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DISTRICT ADMINISTRATIVE RULE

GARH-R Leaves and Absences

~~6/15/23~~ x/x/24

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 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. Leave under this Rule 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 1¼ days per working month, provided that at least half the scheduled workdays 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 the District with verified documentation from the previous district. Such documentation must be provided within the first 90 days of employment with the District.
- 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. (
- h. Employees must 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

- 47 the employee's supervisor as soon as the absence is anticipated, or as soon as
48 practical in the case of an unforeseen emergency.
- 49 j. During FMLA approved leave, employees will use accrued leave and Paid Parental
50 Leave, when applicable, in order to be paid for absences. The remaining FMLA weeks
51 will be unpaid.
- 52 k. Employees who have additional available Sick Leave upon expiration of FMLA leave
53 may remain out using Sick Leave until all such leave has been exhausted, with
54 supporting physician documentation.

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

- 56 a. Personal illness is defined as an illness or injury of the employee or exposure of the
57 employee to a contagious disease which would endanger other people if the employee
58 were on the job.
- 59 b. Family illness is defined as an illness or injury of any member of the employee's
60 immediate family.
- 61 c. For purposes of this section, "immediate family" includes the employee's spouse, child,
62 grandchild, grandparent, parent, the in-law and step equivalents of same, or any
63 dependents as shown in the employee's most recent tax return.
- 64 **d. Provisions:**
- 65 (1) The employee is responsible for notifying the principal/supervisor immediately and
66 for each successive day of absence as required by the principal/supervisor.
- 67 (2) Employees whose jobs require a substitute must take appropriate action to secure
68 a substitute through the District's automated contact system.
- 69 (3) For absences which continue beyond ten (10) or more consecutive workdays it is
70 the employee's responsibility to contact Human Resources/Benefits for further
71 direction and/or approval.
- 72 (4) Employees are expected to return to work on the first workday after the physician
73 determines that no medical disability exists.

74 **3. Required Documentation for the Use of Sick Leave:**

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

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

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

89 **4. Donation of Sick Leave to Spouse:**

- 90 Under specific circumstances, a District employee may donate up to ten (10) Sick Leave
91 days to his/her spouse when that spouse is also a District employee. No other donations
92 of Sick Leave are allowed by the District.
- 93 a. Both spouses must be District employees and both must participate in the Catastrophic
94 Illness Leave Bank.
- 95 b. The receiving spouse must have exhausted all available leave options before being
96 eligible for the donation from his/her spouse.
- 97 c. The receiving spouse must be able to provide medical certification or other appropriate
98 documentation of the need if required.

99 **5. Absence Due to Physical Violence:**

100 Employees absent due to an injury resulting from physical violence by a student while the
101 employee is engaged in the performance of his/her duties shall not be charged with Sick
102 Leave for the first seven (7) workdays of absence resulting from a single injury.

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104 **B. PERSONAL LEAVE:**

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

143 **C. PARENTAL LEAVE:**

144 It is the employee's responsibility to check with Human Resources/Benefits to determine
145 individual eligibility for Maternity/Paternity/Adoptive/Foster leave (Parental Leave), based on
146 the criteria set forth below.

147 **1. Family and Medical Leave Act for Child Bonding:**

148 Eligible employees are allowed up to 12 weeks of unpaid leave under the Family Medical
149 Leave Act (FMLA) for the birth and care of a newborn or the legal placement of a child with
150 the employee for adoption or foster care ("child bonding") in accordance with Board Policy
151 GBRIG and GBRIG-R.

152 **a. Use of Accrued Leave/Paid Parental Leave (PPL):**

153 Delivering, non-delivering, adoptive, and foster parents must use accrued leave and
154 Paid Parental Leave (PPL) in order to be paid for absences related to
155 parental/adoption/foster care. The remaining FMLA weeks will be unpaid.

156 **b.** As provided by law, the District requires that FMLA leave for child bonding be taken in
157 a continuous block. If a delivering, non-delivering, adoptive, or foster parent chooses
158 not to utilize the entire FMLA child bonding leave in a 12-week continuous block, s/he
159 forfeits any remaining FMLA leave for child bonding. S/he does not forfeit any
160 remaining FMLA leave for another qualifying event.

161 **c.** When both spouses are employed by the school system, the combined total amount of
162 leave that may be taken because of the birth, adoption or foster care placement of a
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164 child and bonding with the child may not exceed 12 weeks during a 12-month period.
165 This restriction does not apply to leaves of absence occasioned by either spouse's own
166 serious health condition or that of their child.

