



DISTRICT ADMINISTRATIVE RULE

GARH-R Leaves and Absences

7/1/18 ~~7/1/19~~

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 the 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. Leaves of Absence 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 1 ¼ days per working month, provided that at least half the scheduled work days 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 District with verified documentation from the previous district when such documentation is provided within the first 90 days of employment.
- 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. (For example: The employee separated at the end of school in May; returns at the beginning of school in August – 15 months later.)
- h. Employees in positions that are paid on an hourly basis may take sick leave in ¼-hour increments. All other employees may 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

49 the employee's supervisor as soon as the absence is anticipated, or as soon as
50 practical in the case of an unforeseen emergency.

51 **2. Use of Sick Leave for Personal or Family Illness:**

- 52 a. Personal illness is defined as an illness or injury of the employee or exposure of the
53 employee to a contagious disease which would endanger other persons if the employee
54 were on the job.
- 55 b. Family illness is defined as an illness or injury of any member of the employee's
56 immediate family.
- 57 c. For purposes of this section, "immediate family" includes the employee's spouse, child,
58 grandchild, grandparent, parent, the in-law and step equivalents of same, or any
59 dependents as shown in the employee's most recent tax return.
- 60 **d. Provisions:**
- 61 (1) The employee is responsible for notifying the principal/supervisor immediately and
62 for each successive day of absence as required by the principal/supervisor.
- 63 (2) Employees whose jobs require a substitute must take appropriate action to secure
64 a substitute through the district's automated contact system.
- 65 (3) Absences which continue for ten or more consecutive workdays must be
66 documented as a Leave of Absence under the FMLA as noted in Administrative
67 Regulation GBRIG-R. It is the employee's responsibility to contact the Employment
68 Office for forms and information.
- 69 (4) During any absence for personal illness, available leave must be used for the first
70 60 consecutive days of illness or disability which is considered to be the period of
71 FMLA eligibility. Employees who have additionally available leave beyond the 60
72 days may continue the leave of absence until all available leave has been used.
- 73 (5) Employees are expected to return to work on the first workday after the physician
74 determines that no medical disability exist.

75 **3. Use of Sick Leave when Adopting a Child:**

76 The district allows the use of up to 30 days of sick leave when an employee qualifies for
77 leave under the Family and Medical Leave Act due to the adoption of a minor child. In
78 cases where both parents are employed by the district, the combined amount of sick leave
79 for the adoption is limited to 30 days. See Administrative Regulation GBRIG-R for details
80 of applying for leave, required documentation, etc.

81 **4. Required Documentation for the Use of Sick Leave:**

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

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

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

96 **5. Donation of Sick Leave to Spouse:**

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

- 100 a. Both spouses must be District employees and both must participate in the Catastrophic
101 Illness Leave Bank.
- 102 b. The receiving spouse must have exhausted all available sick leave before being eligible
103 for the donation from his/her spouse.
- 104 c. The receiving spouse must need the sick leave due to personal illness, maternity,
105 family illness, or the death of a family member.
- 106 d. The employee must be able to provide medical certification or other appropriate
107 documentation of the need if required.

108 **6. Absence Due to Physical Violence:**

109 Employees absent due to an injury resulting from physical violence by a student while the
110 employee is engaged in the performance of his/her duties shall not be charged with sick
111 leave for the first seven (7) work days of absence resulting from a single injury.
112 Immediate notification of the injury by the principal/supervisor to Human Resources/Risk
113 Management is required.
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115 **B. PERSONAL LEAVE:**

