5) days. Any available Sick Leave must be used for purposes related to the bereavement.

- 1. For purposes of this section, "family member" includes the employee's spouse, children, mother, father, brother, sister, grandmother, grandfather, grandchildren, the in-law and step equivalents of same, and also any other relative living in the household of the employee for whom the employee is legally responsible.
- 2. While the District is sensitive to these situations, employees are requested to take no more time off than is necessary for travel, funeral services, and related activities.
- 3. If more than five (5) days of absence is necessary due to the death of a family member – such as for extended travel or estate duties – extended bereavement may be requested for up to a total of 20 days. Employees should contact Human Resources/Benefits for further direction. If days are not consecutive, the employee must make reasonable attempts to schedule the days to minimize the impact on s/he work and to avoid being absent on Critical Days.
- 4. In the event of a death of someone outside the family members defined above, the employee may use up to one (1) day of Sick Leave for purposes related to the bereavement as well as any remaining Personal Leave.
- 5. If no Sick Leave is available, the absence is unpaid.

E. OTHER ABSENCES:

1. Jury or Legal Service Duty:

- a. Employees will receive regular pay when absent due to a jury duty summons.
- b. Employees who are subpoenaed in a case arising out of their duties as a teacher will be allowed to be absent and will receive regular pay.
- c. Absences for jury or legal service duty will be excused and will not be used in any disciplinary process.

2. Administrative Leave:

- a. During investigations or other situations, the District may direct that an employee remains off work. This administratively required leave will be paid at the employee's regular rate of pay.
- b. State law must be followed concerning administrative leave for certificated employees.

3. Professional Leave:

- a. Employees may attend work-related conferences, seminars, or training sessions at the direction of their supervisor. Time away from the workplace to attend these events is considered professional leave and is paid as regular work time.
- b. Employees who wish to attend conferences of their own choice would use Personal Leave as noted above.

4. Short-term Military Leave:

- a. District employees are extended the right to short-term military leave of absence upon receipt of official notification of a call to active duty (includes National Guard, Reserve,

and Georgia State Defense Force). This leave is not a part of the employee's sick leave accrual. Please contact Human Resources/Benefits for further direction.

- b. Upon receipt of official documentation, the employee shall be approved and granted paid leave in accordance with O.C.G.A § 38-2-279. The employee will provide written documentation as to the duty being required to Human Resources/Benefits, and the required dates of duty should be submitted via submission of a completed Report of Absence Form. (FS 348).

5. **Family Medical Leave:**

See Administrative Rule GBRIG-R (Federal Family and Medical Leave Act).

II. OTHER ISSUES RELATED TO ABSENCES

A. MEDICAL DOCUMENTATION TO PERFORM (FITNESS FOR DUTY):

To ensure the safety of students, employees and co-workers, the District may require an employee returning from extended leave to gain a physician's confirmation that s/he is physically and mentally able to perform essential functions of the employee's job as noted in the job description and further explained by the employee.

1. The District may designate a physician to confirm the employee's ability to perform the job. This evaluation would be performed at District expense. The District will follow the determination of this physician.
2. At the District's discretion, employees may be required to remain off work until the results of the evaluation are available. In such event, the employee may use available leave to pay for the time off work.
3. **If** the employee is determined to be "unfit for duty," the employee must present a full duty medical release from the treating physician for the condition causing that determination before he/she returns to work.

B. PERFORMANCE EXPECTATIONS:

Employees who had been placed on a Remediation Plan or other type of performance improvement plan prior to their 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.

