

GUIDELINES: ATTENDANCE AND ABSENCES

Attendance

In order for an organization to achieve its desired goals, good attendance and punctuality are necessary. Therefore, regular and prompt attendance is expected and required for all employees. Employees who will be late or absent should notify their supervisor as soon as possible so that their responsibilities can be covered appropriately.

Employees may not leave their work locations prior to the end of the work day without specific permission of their supervisor or designee. This includes any and all field trips. Unapproved employee absences which are for three consecutive days or more may result in termination for job abandonment. Sign-in/sign-out procedures must be followed at each job site. Attendance records are subject to review at all times.

Bereavement Leave

In the event of a death of a member of the immediate family of an employee, a total of three days cumulative bereavement leave will be granted. Members of the immediate family shall be defined as father, mother, grandparents, grandchildren, husband, wife, son, daughter, stepson, stepdaughter, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, aunt, uncle, niece, nephew, or relatives living in the home of the employee. All such bereavement leave will be charged against the employee's sick leave. **Reference Policy: GBRH**

Family Medical Leave Act (FMLA)

It is the purpose of this policy to set out in summary form the provisions of the Family and Medical Leave Act ("Act") as adopted by the U.S. Congress on February 5, 1993 and which became effective August 5, 1993. The Worth County Board of Education does not intend by this policy to create any additional rights to leave not provided by the Act. The board does intend to elect certain options as the Act authorizes. Any portion of this policy inconsistent or contrary to the Act is unintentional and shall not be given effect. As to the interpretation of this policy, the board's employees should look to the Act itself and its regulations.

A. ELIGIBLE EMPLOYEES

Employees of the Worth County Board of Education who have been employed by the board for at least 12 months and who have worked at least 1250 hours for the board are entitled to 12 weeks of unpaid leave per year (fiscal year - July 1 - June 30).

An employee may request leave for one or more of the following reasons:

1. Birth of a child and to care for the newborn child;
2. Adoption or foster placement of a child with the employee;
3. To care for the employee's spouse, son, daughter or parent, if that person has a serious health condition;
4. Serious health condition of employee that prevents the employee from performing the job functions.

In the event of the birth, adoption or foster placement of a son or daughter, all leave must be completed within 12 months after the birth, adoption or foster placement.

B. DEFINITIONS

"Instructional employee" means an employee whose principal function is to teach and instruct students in a class, a small group or an individual setting.

"Parent" means a biological parent or one who acted in place of a parent when the employee was a child. The term "parent" does not include parent "in-law".

"Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider.

"Son or daughter" means a biological, adopted or foster child, a stepchild, a legal ward, or a child for whom the employee acts as a parent. The son or daughter must be under age 18 or, if the son or daughter is age 18 or older, he/she must be incapable of self-care on a daily basis due to a mental or physical disability.

"Spouse" means a husband or wife.

C. AMOUNT AND TYPE OF LEAVE TAKEN

In most circumstances, an employee may take a total of 12 weeks leave during any twelve-month period. The 12-month period shall be measured backward from the date the employee begins using any FMLA leave. See 29 C.F.R. 825.200(b)(4).

If both spouses work for the board and both are eligible for FMLA leave, they are authorized to take only a combined total of 12 weeks during any one 12 month period to care for a newborn or adopted child, a child placed with the employee for foster care, or a parent with a serious health condition. Both spouses are authorized unpaid leave to care for a spouse or child with a serious health condition for twelve (12) weeks.

Employees seeking to take Family and Medical Leave to care for a newborn or adopted child, a child placed with the employee for foster care, a parent, spouse or child with a serious health condition, or because of their own serious health condition, must substitute any personal leave, paid vacation, applicable accumulated sick leave, and any other applicable paid leave for their Family and Medical Leave.

D. INTERMITTENT OR REDUCED LEAVE

An employee is not permitted to take leave on an intermittent or reduced leave schedule unless it is medically necessary. The board will require a certification, in the form described in Section G below, to document the medical necessity of such intermittent leave.

E. NOTIFICATION OF LEAVE

If the need for FMLA leave is foreseeable, an employee requesting leave must provide at least 30 days advance notice to the office of the superintendent. If such advance notice is not possible, the employee must give said notice as soon as practicable, ordinarily within one or two working days of learning of the need for leave.

When planning medical treatment, the employee should make a reasonable effort to schedule the treatment, subject to the approval of the health care provider, so that any corresponding leave will not unduly disrupt the operations of the school district.

F. BENEFITS AND RETURN TO WORK

Employees will be eligible to maintain health care benefits, provided by the school district, while on FMLA leave. The board will pay the employer's portion, if any, of such benefits. The employee will pay the same portion, if any, of such benefits as the employee paid before beginning the leave.

