



Georgia Department of Education

Policies and Procedures

Policy Title:	<i>Family Medical Leave</i>		
Policy Number:	<i>B-1003</i>		
Release Date:	<i>July 1, 1993</i>	Last Revised:	<i>April 2, 2007</i>

Purpose

To describe the Georgia Department of Education's policy and procedures for requesting, approving/denying, and use of family leave in accordance to the Family and Medical Leave Act of 1993.

Applicability

This policy applies to all salaried classified and unclassified employees of the Georgia Department of Education.

Definitions

Eligible Employee: An individual who has been continuously employed for a minimum of twelve months by State of Georgia Government and whose employment totaled at least 1250 hours during the twelve months immediately preceding the commencement of family leave.

Qualifying family member: An employee's spouse, child, parent or spouse's parent.

Child: A biological child, adopted child, foster child, stepchild, or legal ward of an eligible employee; or child of an eligible employee standing in loco parentis (under 18 years of age *or* 18 years of age or older and incapable of self-care because of mental or physical disability).

Parent: The biological or legal parent, stepparent or guardian of a child; or an individual who stood in loco parentis to an eligible employee when such employee was a child. "Parent" also means the biological or legal parent or stepparent of an employee or an employee's spouse.

Family Leave: Guaranteed job-protected, unpaid leave taken by an eligible employee in accordance with the provisions of this policy. Such leave shall not be for a period greater than twelve (12) work weeks in any twelve (12) month period.

Health care provider: A doctor of medicine, doctor of chiropractic, doctor of osteopathy, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner or nurse-midwife, legally authorized to practice under state law, and any health care provider for whom the Georgia Department of Community

Health will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

Serious health condition: An illness, injury, impairment, or physical or mental condition which involves:

1. Inpatient care in a hospital, hospice, or residential health care facility;
2. Continuing treatment by a health care provider which includes one or more of the following:
 - a. A period of incapacity requiring absence from work of more than three (3) consecutive calendar days and subsequent treatment including either two visits to a health care provider or one visit followed by continuing treatment under the health care provider's supervision;
 - b. A period of incapacity due to pregnancy or for prenatal care;
 - c. A period of incapacity or treatment due to chronic serious health condition which requires periodic treatment, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity;
 - d. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective (i.e. Alzheimer's disease); or
 - e. A period of absence to receive multiple treatments (including recovery period) either for restorative surgery after an accident or other injury for a condition that would likely result in incapacitation of more than three (3) calendar days if not treated (i.e., chemotherapy for cancer, dialysis for kidney disease, etc.).

Policy

Family leave is job-protected leave from work that is available to eligible employees for their own qualifying medical reasons and other reasons listed below. The Family and Medical Leave Act entitles eligible employees to a maximum of twelve (12) work weeks of job-protected family leave (either paid or unpaid, depending on an employee's available leave balances) in a twelve month period. Note: The Georgia Department of Education permits employees to use available accrued leave while on family leave to receive pay for the absence(s) from work.

Authorized officials cannot deny the use of family leave when the provisions of this policy have been met. In addition, it is unlawful to interfere with, restrain, or deny the exercise of (or attempts to exercise) any right provided under family leave or to discharge or discriminate against employees for opposing any practice made unlawful by the family leave law or for involvement in any proceeding related to family leave.

Qualifying Reasons for Family Leave

1. The birth of a child of the employee;
2. Care of the employee's newborn child;
3. The placement of a child with the employee for adoption or foster care;
4. Care of the employee's child, spouse, parent or spouse's parent who has a serious health condition;
5. A serious health condition that makes the employee unable to perform the essential functions of the employee's position.

