

GEORGIA DEPARTMENT OF HUMAN SERVICES
Human Resource/Personnel Policy #1006

ANNUAL, SICK AND PERSONAL LEAVE

Effective Date: December 1, 2005

Published Date: February, 1993

Revised Date: July 1, 2009

REFERENCE: Rules of the State Personnel Board - Rule 18 (Leave)

Annual, sick and personal leave are to be administered as indicated in this policy.

(Section A)

**GENERAL
PROVISIONS**

1. Absences from work will be charged to available annual, sick or personal leave only on days on which eligible employees would otherwise work and receive pay.
2. Employees who are away from their regular worksite on official business are in work status and are not charged leave.
3. Employees are to be charged leave only for the time during which they are absent from work and are not to be required to remain away from duty as a matter of convenience for the purpose of charging leave.
4. Leave cannot be used before it is accrued or converted.

(Section B)

**ELIGIBILITY
TO ACCRUE
ANNUAL & SICK
LEAVE**

1. Employees on classified or unclassified positions with duties that are expected to continue for at least nine (9) months, and who are scheduled to work at least twenty (20) hours per week, are eligible to accrue annual and sick leave as defined in this policy.
2. The following employees are **not** eligible to accrue annual and sick leave:
 - 2.1 hourly paid employees;
 - 2.2 employees receiving service, disability or involuntary separation retirement benefits under the Employees' Retirement System of Georgia (ERS);
 - 2.3 temporary employees [time-limited duties not expected to continue for at least nine (9) months]; and,
 - 2.4 part-time employees scheduled to work fewer than twenty (20) hours per week.

ANNUAL, SICK AND PERSONAL LEAVE (continued)

(Section C)
**ANNUAL
LEAVE
ACCRUAL**

Eligible employees accrue annual leave at the **end of each pay period** provided they are in pay status for the required amount of time. Accrued annual leave will be available for use at the beginning of the pay period **after** it is earned.

1. Eligible full-time employees accrue annual leave **at the end of each semi-monthly pay period** provided they are in pay status for **at least forty (40) hours**. This minimum period is prorated for part-time employees by the percentage of time worked. The percentage of time worked is determined by dividing the scheduled work hours per work week by forty (40).
2. Eligible employees who are not in pay status for the minimum amount of time in a pay period do not accrue annual leave for that pay period.
3. