

Georgia Department of Public Safety Policy Manual

SUBJECT LEAVE	POLICY NUMBER 5.09
DISTRIBUTION ALL EMPLOYEES	REVISED DATE 11/30/2018
	POLICY REVIEWED 11/30/2018

5.09.1 Purpose

To establish policies and procedures for the administration of employees' leave and provide an appropriate manner in which they might apply for and use Departmental leave.

5.09.2 Policy

It shall be the policy of the Georgia Department of Public Safety to adhere to State Personnel Board Rules and Regulations (Rules 16, 17, 19 and 23) governing employee leave, as well as all applicable state and federal law regarding leave. In accordance with these guidelines Supervisors shall insure that adequate staffing shall be maintained.

5.09.3 General Provisions

- A. Due to the critical nature of the mission of our Department, all sworn members shall leave with the Post or their supervisor a telephone number where they may be reached in the event of an emergency.
- B. Eligibility: The following employees are not eligible for *any* paid leave benefits:
 - a. All temporary employees;
 - b. All hourly employees, and
 - c. Active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia (ERS) while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.
- C. Eligible employees begin earning annual and sick leave on their date of hire, and may not take annual or sick leave before it is actually earned and credited.
- D. Leave may be approved in any increment from 15 minutes up to the total amount of leave accumulated.
- E. Employees are required to use deferred holiday time before using annual leave, personal leave, or compensatory time.
- F. A record of leave shall be maintained in the Human Resources Division.

- G. Employees are expected to properly request and receive approval for absence from work. Failure to follow the department's procedures may result in denial of the request and/or other employment action up to and including termination of employment.
- H. If a request for absence is denied, the employee is expected to work as scheduled. Failure to do so may result in leave without pay and/or other employment action up to and including termination of employment.
- I. Misrepresenting reasons for requesting or continuing an absence may result in disciplinary action up to and including termination of employment.
- J. Employees on leave with an uncertain end date may be required to provide periodic reports during leave regarding the employee's status and intent to return to work.
- K. An employee is expected to return to work as scheduled at the expiration of an approved absence. If an extension is desired, the employee must request it in writing from his/her supervisor prior to the leave expiration.
- L. Failure to obtain approval for additional time off beyond the expiration of an approved absence may result in separation from employment or other employment action deemed appropriate by the Commissioner.
- M. An employee who is absent from work because of illness or disability may be required to supply an appropriate medical release or certification that the employee is able to return to work as a condition of his/her return. The release or certification must explain the extent to which the employee is able to perform the essential functions of his/her position, with or without reasonable accommodation.
- N. In accordance with State Personnel Board Rule 16, forfeited leave may be restored as sick leave in the event of personal or family illness or disability which exhausts paid leave and compensatory time. The restoration of leave will be limited to:
 - a. The amount required by the circumstances of the illness or disability, and
 - b. The leave forfeited during the current period of employment.
- O. An employee who is absent after he/she has used all annual, sick and personal leave (for Classified employees after five consecutive workdays after all such leave is used) will be separated from employment unless the employee properly requests, and the Commissioner approves, leave without pay.
- P. An employee who is absent without approval will be placed in non-pay status and may be subject to disciplinary action, up to and including termination of employment.
- Q. An employee who is absent from duty for three consecutive workdays (five consecutive workdays for Classified employees) without proper authorization, within the discretion of the Commissioner, may be deemed to have resigned voluntarily from employment. The employee shall be notified of the separation in writing.
- R. An employee who fails to return to duty at the expiration of a leave of absence may, in the discretion of the Commissioner, be deemed to have resigned voluntarily from employment. The employee shall be notified of the separation in writing.

5.09.4 Procedure for Requesting Leave

- A. Employees shall complete a leave request form (DPS 526) to request leave.
- B. Requests for leave shall be retained in the post and/or office files in accordance to the Record, Forms, and Reports Policy #13.02.
- C. Post/Station Commanders shall be the approving authority for all employees under their supervision; Lieutenants shall be approving authority for Post/Station Commanders, and Captains for Lieutenants. Capitol Police immediate supervisors shall have the same authority for the employees under their direct supervision. Division Directors or their designee shall have the same approving authority for the employees under their direct supervision.
- D. The employee is responsible for the management of their own leave balances. Leave requested in excess of accrued balances may result in the employee being placed on leave without pay.

