

Summary of State Personnel Board Rule Modifications, 2015 - 2024

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Rule 1, *Organization of the Board*

6-22-21

Added an applicability provision.

Updated provisions concerning the frequency of Board meetings and election of the Board chair and vice-chair.

Removed provision concerning offering Board services on a fee basis to state entities not covered by State Personnel Board Rules.

Eliminated outdated provisions and modernized language throughout.

Corrected and expanded authority section.

Rule 2, *Terms and Definitions*

1-9-17

Added or updated definitions for common employment terms.

Updated the definition of “applicant” to reflect USDOL guidance on internet applicants.

Updated the definition of “employee” to distinguish which staff categories are not considered state employees.

Modified the definition of “agency” and “department” to aid in interpretation of state law.

More clearly defined classified and unclassified employment and eliminated definitions for classified service and unclassified service that were repetitive.

Updated the definition of “State Personnel Board Rules” to promote understanding of the purpose and effect of the Rules.

Updated or added definitions related to classification, compensation, and employment changes.

Removed definitions that were outdated or did not appear elsewhere in the Rules.

Rule 3, *Antidiscrimination*

7-24-19

Added definitions of the terms “discrimination,” “harassment,” and “retaliation”; added a definition of the term “sexual harassment” that mirrors the definition in the Statewide Sexual Harassment Prevention Policy (“Statewide Policy”) [Section (3)].

Added a section on discrimination awareness and prevention as well a section on retaliation awareness and prevention [Section (4); Section (6)].

Updated provisions on harassment awareness and prevention to align with the Executive Order on Preventing Sexual Harassment in the Executive Branch of Government and the Statewide Policy [Section (5)].

Clarified obligations of employees and managers to report harassment, discrimination, and retaliation [Section (7)].

Reiterated that complaints of sexual harassment or related retaliation must be processed in accordance with the Statewide Policy [Section (8), subsections (c) and (d)]. [See also Rule 20.]

Rule 4, *Reduction in Force*

8-8-18

Added detailed guidance on the reduction in force process, particularly on RIFs affecting unclassified employees.

Removed requirement of DOAS approval of RIF plans affecting classified employees.

Added requirement to file RIF plan with DOAS for notification and consultation.

Added a definition of “overtime” to clarify that the term is used in the context of overtime under the federal Fair Labor Standards Act.

Added a section on types of “reduction in force” to provide guidance for layoffs, furloughs, and salary reductions.

Added detail on the reduction in force process to provide useful guidance.

Clarified the competitive process.

Added competitive process for unclassified employees.

Rule 6, Recruiting, Screening, and Hiring

5-18-17

Defined legal terms, including as “adverse impact” and “business necessity”; defined other terms that could have multiple meanings, including “background check” and “sensitive governmental position.”

Clearly explained what qualifies as filling a vacancy.

Enhanced guidance on screening practices, including screening criteria, veterans’ preference, reference checks, credit and criminal history checks, and physical or medical examinations.

Expanded guidance on background checks to ensure compliance with the governor’s “ban the box” executive order and the federal Fair Credit Reporting Act.

Added guidance on the use of social media in the hiring process.

Rule 8, Political Activity

3-10-22

Permitted an employee to run for elective office upon a determination by the agency that the candidacy does not conflict with performance of employee’s official duties and permitted an agency to require an employee to be placed on leave of absence without pay upon a determination that a conflict exists [Section (4) (a) 1–2].

Clarified when candidacy is established [Section (4) (a) 3].

Limited prohibition on candidacy based on the Hatch Act to employees whose salaries are fully federally funded [Section (4) (a) 5].

Added guidance on exceptions to the Hatch Act [Section (4) (a) 5].

Provided guidance that employees may not hold office or be employed in the judicial or legislative branches, except to participate in a legislative session while on a leave of absence without pay [Section (4) (b) 2].

Clarified that the requirement of resignation or forfeiture of employment due to winning an election for or being appointed to a full-time or otherwise conflicting office occurs upon assumption of office [Section (4) (b)].

Added prohibition on soliciting or knowingly accepting campaign contributions in a state building or office except when space is rented for a campaign fundraiser [Section (5) (d)].

Removed prohibition on serving as a watcher, challenger, or similar partisan worker in any election [see Section (5) and deleted subsection (g) from Section (1) of previous rule].

