Georgia Department of Public Safety
Policy Manual

SUBJECT **ABSENCE FROM WORK**	POLICY NUMBER **5.09**
DISTRIBUTION **ALL EMPLOYEES**	REVISED DATE **7/1/2026**
	POLICY REVIEWED **7/1/2026**

5.09.1 Purpose

This policy sets forth the Department's guidelines, expectations, and requirements concerning work absences and provides an appropriate manner in which employees might request 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 ("SPB") Rules and Regulations (Rules 478-1-.16, 17, 19 and 23) governing employee paid and unpaid 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:

1. All temporary employees except for those eligible to receive paid parental leave;

2. All hourly employees except for those eligible to receive paid parental leave, and

3. 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. "In Pay Status" - an employee is considered to be in pay status for regularly scheduled work hours except when on leave without pay or when suspended without pay, and will be paid only for hours actually on duty or for properly authorized paid leave or compensatory time.

D. Leave may be approved in any increment from 15 minutes (equivalent to .25 in LAS) 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 are 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 applicable Division Director.

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. 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 SPB Rule 478-1-.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:

    1. The amount required by the circumstances of the illness or disability, and

    2. 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 applicable Division Director, 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 applicable Division Director, 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 and submit leave requests to their immediate supervisor for approval via the Leave Request System (LRS).

B. Requests for leave shall be retained by the applicable office or sworn work unit and in accordance with the DPS Records, 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 SPB Rule 478-1-.16(6)

A. Accrual and use of annual leave

1. The accrual process begins on the first date of employment. Annual leave is credited to eligible employees at the end of each pay period.

2. 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.

3. 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

4. Employees must be in pay status for at least 40 hours during the pay period to accrue annual leave at the end of that pay period.

5. 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 at the end of the month.

6. 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. 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.

c. 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.

B. Annual Leave during designated holiday periods

1. Sworn members shall refer to Policy #17.08 – Sworn Work Unit Operations for guidelines regarding the percentage of sworn staff who may be on pass or leave during designated holiday periods.

2. For sworn members, the complement for calculating the percentage of off-duty requires excluding those persons in the following status: extended sick leave, administrative leave, suspended, detached duty assignment, or leave of absence.

3. 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 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. Sworn members may be authorized to take 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).

C. Non-Sworn members (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 SPB Rule 478-1-.16(25))

A. All eligible employees shall receive the public holidays designated annually by the Governor. Holidays are granted by proclamation of the Governor and cannot be taken until the day of or after the holiday has been accrued.

B. 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.

C. 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.

D. 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.

E. Deferred Holiday Leave (Equivalent time off)

Deferred holiday leave will be made available to employees who would otherwise have been eligible for a paid holiday but were either required to work on part or all of a holiday or whose scheduled day off occurred on a holiday.

1. Equivalent time off will not exceed the time actually worked on the holiday or eight (8) hours, whichever is less.

2. Deferred holiday leave must be used within 365 days after the day is proclaimed as a holiday; otherwise it must be paid. Supervisors are responsible for ensuring that employees use deferred holiday time within 365 days of accrual.

3. An employee who separates from the Department will be paid for any deferred holiday time not used or paid prior to separation.

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 (See with SPB Rule 478-1-.16(25)(e)).

1. 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.

2. 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.

3. A request by an employee for time off for religious observance shall be authorized 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 SPB Rule 478-1-.16(7))

A. The accrual process begins on the first day of employment. Sick leave is credited to eligible employees at the end of each pay period.

B. 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.

C. 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 at the end of the month.

D. 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 ensure that his/her 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.

E. Provided an employee adheres to the procedures established by their supervisor for approval of leave, SPB 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 workdays or the equivalent of a workweek.

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.

F. For the purpose of this policy, "immediate family" refers to the employee's spouse, child, parent, grandparents, grandchild, brother, or 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.

G. Employees must complete a leave request 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.

H. 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 an 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 abusive use 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 workload;

c. A request for sick leave for an absence for which other paid leave has previously been denied;

d. Frequent occurrences of illness during the workday;

e. Peculiar and increasingly improbable excuses;

f. Repetitive use of less than 17 hours sick leave in 30-day periods; or

g. Prior written notification of failure to adhere to procedures for approval of leave, inappropriate attendance, or inappropriate use of leave.