- 116 1. Employees have Personal Leave which allows them to be absent with pay for up to three
117 days per school year for any reason. The District allows employees with 15 or more years
118 of service to be absent four days per school year.
- 119 2. Personal Leave is deducted from available Sick Leave. If no Sick Leave is available,
120 Personal Leave may not be taken.
- 121 3. Employees are required to give as much advance notice as possible for Personal Leave.
122 Requests for Personal Leave will be approved unless the day requested is considered a
123 "critical needs" day at the school or work site and, therefore, attendance is crucial for
124 effective operations. These days normally include pre- and post-planning, the initial and
125 final work days of the semester, days immediately before and after a holiday break, and
126 standardized testing dates. The Leadership and Learning Division will declare which days
127 are district-wide Critical Days.
 - 128 a. Principals may declare school-specific Critical Days when faculty/staff attendance is
129 deemed critical for the well-being of students, the academic success of the school, or in
130 response to emergencies. Examples include, but are not limited, to:
 - 131 (1) Special events which create unstructured days for students (such as field days)
132 and/or bring large numbers of parents/guardians or other non-employees into the
133 building;
 - 134 (2) State or District mandated testing; and
 - 135 (3) School, regional or national disasters.
 - 136 b. Principals/Supervisors may differentiate Critical Days for various employee groups such
137 as certificated or classified.
 - 138 c. School-specific critical days may not be declared in an effort to reduce the number of
139 employee absences on days routinely characterized by high absenteeism, such as
140 Mondays or Fridays.
 - 141 d. Principals are to submit their non-emergency school-specific Critical Days to the
142 appropriate Level Assistant Superintendent for approval. These days should be part of
143 the annual plan for covering classes when substitutes are not available.
 - 144 e. In emergency situations, principals should confer with the appropriate Level Assistant
145 Superintendent prior to declaring a school-specific Critical Day.
 - 146 f. When emergency situations arise which necessitate an employee's absence for
147 personal/professional reasons on district-wide or school-specific Critical Days, the
148 Principal/Supervisor will approve or deny the request.
 - 149 g. The Superintendent/Principal/Supervisor or designee may deny all requests for
150 personal leave at any time that the actual or anticipated absences of a specific
151 school/department/division on a given date reach 10% of the total staff.
- 152 4. Requests for Personal Leave cannot be denied due to failure to disclose the reason for the
153 absence.
- 154 5. Absences due to religious observances on a scheduled work day are considered Personal
155 Leave.
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157 **C. BEREAVEMENT:**

158 In the event of the death of a family member, employees may use up to five (5) days of
159 available Sick Leave for purposes related to the bereavement.

- 160 1. For purposes of this section, "family member" includes the employee's spouse, children,
161 mother, father, brother, sister, grandmother, grandfather, grandchildren, the in-law and
162 step equivalents of same, and also any other relative living in the household of the
163 employee for whom the employee is legally responsible.
- 164 2. While the district is sensitive to these situations, employees are requested to take no more
165 time off than is necessary for travel, funeral services, and related activities.
- 166 3. If more than five (5) days of absence is necessary due to the death of a family member –
167 such as for extended travel or estate duties – an extension may be requested for up to a
168 total of 20 days. If days are not consecutive, the employee must make reasonable

- 169 attempts to schedule the days to minimize the impact on their work and to avoid being
170 absent on Critical Days.
- 171 4. In the event of a death of someone outside the family members defined above, the
172 employee may use up to one (1) day of Sick Leave for purposes related to the
173 bereavement as well as any remaining Personal Leave.
- 174 5. If no sick leave is available, the absence is unpaid.
- 175

176 **D. OTHER ABSENCES:**

177 1. **Jury or Legal Service Duty:**

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

183 2. **Administrative Leave:**

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

188 3. **Professional Leave:**

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

194 4. **Extended Medical Leave For Employees Not Eligible for FMLA:**

- 195 a. For employees not eligible for a Leave of Absence under the FMLA, the district will
196 allow a one-time leave due to a medical disability of the employee or immediate family
197 member (as defined in Section I.A.2.c. above).
198 b. The allowable time off is limited to the period of disability as certified by the attending
199 physician but no more than thirty (30) days.
200 c. Principals or directors may choose to replace the employee during this absence if
201 medical documentation indicates that the employee will not be able to return to work
202 within 30 days.
203 d. At the conclusion of the thirty (30) day period, the employee will be required to either
204 return to work, establish eligibility for approved leave, or resign his/her position.
205 e. Continued employee absence beyond the thirty (30) day period will be considered job
206 abandonment (See Part II, Section B below).

207 5. **Short-term Military Leave:**

- 208 a. District employees are extended the right to short-term military leave of absence upon
209 receipt of official notification of a call to active duty (includes National Guard or
210 Reserve). This leave is not a part of the employee's sick leave accrual.
211 b. Upon receipt of official documentation, the employee shall be approved and granted up
212 to eighteen (18) days of paid leave. The total number of approved short-term military
213 leave days shall not exceed eighteen (18) days in any given federal fiscal year
214 (October –September). Each leave approval requires new leave orders (official
215 documentation and notification) to accompany the leave request. The employee will
216 provide written documentation as to the duty being required, and the required dates of
217 duty should be submitted via submission of a completed Report of Absence Form. (FS
218 348).

