



Board Policy GARH: Employee Leaves and Absences

Status:
ADOPTED

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The Baldwin County Board of Education (“Board”) 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 Baldwin County School District (“District”) employees that may need to be absent from work.

GENERAL PROVISIONS:

1. Daily attendance and punctuality are performance expectations for all employees.
2. 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.
3. 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 the protocol for each school or department will be communicated in writing to all employees.
4. 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.
5. 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.
6. 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.

II. AVAILABLE LEAVE:

A. SICK LEAVE:

1. **Accrual and Use of Sick Leave:**
2. Sick leave is accrued at 1 1/4 days per working month, provided that at least half the scheduled work days of the month are worked.
3. Sick leave shall not be advanced.

4. 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 when such documentation is provided within the first sixty (60) days of employment.
5. Terminated employees do not earn sick leave for the final month unless they work all the scheduled days of the month.
6. Compensation for unused sick leave shall not be paid upon retirement or resignation of any employee
7. Employees are not paid for unused sick leave when they separate from employment.
8. Accumulated unused sick 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.
9. 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.
10. Employees in positions that are paid on an hourly basis may take sick leave in half-day increments.

Use of Sick Leave for Personal or Family Illness:

1. 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 persons if the employee were on the job.
2. Family illness is defined as an illness or injury of any member of the employee's immediate family.
3. 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.

Sick Leave Procedures

The employee is responsible for notifying the employee's principal/supervisor immediately and for each successive day of absence as required by the principal/supervisor.

1. Employees whose jobs require a substitute must take appropriate action to secure a substitute through the District's automated substitute contact system.
2. Absences which continue for ten or more consecutive workdays must be documented as a leave of absence under the Family and Medical Leave Act (FMLA) as noted in Policy GBRIG or the employee must complete the Extended Leave Form. It is the employee's responsibility to contact the Human Resources Department for forms and information.

3. During any absence for personal illness, available leave must be used for the first 60 consecutive days of illness or disability which is considered to be the period of FMLA eligibility.
4. Employees are expected to return to work on the first workday after the physician determines that no medical disability exists.

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:

1. Three (3) or more consecutive work days within a school year;
2. Seven (7) or more non-consecutive work days within a school year; or
3. On a series of work days that appear to occur in a pattern, such as a series of Monday and/or Friday absences; or
4. Any other such circumstance the District believes necessitates a physician's statement.

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) work days of absence resulting from a single injury. Immediate notification of the injury by the principal/supervisor to Human Resources is required.

B. PERSONAL LEAVE:

1. Employees have Personal Leave which allows them to be absent with pay for up to three days per school year for any reason.
2. Personal Leave is deducted from available Sick Leave. If no Sick Leave is available, Personal Leave may not be taken. Employees found to have used more personal days than they have will be docked a pro-rated portion of their annual salary for each day absent.
3. Employees are required to give as much advance notice as possible for Personal Leave. 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. Critical need days ("Critical Days") include: pre- and post-planning; the initial and final work days of the semester; days for professional learning; when a local, state or national emergency or disaster occurs; days immediately before and after a holiday break; and standardized testing dates. The Superintendent may declare which days are district-wide Critical Days.
4. Employees shall not be absent on a Critical Day unless there are extenuating circumstances for the absence, and the absence is approved by the employee's principal/supervisor.

5. When emergency situations arise which necessitate an employee's absence for personal/professional reasons on Critical Days, the principal/supervisor must approve or deny the request.
6. Absences due to religious observances on a scheduled work day are considered Personal Leave. If an employee desires to take leave for the observance of recognized religious holidays in excess of the three days allowed for personal leave, the employee may take unpaid leave for such purposes, provided that such leave is not excessive or does not interfere with fulfilling the obligations of the employee's job.
7. All decisions made by an employee's principal/supervisor regarding personal leave are final and non-appealable.

PAID PARENTAL LEAVE UNDER GEORGIA LAW

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

An employee shall 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 (Teacher 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.

A qualifying life event means:

1. The birth of a child of an eligible employee;
2. The placement of a minor child for adoption with an eligible employee; or
3. The placement of a minor child for foster care with an eligible employee.

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.

1. The rolling 12 month period shall be measured backward from the date an eligible employee first uses parental leave.
2. Parental leave may be taken as needed and may be taken in increments of less than eight hours. The smallest increment of parental leave that may be taken is half of a workday.
3. Any unused paid parental leave that remains 12 months after the qualifying event shall not carry over for future use.
4. Unused paid parental leave shall have no cash value at any time of the eligible employee's separation from employment with the Board of Education.

5. Paid parental leave under state law will run concurrently with any leave provided under federal law.
6. The district will provide notice of paid parental leave to each eligible employee when hired and then at least annually thereafter.
7. The Superintendent or designee shall develop paperwork needed to administer paid parental leave under this provision, which shall specify the documentation required to establish the existence of a qualifying life event. This paperwork may be obtained from the Human Resources Department.
8. Eligible employees requesting paid parental leave must submit the District's designated form to the Human Resources Department at least 15 school days in advance of the requested leave start date.

BEREAVEMENT

In the event of the death of a family member, employees may use up to five (5) days of available Sick Leave 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 no sick leave is available, the absence is unpaid.

E. OTHER TYPES OF ABSENCES: Jury or Legal Service Duty:

1. Employees will receive regular pay when absent due to a jury duty summons. Any compensation an employee receives from the court as a result of a jury duty summons may be retained by the employee.
2. Employees who are subpoenaed in a case arising out of their duties as a District employee will be allowed to be absent and will receive regular pay.
3. Absences for jury or legal service duty will be excused and will not be used to discipline employee.