I. Misuse of sick leave may result in disciplinary action up to and including dismissal.

J. Employees are charged with sick leave for absence only on days upon which they would otherwise work or receive pay.

K. 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.

L. 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.

M. All sworn 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 SPB Rule 478-1-.16.(22))

A. Leave without pay may be used in the following situations:

1. When an employee is authorized for absence but does not have available paid leave to cover the absence;

2. When an employee is authorized for absence, but forgoes the use of available leave for Worker's Compensation-related absence;

3. When an employee does not have approval for an absence;

4. When there is insufficient funding for salaries; and

5. 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

1. 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 workdays in any one continuous absence.

2. An employee must submit a written request for short-term authorized leave without pay through their chain of command to their respective Division Director.

3. The approved request must be forwarded to the Human Resources Division immediately upon approval.

4. 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 term 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 a 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 term 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:

1. The specific reason and justification provided for the request;

2. The employee's previous work and attendance records, including any demonstrated pattern of excessive or abusive use of any leave;

3. The nature of the workload at the time of the request;

4. Whether the absence would adversely affect the operations of the work unit or the Department; and

5. 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, up to and including termination of employment.

K. Upon return to work, 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 Other Leave

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

B. Blood Donation Leave (See SPB Rule 478-1-.16(13))

1. Subject to request and approval by the immediate supervisor, eligible employees are permitted to take up to two (2) hours of paid time off to donate blood, up to four (4) times each calendar year.

2. Employees who donate blood platelets or granulocytes through the plasmapheresis process may take up to four (4) hours of paid time off, up to four (4) times each calendar year.

3. 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 leave.

C. Bone Marrow Donation Leave (See SPB Rule 478-1-.16(14))

1. Eligible employees are permitted to take up to 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.

2. 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 478-1-.16(15))

1. 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.

2. 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 478-1-.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. Leave Request and Supporting Documentation

a. 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.

b. 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. Paid Court Leave

a. Eligible employees will receive paid court leave while on jury duty for the time they are otherwise scheduled to work (and coded “Jury Duty” in LAS). 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 Department, for the employee to prepare for or return from jury duty.

b. Employees will not receive any compensation for time spent serving as a juror that exceeds the employee’s regularly scheduled duty hours.

c. 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 478-1-.16(8))

1. Each year, an employee who has an accrued sick leave balance of more than 120 hours as of November 30 may convert up to 24 hours of the excess sick leave to personal leave for use during the next calendar year.

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

3. Converted leave cannot be reversed.

4. 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.

5. Personal leave shall be requested in the same manner as annual leave and is subject to supervisory approval contingent upon 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.

6. Employees cannot use personal leave while they are receiving Georgia State-funded wage substitutes, such as Worker's Compensation wage loss benefits.

7. Any unused personal leave after December 31 of the year shall be divested and cannot be restored for any purpose. Members are encouraged to exhaust personal leave before requesting annual leave.

8. Personal leave carries no cash value if unused. Any unused personal leave at the time of an employee's break in State service of at least one full workday is divested and not paid to the employee.

G. Voting Leave (See SPB Rule 478-1-.16(17))

1. The Department encourages employees to exercise their right to vote in all federal, state, and local elections. Non-temporary, salaried employees may be granted paid time off to vote, up to a maximum of two (2) hours per Election Day.

2. Paid voting leave is available to non-temporary salaried employees and may be taken on Election Day or on a day designated for advance in-person voting.

3. Active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia are not eligible for voting leave while receiving retirement annuity payments during the first 1,040 hours of work performed in a calendar year.

4. 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.

5. Voting Leave is limited to two (2) hours per election.

6. Employees are responsible for requesting and obtaining approval from their supervisor in advance of taking time off to vote. The supervisor may specify the hours during which an employee uses voting leave to ensure minimal disruption to normal agency operations.

H. Education Support Leave (See SPB Rule 478-1-.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 increment of 15 minutes up to the total of 8 accumulated hours.

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 the employee's separation from employment.

5. Education support leave is not available to support education outside the State of Georgia.

I. Maternal Birth Leave and Paid Parental Leave (See SPB Rule 478-1-.16.(26))

To enhance work-life balance for employees, the Department provides full-time employees, as well as hourly employees who meet the criteria noted below, up to 120 hours of maternal birth leave during the first three weeks immediately following childbirth and/or 240 hours of paid parental leave in a 12-month period. Maternal birth leave and paid parental leave are not charged against an employee's accrued leave.

1. Eligibility

    a. Eligibility for maternal birth leave is based on the qualifying life event of giving birth to one or more children in a single or multiple pregnancy.

    b. Eligibility for paid parental leave is based on one of the following qualifying events:

1) Birth of an employee's child;

2) Placement of a minor child for adoption with the employee; or

3) Placement of a minor child for foster care with the employee.

c. To be eligible to use maternal birth leave or paid parental leave for a qualifying event, an employee must meet one of the two criteria:

1) If salaried, the employee must have six (6) continuous months of employment with the Department (or other eligible state entity); or

2) If hourly, the employee must have worked 700 hours for the Department (or other eligible state entity) in the six (6) months immediately preceding the first requested maternal birth or paid parental leave date.