219 6. **Family Medical Leave:**

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

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223 **II. OTHER ISSUES RELATED TO ABSENCES**

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

226 To ensure the safety of students, employees and co-workers, the District may require an
227 employee returning from extended leave after the expiration of FMLA leave to gain physician's

228 confirmation that s/he is physically and mentally able to perform essential functions of the
229 employee's job as noted in the job description and further explained by the employee.

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

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240 **B. PERFORMANCE EXPECTATIONS:**

241 Employees who had been placed on a Remediation Plan or other type of performance
242 improvement plan prior to the leave of absence will continue under the requirements of that
243 plan following the leave of absence, even if in a new position and/or at a different school or
244 department.

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247 **III. PERFORMANCE DOCUMENTATION GUIDELINES:**

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249 **A. GENERAL PROVISIONS:**

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

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

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259 **B. IMPLEMENTATION:**

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

262 1. **Ethics:**

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

266 2. **Approved Absences:**

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

- 269 a. Administrative leave (see Part I, Section D.2. above).
- 270 b. Bereavement leave (see Part I, Section C. above);
- 271 c. FMLA: Leave granted under the Family Medical Leave Act (see Administrative Rule
272 GBRIG-R [Federal Family and Medical Leave Act]);
- 273 d. Jury duty (see Part I, Section E.1. above);
- 274 e. Military leave (see Part I, Section E.5. above);
- 275 f. Professional leave (see Part I, Section E.3. above);
- 276 g. Vacation leave (Administrative Rule GARK-R [Vacations]);
- 277 h. Worker's Compensation leave (Administrative Rule EGAA-R [Workers' Compensation]).

278 3. **Acceptable Absences:**

279 Other than and in addition to the absences listed in Section 2 above, the following chart
280 defines what may be considered a reasonable level of absence from the job:
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Employee's Annual Work Calendar	Number of Work Days*
178-187 days	6.5
188-192 days	7
193-207 days	7.5
208-237 days	8

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*Supervisors of hourly employees shall convert the above number of work days 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 work days are deemed to be job abandonment and such abandonment will be considered a voluntary resignation of employment. For ~~certificated~~ **certified** employees, such abandonment shall be considered grounds for a termination ~~hearing~~.

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.

319 Adopted: 8/10/77
320 Revised: 7/10/79; 7/1/81; 9/23/82; 5/26/83; 8/8/84; 2/13/86
321 Reviewed: 6/19/86
322 Revised: 2/28/91; 6/27/91; 9/22/94; 6/9/04
323 Reclassified an Administrative Rule: 9/1/04
324 Revised: 10/13/04; 7/1/05; 11/14/07; 2/13/08; 6/11/08; 2/10/10; 3/10/10; 4/13/11; 9/14/11
325 Revised and recoded: 7/19/12 (Previously coded as Administrative Rules GCC and GBEBD)
326 Revised: 7/24/13; 1/31/14; 2/16/17; 5/5/17; 10/11/17; 7/1/18; ??/19

328 Legal Reference:	
329 O.C.G.A. 20-2-853	Accumulation of and payment for unused sick leave
330 O.C.G.A. 20-2-182	Program weights to reflect funds for payment of salaries and benefits
331 O.C.G.A. 20-2-850	Sick leave for teachers and other personnel
332 O.C.G.A. 20-2-852	Maternity leave
333 O.C.G.A. 20-2-870	Right to leave for jury duty or when subpoenaed
334 O.C.G.A. 21-2-404	Affording employees time off to vote
335 O.C.G.A. 34-1-3	Discrimination against employee for attending judicial proceeding in response to subpoena prohibited
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337 O.C.G.A. 38-2-279	Rights of public officers and employees absent on military duty
338 O.C.G.A. 45-20-30	Leave of absence for blood donation
339 O.C.G.A. 47-3-92	Absence from employment due to sick leave; TRS creditable service
340 29 CFR Part 825	The Family and Medical Leave Act of 1993 - Regulations
341 29 USC 2601	Family and Medical Leave Act



DISTRICT ADMINISTRATIVE RULE

GBK-R Discipline, Suspension, and Dismissal of Staff

~~1/26/17~~ ~~2/2/19~~

GSBA Reference: GBK (Professional Personnel Suspension)

1 RATIONALE/OBJECTIVE:

2 The Cobb County School District (District) expects its employees to protect the health, safety and
3 general welfare of students and fellow employees. The District seeks to ensure the citizens of
4 Cobb County a degree of accountability within the education profession and to help define conduct
5 justifying disciplinary action.