5.09.5 Annual Leave (See State Personnel Board Rule 16.6)

- A. Accrual and use of annual leave
 - 1. Annual leave accrues on a graduated scale based on an employee's length of continuous, unbroken State service in a position entitled to accrue leave.
 - 2. Full-time employees scheduled for at least 40 hours per workweek accrue annual leave at the following rates:

Complete Months of Continuous Service	Rate of Accrual	Potential Earnings Per 1 Year
0 through 60	5 hrs per pay period (10 hrs per month)	15 days
60+ through 120	6 hrs per pay period (12 hrs per month)	18 days
120 +	7 hrs per pay period (14 hrs per month)	21 days

- 3. Annual leave is credited to eligible employees at the end of each pay period. Annual leave accruals are not credited to an employee unless he/she has been in pay status for at least 40 hours during the pay period.
- 4. An employee may accrue up to 360 hours of annual leave. Any leave earned in excess of 360 at the end of each month is forfeited as provided by statute.
- 5. An employee may use accrued annual leave upon approval for vacation or personal reasons, subject to the following guidelines:
 - a. Employees are required to use Georgia Compensatory time and/or deferred holiday time before using annual leave.
 - b. Annual leave may be taken in any number of work periods during the calendar year;
 - c. Holiday and regular days off falling during the period of annual leave shall not be charged against annual leave of non-sworn members.

d. Notice of Taking Annual Leave

In scheduling annual leave, supervisors will try to accommodate employee preferences. However, employees who request annual leave during busy periods or at times when co-workers have already requested leave might need to make alternate plans. Supervisors must weigh the Department's business needs and the timeliness of the requests in approving annual leave.

- e. An employee should give notice of his/her intent to take annual leave as early as possible. Employees who take annual leave without notice or call in at the start of a work-shift to announce they are taking annual leave may have leave denied and be subject to disciplinary action, up to and including termination of employment.
- f. For non-sworn members, annual leave may be taken during designated holiday periods provided adequate staff is maintained in each post/unit to carry out duties and responsibilities that are assigned to these members.
- g. Only in the event of an extreme emergency will a sworn uniform member be assigned office duty during designated holiday periods. (GSP only)
- h. On the first day and the ending day of a holiday period only 25% of sworn uniform members assigned to posts may be off. No more than 50% of these sworn uniform personnel may be off at any time. This includes regular days off, annual leave, and personal leave. (GSP only)
- i. Complement for figuring 50% and 25% off duty members shall exclude those persons in the following status: extended sick leave, administrative leave, suspended, detached duty assignment, or leave of absence.
- j. For all other Divisions/units, the Commander/Director is responsible for ensuring adequate staffing coverage for operational needs.

5.09.6 Regular Days Off

- A. Regular days for Sworn Uniform Members, Cadets, Dispatchers and Weight Inspectors are as follows:
 - 1. No regular days off may be borrowed from the forthcoming 28-day period and regular days off shall not be carried forward into a new period.
 - 2. Eight regular days off shall be scheduled for each 28-day period. Employees assigned to 10-hour shifts may have up to 12 regular days off for each 28-day period. Due to operational needs an employee's day(s) off may be cancelled or rescheduled during the current 28-day period.
 - 3. Cadets (not in Trooper School or Basic Mandate training), Dispatchers and Weight Inspectors shall be scheduled two days off during the seven-day work period.
- B. Post Commanders may grant up to four days off in succession; six regular days off in succession may be taken when two 28-day periods are involved. However, at least two days of the six shall be in one 28-day period. (Example: last two days of April, first four days of May). (GSP only)

- C. Civilian personnel (excluding Cadets not in Trooper School or Basic Mandate training, Dispatchers and Weight Inspectors) are granted Saturday and Sunday as regular days off during the seven-day work period.

5.09.7 Holidays (See State Personnel Board Rule 16.25)

- A. All eligible employees shall receive 12 holidays annually as designated by the Governor. Holidays are granted by proclamation of the Governor and cannot be granted until proclaimed.
- B. Employees are not paid for a holiday that occurs on their last day of State employment, unless the holiday is at the end of their normal workweek. The only exception is for employees retiring from State employment whose compensation will not be reduced when their last day of employment before retirement falls on a holiday.
- C. To be eligible for pay on a state holiday, an employee must be in pay status for the full scheduled work shift on either the workday immediately before or immediately after the holiday. Pay status means either working or taking approved time off.
- D. Should an employee member be required to report for duty on a holiday, a day is to be granted as compensation and must be used within 365 days. Supervisors are responsible for ensuring that employees use deferred holiday time within 365 days of accrual.
- E. Employees eligible for a paid holiday receive pay for the time they would otherwise have worked that day, up to a maximum of eight (8) hours.
- F. An employee scheduled to work on a holiday who, without prior approval, fails to report for any portion of the scheduled duty will not be granted deferred holiday time for the time (if any) that was worked on the holiday. Such employee may be subject to leave without pay for the scheduled time not worked and/or other appropriate disciplinary action, up to and including termination of employment.
- G. Request to Observe Other Religious Holidays in accordance with State Personnel Board Rule 16.

