



Brian P. Kemp
Governor

J. Alexander Atwood
Commissioner

Date: April 1, 2021

To: Agency Heads

From: J. Alexander Atwood, Commissioner
Department of Administrative Services

We are all eager to return to a Healthy Georgia and must utilize all the tools available to us to end the spread of the deadly COVID-19 coronavirus – including the COVID-19 vaccine. Accordingly, Governor Brian P. Kemp has encouraged all Georgians, including state employees, to receive a COVID-19 vaccine. As part of this initiative, Governor Kemp is providing executive branch employees paid time off for that purpose. Specifically, Governor Kemp Executive Order 03.31.21.02, authorizes non-temporary employees¹ to request to use up to eight (8) hours of administrative leave² for the purpose of receiving a COVID-19 vaccine and up to sixteen (16) hours for recovery from any negative side effects resulting from said vaccine. Such paid absence shall not count against an employee's accrued leave balance(s). Provision of administrative leave for the purpose of receiving a COVID-19 vaccine and recovering from negative side effects became available for use on March 31, 2021, and will be available until such time that the Public Health State of Emergency declared in Executive Order No. 03.14.20.01 is terminated or ceases to be renewed by the Governor.

We should encourage employees to continue to follow the Centers for Disease Control and Prevention (CDC) and the Georgia Department of Public Health (DPH) guidelines and protocols to protect themselves and others, and to consider receiving the COVID-19 vaccination unless otherwise advised by a medical care provider. As the guidance of public health experts evolves and more of the population is vaccinated, agencies should begin to prepare for returning to more normalized operations in the coming weeks to better serve the State's customers.

HR Professionals may contact the HRA Help Desk at 1-877-318-2772 or the DOAS HRA Policy and Compliance Team at hrapolicy@doas.ga.gov with any questions about guidance contained within this memo.

¹ As defined by State Personnel Board (SPB) Rule 478-1-.02(14): "an individual hired by an agency to provide services for wages and excludes independent contractors, volunteers, unpaid interns, and board members paid on a per diem basis."

² Strict compliance with the provisions of SPB Rule 478-1-.16(12), *Absence Due to Emergency Office Closure*, was suspended by Executive Order 03.31.21.02 for this limited purpose to provide paid absence for receiving the COVID-19 vaccine and recovery from any resulting negative side effects.

Frequently Asked Questions Regarding Paid Administrative Leave for the COVID-19 Vaccine

I. ELIGIBILITY FOR PAID ABSENCE

- 1. Q. Is the use of administrative leave retroactive for employees who have already received the vaccine?**

A. No. The use of this new administrative leave for the purpose of receiving a COVID-19 vaccine became available on March 31, 2021.
- 2. Q. Are hourly employees eligible to receive administrative leave for the purpose of receiving a COVID-19 vaccine or recovering from negative side effects from said vaccine?**

A. Yes. All non-temporary employees are eligible including part-time and hourly employees. Temporary employees, whether salaried or hourly, are not eligible.
- 3. Q. What activities are eligible for the use of administrative leave in this circumstance?**

A. Employees may request up to eight (8) total hours for time spent traveling to and receiving a COVID-19 vaccine, regardless of the number of required doses. Employees may request up to sixteen (16) additional hours for time spent recovering from negative side effects from receipt of a COVID-19 vaccine. Only the amount necessary for these activities should be approved.
- 4. Q. Do agencies have discretion to deny a request for leave to receive a vaccine if there is a business necessity for the employee's ability to work during the requested time?**

A. Yes. Agencies retain normal discretion for approving and denying requests for time off; provided, however, that agencies make every effort to accommodate employee requests for absences to receive COVID-19 vaccines. Agencies should weigh business needs against the timeliness of requests for these absences and the public health benefits of employees becoming vaccinated against COVID-19.
- 5. Q. In what circumstances are employees eligible to receive administrative leave for recovery from negative side effects?**

A. Employees are only eligible to receive administrative leave if the negative side effects prevent the employee from performing his or her duties. For example, a teleworking employee with milder side effects that do not prevent him or her from performing his or her duties is expected to continue to telework and should not receive administrative leave for recovery.

II. TIMEKEEPING INFORMATION

- 6. Q. How should these paid absences be recorded in Time Keeping Systems?**

A. Agencies utilizing PeopleSoft/TeamWorks should use the new Time Reporting Codes "ADM CV – Admin COVIDVax" for salaried employees and "ADH CV – Admin COVIDVax" for hourly employees. These TRCs became available on March 31, 2021.

Agencies utilizing other time keeping systems should identify a manner in which to track the amount of leave provided to employees for this purpose.

7. Q. Do paid absences for receiving the COVID-19 vaccine or to recover from side effects contribute to the calculation of hours worked for the purposes of overtime for non-exempt employees?

A. No. Only time actually worked is included in the calculation for overtime.

III. DOCUMENTATION

8. Q. May an agency require documentation for an employee's requested absence to receive a COVID-19 vaccination?

A. Yes. An agency may require an employee to provide proof of his or her vaccination appointment and/or shot. If the agency retains a copy of the employee's vaccination card, it should be treated as confidential and should be kept separate from the rest of his or her personnel file with other medical records pursuant to SPB Rule 478-1-.09(4)(a), *Records*.

9. Q. May an agency require documentation for an employee's requested absence to recover from negative side effects from a COVID-19 vaccine?

A. Yes. An agency may require an employee to provide documentation of negative side effects of a COVID-19 vaccine from a medical provider if time off for this purpose is requested. If the agency retains such documentation it should be treated as confidential and should be kept separate from the rest of his or her personnel file with other medical records pursuant to SPB Rule 478-1-.09(4)(a), *Records*.

Agencies should be cautious to only request sufficient information to confirm that the employee sought medical advice or treatment for negative side effects for the period of time the employee is expected to be incapacitated or regarding any job-related restrictions and refrain from asking questions that would elicit any disability-related information or information regarding an employee's medical condition.

IV. EMPLOYEE RELATIONS

10. Q. To what extent can we share information about an employee's absence to receive a vaccination or recovery from negative side effects?

A. It is important to protect the employee's privacy to the greatest extent possible; therefore, the reason for his or her absence should not be disclosed without the employee's express consent.