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7 Employee discipline seeks to:

- 8
- 9 • Address incidents of inappropriate employee conduct;
 - 10 • Prevent reoccurrences of inappropriate employee conduct;
 - 11 • Remediate poor job performance;
 - 12 • Address violations of the Code of Ethics for Educators promulgated by the Georgia
13 Professional Standards Commission (Administrative Rule GAGC-R [Employee Ethics]).
- 14

15 In addressing any employee disciplinary incident, District employees shall be presumed innocent
16 and be treated fairly and with dignity, in a clear, consistent and professional manner (see Board
17 Policy GA [Treatment of Staff]).

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20 RULE:

21 A. GENERAL PROVISIONS:

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- 23 1. The District utilizes progressive discipline in which disciplinary actions normally follow a
24 gradually escalating path. However, depending on the seriousness of the offense, more
25 than one progressive discipline action may occur simultaneously or it may be determined
26 that progressive discipline is not appropriate and any disciplinary action may be imposed.
27 The action taken should be consistent with precedent in similar situations, appropriate to
28 the offense, and documented. An employee who holds a certificate with the Georgia
29 Professional Standards Commission (PSC) may be reported at any time for a violation of
30 the Code of Ethics for Educators.
 - 31 2. If an employee who has been previously reported in writing to the PSC by the District for a
32 violation of the Code of Ethics is subsequently found not to have violated the Code of
33 Ethics by the District, then Human Resources shall submit a supplemental report to the
34 PSC and shall revise the employee's annual evaluation as needed.
 - 35 3. All administrators and supervisors will utilize progressive discipline in the treatment of all
36 employees under their supervision. Permission must be obtained from the Employee
37 Relations office prior to an administrator/supervisor making an exception to this process.
38 The failure of an administrator/supervisor to obtain such permission may result in
39 disciplinary action.
 - 40 4. Prior to receiving a Letter of Concern, a Letter of Direction, or being recommended for
41 disciplinary action, an employee shall be informed of the concerns and given an
42 opportunity to respond. Neither a Letter of Concern nor a Letter of Direction shall be
43 written prior to the employee being given an opportunity to explain or respond.
 - 44 5. Except in rare cases or cases involving serious offenses, employees should be
45 progressively disciplined prior to termination.

- 46 6. Certified employees will be notified in writing of their non-renewal on or before
47 June 1st, or other date specified by Human Resources.
- 48 7. Certified employees have no due process hearing rights under O.C.G.A. § 20-2-
49 940 for a suspension of two (2) days or less, for any termination or non-renewal
50 for the employee's failure to maintain a valid Georgia teaching certificate, or for
51 job abandonment (see Administrative Rule GARH-R).
- 52 8. Certified probationary employees, who are considered at will employees for the
53 initial ninety (90) work days of their employment with the District, have no due
54 process hearing rights under O.C.G.A. § 20-2-940 for any suspension or
55 termination during his/her probationary period.
- 56 9. Classified employees have no due process hearing rights under O.C.G.A. § 20-2-
57 940.

