

**COURT OF APPEALS OF GEORGIA
ADMINISTRATIVE BANC MEETING**

Wednesday, May 15, 2013

10:30 a.m.

Court Banc Room • Suite 501 • 47 Trinity Avenue, S.W.
Atlanta, Georgia 30334

A G E N D A

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|------|--|---|
| I. | Call Meeting to Order - Ascertainment of Quorum | Chief Judge Ellington |
| II. | Approval of January Banc Meeting Minutes | Chief Judge Ellington |
| III. | Old Business | Chief Judge Ellington |
| | Status of FY2013-FY2014 Budgets | Jan Kelley |
| | Update to IT System Projects | Presiding Judge Barnes
and John Ruggeri |
| | Personnel Issue | Presiding Judge Doyle |
| IV. | New Business | Chief Judge Ellington |
| | Change to Court Policy - Family
and Medical Leave Act | Presiding Judge Phipps
and Presiding Judge Doyle |
| | Use of Presiding Judge Title | Chief Judge Ellington |
| V. | Announcements | Chief Judge Ellington |
| | Investiture of New Chief Judge | Chief Judge Ellington |
| | Strategic Planning Committee | Chief Judge Ellington |
| | IOM Committee | Presiding Judge Doyle |
| | 40(b) Motions Filed on Direct Appeals
or Applications | Chief Judge Ellington |
| | Correction to Rule 16 | Holly Sparrow |
| VI. | Adjournment | Chief Judge Ellington |

under the military family leave amendments to FMLA up to a total of 26 workweeks of unpaid leave during a 12-month period to care for the service member.

To request family and/or medical leave, the employee must complete, sign, and submit a Request for Family and Medical Leave form (which is available from the Fiscal Office) to his or her supervisor. If the need for the FMLA leave is foreseeable, the employee must submit the FMLA leave form thirty (30) calendar days in advance of the effective date of the leave. When the need for FMLA leave is not foreseeable, the form should be submitted within the time prescribed by the Court's usual and customary leave notice requirements

An employee requesting leave due to a serious health condition of the employee or a family member, will be required to provide medical certification of that serious health condition. Failure to provide such certification may result in denial of family medical leave. The employee will be notified in writing within five business days of the submission of the request and medical certification that the leave will or will not be counted as FMLA leave.

The employee may be required to provide periodic recertification of the serious health condition of the family member or himself or herself. If the FMLA leave was due to the employee's own serious health condition then prior to returning to work, the Court may require a certification that the employee is medically able to return to his or her job. Employees returning from FMLA leave will be restored to the same or an equivalent job.

5. DONATED LEAVE

The purpose of donated leave is to provide income protection for employees who, because of a catastrophic illness or accident, are temporarily disabled and absent from work for an extended length of time. Under no circumstance, shall donated leave be utilized for non catastrophic sick leave.

Leave donation shall be from employee to employee and shall be strictly voluntary. The identity of donors shall be confidential and shall not be provided to the recipient or to any other individual unless necessary to administer the donation or if it is required by law.

- a. An employee shall not be eligible to solicit leave donations for:
 - i. Any occupationally related accident or illness which is compensable under Workers' Compensation benefits or
 - ii. Disability incurred in the course of committing a felony or assault.

certification when the employee is able to return to duty. Such release or certification shall indicate the extent to which the employee is able to perform the essential functions of the employee's position and may be required as a precondition to the employee's return to duty.

Sick leave may be taken as necessary and is charged in 15 minute increments. It cannot be taken until earned. Annual leave can be used as sick leave. However, sick leave cannot be used as annual leave. If an employee suffers a lengthy sickness and uses all accumulated sick leave, it is up to the discretion of the employee's judge or immediate supervisor, whether additional days will be charged against forfeited leave or the current annual leave.

At the discretion of the supervisor, forfeited leave may be restored and used as sick leave if the employee needs it for an extended illness or injury. Satisfactory evidence as to the illness or disability shall be provided to the supervisor.

4. FAMILY MEDICAL LEAVE ACT

All employees of the Court of Appeals of Georgia are subject to the United States Family Medical Leave Act (FMLA) and have the benefits thereof. An absence of up to twelve weeks of unpaid leave may be taken in accordance with FMLA for one or more of the following reasons: (1) the birth of the employee's child; (2) placement of a child with the employee for adoption or foster care; (3) to care for a child, spouse, or parent who has a serious health condition; (4) when the employee is unable to perform the essential functions of his or her position because of a serious health condition; or (5) for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or reserves in support of a contingency operation.

To be eligible for leave under FMLA, an employee must have been employed for a total of twelve months and must have worked at least 1250 hours during the twelve-month period preceding the commencement of the leave.