III. PERFORMANCE DOCUMENTATION GUIDELINES:

A. GENERAL PROVISIONS:

District supervisors are expected to monitor attendance and promote high attendance standards among their staff. Recognizing the health and welfare needs of our employees and their families and in conformance with applicable state and federal laws, the District provides designated categories of leave for which employees may seek approval when circumstances dictate:

1. Administrative Rule GBRIG-R (Federal Family and Medical Leave Act)
2. Administrative Rule GARH-R (Leaves and Absences)
3. Administrative Rule GARK-R (Vacations)

B. IMPLEMENTATION:

Supervisors are expected to implement and enforce the District attendance rules in accordance with the following provisions:

1. **Ethics:**

Leave approved for a designated purpose may not be used for any other purpose (Standard 4, Georgia Professional Standards Commission Code of Ethics). (See Administrative Rule GAGC-R [Employee Ethics])

2. **Approved Absences:**

The following types of approved absences will not be counted against an employee's annual attendance evaluation:

- a. Administrative leave (see Part I, Section E.2. above).
- b. Bereavement leave (see Part I, Section D. above);

- c. FMLA: Leave granted under the Family Medical Leave Act (see Administrative Rule GBRIG-R Federal Family and Medical Leave Act) (see also Part I, Section C.1. above);
 - d. Jury duty (see Part I, Section E.1. above);
 - e. Military leave (see Part I, Section E.4. above);
 - f. Paid Parental Leave (see Part I, Section C.2. above);
 - g. Professional leave (see Part I, Section E.3. above);
 - h. Vacation leave (Administrative Rule GARK-R [Vacations]);
 - i. Worker's Compensation leave (Administrative Rule EGAA-R [Workers' Compensation]).
3. **Acceptable Absences:**
Other than and in addition to the absences listed in Part III, Paragraph B.2. above, the following chart defines what may be considered a reasonable level of absence from the job when addressing an unacceptable pattern of absences:

Employee's Annual Work Calendar	Number of Workdays*
178-187 days	6½
188-192 days	7
193-207 days	7½
208-237 days	8
Annual Administrative and Operational	9

*Supervisors of hourly employees shall convert the above number of workdays to equivalent work hours.

4. **Unauthorized Absences:**
- a. Absences for reasons other than those listed above, as well as absences without proper notification to management and absences after time has been denied or approved leave has expired, may be considered a violation of this Rule unless the absences are approved in advance by the Superintendent or designee.
 - b. Unauthorized absences may result in the deduction from the employee's pay of a full working day's pay for each day absent.
 - c. 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.
 - d. 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 or more consecutive workdays are deemed to be job abandonment and such abandonment will be considered a voluntary resignation of employment. For certified employees, such abandonment shall be considered grounds for termination pursuant to Administrative Rule GBK-R (Discipline, Suspension, and Dismissal of Staff).

C. GUIDELINES:

- 1. Refer to Part I, (Available Leave) above for specific requirements regarding requesting, approval and required documentation of leave.
- 2. **Leave Category:**
Employees may not change an absence to a different leave category after the absence has occurred unless approved by authorizing supervisor within the same pay period.
- 3. **Discipline:**
 - a. **Excessive Absences:**
Absences in excess of the number of days identified in the above table within a fiscal year may result in corrective action consistent with progressive discipline (see Administrative Rule GBK-R). Supervisors should exercise discretion in the assignment of progressive discipline.
 - b. **Tardiness:**
Unexcused tardiness may also result in corrective action consistent with progressive discipline (Administrative Rule GBK-R [Professional Personnel Suspension]). Supervisors should exercise discretion in the assignment of progressive discipline.

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Legal Reference:

O.C.G.A. 20-2-853	Accumulation of and payment for unused sick leave
O.C.G.A. 20-2-182	Program weights to reflect funds for payment of salaries and benefits
O.C.G.A. 20-2-850	Sick leave for teachers and other personnel
O.C.G.A. 20-2-852	Maternity leave
O.C.G.A. 20-2-870	Right to leave for jury duty or when subpoenaed
O.C.G.A. 21-2-404	Affording employees time off to vote
O.C.G.A. 34-1-3	Discrimination against employee for attending judicial proceeding in response to subpoena prohibited
O.C.G.A. 38-2-279	Rights of public officers and employees absent on military duty
O.C.G.A. 45-20-30	Leave of absence for blood donation
O.C.G.A. 47-3-92	Absence from employment due to sick leave; TRS creditable service
O.C.G.A. 45-20-17	Paid Parental Leave
29 CFR Part 825	The Family and Medical Leave Act of 1993 - Regulations
29 USC 2601	Family and Medical Leave Act