The board may recover any health care benefit premiums paid on behalf of an employee if the employee does not return to work after the leave period has expired, unless the employee did not return due to a serious health condition of the employee or the employee's spouse, parent or child, or other circumstances beyond the

employee's control. The board may require certification from the health care provider that a serious health condition of the employee or family member prevented the employee from returning to work.

With the exception of paid vacation, personal, medical or sick leave required to be substituted for unpaid leave under Section C above, the employee's absence during leave will not alter benefits which the employee accrued before taking leave.

Upon return from leave, the employee is entitled to be reinstated to a position equivalent to the one the employee held when he/she left on FMLA leave, with equivalent pay, benefits and other terms and conditions of employment. Upon proper notice, however, the board may deny reinstatement under this policy to an employee whose salary is in the highest 10% of the employees employed by the school district if such denial is necessary to prevent substantial and grievous economic injury to the district's operation, as determined by the board.

G. REQUIRED CERTIFICATION AND REPORTING

The Worth County Board of Education requires that a request for leave due to a serious health condition be supported by a certification issued by the appropriate health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee on a form to be provided by the board.

This certification must include: (1) the date on which the serious health condition commenced, (2) the probable duration of the condition, (3) if the purpose of the leave is to care for a son, daughter, spouse or parent ("family member"), a statement that the employee is needed to care for the family member and the estimated amount of time needed for such care, and (4) if the leave is due to the employee's own serious health condition, a statement that the employee is unable to perform the job functions. The employee may require that the eligible employee obtain subsequent recertification on a reasonable basis as requested by the school district.

The board, at its own expense, may obtain the opinion of a second health care provider of the board's choice, if it should choose to do so. If a conflict exists between the opinion in the certification and the second opinion, the board may, at its own expense, obtain a third opinion from a health care provider upon which the board and the employee jointly agree. Such a third opinion as to the necessity for the leave is binding on both the board and the employee.

Upon an employee's return to work after leave for his/her own serious health condition, the board may require the employee to obtain certification from a health care provider that the employee is able to resume work.

The board may require an employee on FMLA leave to report periodically to the principal or supervisor on the employee's status and intent to return to work.

H. SPECIAL PROVISIONS

When an instructional employee seeks intermittent leave or leave on a reduced schedule in connection with a family or personal illness that would constitute at least 20% of the total number of working days in the period during which the leave would extend, the board may require the employee to elect to take leave in a block (not intermittently) for the entire period or to transfer to an available alternative position within the school system that is equivalent in pay, for which the employee is qualified, and which better accommodates the intermittent situation.

If an instructional employee begins leave more than five weeks before the end of a semester, the board may require the employee to continue taking leave until the end of the semester if:

- (i) The leave will last at least three weeks; and
- (ii) The employee would return to work during the three-week period before the end of the term.

If an instructional employee begins leave for a purpose other than the employee's own serious health condition during the five-week period before the end of the semester, the board may require the employee to continue taking leave until the end of the semester if

- (i) The leave will last more than two weeks; and
- (ii) The employee would return to work during the two-week period before the end of the term.

If an instructional employee begins a leave for a purpose other than the employee's own serious health condition during the three-week period before the end of a semester, and the leave will last more than five working days, the board may require the employee to continue taking leave until the end of the semester. **Reference Policy: GBRIG**

Jury and Witness Leave

Each person employed by the board shall be allowed leave with pay for the purposes of serving as a juror in any court or when subpoenaed to testify in a case arising out of the individual's duties as a school district employee. Jury and/or witness leave shall not be deducted from an individual's accumulated personal, professional or sick leave. No employee utilizing jury and 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 for reasons arising out of their employment with the school district must remit the jury/witness pay they receive to the Worth County Board of Education within one week after receiving such payment.

In the event of jury duty or witness leave for a case arising out of the individual's duties as a school system employee, a copy of the notice or subpoena, or a Certificate of Juror Service form, or another Worth County School District approved equivalent should be presented to the leave specialist. Employees must also remit any pay received for jury or witness pay to the leave specialist within one week after receiving payment. A salary deduction of one (1) day's work for each day missed may be made at the most appropriate payday unless the money and/or subpoenas are received by the central office within 1 week after receiving payment.