An employee may make a request to be given priority consideration for time off from work for the observance of religious holidays not included in the Governor's Holiday Proclamation. The request must be made at least seven days in advance and will be given priority consideration. An employee may request priority consideration for up to three workdays in each calendar year.

Any paid time off granted for religious observance will be deducted from the employee's compensatory time, accrued annual leave, personal leave, or deferred holiday time available at the time of the observance. If the employee does not have sufficient leave to cover the period of absence, the absence will be considered leave without pay.

1. A request by an employee for time off for religious observance cannot be denied unless the duties performed by the employee are urgently required and the employee, in the department's judgement, is the only person available who can perform the duties, or accommodating the request would be an undue hardship. Denial based on undue hardship requires the prior approval of the Commissioner.

5.09.8 Sick Leave (See State Personnel Board Rule 16.7)

- A. A full-time employee earns five hours of sick leave if he/she is in pay status for at least 40 hours during the pay period. This rate shall remain continuous.
- B. An employee may accrue up to 720 hours of sick leave. Any leave earned in excess of 720 at the end of any month is forfeited as provided by statute.
- C. Although in rare instances it may be necessary for a relative to notify the employee's supervisor of the need for sick leave, it is the sole responsibility of the employee to insure that their supervisor receives proper notification at the earliest possible time. Failure to provide prompt and proper notification may result in the absence being charged as leave without pay.
- D. Provided an employee adheres to the procedures established by their supervisor for approval of leave, State Personnel Board Rules authorize the use of accrued sick leave for any absence due to:
 - 1. Personal illness, or disability;
 - 2. Adoption of a child by the employee where the employee's presence is required for health-related reasons;
 - 3. Dental or medical care;
 - 4. Illness, injury or disability, in the employee's immediate family which requires the employee's presence; or
 - 5. Death in the employee's immediate family which requires the employee's presence; however, sick leave used for this purpose shall be limited to five work days or the equivalent.
 - 6. Sick leave may also be used to allow an employee paid time off from work because he/she has been exposed to a contagious disease and may reasonably expose other coworkers and endanger their health by being present at work.

For the purpose of this policy, "immediate family" refers to the employee's spouse, child, parent, grandparents, grandchild, brother and sister, including active step and in-law relationships. "Immediate family" also includes any other person who resides in the employee's household and is recognized by law as a dependent of the employee.

- E. Employees must complete a leave request form for the use of leave as soon as they are aware of the need to be absent, or in case of unanticipated illness or emergency, as soon as they return to work following the absence.
- F. An employee may be required to furnish evidence to support the use of sick leave in the following circumstances:
 - 1. After more than 17 hours of sick leave has been taken in a 30 day period, or
 - 2. If a employee has demonstrated excessive or abusive use of sick leave. Supervisors are encouraged to consult with Human Resources in determining if evidence of demonstrated excessive or abuse of sick leave exists.

Excessive or abusive use of sick leave is defined as a pattern of intermittent, short-term usage that includes, but is not limited to the following:

- a. Frequent use of sick leave in conjunction with holidays, scheduled off days, weekends or paydays;
 - b. Frequent use of sick leave when scheduled for undesirable temporary shifts or assignments or during periods of peak work load;
 - c. Requesting sick leave for an absence for which other paid leave has previously been denied;
 - d. Frequent occurrences of illness during the work day;
 - e. Peculiar and increasingly improbable excuses;
 - f. Repetitive use of less than 17 hours sick leave in 30 day periods;
 - g. Prior written notification of failure to adhere to procedures for approval of leave, inappropriate attendance or inappropriate use of leave.
- G. Misuse of sick leave may result in disciplinary action up to and including dismissal.
- H. Employees are charged with sick leave for absence only on days upon which they would otherwise work or receive pay.
- I. If an absence because of illness, injury or disability extends beyond available sick leave the absence may be charged to available annual leave, personal leave, compensatory time or deferred holiday time, unless the employee applied for, and the Commissioner approves, a leave of absence without pay.
- J. If an employee is ill for three workdays or more during a period of annual leave, the period of illness may be charged to sick leave if the employee provides satisfactory written evidence indicating his/her illness during annual leave. A request for substitution must be made within two weeks after the employee has returned to duty. No substitution will be allowed for illness which does not last for three or more workdays.
- K. All uniform members shall notify the Human Resources Director or their designee, in writing, through the chain of command, in the event they are injured in the line of duty.

