

Georgia Department of Public Safety Policy Manual

SUBJECT LEAVE	POLICY NUMBER 5.09
DISTRIBUTION ALL EMPLOYEES	DATE REVISED 7/8/2015

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. 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.
- C. Leave may be approved in any increment from 15 minutes up to the total amount of leave accumulated.
- D. An individual is expected to return to work no later than the next regularly scheduled workday after the expiration of any approved leave. If an extension is desired, the individual must request it in writing from his/her supervisor prior to the leave expiration. Failure to obtain approval for additional absence after the expiration of an approved leave may result in separation from employment.
- E. 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.
- F. 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.

- G. 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.
- H. An employee who is absent without approval of their supervisor will be placed in non-pay status and may be subject to disciplinary action, up to and including termination of employment.
- I. An employee who is absent from scheduled work for three consecutive days (five consecutive days 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.
- J. 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 Annual Leave (See State Personnel Board Rule 16.5)

A. Accumulation and use of annual leave

- 1. Annual leave accrues based on an employee's length of service as follows:

Years of Service*	Rate of Accrual	Potential Earnings Per 1 Year
0-60 Months - inclusive	5 hrs per pay period (10 hrs per month)	15 days
61-120 Months inclusive	6 hrs per pay period (12 hrs per month)	18 days
121 Months and over	7 hrs per pay period (14 hrs per month)	21 days

*Years of service refer to continuous, unbroken State service.

- 2. Annual leave is credited 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.
- 3. 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.
- 4. An employee may use accrued annual leave upon approval, subject to the following guidelines:
 - a. Annual leave may be taken in any number of work periods during the calendar year;
 - b. 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.
 - 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.

- d. 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.
 - e. Only in the event of an extreme emergency will a sworn uniform member be assigned office duty during designated holiday periods. (GSP only)
 - f. 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)
 - g. 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.
 - h. For all other Divisions/units, the Commander/Director is responsible for ensuring adequate staffing coverage for operational needs.
- B. Procedure for Requesting Annual Leave
- 1. Requests for leave shall be applied for with the DPS 526 form.
 - 2. Requests for annual leave shall be retained in the post and/or office files in accordance to the Record, Forms, and Reports Policy #13.02.
 - 3. Post Commanders shall be the approving authority for all members under their supervision; Lieutenants shall be approving authority for Post Commanders, and Captains for Lieutenants. Capitol Police and MCCD immediate supervisors shall have the same authority for the members under their direct supervision. Division Directors or their designee shall have the same approving authority for the members under their direct supervision.
 - 4. The member is responsible for the management of their own leave balances. Leave requested in excess of accrued balances may result in the member being placed on leave without pay.
- C. Application and Record Retention
- 1. Holiday and regular days off falling during the period of annual leave shall not be charged against annual leave of non-sworn members.
 - 2. A record of annual leave shall be maintained in the Human Resources Division.

5.09.5 Regular Days Off

- A. Regular days for Sworn Uniform Members, Cadets, and 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. Members assigned to 10-hour shifts may have up to 12 regular days off for each 28-day period. Due to operational needs a member's day(s) off may be cancelled or rescheduled during the current 28-day period.
 3. Cadets, 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 Dispatchers and Weight Inspectors Communications Equipment Officers) are granted Saturday and Sunday as regular days off during the seven-day work period.

5.09.6 Holidays (See State Personnel Board Rule 16.4)

- A. All employees shall receive 12 holidays annually as designated by the Governor.
- B. A terminated member shall not be paid for holidays or anticipated non-work days occurring after the last day of active service.
- C. Holidays are granted by proclamation of the Governor and cannot be granted until proclaimed. Should a member be required to report for duty on a holiday, a day is to be granted as compensation within 120 days.
- D. Holiday time off will be equivalent to eight hours.
- E. An employee scheduled to work on a holiday who, without prior approval, fails to report any portion of the scheduled duty will not be granted additional compensation or time off for the holiday and may be subject to disciplinary action, up to and including termination of employment.
- F. 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 or accrued annual or personal leave available at the time of the observance.

1. A request by an employee for time off for religious observance cannot be denied unless the employee has inadequate compensatory time, personal leave or accrued annual leave to cover the period of absence or the duties performed by the employee are urgently required and the employee, in the department's judgement, is the only person available who can preform the duties.

5.09.7 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. State Personnel Board Rules authorize the use of sick leave for the following reasons:
 - 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 or accident, 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 member's spouse, child, parent, brother and sister. "Immediate family" also includes any other person who resides in the member's household and is recognized by law as a dependent of the member.