If the employee is entitled to paid leave under another policy, which includes short-term disability, unused paid vacation, sick, family or personal leave, the employee must take the paid leave first. Such paid leave will not be counted against the FMLA unpaid leave entitlement.

An employee may take a total of 12 workweeks of unpaid leave for the reasons specified above during a rolling, 12-month period measured backward from the date an employee uses any FMLA leave. An eligible employee who is a spouse, son, daughter, parent or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness covered

IOM Chapter I

- g. Appoints Special Prosecutors in bar disciplinary matters.
- h. Supervises preparation of an annual statistical analysis report reflecting caseload of the court, and such other periodic reports deemed necessary by the court.
- i. Performs such other administrative duties as may be required and which are not otherwise provided for by law or rule.

B. EXECUTIVE COUNCIL

1. Shall be composed of the Chief Judge and the four Presiding Judges and shall act on all matters referred to the Chief Judge and Council as provided by committee assignments. (Source: Minutes September 1999 Banc Meeting.)
2. If not otherwise provided, shall determine which administrative matters should be presented to the full court.
3. Advise and counsel the Chief Judge on matters relating to the court.
4. If a tie vote occurs on a matter under consideration by the Chief Judge and Council, the matter shall be referred to the full court.
5. Purchases of \$1,000 or more shall be submitted to the Executive Council for consideration and approval. (Source: November 18, 2009 Banc Meeting)

C. BUDGET COMMITTEE

The Chief Judge in consultation with the Fiscal Officer:

1. Prepares response to audit, if necessary, for consideration of the court and signature of the Chief Judge.
2. Conducts such internal or external audits as deemed necessary.
3. Periodically examines fiscal officer's journal, ledger, or similar records to see that postings are current; examines expenditures for supporting documents, and checks any fiscal record deemed necessary.
4. Makes all reports and recommendations directly to the full court.
5. The clerk/court administrator shall be responsible for preparation of drafting amendments on sections pertaining to the Budget Committee of the Internal Operations Manual.

K. MANUAL FOR INTERNAL OPERATIONS

The clerk/court administrator shall be responsible for drafting and keeping current a loose leaf manual for internal operations, Court of Appeals of Georgia, by:

1. Reviewing all previous minutes of the court.
2. Reviewing any constitutional or statutory enactment that could be construed to pertain to the internal operation of the court.
3. Conferring with each judge on the court to ascertain and reduce to writing the oral policies and procedures now in existence.
4. Conferring with each presiding judge for policies peculiar to each panel with view of striving for uniformity.
5. Review similar rules and manuals of other courts, ABA, and other organizations for new ideas to improve the operation of this court.
6. The table of contents and each section or part prepared for inclusion in the Manual shall be circulated to the court and receive a majority vote before being placed in the Manual for observance by the court.

L. COURT PERSONNEL COMMITTEE

The Court Personnel Committee shall be responsible for hearing appeals from Clerk's Office personnel pursuant to disciplinary action taken against such personnel by the clerk/court administrator under the Clerk's Office Policies and Procedures Manual. (Source: Minutes, June 1995 Banc Meeting)

X. APPLICATION FOR DISCRETIONARY APPEAL

Rule 31. Discretionary Applications.

(g) No extensions of time shall be granted in filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application. No extension of time shall be granted to file a response to a discretionary application.

Rule amended August 1, 2012.

Correction made to Rule 16 for consistency with Rule 31(g).

IV. EXTENSION OF TIME FOR NOTICE OF APPEAL, ETC.

Rule 16. Extension of Time for Filing.

(c) No extension of time shall be granted for filing interlocutory or discretionary applications or filing responses thereto other than permitted under Rule 31 (g).