Removed prohibition on endorsing or opposing candidates in a political advertisement, broadcast, campaign literature, or rally and replaced it with a more direct prohibition on representing that a

personal endorsement of or opposition to a political candidate is the official position of the State or a state agency [Section (5) (h)].

Clarified prohibition on receiving state-paid mileage while transporting campaign material or while soliciting votes or transporting persons soliciting votes [Section (5) (j)].

Simplified non-discrimination provision [Section (7)].

Moved anti-retaliation provision from Section (5), Prohibited Political Activities, to Section (7), Non-Discrimination and Anti-Retaliation.

Clarified provisions and simplified language wherever possible.

Rule 9, *Records*

3-21-19

Added definitions of “confidential employment records” and “official personnel file” to provide more detailed guidance on maintenance of employment records [Section (3) (a) and (3) (b)].

Included lists of documents to be retained as part of the official personnel file and those considered confidential employment records [Section (3) (a) and Section (4) (a)]. Although the lists are not meant to be exhaustive, they provide guidance for managing employment records.

Clarified that confidential employment records must be retained separately from the official personnel file. If storage space or other concerns dictate storage of confidential records within the official personnel file, the confidential records must in a separate, clearly marked folder [Section (4) (a)].

Specified a two-week time frame for transfer of records when an employee moves from one state agency to another and identified records to be transferred; clarified that confidential employment records are not to be transferred or are to be removed from the file before transfer [Section (5)].

Clarified that confidential records must be redacted prior to production of documents in response to an Open Records request [Section (8)].

Rule 10, *Classification Plan*

3-16-20

Provided definitions of the terms “entry qualifications,” “job description,” and “position description.”

Provided clarification on the Commissioner’s authority to develop and recommend new statewide comprehensive classification plans, as well as the public comment process following publication of the new plan(s).

Outlined a process for amendment of the classification plan that requires DOAS consultation with agencies directly affected by material amendments rather than a formal public comment period.

Provided for notification to all agencies of amendments to the classification plan and opportunity for agencies to request DOAS reconsideration of amendments.

Rule 11, *Compensation Plan*

4-24-20

Provided clarification on the Commissioner's authority to develop and recommend new statewide compensation plans, as well as the public comment process following publication of the new plan(s).

Outlined a process for amendment of the compensation plan that requires DOAS consultation with agencies directly affected by amendments rather than a formal public comment period.

Provided for notification to all agencies of amendments to the compensation plan and opportunity for agencies to request DOAS reconsideration of amendments.

Rule 13, *Meritorious Award, Hiring Incentive, and Goal-based Incentive Programs*

1-9-17

Removed lump-sum payments for meritorious acts, services, or achievements because state law does not allow for monetary rewards in these situations.

Removed the option of lump-sum payments for learning new, critically needed skills.

Retained the option of lump-sum payments for hiring incentives and granted flexibility to agencies to establish the amounts, terms, and conditions based on the agencies' unique business needs.

Retained the option of lump-sum payments for meeting or exceeding revenue goals (goal-based incentive programs) but removed those related to productivity and sales goals.

Clarified the roles of DOAS and OPB in establishing incentive and award plans.

Rule 14, *Performance Management*

3-16-20

Articulated the role of supervisors and managers in setting performance expectations.

Emphasized the importance of ongoing coaching and interim reviews.

Added detail concerning Individual Development Plans.

Clarified provisions concerning revisions to performance plans.

Expanded provisions concerning the timing and content of formal performance evaluations.

Clarified the procedure for review of a performance evaluation.

Rule 16, *Absence from Work*

10-20-20

Revised Section (19) to reflect expansion of eligibility for paid disaster volunteer leave to certified disaster service volunteers of the Civil Air Patrol Auxiliary of the United States Air Force whose services have been requested by the Civil Air Patrol Auxiliary of the United States after being activated by a county emergency management agency, the Georgia Emergency Management and Homeland Security Agency, or a comparable federal agency. [Rule change effective October 20, 2020; law effective 1-1-21.]

6-2-21

Added Section (26) to implement state paid parental leave (law effective 7-1-21).

11-3-21

Revised Section (24) to allow agencies to permit additional time for use of state compensatory time earned during the 2020-2021 public health state of emergency.

3-16-23

Revised Section (6) to implement annual leave conversion payout.

Revised Section (25) to reflect the current number of state holidays.