- D. Although in rare instances it may be necessary for a relative to notify the member's supervisor of the need for sick leave, it is the sole responsibility of the member 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.
- 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. A supervisor may require a doctor's certificate of excuse in the following circumstances:
 - 1. After more than 16 hours of sick leave has been taken in a 30 day period, or
 - 2. If a member has established an excessive or undesirable pattern of use of sick leave or if there is reason to suspect the accuracy of the reason for the absence. Supervisors are encouraged to consult with Human Resources in determining if evidence of a pattern of excessive or undesirable absence exists. Establishment of this pattern shall include, but not be limited to, the following indicators:
 - a. Frequent use of sick leave in conjunction with holidays or scheduled off days;

- 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 annual 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. Members are charged with sick leave for absence only on days upon which they would otherwise work or receive pay.
- H. If an absence because of illness extends beyond the sick leave accrued, such additional time shall be charged to accrued annual leave. If all sick and annual leave is used, the member may be granted leave without pay, contingent leave without pay, reinstated forfeited leave or released from employment as determined by the Commissioner of the Department of Public Safety.
- I. 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.
- J. Misuse of sick leave may result in disciplinary action up to and including dismissal.
- 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.

5.09.8 Leave of Absence without Pay (See State Personnel Board Rule 16.16)

The Commissioner of the Department of Public Safety may grant a leave of absence without pay for a period of not more than 12 months, nor less than 90 days, upon request in writing, through the chain of command.

A. Regular Leave of Absence Without Pay

May be approved for personal or family-related emergencies or leave not otherwise covered by this policy. A regular leave of absence may not exceed 12 months. 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. (see SPB Rule 16.16(a)).

B. 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. (See SPB Rule 16.16 (b)).

- C. The type of leave approved will depend on the justification provided and the needs of the agency and is entirely at the discretion of the Commissioner.
- D. A continuous unpaid leave of absence may not exceed 24 months, unless otherwise required by state or federal law.
- E. 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.
- F. 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.
- G. Upon return a member shall meet all current hiring standards (e.g. polygraph examination, drug screening and psychological evaluation). Members on Leave of Absence Without Pay shall be governed by applicable Departmental policies, rules or established conditions of the leave.
- H. Requests for Leave of Absence Without Pay for exploratory employment purposes shall not be approved.
- I. Misrepresenting reasons for applying for or continuing a leave of absence may result in disciplinary action, up to and including termination of employment.

5.09.9 Military Leave (See State Personnel Board Rule 19)

- A. Ordered Military duty includes any military duty performed in the service of the State or of the United States pursuant to orders issued by a State or federal authority, including but not limited to attendance at any service school or schools conducted by the Armed Forces of the United States as a voluntary member of the National Guard or any reserve force or reserve component of the Armed Forces of the United States.
 - 1. An employee who performs ordered military duty is eligible for military leave, whether paid or unpaid.
 - 2. In general, an employee may be absent for ordered military duty for a cumulative period of up to five years and retains re-employment rights with the Department. The five year period includes only the time the employee spends actually performing ordered military duty. A period of absence from employment before or after performing ordered military duty does not count against the five year limit.
 - 3. An employee is eligible to receive leave to attend training for a period(s) of up to a total of six months during any four-year period.
 - 4. Time served while on military leave will not be considered a break in service and will be credited for purposes of seniority, length of employment service, annual leave or holiday privileges, or for any other right or privilege of employment, re-employment, re-instatement, transfer or promotion.
 - 5. Service with the State Defense Force is not considered ordered military duty.
 - 6. Regular monthly drill meetings shall be carried as regular days off.

B. Absence for Examination Purposes

An employee who is absent from work because he/she is ordered to report for a pre-induction or other examination to determine physical or other fitness for service in the Armed Forces of the United States will be granted a leave of absence without pay as required by law. In order to receive pay, an employee may request that the absence be charged against accrued annual leave or personal leave.

C. Timely Notice of Leave

1. An employee should verbally notify his/her supervisor immediately when notified of a requirement to report for military duty. The employee also is expected to provide his/her supervisor with as much notice as possible of his/her anticipated date of release from duty and return to work. This notice requirement will be excused only if precluded by military necessity or if giving the notice is otherwise impossible or unreasonable.
2. Within two days of receipt, a copy of the official orders for the military duty or service school attendance shall be submitted through the member's chain of command to the Human Resources Division.

D. Pay and Benefits

An employee who performs ordered military duty is entitled to his/her base pay and other compensation for up to a total of 144 hours (18 days) of military leave in any one federal fiscal year (October 1 through September 30) while he/she is on military leave.

1. In the event the Governor declares an emergency and orders an employee to military duty as a member of the National Guard, while performing such duty, the employee will be paid his/her base pay and other compensation for an additional 96 hours (12 days) of military leave in any one federal fiscal year (October 1 through September 30) while he/she is on military leave.
2. The employee may be required to provide a copy of his/her military orders or annual training schedule in order to be paid any military leave.
3. If the period of ordered military duty extends beyond the period covered by paid military leave as described in this section, the employee will be granted an authorized leave of absence without pay as required by law. Employees may use accrued annual leave, personal leave, holiday time, and/or compensatory time for absences due to military duty after paid military leave has been exhausted.
4. An employee reinstated following ordered military duty will be entitled to seniority, status, pay and all other benefits as if the employee had not been absent, in compliance with applicable federal law.

E. Health Care Continuation Coverage

While on paid or unpaid military leave, an employee may continue to receive the same health care benefits as when he/she was an active employee for up to 24 months. If the military leave is unpaid, the employee will be responsible for directly paying the premium plus an administrative fee assessed by the State Health Benefit Plan.