**COURT OF APPEALS OF GEORGIA
FY2013 - AMENDED PROJECTED BUDGET**

As of

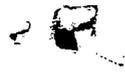
	7/1/12 - 6/30/13 REV/EXPENSES	PENDING COMMITMENTS	TOTAL COMMITTED	PROJECTED EXPENSES/REV	AMEND BUDGET- PENDING EXP	TOTAL PROJECTED EXPENSES/REV	AMENDED BUDGET	VARIANCE	VARIANCE %
REVENUE									
APPROPRIATION	12,938,752	1,179,625	14,118,377			14,118,377	14,118,377	-	100%
REVENUE COLLECTIONS	211,559	-	211,559	-		211,559	150,000	61,559	141%
OTHER FUNDS	-	-	-	-		-	-	-	0%
REVENUE-CONVENIENCE FEES	7,470	-	7,470	-		7,470	-	7,470	100%
	219,029	-	219,029	-		219,029	150,000	69,029	146%
TOTAL REVENUE	13,157,781	1,179,625	14,337,406	-		14,337,406	14,268,377	69,029	100%
EXPENSES									
PERSONAL SERVICES									
501000 REGULAR SALARIES	6,906,487	1,022,336	7,928,823	(6,853)		7,921,970	7,930,553	8,583	100%
502000 ANNUAL LEAVE	42,078	-	42,078	-		42,078	30,000	(12,078)	140%
503000 SUPPLEMENTAL PAY	-	-	-	-		-	-	-	0%
512000 LABOR-PERMANENT	-	-	-	-		-	-	-	0%
513000 LABOR-TEMPORARY	1,668	-	1,668	-		1,668	2,000	332	83%
514000 EMPLOYER FICA	452,603	78,209	530,812	(524)		530,288	542,890	12,602	98%
515000 EMPLOYER RETIREMENT	1,564,001	231,290	1,795,291	(1,024)		1,794,267	1,819,619	25,352	99%
516000 EMPLOYER HEALTH INSURANCE	2,132,867	259,326	2,392,193	(1,738)		2,390,455	2,377,906	(12,549)	101%
517000 PERSONAL LIABILITY INSURANCE	5,677	-	5,677	-		5,677	5,677	(0)	100%
518000 UNEMPLOYMENT INSURANCE	18,290	-	18,290	-		18,290	18,290	0	100%
519000 WORKER'S COMPENSATION	16,130	-	16,130	-		16,130	16,133	3	100%
520000 MERIT SYSTEM ASSESSMENTS	6,059	-	6,059	-		6,059	6,059	-	100%
522000 DRUG TESTING	-	-	-	-		-	-	-	0%
523000 EMPLOYEE PHYSICAL EXAMS	-	-	-	-		-	-	-	0%
524000 OTHER EMPLOYMENT RELATED EXP	254	-	254	-		254	360	106	70%
TOTAL PERSONAL SERVICES	11,146,116	1,591,160	12,737,276	(10,140)	-	12,727,135	12,749,487	22,352	100%
	-	-	-	-		-	-	(0%)	ESFD
OPERATING EXPENSES									
612000 POSTAGE	21,144	-	21,144	5,275		26,419	32,000	5,581	83%
612000 MOTOR VEHICLE EXPENSE	48	-	48	60		108	500	392	22%
613000 PRINTING & PUBLICATIONS	7,231	-	7,231	3,554		10,785	18,150	7,365	59%
614000 SUPPLIES & MATERIALS	65,157	-	65,157	7,230		72,386	83,041	10,655	87%
615000 REPAIRS & MAINTENANCE	25,985	-	25,985	1,346		27,331	24,500	(2,831)	112%
616000 EQUIPMENT >\$1K-<\$5K	-	-	-	-		-	-	-	0%
619000 RENTS OTHER THAN REAL ESTATE	3,360	-	3,360	800		4,160	4,800	640	87%
620000 INSURANCE & BONDING	2,974	-	2,974	-		2,974	2,983	9	100%
622000 FREIGHT EXP	872	-	872	200		1,072	1,100	28	97%
627000 OTHER OPERATING EXPENSES	14,213	-	14,213	24,149		38,362	38,720	358	99%
640000 TRAVEL EXPENSES	53,458	-	53,458	34,080		87,538	68,000	(19,538)	129%
720000 EQUIPMENT	-	-	-	-		-	12,000	12,000	0%
821000 COMPUTER EQUIPMENT	-	-	-	-		-	-	-	0%
814000 I.T. EXP - SUPPLIES & MATERIALS	3,337	-	3,337	8,663		12,000	12,000	-	100%
815000 I.T. EXP - REPAIRS & MAINTENANCE	12,754	-	12,754	8,531		21,285	21,000	(285)	101%
816000 I.T. EXP - I.T. EQUIP <\$5K	3,004	-	3,004	30,997		34,000	34,000	-	100%
819000 I.T. EXP - RENTAL NOT RE	11,368	-	11,368	1,000		12,368	12,000	(368)	103%

COURT OF APPEALS OF GEORGIA
FY2013 - AMENDED PROJECTED BUDGET

As of

May 14, 2013	7/1/12 - 6/30/13	PENDING	TOTAL	PROJECTED	AMEND BUDGET	TOTAL PROJECTED	AMENDED	VARIANCE	VARIANCE
	REV/EXPENSES	COMMITMENTS	COMMITTED	EXPENSES/REV	PENDING EXP	EXPENSES/REV	BUDGET		%

	LESS:	
EFD	PROJ (DEFICIT)/SURPLUS	100,801 3.19
	POTENTIAL ADJ	
	SHBP ADJ	
		100,801 3.19
	POTENTIAL BUDGET CUT	
		100,801 3.19



John

Red Cross Training

Shelving
John

chairs?

Ellington says desk computer
has problems
Phipps fax/printer not like this