F. Administrative Leave:

1. 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.
2. State law must be followed concerning administrative leave for certificated employees.

G. Professional Leave:

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

H. Extended Medical Leave For Employees Not Eligible for FMLA:

1. Employees not eligible for Leave the FMLA, should contact the District's Human Resources Department to discuss leave options.
2. For any employee illness that extends beyond 10 days, the Extended Medical Leave form must be completed by the employee and submitted to the Human Resources Department.

I. Military Leave:

1. All employees are entitled to paid leave not to exceed eighteen 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
2. 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 is entitled to leave not exceeding thirty days in any one federal fiscal year.
3. Employees who have military commitments shall inform the Superintendent or 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 District's mission.

J. Family Medical Leave:

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, shall control.

III. OTHER ISSUES RELATED TO ABSENCES**K. 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 a violation of

this Policy unless the absences are approved in advance by the Superintendent or designee.

2. For each day of absence from duty in excess of allowable sick leave or for any cause not covered by sick leave provisions, a pro-rated portion of the annual salary shall be deducted from the employee's pay, calculated upon the number of days in the work year.
3. 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. 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 work days 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.

L. 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.

This policy shall apply to all benefits-eligible employees of the Baldwin County School District ("the District"). 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. Unless otherwise provided by the District, principals and other supervisors are not authorized to rearrange the work calendars of employees. Deductions in pay will be made for absences not covered by this policy.

ACCRUAL OF SICK LEAVE AND ABSENCE FOR MEDICAL AND RELATED REASONS

Each benefits-eligible employee of the District shall 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. All employees may accumulate unused sick leave benefits from one fiscal year to the next, up to a maximum of 45 days, although the Teacher Retirement System of Georgia allows participating employees to accumulate an unlimited number of unpaid sick leave days for credit toward retirement. (O.C.G.A. § 20-2-850 for teachers and O.C.G.A. § 20-2-1110 for bus drivers.)

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. 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.

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 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.

DEFINITIONS

Full-time employees – Administrators, supervisors, teachers, student services personnel, and classified personnel that work four or more hours per day.

Immediate family – Husband, wife, child, mother, father, sister, brother, or such in-laws or relatives.

Work year – Number of months/days that an employee works during any fiscal year.

Sick leave is not to be considered as annual leave.

For any employee illness that extends beyond 10 days, the Extended Medical Leave form must be submitted to the employee's supervisor for approval. The Certification of Physician form must be submitted to the Human Resources Department after it has been completed by the treating physician.

Illness in the immediate family – A maximum of ten (10) days of sick leave may be used in the event of serious illness in the immediate family.

Death in the immediate family – A maximum of five (5) days of sick leave may be used in the event of death in the immediate family.

Certification requirements for sick leave – A medical excuse may be required for three (3) consecutive days of sick leave.

Advancement of sick leave – Sick leave shall not be advanced.

Sick leave after retirement or resignation – Compensation for unused sick leave shall not be paid upon retirement or resignation of any employee.

Maternity leave – Maternity leave may be granted and an employee may use her accumulated sick leave for the period of disability caused by pregnancy. The employee should report the condition to her principal/supervisor as soon as possible so that arrangements for a substitute may be made.

Deduction for absences not covered – For each day of absence from duty in excess of allowable sick leave or for any cause not covered by sick leave provisions, a pro-rated portion of the annual salary shall be deducted from the employee's pay, calculated upon the number of days in the work year.

FAMILY AND MEDICAL LEAVE ACT (FMLA)

See board Policy GBRIG.

PERSONAL LEAVE

Personal leave is granted to all employees. Employees will be allowed ~~three~~ five days of personal leave each year. These ~~three~~ five days count as part of regular sick leave days.

Employees must secure permission of their principal/supervisor prior to their absence. If prior approval has not been received, a full day's salary will be deducted for each day absent.

Employees using more personal days than they have will be docked a pro-rated portion of their annual salary for each day absent.

Employees may not take personal leave during state mandated testing, or professional learning days or days prior to or following a holiday unless there is an extenuating circumstance for the absence, and it is approved by the building principal.

All decisions made by an employee's principal/supervisor regarding personal leave are final and non-appealable.

PROFESSIONAL LEAVE

Professional leave taken at the request of the school district or when required in conjunction with the district's routine professional development or training activities will not be charged against the employee's sick leave.

OBSERVANCE OF RELIGIOUS HOLIDAYS

If an employee desires to take leave for the observance of recognized religious holidays in excess of the three days allowed for personal leave, the employee may take unpaid leave for such purposes, provided that such leave is not excessive and does not interfere with fulfilling the obligations of his or her job.

JURY AND WITNESS LEAVE

Each employee shall 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 shall not be deducted from an individual's accumulated sick leave. No employee utilizing jury or witness leave shall 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 must remit to the Superintendent's office any jury/witness pay they receive, or have deducted from their check the amount paid, whichever is best.

MILITARY LEAVE

All employees are entitled to paid leave not to exceed eighteen 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 is entitled to leave not exceeding thirty days in any one federal fiscal year. Employees who have military commitments shall inform the Superintendent or 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 of Education.

DISCLAIMER

To the extent that any provision in this policy conflicts with or is superseded by the Family and Medical Leave Act ("FMLA"), the regulations promulgated there under, or any other federal or state law, the provisions of the applicable law or its regulations, as the case may be, shall control.