167 **2. Paid Parental Leave:**

- 168 a. Eligible full-time ~~or part-time benefitted~~ employees of the District are eligible to
169 request PPL in accordance with O.C.G.A. § 45-20-17 and applicable guidelines
170 implemented by the District for the following qualifying events:
171 (1) The birth of a child;
172 (2) The placement of a minor child for adoption; and
173 (3) The placement of a minor child for foster care.
- 174 b. PPL shall run concurrently with any other leave provided under federal law, specifically
175 ~~the FMLA~~. However, employees who meet eligibility requirements may qualify for PPL
176 regardless of whether the employee is eligible for paid or unpaid leave under the FMLA.
- 177 c. Employees who are eligible for PPL but not **FMLA other leave provided under**
178 **federal law** may take PPL intermittently. If the employee is eligible for PPL and **FMLA**
179 **other leave provided under federal law**, PPL must be taken ~~in a continuous block,~~
180 concurrently with **FMLA such leave**.
- 181 d. The maximum amount of PPL that may be taken by any eligible employee during any
182 rolling 365-day period is ~~120~~ **240** hours, regardless of the number of qualifying events
183 that occur within such period.
- 184 e. Documentation shall be required to establish the existence of a qualifying event in
185 accordance with applicable guidelines implemented by the District.
- 186 f. No portion of any such leave that remains 365 days after the qualifying life event shall
187 carry over for future use.
- 188 g. Unused PPL shall have no cash value upon separation of employment.
- 189 h. Requests for PPL shall be made to Human Resources/Benefits.

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191 **D. BEREAVEMENT LEAVE:**

192 In the event of the death of a family member, employees may be absent up to five (5) days.
193 Any available Sick Leave must be used for purposes related to the bereavement.

- 194 1. For purposes of this section, "family member" includes the employee's spouse, children,
195 mother, father, brother, sister, grandmother, grandfather, grandchildren, the in-law and
196 step equivalents of same, and also any other relative living in the household of the
197 employee for whom the employee is legally responsible.
- 198 2. While the District is sensitive to these situations, employees are requested to take no more
199 time off than is necessary for travel, funeral services, and related activities.
- 200 3. If more than five (5) days of absence is necessary due to the death of a family member –
201 such as for extended travel or estate duties – extended bereavement may be requested
202 for up to a total of 20 days. Employees should contact Human Resources/Benefits for
203 further direction. If days are not consecutive, the employee must make reasonable
204 attempts to schedule the days to minimize the impact on s/he work and to avoid being
205 absent on Critical Days.
- 206 4. In the event of a death of someone outside the family members defined above, the
207 employee may use up to one (1) day of Sick Leave for purposes related to the
208 bereavement as well as any remaining Personal Leave.
- 209 5. If no Sick Leave is available, the absence is unpaid.

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211 **E. OTHER ABSENCES:**

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

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

218 **2. Administrative Leave:**

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

- 223 3. **Professional Leave:**
224 a. Employees may attend work-related conferences, seminars, or training sessions at the
225 direction of their supervisor. Time away from the workplace to attend these events is
226 considered professional leave and is paid as regular work time.
227 b. Employees who wish to attend conferences of their own choice would use Personal
228 Leave as noted above.
- 229 4. **Short-term Military Leave:**
230 a. District employees are extended the right to short-term military leave of absence upon
231 receipt of official notification of a call to active duty (includes National Guard, Reserve,
232 and Georgia State Defense Force). This leave is not a part of the employee's sick leave
233 accrual. Please contact Human Resources/Benefits for further direction.
234 b. Upon receipt of official documentation, the employee shall be approved and granted
235 paid leave in accordance with O.C.G.A § 38-2-279. The employee will provide written
236 documentation as to the duty being required to Human Resources/Benefits, and the
237 required dates of duty should be submitted via submission of a completed Report of
238 Absence Form. (FS 348).
- 239 5. **Family Medical Leave:**
240 See Administrative Rule GBRIG-R (Federal Family and Medical Leave Act).
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243 **II. OTHER ISSUES RELATED TO ABSENCES**

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

245 To ensure the safety of students, employees and co-workers, the District may require an
246 employee returning from extended leave to gain a physician's confirmation that s/he is
247 physically and mentally able to perform essential functions of the employee's job as noted in
248 the job description and further explained by the employee.