2. Usage of Maternal Birth Leave

a. An eligible employee may take a maximum of 120 hours of paid maternal birth leave during the three-week period immediately following the qualifying life event.

b. Leave may be taken as needed and in increments of less than eight hours (in any increment from 15 minutes up), provided however, that the leave shall only be taken in the three-week period immediately following the qualifying life event.

c. If a paid state holiday takes place during the eligible employee's maternal birth leave, the employee shall only be compensated for the state holiday.

3. Usage of Paid Parental Leave

a. An eligible employee may take a maximum of 240 hours of paid parental leave in a rolling 12-month period. The rolling period will be measured backward from the first date of leave taken. The amount of leave in a rolling 12-month period cannot exceed 240 hours, regardless of the number of qualifying events that occur during that period and regardless of transfers between state agencies.

b. Leave may be taken as needed and in increments of less than eight (8) hours (in any increment from 15 minutes up).

4. Maternal birth leave and paid parental leave is required to run concurrently with leave for which an employee may be eligible under the federal Family and Medical Leave Act (FMLA).

5. Employees are required to submit appropriate supporting documentation for the use of maternal birth leave and/or paid parental leave. Supporting documentation shall be the same as that required for the use of federal family and medical leave under DPS Policy #5.22 - Family and Medical Leave.

6. Any paid parental leave remaining 12 months after the initial qualifying event shall not carry over for future use.

7. Unused maternal birth leave and paid parental leave shall have no cash value and shall not be paid out at the time of the employee's separation from employment.

5.09.11 Special Situations

A. Workers' Compensation (SPB Rule 478-1-.16(9)

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 and submits such written request to Human Resources. 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.

B. Line-of-Duty Leave (SPB Rule 478-1-.16(20)).

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.

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 will be subordinate to any workers' compensation wage loss benefits that 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.

5.09.12 Leave Donation (See SPB Rule 478-1-.17)

A. Leave donation enables eligible Department employees to voluntarily donate accrued leave to other eligible Department employees who have exhausted all paid leave for use in connection with a medical hardship.

B. "Medical hardship" means a medical condition of an employee or the employee's immediate family member that will require the employee's extended absence and will result in a substantial loss of income to the employee.

C. 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.

D. 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 for disability incurred in the course of committing a felony or assault.

E. 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.

F. Recipient

1. To be eligible to receive donated leave for use in connection with a medical hardship, an employee shall:

   a. Be employed in a position entitled to earn and use leave~~;~~ and not be in contingent leave without pay status;
   b. Have been continuously employed, as of the date a request to solicit donated leave is filed, for at least twelve (12) months in a position(s) entitled to earn leave;
   c. Have exhausted all accrued and forfeited leave and all available compensatory time, and

   d. Have been on authorized leave without pay for forty (40) consecutive hours.

G. Donor

1. To be eligible to donate leave to a specified recipient for use in connection with a medical hardship, an employee shall:

   a. Have been continuously employed for at least twelve (12) months by a state agency in a position(s) entitled to earn leave;

   b. Be a current employee of the Department; and

   c. If donating annual leave, have a balance of at least sixty (60) hours of annual leave after donation.

   d. If donating sick leave, have a balance of at least sixty (60) hours of sick leave after donation.

2. In a calendar year, a donor may donate any amount of annual leave or personal leave so long as the donor retains at least sixty (60) hours of annual leave, but a donor may not donate more than 120 hours of sick leave. 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.

H. Limitations

1. Donations, not to exceed 520 hours per solicitation, 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 solicitations and donations are permitted for the same recipient, but no recipient will be credited with more than 1040 hours of donated leave in any period of two consecutive calendar years.

I. Use of Donated Leave

1. A recipient may use donated leave only as sick leave and only for purposes related to the medical hardship.

2. Once a recipient has returned to duty, up to forty (40) hours of previously donated leave may be retained for the recipient's use as sick leave.

J. Prohibitions and Penalties

1. Leave donation is strictly voluntary. 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. Prohibited acts include but are not limited to:

a. Promising to confer or conferring a benefit such as appointment, promotion or salary increase; or

b. Making a threat to engage in, or engaging in, an act of retaliation against an employee because of participation in a leave donation program.

2. Any employee violating this policy may be subject to disciplinary action, up to and including termination of employment.