5.09.9 Leave without Pay (See State Personnel Board Rule 16.22)

- A. Leave without pay may be used in the following situations:
- a. When an employee is authorized for absence but does not have available paid leave to cover the absence;
 - b. When an employee is authorized for absence, but forgoes the use of available leave for Worker's Compensation-related absence;
 - c. When an employee does not have approval for an absence;
 - d. When there is insufficient funding for salaries, and

- e. When there is insufficient work available.
- B. Leave without pay is not included as service time for purposes of computing retirement or pension benefits, unless otherwise specified.
- C. Short-Term Authorized Leave without Pay:
- a. Commanding Officers/Division Directors may grant an employee who is absent, but does not have accrued leave to cover the period of absence, leave without pay for a period of not more than 10 consecutive work days in any one continuous absence.
 - b. An employee must submit a written request for short-term authorized leave without pay through their chain of command to their respective Commanding Officer/Division Director.
 - c. The approved request must be forwarded to the Human Resources Division immediately upon approval.
 - d. At the expiration of the approved leave, the employee shall be returned to the same position without any loss of rights provided the employee returns within the terms of the leave granted.
- D. Regular Leave of Absence Without Pay
1. The Commissioner may grant a regular leave of absence for an employee to take unpaid time off for personal or family-related emergencies, or leave not otherwise covered by this policy.
 2. Employees may request a regular leave of absence for no more than 90 days at a time. A regular leave of absence may not exceed 12 continuous months.
 3. An employee must submit a written request for a regular leave of absence without pay through their chain of command to the Commissioner. The request must state the reason for the leave of absence and the amount of time requested.
 4. The Commissioner may deny a request for a regular leave of absence and approve contingent leave of absence without pay in lieu of a regular leave of absence without pay.
 5. If approved, a written notice specifying the terms and conditions of the approval will be provided to the employee by the Human Resources Division, including a statement indicating that the employee will be reinstated to the former position or to a position of equal grade and pay without loss of any rights provided the employee returns within the terms of the leave granted.
- E. Contingent Leave of Absence Without Pay
- To request contingent leave without pay, an employee must follow the same procedure required to request authorized leave without pay. A contingent leave of absence may not exceed 12 months. The employee's right to return at the expiration of a contingent leave is not guaranteed and will be contingent on a suitable vacancy being available.

- F. Approval of a request for a leave of absence and whether the request will be approved as a regular or contingent leave of absence is entirely at the discretion of the Commissioner after considering the following factors:
 - a. The specific reason and justification provided for the request;
 - b. The employee's previous work and attendance records, specifically a demonstrated pattern of excessive or abusive use of any leave;
 - c. The nature of the workload at the time of the request;
 - d. Whether the absence would adversely affect the work unit or department operations;
 - e. The recommendation from the supervisors and Division Director within the employee's chain of command.
- G. A continuous unpaid leave of absence may not exceed 24 months, unless otherwise required by state or federal law.
- H. If an employee is requesting an authorized leave of absence without pay for medical reasons, he/she is required to provide medical documentation which provides satisfactory evidence that the requested period of absence is necessary due to specific medical circumstances.
- I. Employees on a leave of absence may be required to provide periodic reports during the leave regarding his/her status and intent to return to work.
- J. Employees must obtain written authorization from the Commissioner prior to accepting other employment or engaging in self-employment while on an authorized leave of absence. Failure to get written authorization may result in disciplinary action.
- K. Upon return an employee shall meet all current hiring standards. Employees on Leave of Absence Without Pay shall be governed by applicable Departmental policies, rules or established conditions of the leave.
- L. Requests for Leave of Absence Without Pay for exploratory employment purposes shall not be approved.
- M. Misrepresenting reasons for applying for or continuing a leave of absence may result in disciplinary action, up to and including termination of employment.

5.09.10 Family Medical Leave of Absence (FMLA) (See State Personnel Board Rule 23)

- A. FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:
 - 1. For incapacity due to pregnancy, prenatal medical care or child birth;
 - 2. To care for the employee's child after birth, or placement for adoption or foster care;

3. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition, or
4. For a serious health condition that makes the employee unable to perform the employee's job.

B. Eligibility

Employees are eligible if they have been employed by the State of Georgia for a total of at least 12 months (which do not have to be consecutive; a break in service is permitted), and have worked at least 1,250 hours as a state employee in the 12 months preceding a leave. Hours worked do not include time spent on paid or unpaid leave.

C. General Provisions

1. The Department shall not interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this policy, but shall be entitled to require appropriate medical certification and/or validation of status as a qualifying family member.

2. Notice to Members

A notice summarizing the entitlement to family leave and information pertaining to the filing of appeals shall be posted where notices to members and applicants are customarily posted.