- 249 1. The District may designate a physician to confirm the employee's ability to perform the
250 job. This evaluation would be performed at District expense. The District will follow the
251 determination of this physician.
252 2. At the District's discretion, employees may be required to remain off work until the results
253 of the evaluation are available. In such event, the employee may use available leave to
254 pay for the time off work.
255 3. **If** the employee is determined to be "unfit for duty," the employee must present a full
256 duty medical release from the treating physician for the condition causing that
257 determination before he/she returns to work.
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260 **B. PERFORMANCE EXPECTATIONS:**

261 Employees who had been placed on a Remediation Plan or other type of performance
262 improvement plan prior to their leave of absence will continue under the requirements of that
263 plan following the leave of absence, even if in a new position and/or at a different school or
264 department.
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267 **III. PERFORMANCE DOCUMENTATION GUIDELINES:**

268 **A. GENERAL PROVISIONS:**

269 District supervisors are expected to monitor attendance and promote high attendance
270 standards among their staff. Recognizing the health and welfare needs of our employees and
271 their families and in conformance with applicable state and federal laws, the District provides
272 designated categories of leave for which employees may seek approval when circumstances
273 dictate:
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- 275 1. Administrative Rule GBRIG-R (Federal Family and Medical Leave Act)
276 2. Administrative Rule GARH-R (Leaves and Absences)
277 3. Administrative Rule GARK-R (Vacations)
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279 **B. IMPLEMENTATION:**

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

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1. **Ethics:**
Leave approved for a designated purpose may not be used for any other purpose (Standard 4, Georgia Professional Standards Commission Code of Ethics). (See Administrative Rule GAGC-R [Employee Ethics])
2. **Approved Absences:**
The following types of approved absences will not be counted against an employee’s annual attendance evaluation:
 - a. Administrative leave (see Part I, Section E.2. above).
 - b. Bereavement leave (see Part I, Section D. above);
 - c. FMLA: Leave granted under the Family Medical Leave Act (see Administrative Rule GBRIG-R Federal Family and Medical Leave Act) (see also Part I, Section C.1. above);
 - d. Jury duty (see Part I, Section E.1. above);
 - e. Military leave (see Part I, Section E.4. above);
 - f. Paid Parental Leave (see Part I, Section C.2. above);
 - g. Professional leave (see Part I, Section E.3. above);
 - h. Vacation leave (Administrative Rule GARK-R [Vacations]);
 - i. Worker’s Compensation leave (Administrative Rule EGAA-R [Workers’ Compensation]).
3. **Acceptable Absences:**
Other than and in addition to the absences listed in Part III, Paragraph B.2. above, the following chart defines what may be considered a reasonable level of absence from the job when addressing an unacceptable pattern of absences:

Employee’s Annual Work Calendar	Number of Workdays*
178-187 days	6½
188-192 days	7
193-207 days	7½
208-237 days	8
Annual Administrative and Operational	9

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*Supervisors of hourly employees shall convert the above number of workdays 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 workdays 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 pursuant to Administrative Rule GBK-R (Discipline, Suspension, and Dismissal of Staff).

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

334 Administrative Rule GBK-R). Supervisors should exercise discretion in the assignment
335 of progressive discipline.
336 b. **Tardiness:**
337 Unexcused tardiness may also result in corrective action consistent with progressive
338 discipline (Administrative Rule GBK-R [Professional Personnel Suspension]).
339 Supervisors should exercise discretion in the assignment of progressive discipline.
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343 Adopted: 8/10/77
344 Revised: 7/10/79; 7/1/81; 9/23/82; 5/26/83; 8/8/84; 2/13/86
345 Reviewed: 6/19/86
346 Revised: 2/28/91; 6/27/91; 9/22/94; 6/9/04
347 Reclassified an Administrative Rule: 9/1/04
348 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
349 Revised and recoded: 7/19/12 (Previously coded as Administrative Rules GCC and GBEBD)
350 Revised: 7/24/13; 1/31/14; 2/16/17; 5/5/17; 10/11/17; 7/1/18; 1/18/19; 5/24/19; 6/10/21; 6/15/23; x/x/24
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352 Legal Reference:
353 O.C.G.A. 20-2-853 Accumulation of and payment for unused sick leave
354 O.C.G.A. 20-2-182 Program weights to reflect funds for payment of salaries and benefits
355 O.C.G.A. 20-2-850 Sick leave for teachers and other personnel
356 O.C.G.A. 20-2-852 Maternity leave
357 O.C.G.A. 20-2-870 Right to leave for jury duty or when subpoenaed
358 O.C.G.A. 21-2-404 Affording employees time off to vote
359 O.C.G.A. 34-1-3 Discrimination against employee for attending judicial proceeding in response to subpoena
360 prohibited
361 O.C.G.A. 38-2-279 Rights of public officers and employees absent on military duty
362 O.C.G.A. 45-20-30 Leave of absence for blood donation
363 O.C.G.A. 47-3-92 Absence from employment due to sick leave; TRS creditable service
364 O.C.G.A. 45-20-17 Paid Parental Leave
365 29 CFR Part 825 The Family and Medical Leave Act of 1993 - Regulations
366 29 USC 2601 Family and Medical Leave Act