An employee serving as a juror or as a subpoenaed witness will return to work on any day that he/she is released by court officials by 2:00 PM. Travel time from the court to the central office is considered court time. **Reference Policy: GBRH**

Military Leave

Employees who are members of the National Guard or Reserves may be granted up to 18 days of paid leave each federal fiscal year for training or active duty. Request for such leave shall be made in writing (*Application for Leave*) to the employee's immediate supervisor or designee. A copy of the military orders should be attached to the request for leave. **Reference Policy: GBRH**

Personal Leave

Employees may take three (3) days of 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 absence is not essential for effective school operation. A leave form must be filed and approved by the principal one (1) week prior to leave. Unless otherwise approved by the superintendent or his/her designee, personal 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 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, in his or her discretion, determines that such leave should be granted due to emergency or extenuating circumstances beyond the employee's control. The superintendent or

his/her designee may refuse to allow an employee to take personal leave if qualified substitutes are not available.

No carry-over of personal days will be allowed from one year to the next. Unused personal leave will be carried over as accumulated sick leave. **Reference Policy: GBRH**

Professional Leave

Employees who attend a conference, seminar, or workshop at the discretion of the district are considered to be absent for professional learning purposes. This professional leave is not deducted from any of the employee's leave accounts as it is considered worked time.

Employees may request up to three (3) days of **allowed** professional leave. This request should be made by using a *Leave Request Form*. Requested dates should be listed under "Personal" on the form. Leave must be approved by the immediate supervisor at least one week prior to the leave dates.

Important Note: Employees are only allowed three (3) days of personal leave and/or allowed professional leave combined. Employees **do not** receive three days of personal leave and three days of allowed professional leave. Only three (3) days per school year can be used for either personal and/or allowed professional leave.

Reference Policy: GBRH

Religious Holidays

Employees may use personal leave for the observance of recognized religious holidays. If an employee desires to take leave for the observance of recognized religious holidays in excess of the days allowed for personal leave, the employee, with **prior** approval of the Worth County Board of Education, 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. An *Application for Leave* must be completed and submitted in enough time for the board to approve the leave prior to the employee taking time off. **Reference Policy: GBRH**

Sick Leave

Sick Leave is provided under Georgia law so employees can receive pay during absences related to medical issues for the employee or an immediate family member, as well as for certain other absences. Upon returning to work after any sick leave, each employee is required to sign the *Leave Request Form* provided by the school principal's office or the central office, indicating the reason for absence. Even if a substitute teacher is not required, the form must be signed by the employee and supervisor, giving the reason for the absence, dates of absence, and "no substitute" inserted in place of the name of the substitute teacher.

Each employee will receive a statement of sick leave balance as of June 30th at the beginning of each school year. For each unused day of current year sick leave earned in excess of sixty (60) days and not applied to TRS, a payment of \$22.50 per day will be made.

Up to 45 days of unused sick leave earned after July 1, 1978 may be transferred when an employee changes employment from one local board of education to another local board of education in Georgia. However, no local board shall be required to transfer funds to another local board. According to state statute, the transfer of leave must take place within 1 year of termination from the previous position as stated in O.C.G.A. § 20-2-850(b) (1).

Elective surgeries or procedures – Employees are encouraged to schedule elective surgeries during holidays and breaks. However, any surgical procedure whether during scheduled work days or during breaks requires the submission of a *Fitness for Duty Certificate*. The Certificate must be received at the Central Office prior to the employee returning to their work location. It must state the date the employee is released and whether the

employee is released with or without restrictions. Procedures which require release include but are not limited to ones which require anesthesia, could hinder the performance of an employee's job, or require the use of any type of immobility support, orthopedic appliance, mobility aid, patch, etc.

Upon receipt of the *Fitness for Duty Certificate*, an email will be sent to the employee's supervisor advising whether the employee has been cleared to return to work and if there are any restrictions. In addition, a Receipt of Certificate will be forwarded to the supervisor. The actual certificate will be maintained in the employee's file in the Leave Specialist's Office in compliance with HIPPA.

Restricted Duty – Employees who are placed on restricted duty must provide updated *Fitness for Duty Certificates* every 30 days or as determined by the superintendent or his/her designee. An employee may return to work if able to properly perform the essential functions of the job.

In case of a dispute, final determination of the ability to so perform the essential functions of the job shall be made by the board after a hearing in which the employee and the superintendent or other representatives of the local system shall be heard. The superintendent or board may require that the employee submit to an examination by a physician selected and paid by the board, and a refusal by the employee to submit to such examination shall be grounds for terminating the contract or other employment of such employee.

If the superintendent determines that the status of an employee's ability to perform properly the essential functions of the job may change within a short period of time, the superintendent may require that the employee present a physician's statement on a weekly basis.