8-11-23

Revised Section (17) to reflect change to state law concerning voting leave. Eligibility for paid voting leave is no longer limited to employees who do not have two hours before or after work to vote, but leave is still limited to two hours per election.

8-1-24

Revised Section (26) to reflect changes to state law concerning paid parental leave, increasing the maximum number of hours of leave from 120 to 240 and requiring agencies to notify employees of paid parental leave benefit. [Change to state law effective July 1, 2024.]

Rule 17, Leave Donation

7-24-19

Added definitions of the terms “extended absence” and “medical hardship” to supplement guidance in the administration of an agency’s leave donation program [Section (3)]. [Note that donated leave is not available for any reason other than medical hardship.]

Added a definition of the term “immediate family” that mirrors the definition in Rule 16, *Absence from Work*, which generally governs the use of sick leave [Section (3)].

Emphasized the agency’s obligation of non-discrimination in administration of a leave donation program [Section (4)].

Reduced the recipient’s required period of leave without pay from 80 hours to 40 hours [Section (6)(a)4].

Clarified that a leave donation solicitation must not include medical or other personal information, other than the recipient’s name, without the recipient’s written consent [Section (6)(d)].

Rule 18, Veterans’ Preference

11-28-17

Combined three eligibility provisions relating to active duty in the National Guard or Armed Forces Reserve during Operation Desert Storm and Desert Shield, returning the rule to compliance with state law.

Added a definition of “imminent danger.”

Added requirement of documentation of honorable discharge to ensure that preference is applied only for eligible veterans.

Clarified provisions concerning preference on entrance exams and aligned these provisions with state law.

Clarified that an agency is not required to hire a preference-eligible veteran who is not the most suitable applicant for a position.

Modified language concerning reduction in force to align with the SPB Rule that fully addresses this topic (now Rule 4, *Reduction in Force*).

Rule 19, *Military Leave*

9-16-15

Removed a provision exempting service with the State Defense Force from the definition of ordered military duty, aligning rule with state law allowing members of the State Defense Force to receive paid military leave and continuous service considerations for ordered military duty.

Rule 20, *Employee Complaint Resolution Procedure*

5-24-19

Clarified that the Employee Complaint Resolution Procedure no longer covers complaints of sexual harassment [Section (1), paragraph 3].

Added a definition of “sexual harassment” that mirrors the definition in the Statewide Sexual Harassment Prevention Policy (“Statewide Policy”) [Section (3) (i)].

Clarified that the Rule’s provision on the agency obligation to notify employees of a complaint resolution program applies specifically to the Employee Complaint Resolution Procedure [Section (4)].

Clarified that a sexual harassment complaint is no longer an eligible issue under the Employee Complaint Resolution Procedure [Section (6) (a) and (b)].

Emphasized that complaints containing allegations of sexual harassment or related retaliation are ineligible issues under the Employee Complaint Resolution Procedure [Section (7) (a), (b), and (c)].

Reiterated in the Rule’s provisions on complaint processing that complaints of sexual harassment or related retaliation must be processed in accordance with the Statewide Policy [Section (9) (a) 1; Section (9) (b) 2; Section (9) (c) 6].

Clarified that the agency is obligated to determine whether a complaint filed through the Employee Complaint Resolution Procedure meets the criteria set forth in the Statewide Policy and must be processed according to the procedures set forth therein [Section (14)].

Rule 21, *Drug and Alcohol–Free Workplace Program*

12-4-18

Revised definitions of “illegal drug” and “medical marijuana” to align with state law [Sections (3) (t) and (u) of main rule].

Updated Medical Review Officer (MRO) procedure to reflect state’s use of a third-party substance abuse testing administrator [Section (10) of main rule].

Clarified situations in which a negative drug test is a condition of employment [Sub-Rule B, Section (1) (a); Sub-Rule D, Section (3) and Section (5) (a)].

Provided additional guidance on the timing of pre-employment drug testing for high-risk positions [Sub-Rule B, Section (3)].

Adopted sub-rules for ease of reference.

Rule 23, *Family and Medical Leave*

9-16-15

Revised the definition of “spouse” to include all legally married spouses, aligning the rule with the federal Family and Medical Leave Act.

Rule 25

8-18-18

Repealed in conjunction with adoption of new Rule 4. (Rule number now reserved.)