D. Application and Authorization

1. Forms to apply for family leave may be accessed on the MyDPS SharePoint site (<http://mydps/dpsforms/DPS%20Forms/Forms/Leave%20Administration.aspx>)
2. Applications for family leave and all medical certifications and documentation, shall be submitted to the Human Resources 30 days prior to date requested leave is to begin unless need is unforeseeable. In the event need for leave is unforeseeable, documents should be submitted as soon as employee is aware of need to request leave.
3. Once a request for Family and Medical Leave has been made, Human Resources will provide a written response to the employee within two business days, or as soon as practicable. The written response will indicate whether the request is denied or approved, or whether additional information is needed. If the request is denied, a notice of denial should be provided indicating the reason for denial.
 - a. If the request is approved, a notice of approval should be provided explaining:
 - 1) That the leave will count against the employee's annual Family and Medical Leave entitlement;
 - 2) Any requirements for furnishing medical certification and the consequences for failing to do so;
 - 3) The employee's right to substitute paid leave and any conditions related to the substitution;

- 4) Any requirements for making premium payments to maintain health benefits, the arrangements for making such payments, and the consequences for failing to do so;

E. Limitations

1. Utilization of family leave for any combination of qualifying conditions shall be limited to a total of 12 workweeks in any rolling 12-month period, measured backward from the first day of each approved family/medical leave, except as provided in section 5.09.12, B (Military Caregiver Leave).
2. Accrued paid leave shall be utilized in conjunction with approved family leave. The member shall exhaust all available leave (annual, GA Compensatory time, FLSA Compensatory time, and if appropriate, sick leave) before family leave can be unpaid (Family Medical Leave of Absence without pay.) The following two exceptions apply:
 - a. If an absence qualifies for Workers' Compensation wage loss benefits, the employee may choose to receive such benefits rather than use paid leave or compensatory time during Family and Medical Leave.
 - b. An employee will not be required to use paid leave and compensatory time while receiving short-term or long-term disability insurance payments.
3. Any combination of unpaid family leave, regular leave without pay, or contingent leaves without pay shall not, for the same qualifying conditions, exceed 12 continuous months.
4. Intermittent Leave
 - a. Family leave for childbirth or adoption may not be taken intermittently.
 - b. Family leave for a serious health condition of a qualifying family member or of the member may not be taken on an intermittent basis unless medically necessary.
5. Child Birth or Adoption
 - a. In any case in which both parents are eligible members and are employed by the State of Georgia, the aggregate number of workweeks of family leave for childbirth or adoption to which both shall be entitled shall be limited to 12 work weeks during any rolling 12-month period, measured backward from the first day of each approved family/medical leave.
 - b. In any case in which the necessity for family leave for childbirth or adoption is foreseeable, the eligible member shall provide the appointing authority with written application and certification within a minimum of thirty days prior to the desired effective date of the leave.
 - c. Entitlement to 12-week leave expires 12 months after birth or placement of child.
6. Serious Health Condition – Family

- a. The Department may require certification of the qualifying family member's serious health condition. The certification must state the date on which the condition started, the probable duration of the condition, and the appropriate medical facts regarding the condition. In some cases, the department may require a second or third opinion from another health care provider at the department's expense. The department may require periodic recertification of a serious health condition during a leave.
- b. In any case in which both husband and wife are employed by the State of Georgia, the aggregate number of work weeks of family leave to care for a sick parent or spouse's parent to which both may be entitled shall be limited to 12 work weeks during any rolling 12-month period, measured backward from the first day of each approved family/medical leave.
- c. In any case in which the necessity for leave is foreseeable and based on planned medical treatment or supervision, the member shall:
 - 1) Make a reasonable effort, subject to the approval of the appropriate health care provider, to schedule the treatment or supervision so as not to unduly disrupt the operations of the work unit, and
 - 2) Provide Human Resources with written application and certification within a reasonable period of time prior to the desired effective date of leave.
- d. Entitlement to 12 week leave shall not commence prior to nor extend beyond dates specified on medical certification.

7. Serious Health Condition – Personal

- a. The Department may require certification of the member's serious health condition. The certification must state the date on which the condition started, the probable duration of the condition, and the appropriate medical facts regarding the condition. In some cases, the department may require a second or third opinion from another health care provider at the department's expense. The department may require periodic recertification of a serious health condition during a leave and periodic reports during the leave regarding an employee's status and intent to return to work. In addition, the department may require an employee to provide certification of the ability to return to work at the end of a leave.
- b. In the case in which the necessity for leave is foreseeable based on planned medical treatment or supervision, the member shall:
 - 1) Make a reasonable effort, subject to the approval of appropriate health care provider, to schedule the treatment or supervision as not to unduly disrupt the operations of the work unit, and
 - 2) Provide Human Resources with written application and certification at least 30 days prior to the desired effective date of leave.
- c. Entitlement to 12 week leave shall not commence prior to nor extend beyond dates specified on medical certification.