Long-Term Sick Leave

Long-term sick leave shall be defined as an absence of 5 or more working days. **A request for long-term sick leave does not guarantee that leave will be granted.** Long-term sick leave may be granted to employees in accordance with the following guidelines:

- **Determination of Commencement.** The long-term sick leave shall begin at a time to be determined by the employee, the physician, the employee's supervisor, and the superintendent or his/her designee. If the need for leave is foreseeable, an employee requesting leave must provide **at least 30 days advance notice** to the immediate supervisor and the leave specialist. If such advance notice is not possible, the employee must give said notice as soon as practicable, ordinarily within 1 or 2 working days of learning of the need for leave. When planning medical treatment, the employee should make a reasonable effort to schedule the treatment, subject to the approval of the health care provider, so that any corresponding leave will not unduly disrupt the operations of the school district. *An Application for Leave* must be signed by the employee, the employee's supervisor, and the superintendent or his/her designee. Completion of this application does not constitute approval of leave.

Any employee anticipating physical disability may continue in active employment as long as they are able to properly perform the essential functions of the job. In case of a dispute, final determination of the ability to so perform shall be made by the board after a hearing in which the employee and the superintendent or other representatives of the local system shall be heard. The superintendent or board may require that the employee submit to an examination by a physician selected and paid by the board, and a refusal by the employee to submit to such examination shall be grounds for terminating the contract or other employment of such employee.

If the superintendent determines that the status of an employee's ability to perform properly the essential functions of the job may change within a short period of time, the superintendent may require that the employee present a physician's statement on a weekly basis.

- **Notice of Eligibility.** Upon receipt of the *Application for Leave*, a Notice will be issued to the employee as to whether they are eligible for their leave to be protected under the Family Medical Leave Act (FMLA). If leave does not meet the requirements of FMLA, approval of the requested leave is not guaranteed.
- **Notification of Anticipated Leave.** Except where circumstances are such that reasonable advance planning is not possible, employees must provide his/her immediate supervisor and the Leave Specialist at least thirty (30) days' notice of the date when a leave is anticipated to begin. With respect to foreseeable family or employee illness, the employee shall make reasonable effort to schedule treatment – including intermittent and reduced hour leave so as not to disrupt unduly the operations of the school district, subject to approval of the employee's or family member's health care provider.
- **Medical Certification.** A *Medical Certification* form will be forwarded to the employee after receipt of the Application for Leave. The completed certification form is due to the central office from the employee's physician within 15 days of issuance. This statement must include an anticipated date and length of physical disability. It is the employee's responsibility to ensure that this form is received in a timely manner.
- **Designation Notice/Leave Approval.** Once the completed Medical Certification form is received, a designation notice stating whether the leave qualifies for protection under FMLA will be sent to the employee. If the leave does not qualify under FMLA, a notice will be sent stating whether the requested leave has been approved.
 - Leave Used. The employee shall be required to utilize all available sick, vacation and other leave for long term absences due to illness, injury, or other temporary disability, or other causes described previously.
 - Duration/Return to Work. All employees must submit a *Fitness for Duty Certificate* to the central office prior to returning to work at their location. An employee who has been granted long-term sick leave under FMLA shall be entitled to return to active employment upon presentation of a physician's statement certifying the ability of the employee to perform the essential functions of the job. If the superintendent and board concur with such statement, the employee with FMLA approved leave shall return to work in accordance therewith, to be assigned to a substantially equivalent position to be approved by the superintendent. If the employee is on non-FMLA leave, reinstatement upon receipt of a *Fitness for Duty Certificate* is at the discretion of the superintendent or his/her designee.

Upon receipt of the *Fitness for Duty Certificate*, an email will be sent to the employee's supervisor advising whether he/she has been cleared to return to work and if there are any restrictions. In addition, a Receipt of Certificate will be forwarded to the supervisor. The actual certificate will be maintained in the employee's file in the Leave Specialist's Office in compliance with HIPPA.

Employees who are placed on restricted duty, must provide updated restricted duty notices every 30 days or as determined by the superintendent or his/her designee

In case of a dispute, final determination of the ability to so return shall be made by the board after a hearing in which the employee and the superintendent or other representatives of the local system shall be heard. The superintendent or board may require that the employee submit to an examination by a physician selected and

paid by the board, and a refusal of the employee to so submit shall be grounds for termination, or not issuing of a new contract if the employee wishes to return at the beginning of a new school year.

The school system will have discharged its responsibility under this policy after offering active employment for the first vacancy for which the employee is qualified that occurs after the individual has been declared eligible for return to active employment. **Reference Policy: GBRH**

Vacation Leave

Ten (10) days of vacation leave are available to all employees who work 240 days or more. These days will be available on July 1st. Vacation days must be approved in advance by the superintendent or designee. Unused vacation days may accrue each year. All employees scheduled to work 240 days or more who leave the district during the school year will have their available vacation days prorated based on the actual number of days worked in the school year. These employees will only be reimbursed for any unused vacation days earned in the current year.