Eligibility

The following eligibility requirements apply:

1. **Any employee whose employment averages at least 1,250 hours per year and who has been continuously employed with Georgia State Government for a minimum of 12 months** is eligible for consideration of family leave.
2. Family leave is limited to 12 work weeks (paid or unpaid) in a 12-month period and may be granted to an eligible employee commencing with approval of family leave.
3. Eligibility for family leave to care for a newborn child begins on the date of birth and ends twelve (12) months after the date of birth.
4. Eligibility for family leave due to the placement of a child with the employee for adoption or foster care may begin prior to the date of placement if absence from work is needed for the placement to proceed. Eligibility ends twelve (12) months after the date of placement.
5. Family leave for a serious health condition is limited to the time determined to be medically necessary by the health care provider. Note: Family leave to care for a family member with a serious health condition ends if the family member dies. The date of death is the last day that qualifies for family leave.
6. When both husband and wife are eligible State employees, they are limited to a combined total of twelve (12) workweeks of family leave in a 12-month period for the following reasons:
 - a. Birth of the employee's child;
 - b. Care of the employee's newborn child;
 - c. Placement of a child with the employee for adoption or foster care, or to care for the child after placement; or
 - d. Care of the employee's parent with a serious health condition.

Each spouse is entitled to use the difference between the amount of family leave he or she has taken individually for one of the above reasons and the twelve (12) work week maximum for other qualifying reasons.

General Provisions

Request for Family Leave

1. Requests for family leave, including appropriate documentation and medical certification, must be provided in writing from the employee to his/her supervisor in accordance with the provisions of this policy. Requests must include the date the employee's presence is necessary for a qualifying family member; the date the employee becomes unable to perform the essential functions of his/her position; or the date an employee becomes eligible for family leave for the birth, adoption, or foster care of a child.
2. An employee requesting family leave must provide adequate notice (30 calendar days) when family leave is foreseeable. An employee must provide completed medical certification within 15 days of a family leave request.
3. When 30 calendar days advance notice is not possible, an employee must give his/her supervisor notice as soon as he/she becomes aware that family leave is necessary.
4. Approval of family leave may be delayed or denied when adequate notice of the need for foreseeable family leave is not provided.
5. If a request for family leave is foreseeable based on planned medical treatment, employees must make a reasonable effort to schedule family leave, subject to

- the approval of the health care provider, when the operations of the work unit will not be unduly disrupted.
6. Supervisors must immediately forward requests for family leave to the DOE Human Resources office.
 7. The GaDOE Human Resources office will notify an employee in writing whether his/her request for family leave has been approved/denied. An approval or designation of family leave will specify the terms and conditions of the leave. If a request is denied in whole or in part, the notification will specify the reason(s) for the denial and shall include a notice of the right to appeal.
 8. Requests for family leave that do not provide adequate or complete information, including certification from an authorized health care provider will not be considered until complete information is provided.
 9. Any employee whose request for family leave has been approved must also comply with the GaDOE's (and the State Schools', if applicable) policies and procedures for requesting leave.
 10. If a state holiday(s) occurs during a week of approved family leave, the holiday(s) count towards family leave as a workday.
 11. The GaDOE may designate as family leave, any request for paid leave or leave without pay that would qualify under the provisions of this policy. If the GaDOE determines after a period of leave has commenced, but before the employee has returned to duty, that the leave would have qualified as family leave, the entire or some portion of the leave period may be retroactively designated as family leave. Any decision to retroactively designate family leave will be made at the discretion of the Director of Human Resources on a case-by-case basis.
 12. The Georgia Department of Education (GaDOE) may designate family leave in the absence of an official employee request, provided other conditions of this policy are met. In some cases, the GaDOE may conditionally designate family leave pending appropriate medical certification documentation.
 13. Family leave for a serious health condition for a qualifying family member may not be taken on an intermittent basis unless medically necessary.

Appeals

1. Any employee whose request for family leave has been denied, in whole or in part, may appeal to the Chief Deputy Superintendent of Schools within 3 workdays following receipt of the initial decision. Failure to appeal within 3 workdays shall result in forfeiture of any further right of appeal.
2. The Chief Deputy Superintendent shall review the written record of the appeal within 5 workdays of receipt. The decision of the Chief Deputy Superintendent is final, binding on the appointing authority and the employee, and is cannot be appealed to the State Personnel Board or any other government body.

Authority and/or Cross-Reference

- Family and Medical Leave Act, Public Law 103-3
- O.C.G.A. 45-20-3; 45-20-3.1; 45-20-4.
- State of Georgia Administrative Rules & Regulations, Section 478-1-.23.
- State Personnel Board Rule 18
- DOE *General Leave (Annual, Personal, and Sick) Policy (B-1001)*