5.09.11 Military Family Leave of Absence (Exigency and Caregiver Leave) (See State Personnel Board Rule 23)

- A. Military Exigency Leave allows an employee who has a spouse, son or daughter, or parent in any branch of the Armed Forces to take FMLA leave due to a qualifying exigency resulting from the covered family member's active military duty (or call to active duty status) in support of a contingency operation.

- 1. Qualifying exigency may include the following short notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation (maximum 15 calendar days), post deployment activities, care for a military member's parent.

- 2. Application and Authorization

Application and authorization for exigency leave shall follow the same procedures as outlined for regular FMLA.

- 3. Limitations

Exigency Leave will be counted toward the employee's FMLA allowance and shall not exceed 12 weeks in a 12-month period.

- B. Military Caregiver Leave allows an employee who is the spouse, son or daughter, parent or next of kin of a service member or veteran in the Regular Armed Forces, National Guard or Reserves (who has incurred a serious injury or illness in the line of duty while on active duty) to take FMLA leave to care for the service member or veteran.

- 1. Application and Authorization

Application and authorization for Military Caregiver Leave shall follow the same procedures as outlined for regular FMLA.

- 2. Limitations

Caregiver Leave is combined with regular FMLA leave and the total cannot exceed 26 weeks in a single 12-month period.

5.09.12 Other Leave

- A. Compensatory Leave shall be issued according to the Work Hours and Overtime Policy #5.13.

- B. Blood Donation Leave (See SPB Rule 16.13)

- 1. Subject to request and approval by the immediate supervisor each eligible employee shall be allowed leave of not more than eight hours in each calendar year without loss of pay for the purpose of donating blood. The leave shall be computed at up to two hours per donation, up to four times per year. However, any eligible employee who donates blood platelets or granulocytes through the aphaeresis process shall be allowed leave of not more than 16 hours in each calendar year without loss of pay which shall be computed at four hours per donation up to four times per year.

2. The time allowed shall include the time required to donate the blood. An employee who does not use the time allowed at the time of each donation does not accrue any right to subsequent paid or unpaid.

C. Bone Marrow Donation Leave: (See SPB Rule 16.14)

Eligible employees are granted seven (7) workdays of paid leave to donate bone marrow for transplantation. The amount of leave will not be deducted from any accrued leave balance and will be included as service time for purposes of computing any retirement or pension benefits.

To receive paid bone marrow donation leave, the employee must have approval from his/her immediate supervisor for absence and provide the department with a written statement from a medical practitioner performing the procedure. If the donation does not occur, bone marrow donation leave is not applicable.

D. Organ Donation Leave: (See SPB Rule 16.15)

Eligible employees are granted thirty (30) workdays of paid leave to donate an organ for transplantation. The term "organ" means any human organ, including an eye, which is capable of being transferred from the body of one person to another. The amount of leave will not be deducted from any accrued leave balance and must be included as service time for purposes of computing any retirement or pension benefits.

To receive paid organ donation leave, the employee must have approval from his/her immediate supervisor for absence and provide the department with a written statement from a medical practitioner performing the transplant procedure or a hospital administrator indicating that the employee is making an organ donation. If the donation does not occur, organ donation leave is not applicable.

E. Court Leave (See SPB Rule 16.16)

The department recognizes and respects employees' obligations to perform civic duties when summoned as a potential juror or witness, and grants employees leave for this purpose. An employee may not be discharged, disciplined or otherwise penalized because the employee is absent from employment for the purpose of attending a judicial proceeding in response to a subpoena, summons for jury duty, or other court order or process which requires the attendance of the employee. Court leave is granted to eligible employees as follows.

1. Requesting Leave.

An employee who is summoned to perform jury duty or to serve as a witness during scheduled work time and needs to be absent from work must bring a copy of the summons, subpoena, or other court order to his/her immediate supervisor when requesting leave.

Because employees will typically not know in advance how much time will be required to fulfill their court obligation, employees may be required to update their supervisor at reasonable intervals concerning the time needed for absence from duty.

2. Pay While on Court Leave

- a. Jury Duty

- 1) Eligible employees will receive paid court leave while on jury duty for the time they are otherwise scheduled to work. Employees will be paid only for the time they are required to appear by the court, plus any additional time that is reasonably necessary, in the opinion of the agency, for the employee to prepare for or return from jury duty.
- 2) Employees will not receive any compensation for time spent serving as a juror that exceeds the employee's regularly scheduled duty hours. Eligible nonexempt employees will receive their straight time base pay rate times the number of hours they would otherwise have worked up to a maximum of eight hours for each day of required jury duty. Exempt employees will receive their normal salary.
- 3) Employees may keep any juror fees and travel allowances they receive from the Court.

