

Employee Leaves and Absences

This policy shall apply to all benefits-eligible employees of the Miller County Board of Education ("the Board"). All employees are required to follow the appropriate work calendar established by the Board 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 Board, 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 Board 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 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 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. 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. For any absence in which sick leave is used, the Superintendent or designee may require a physician's certificate stating that the employee is ill and is unable to perform his or her duties. In the event that sick leave is used to care for a member of the immediate family, the Superintendent or designee may require a physician's certificate stating that the employee is needed to care for the sick family member. If an employee is absent for 7 consecutive days of sick leave, a physician's certificate may be required at the discretion of the Superintendent or designee.

For the purposes of absences for medical and related reasons, members of the immediate family are defined as spouse, children, parents, siblings, in-law equivalents of the same, grandparents, grandchildren or relatives living in the employee's household.

SICK LEAVE DONATIONS 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.

FAMILY AND MEDICAL LEAVE ACT (FMLA)

See board Policy GBRIG.

UNPAID MEDICAL LEAVE

This benefit is provided to employees who:

1. have been employed with the school district for at least 1 school year; and
2. are unable to return to work due to a personal medical necessity or that of a spouse or child; and
3. are at the end of an approved FMLA leave, or are not FMLA-eligible; and
4. have exhausted all paid leave; and
5. provide appropriate medical documentation.

If the unpaid medical leave is granted, the leave will be from the system and not from a specific job assignment.

Any benefits-eligible employee who meets the above criteria may request unpaid medical leave, which will begin when all paid leave is exhausted or at the end of an approved FMLA leave, whichever occurs later. Unpaid leave may be granted for a period of time up to 60 scheduled work days or until the end of the school year, whichever occurs first.

The employee on unpaid medical leave may continue as an active employee of the school district with all rights afforded to active employees with the exception of benefit premium payments, which must be paid by the employee and is inclusive of both the employee premium and any appropriate employer subsidy rate or employer contribution. Failure to make such payments will result in a lapse and forfeiture of the benefit in question.

Upon designation of unpaid medical leave status, the employee's previous position will be declared a vacant position and may be filled.

Prior to returning to work, employees on unpaid medical leave will be required to submit a health care provider's certification that verifies the employee's ability to return to work and perform the essential functions of his/her position.

An employee who has been granted unpaid medical leave may return to active employment upon written request for reassignment and contingent upon a vacancy for which he/she is qualified. Requests should be submitted as soon as an employee knows that he/she plans to return to work.

An employee granted unpaid medical leave will be considered for any vacancy for which he/she is qualified. Return to work may be delayed until the beginning of a semester or fiscal year as deemed appropriate by the school system. Classified employees who are unable to return to work at the end of the unpaid medical leave may be separated from employment. Certificated contract employees who are unable to return to work at the end of the unpaid medical leave shall have whatever rights the Fair Dismissal Act provides for such employees.

PERSONAL AND PROFESSIONAL LEAVE

Employees may use up to (3) 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.

A leave form must be filed and approved by the Superintendent or designee prior to leave. Unless otherwise approved by the Superintendent or 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 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 designee, in his or her discretion, determines that such leave should be granted. The Superintendent or designee may refuse to allow an employee to take personal or professional leave if qualified substitutes are not available. 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.

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

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 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 personal, professional or 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 may keep any jury/witness pay they receive.

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.

BEREAVEMENT LEAVE

When employees are absent due to death in the immediate family, bereavement leave will, be charged against the employee's accumulated sick leave. Employees may use personal leave for absence due to death of individuals other than immediate family members upon approval of the Superintendent or designee. If the employee desires to take bereavement leave in excess of the days allowed for personal leave, the employee may request to take unpaid leave.

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.

State Reference

O.C.G.A 20-02-0182

O.C.G.A 20-02-0850

O.C.G.A 20-02-0851

O.C.G.A 20-02-0852

O.C.G.A 20-02-0853

O.C.G.A 20-02-0870

O.C.G.A 20-02-1110

O.C.G.A 20-02-1111

O.C.G.A 20-02-1190

O.C.G.A 20-02-1191

O.C.G.A 21-02-0404

O.C.G.A 34-01-0003

O.C.G.A 38-02-0279

O.C.G.A 47-03-0092

DescriptionProgram weights to reflect funds for payment of salaries and benefitsSick leave for teachers and other personnelUse of accumulated sick leave for personal or professional reasonsMaternity leaveAccumulation of and payment for unused sick leaveRight to leave for jury duty or when subpoenaedSchool bus drivers - sick leave with pay; accumulation of unused sick leaveSchool bus drivers - accumulated sick leave for personal reasonsAllotment of state funds for sick leave - food service personnelRequirements for sick leave programs for school food service employeesAffording employees time off to voteDiscrimination against employee for attending judicial proceeding in response to subpoena prohibitedRights of public officers and employees absent on military dutyAbsence from employment due to sick leave; TRS creditable service**Federal Reference**

29 CFR Part 825

29 USC 2601

DescriptionThe Family and Medical Leave Act of 1993 - RegulationsFamily and Medical Leave Act

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.