F. Rights and Contributions under Retirement System

An employee on military leave, whether paid or unpaid, may continue to contribute to the State's pension or retirement system as if they had been present and continuously engaged in the performance of their duties. The amount of required contributions will be deducted from the salary or other compensation paid while an employee is on military leave. If the required contributions exceed the amount of such compensation, the available amount will be applied towards the required contributions and the employee can pay the difference.

G. Reemployment Rights

An agency will reemploy an employee after a period of military service, provided the employee complies with applicable federal law, including the advance notice requirement and a timely notification of intent to return to employment, and other qualifying conditions.

1. Request for Reemployment

Upon completing a period of ordered military service, an employee must notify the agency of the intent to return to the employment position by either reporting to work or submitting a timely application for reemployment according to the following schedule:

- a. One regularly scheduled work day from discharge for employees who served for less than 31 days;
- b. Fourteen calendar days of discharge by employees who served more than 30 days but less than 181 days, or
- c. Ninety calendar days of discharge by employees whose military duty lasted more than 180 days or longer.

2. Whether the employee is required to report to work or submit a timely application for reemployment depends upon the length of service. Extenuating circumstances may permit an employee a longer period to make a request for reemployment.

3. Qualifying Conditions

For an employee to be reinstated to their former position, they must be able to perform the essential functions of the position with or without reasonable accommodation. If the employee is no longer able to perform the essential functions because of disability sustained during this service, the employee will be considered for another position in the agency for which they are qualified unless the agency's circumstances have changed as to make it impossible or unreasonable to do so.

- a. Additionally, the employee must have received an honorable or general discharge. The employee must provide the State with a certification of completion of military service duly executed by an officer of the applicable force of the Armed Forces of the United States or by an officer of the applicable force of the organized militia.

4. Reemployment Position

A qualified employee who has been on military leave for 90 days or less will be re-instated to the position left, with the employee's seniority, status, and pay adjusted for any promotions, pay increases, or other benefits he/she would have earned had they not been on military leave.

- a. A qualified employee who served for 91 days or more may or may not be reinstated to the exact same position held prior to going on military leave. An employee who is not reinstated to their former position will be reemployed in a position with like seniority, status, and pay that takes into account any promotions, pay increases or other benefits they would have been eligible for had they not been on military leave.

H. Protection from Discharge

An employee returning from military leave and who served for more than 30 days but less than 181 days may not be discharged except for cause for 180 days after his/her reemployment. An employee returning from military leave and who served more than 180 days may not be discharged except for cause for a period of one year after his/her reemployment.

I. Workforce Replacement

Replacement workers for employees who are on military leave must be informed that they are filling in for employees who are on military leave and may be reassigned or terminated when the employees returns.

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 5.09.11, 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 and if appropriate, sick leave) before family leave can be unpaid (Family Medical Leave of Absence without pay.) GA Compensatory time must be used prior to the use of annual leave. Family medical leave cannot run concurrently with FLSA compensatory time.

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 member 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 member 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. A member who does not use the time allowed at the time of each donation does not accrue any right to subsequent leave or payment therefore.

- C. Court Leave (See SPB Rule 16.11)

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 must bring a copy of the summons or subpoena to his/her immediate supervisor when he/she first receives it. Likewise, an employee who is summoned in response to a court order must show a copy of the order to his/her immediate supervisor when requesting leave.

2. Pay While on Court Leave

- a. Jury Duty

- 1) Eligible employees will receive pay while on jury duty for the days 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. 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. Employees may keep any juror fees and travel allowances they receive from the Court.
- 2) Employees may be required to provide documentation to the agency supporting the need for leave to serve as a juror. Further, employees may be required to keep in contact with the agency at reasonable intervals during the time that the employee is absent from duty.

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 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 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.

D. Personal Leave (See SPB Rule 16.9)

1. In order to be eligible to convert sick leave to personal leave, a member shall have a sick leave balance of more than 120 hours (15 days) on November 30 of each year.
2. The member 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's election to convert sick leave to personal leave is irrevocable once the Department has verified the conversion.

3. 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.
4. During the first two weeks of December, the Human Resources Division shall inform each member that Personal Leave elections may be made at that time through Employee Self Service on the Team Georgia website. If the member 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 on operational requirements.

E. Voting Leave (See SPB Rule 16.12)

1. Each member 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 member is qualified and registered to vote, on the day on which the primary or election is held. However, the following provisions apply:
 - a. Such time off shall not exceed two hours;
 - b. If the work hours of the member commence at least two hours after the opening of the polls, or end at least two hours prior to the closing of the polls, the time off for voting as provided for above shall not apply.
 - c. The immediate supervisor may specify the hours during which the member may be absent to vote.

F. Education Support Leave

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 non-temporary, full-time 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.

5.09.13 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 full-time employee 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 sick 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. 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 member to another.

B. General Information

Leave donation shall be from member to member 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. A member 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 member 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, a member 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, a member shall:
 - a. Have been continuously employed for not less than 12 months in an agency covered by the State Personnel Administration;
 - b. Be a member 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 member shall threaten, coerce or attempt to threaten or coerce another member 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 #5.11.