3. Court Attendance and Witness Duty Leave

An employee summoned to appear as a witness or required by a court to attend a proceeding will be paid in the same manner as an employee serving on a jury. However, an employee will not receive paid leave to attend a trial or an arbitration hearing or other judicial proceeding in which he/she:

- a. Is charged with a crime;
- b. Is a plaintiff or defendant;
- c. Voluntarily appears as a witness;
- d. Is a witness in a case arising from or related to his/her outside employment or outside business activity;
- e. Is testifying for a fee as an expert witness; or
- f. Has any other personal or familial interest in the proceeding.

In such circumstances, the employee must use annual leave, personal leave, compensatory time, deferred holiday time or take leave without pay.

4. Return from Court Leave

Employees are required to report back to work as soon as they are released from jury duty or other court ordered appearance. Management may require verification from the court showing the time served. A failure to make a timely return from court leave is treated as an unexcused absence.

F. Personal Leave (See SPB Rule 16.8)

1. In order to be eligible to convert sick leave to personal leave, an employee shall have a sick leave balance of more than 120 hours (15 days) on November 30 of each year.
2. The employee may then convert to personal leave any sick leave hours and minutes over the 120 hours, not to exceed a maximum of 24 hours (3 days). The

employee must have a remaining sick leave balance of at least 120 hours after conversion.

3. The employee's election to convert sick leave to personal leave is irrevocable once the Department has verified the conversion.
4. The personal leave shall be used during the upcoming year. Any unused personal leave after December 31 of the year shall be lost and cannot be restored for any purpose. Members are encouraged to exhaust personal leave before requesting annual leave.
5. During the first two weeks of December, the Human Resources Division shall inform employees that Personal Leave elections may be made at that time through Employee Self Service on the Team Georgia website. If an employee is eligible for personal leave, the Employee Self Service website shall give the maximum number of hours and minutes that may be converted.
6. Personal leave shall be requested in the same manner as annual leave and is subject to supervisory approval contingent on operational requirements. Supervisors should make every reasonable effort to accommodate requests to utilize personal leave. An employee is expected to give as much advance notice as possible to minimize disruptions.

G. Voting Leave (See SPB Rule 16.17)

1. Each eligible employee shall, upon reasonable notice to the immediate supervisor, be permitted to take necessary time off from employment without loss of pay to vote in any municipal, county, state, federal political party primary or election for which the employee is qualified and registered to vote, on the day on which the primary or election is held. However, the following provisions apply:
 - a. Paid voting leave is available to employees when their work schedule does not allow them at least two (2) hours (including travel) to vote either before or after work. Employees who are scheduled to work at least two (2) hours after the polls open or end work at least two (2) hours before the polls close are not eligible for voting leave.
 - b. Voting leave covers only the time necessary to give an employee two (2) hours either before or after work to vote. For example, an employee whose work schedule allows only 1 ½ hours to vote either before or after work would be eligible for 30 minutes of voting leave.
 - c. For those employees not eligible for voting leave, supervisors have the discretion to arrange flexible work schedules for voting purposes. Supervisors may also allow employees to use other available paid leave, other than sick leave, if they are not eligible for voting leave or need more than two (2) hours to vote.
 - d. The immediate supervisor may specify the hours during which the employee may be absent to vote.
 - e. An eligible employee may be allowed paid voting leave on early voting days if the supervisor determines that doing so minimally disrupts normal operations.

H. Education Support Leave (See SPB Rule 16.18)

To supplement work-life balance options for state employees, the State provides up to eight (8) paid hours of leave per calendar year to eligible employees for the purpose of promoting education in Georgia. Such leave is in addition to, and not charged against, an employee's accrued leave

1. Education support leave may be taken in increments of less than 8 hours in any increment from 15 minutes up to the total amount of leave accumulated.
2. Eligibility:
 - a. Any eligible employee may request to use and be considered for education support leave.
 - b. Only activities directly related to student achievement and academic support will qualify for education support leave. Such activities may range from early care and learning through higher education. The Department maintains the authority to determine, in accordance with the provisions outlined in this policy, whether an activity would qualify for education support leave.
 - c. To use education support leave, an employee may be, but is not required to be, the parent of a student.
 - d. Employees must not receive pay for services they perform while using education support leave.
 - e. Employees must provide written verification from a school administrator, teacher, or other official to their supervisor and receive prior approval from their supervisor before providing the services for which they are requesting education support leave.
 - f. Supervisors have the discretion to approve or deny requests for education support leave based on operational needs, or other reasons, such as conduct, attendance, or unsatisfactory work performance, provided that denials are applied consistently for all similarly situated employees.
 - g. Use of education support leave for any political purpose or agenda is prohibited.
3. Education support leave does not accumulate, and unused leave does not rollover into subsequent calendar years.
4. Education support leave carries no cash value if unused. There will be no payout for unused education support leave upon termination.
5. Education support leave is not available to support education outside the State of Georgia.