58
59 **B. DISCIPLINARY CONFERENCE:**

- 60 1. A Disciplinary Conference is described as any conference held, whether requested by the
61 administrator/supervisor, ~~or Human Resources or the employee, related to, or that would~~
62 ~~likely result in,~~ that recommends or results in a Suspension Without Pay, Demotion,
63 Reprimand by the Superintendent, Termination, or Nonrenewal in connection with an
64 employee's conduct.
- 65 2. Annual performance evaluation conferences are not considered Disciplinary Conferences.
- 66 3. All employees shall be allowed to have a representative of their choosing, excluding
67 attorneys, spouses, and immediate family members (as defined in Administrative Rule
68 GARH-R), present in any Disciplinary Conference.
 - 69 a. Employees must notify their administrator/supervisor prior to the scheduled
70 disciplinary conference that they will bring a representative and provide the name of
71 that person.
 - 72 b. The representative shall be allowed to be present in the Disciplinary Conference, and
73 offer comments or questions at the end of the conference, so long as his/her
74 participation does not obstruct or disrupt the conference.
 - 75 c. Based on reasonable cause, with the approval of the Deputy Superintendent the
76 District reserves the right to exclude an individual from serving as a representative in a
77 Disciplinary Conference.
- 78 4. The administrator/supervisor or Human Resources representative must, except in cases
79 involving extraordinary circumstances, provide the employee with a minimum of two (2)
80 business days advance notice of the Disciplinary Conference date, time and location. This
81 notice should also include the purpose of the conference, a brief description of the
82 concerns expected to be addressed in the conference, and the names of anticipated
83 attendees.
- 84 5. Employees may audio record a Disciplinary Conference.
 - 85 a. If an employee indicates that he/she will make an audio recording of the conference,
86 he/she must first inform the administrator/supervisor of the recording in advance of
87 the conference.
 - 88 b. If an employee indicates they will make an audio recording of the conference, the
89 administrator/supervisor shall also make an audio recording of the proceedings and
90 maintain this recording in the employee's file.
- 91 6. An administrator/supervisor should not schedule a Verbal Counseling or Disciplinary
92 Meeting with an employee at any level during the lunch time of the employee, except
93 under extraordinary circumstances.
- 94 7. An employee who receives a Letter of Concern or a Letter of Direction may submit a
95 written rebuttal letter to the supervisor within ten (10) business days.
- 96 8. At the conclusion of a Disciplinary Conference, certified employees shall be provided with a
97 ~~written~~ summary of the evidence presented. In addition, the employee will be informed of
98 their applicable due process rights, e.g. Fair Dismissal rights.
- 99 9. Upon request, a certified employee who has no due process hearing rights under
100 O.C.G.A. § 20-2-940 (see Section A. above) recommended for Suspension Without
101 Pay, Demotion, or Termination in connection with the employee's conduct may request an
102 informal meeting with may request a review of the decision of a Disciplinary
103 Conference by submitting a written request for review within three (3) business
104 days of the date of the decision to the Deputy Superintendent or his/her designee prior

105 to being disciplined. Untimely requests will not be considered. Within ten (10)
106 business days of the receipt of the request, the District shall issue a written
107 decision on the review to the employee. The review shall be confined to the
108 record of the Disciplinary Conference. Information that was not provided at the
109 conference may not be considered on review. Only one review is permitted
110 under this policy and no additional reviews shall be permitted.

- 111 10. Certified employees shall be given at least three (3) business days to make a decision
112 regarding their applicable due process rights.
113

114 **C. INVESTIGATIONS:**

- 115 1. An Investigative Conference is described as any conference held between an employee and
116 the Employee Relations office regarding the employee's conduct or job performance.
117 2. Questions or requests for information from an employee's supervisor(s) or the District's
118 Department of Public Safety related to the employee's conduct or job performance are not
119 considered an Investigative Conference.
120 3. Except in cases involving serious offenses, employees shall also be allowed to have a
121 representative of their choosing (see item B.3. above) present during an Investigative
122 Conference. However, the availability of a representative or the lack thereof shall not
123 delay an investigative conference from occurring.
124 4. Employees are required to cooperate and provide assistance with any type of investigation
125 conducted by the Employee Relations office. This includes activities such as cooperating in
126 interviews, answering questions related to the performance of official duties, and
127 producing requested documents. Failure to adhere to these requirements will be
128 considered insubordination and may result in disciplinary action.
129 5. Except in rare occasions, employee investigations shall be concluded within twenty (20)
130 business days. At the conclusion of an investigation, the employee shall be notified of the
131 results of the investigation in writing within ten (10) business days.
132 6. Pending an investigation or outcome thereof, an employee may be placed on
133 Administrative Leave with Pay.
134 7. Employees may only be placed on Administrative Leave with Pay by the Superintendent or
135 his/her designee.
136 8. No employee may be subject to retaliatory action for the exercise of their applicable due
137 process rights.
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139 Adopted: 8/13/08

141 Revised: 9/9/09; 1/18/12; 6/13/12

142 Revised and re-coded: 7/19/12 (Previously coded as Administrative Rule GCQF)

143 Revised: 12/11/13; 1/31/14; 4/22/16; 1/26/17; 2/2/19

144 Legal Reference

145 O.C.G.A. 20-2-940 Grounds/procedure for terminating or suspending contract of employment (Fair Dismissal law)
146