

Southwest Georgia STEM Charter School
Policy P12: Employee Attendance
Adopted: October 22, 2020

I. Work Day

- a. The minimum workday for teachers shall be eight hours, and the minimum work week shall be forty hours. The minimum work day shall entail the duties for which the teacher's base salary is paid, such as teaching and teacher preparation, staff meetings, conferences with students and parents, planning conferences, related school activities in the community, and extra-class responsibilities.
- b. A schedule designating the beginning and end of each workday for teachers and other employees will be set by the School Leader. Circumstances may sometimes necessitate a longer workday at the school or work site for certified employees.

II. Employee Leave

- a. Leave is granted to certified employees as outlined in this policy. *Southwest Georgia STEM Charter School does not pay compensation for unused sick leave, personal leave, vacation leave, or compensatory leave.*
- b. SICK LEAVE FOR MEDICAL AND RELATED REASONS.
 - i. Full-time personnel are eligible to receive sick leave with full pay computed on the basis of one and one-fourth working days, for a total of 12 ½ days earned per year. *Employees may accumulate up to thirty days of sick leave.*
 - ii. Sick leave may be used for:
 1. personal illness, physical disability (including disability related to maternity) or injury;
 2. absence necessitated by exposure to contagious disease;
 3. absence due to illness in the employee's immediate family. The term "immediate family" shall be interpreted to mean child, spouse, father, mother, brother, sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandchildren, or grandparents of the employee concerned or a relative living in the residence of the employee.
 - iii. Sick leave is provided so that, when an employee is unavoidably absent due to illness, the teacher's pay need not be reduced. Teachers are expected to make every effort to be present, and the School Leader shall make rules and regulations to prevent abuse of sick leave.
 - iv. For absences above those entitled by this policy, an amount equal to 1/190 salary for each day's absence shall be deducted.
- c. BEREAVEMENT LEAVE
 - i. In the event of a death in the immediate family of an employee, as defined above, a leave of absence will be granted to a maximum number of five day, and such leave will not be charged against sick leave. Absences in excess of the maximum approved days due to death in the immediate family will be charged against sick leave.
- d. PERSONAL/PROFESSIONAL LEAVE

- i. A maximum of three (3) days personal leave shall be available to all personnel each year. Such leave may be used for personal or professional reasons, provided prior approval of his/her absence is given by the School Leader or her authorized representative. Such leave shall be deducted from the employee's accumulated sick leave.
 - ii. Unless otherwise approved by the School Leader, personal leave will not be granted to personnel essential to the effective operation of the school during in-service days, the day that precedes or follows 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 School Leader, in his or her discretion, determines that such leave should be granted due to an emergency or extenuating circumstances beyond the employee's control. The School Leader may refuse to allow an employee to take personal or professional leave if qualified substitutes are not available.
 - iii. Employees are not required to disclose the purpose for which personal leave is sought but are required to state that the absence is for "personal" reasons.
 - iv. Professional leave taken at the request of School Leader or when required in conjunction with routine professional development or training activities will not be charged against the employee's sick leave.
- e. JURY DUTY OR LEGAL LEAVE
 - i. If an employee is called for Jury Duty and selected to serve, or is subpoenaed for any reason other than a personal interest, the employee must be allowed a leave of absence without loss of pay or loss of sick and personal leave days. Any juror compensation received for Jury Duty may be retained by the employee.
- f. MILITARY LEAVE
 - i. 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.
- g. 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.

III. FAMILY AND MEDICAL LEAVE ACT

- a. 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. Southwest Georgia STEM Charter School Board does not intend by this policy to create any additional rights to leave not provided by the Act. Any portion of this policy inconsistent or contrary to the Act is unintentional and shall not be given effect.
- b. Definitions
 - i. "*Instructional employee*" means an employee whose principal function is to teach and instruct students in a class, a small group or an individual setting.
 - ii. "*Parent*" means a biological, adoptive, step or foster mother or father or one who acted in place of a parent when the employee was a child. The term "parent" does not include "parent in-law."
 - iii. "*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, all as further defined in the FMLA regulations.
 - iv. "*Son or daughter*" means a biological, adopted or foster child, a step-child, 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 at the time FMLA leave is to begin.
 - v. "*Spouse*" means a husband or wife as defined or recognized under Georgia law.
 - vi. "*Covered active duty*" means either (a) duty during the deployment of a member with the Armed Forces to a foreign country or (b) duty during the deployment of a member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of Title 10.(15)
 - vii. "*Covered service member*" means (a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness or (b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- c. Eligible Employees
 - i. Employees of the Board who have been employed by the Board for at least 12 months and who have worked at least 1,250 hours for the Board during the 12-month period immediately prior to requesting leave are eligible to take 12 weeks (60 working days) of unpaid leave under the Family and Medical Leave Act ("FMLA")

- ii. 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 his or her job functions.
 - 5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or has been notified of an impending call or order to covered active duty status; and
 - 6. An eligible employee who is a covered service member's spouse, child, parent or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.
 - 7. 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.
- d. Amount and Type of Leave Taken
 - i. Except as provided below, an employee may take a total of 12 weeks during any twelve-month period. The twelve-month period shall be measured backward from the date the employee begins using any FMLA leave. (29 C.F.R. 825.200(b)(4))
 - ii. If both spouses work for the School and both are eligible for FMLA leave, they are authorized to take only a combined total of 12 weeks during any one twelve-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 for 12 weeks. Both spouses are authorized to take leave for 12 weeks to care for a spouse or child with a serious health condition.
 - iii. Leave does not need to be taken in one continuous block. When it is medically necessary or otherwise permitted, eligible employees may take leave intermittently or on a reduced schedule.
- e. Notification of Leave
 - i. If the need for FMLA leave is foreseeable, an employee requesting leave must provide at least 30 days advance notice to the Benefits and Leave Administration Office. If such advance notice is not possible the employee must notify the Benefits and Leave Administration Office within two working days unless such notification cannot be made due to urgent or extenuating circumstances.
- f. Benefits and Return to Work
 - i. Employees will be eligible to maintain health care benefits provided by the 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.

- ii. 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.
- iii. The employee's absence during leave will not alter benefits in which the employee was enrolled before taking leave.
- iv. 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. Determining how an employee will be restored to an equivalent position upon return from FMLA leave will be based primarily on established school policies and practices.

g. Required Certification and Reporting

- i. The Board 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 family member of the employee on the official FMLA form
- ii. An employee must furnish certification at the time the employee gives notice of the need for leave or within 5 business days thereafter. In the case of unforeseen leave, an employee should provide certification within 5 business days after the leave commences.
- iii. In addition, the Board may request that an eligible employee obtain the opinion of additional health care providers designated or approved by the Board concerning any information contained in the employee's initial medical certification.
- iv. The Board may request recertification and/or require an employee on FMLA leave to report periodically to the principal or program manager on the employee's status and intent to return to work. If the Board requests recertification, the employee must provide the requested medical certification within 15 calendar days after the Board's request, if practicable. Upon an employee's return from leave for his or 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.

h. Special Leave Provisions

- i. 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 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 and benefits, for which the employee is qualified, and which better accommodates the intermittent situation.

- ii. 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:
 - 1. The leave will last at least three weeks; and
the employee would return to work during the three-week period before the end of the term.
- ii. 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:
 - 1. The leave will last more than two weeks; and
The employee would return to work during the two-week period before the end of the term.
- iii. 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 the 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.
- iv. If an employee chooses to take leave for periods of a particular duration in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave. When the district requires an employee to take leave until the end of the semester, any leave beyond the time the employee is ready and able to return to work is not counted as FMLA leave.