5.09.13 Special Situations

A. Workers' Compensation

An employee may not use accrued paid leave (i.e., sick, annual, or personal leave) for an accidental injury or occupational disease which is compensable under the Georgia Workers' Compensation Act unless the employee elects in writing to use accrued paid leave in lieu of workers' compensation benefits. The leave granted for

such purpose will be credited on a day-for-day basis as compensation against any indemnity award by the State Board of Workers' Compensation. A written election to use accrued leave in lieu of worker's compensation benefits may be executed prospectively and must be submitted to Human Resources.

B. Disability Due to Violence by Third Party

A non-temporary salaried employee scheduled to work 30 or more hours per week who becomes physically disabled as a result of an injury incurred in the line of duty and caused by a willful act of violence committed by a non-agency party is entitled to a leave of absence for the period the employee is physically unable to perform his/her duties. Such a leave of absence will be provided in lieu of using accrued leave and the employee will continue to receive his/her regular compensation, subject to the limitations below. Leave granted under this provision cannot exceed 180 working days for any single incident. An employee seeking leave under this section must submit documentation of his/her disability to the agency.

1. Leave granted under this provision cannot exceed 180 working days for any single incident.
2. An employee seeking leave under this section must submit documentation of his/her disability to the Human Resources Division.
3. Benefits received under this provision of the Rule will be subordinate to any workers' compensation benefits, which the employee is awarded and will be limited to the difference between the amount of workers' compensation benefits, actually paid and the amount of the employee's regular compensation.

5.09.14 Leave Donation

A. Pursuant to rule 17 of the rules of the State Personnel Board, the following shall be the Department's policy concerning leave donation from one employee to another.

B. General Information

Leave donation shall be from employee to employee within the Department 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 to administer the donation needed for official duties or required by law.

C. An employee shall not be eligible to solicit leave donations for any job related accident or illness that is compensable under worker's compensation benefits; or, disability incurred in the course of committing a felony or assault.

D. Solicitation and Approval

1. A member may request solicitation of donated leave no more than 40 days prior to going into leave without pay status.
2. All requests shall be filed, in writing, with the Human Resources Director, through the chain of command.
3. The Commissioner or his designee shall approve or disapprove all requests for solicitation of leave donations prior to the circulation of the solicitation.

4. The Human Resources Division shall assist the employee in developing a solicitation announcement.
5. The solicitation announcement shall be circulated by e-mail and shall be posted for not less than ten working days.

E. Recipient

1. In order to be eligible to receive donated leave, an employee shall:
 - a. Be entitled to earn and use leave; and not be in contingent leave without pay status;
 - b. Have been continuously employed for not less than 12 months;
 - c. Have exhausted all accrued and forfeited leave and compensatory time, and
 - d. Have been on authorized leave without pay for 80 consecutive hours.

F. Donor

1. In order to be eligible to donate leave, an employee shall:
 - a. Have been continuously employed for not less than 12 months in an agency covered by the State Personnel Administration;
 - b. Be an employee of the Department of Public Safety;
 - c. Have, if donating annual leave, a balance of not less than 60 hours of annual leave after donation, and
 - d. Have, if donating sick leave, a balance of not less than 60 hours of sick leave after donation.
2. A donor may donate any amount of annual leave or personal leave and not more than 120 hours of sick leave in a calendar year. A donation may not be made from forfeited leave. All donations shall be made in increments of whole hours.
3. A donor shall authorize, in writing on the approved form, to the Human Resources Director the name of the recipient, and the type and amount of leave being donated. The authorization shall specify that the donor surrenders any claim to any donated leave credited to the recipient.

G. Limitations

1. Donations, not to exceed 520 hours, shall be credited to a recipient in the order received. Donations received after the maximum has been reached shall not be accepted and shall be returned to the donor.
2. Multiple donations are permitted for the same recipient, but shall not exceed 1040 hours of donated leave in any consecutive two calendar year period.
3. Once a recipient has returned to duty, not more than forty (40) hours of previously donated leave may be retained for the recipient's use.

- H. No employee shall threaten, coerce or attempt to threaten or coerce another employee for the purpose of interfering with rights involving the donation, receipt or use of leave. Any violation shall be considered to be misconduct and shall be subject to disciplinary action in accordance with the Discipline Policy #8.01.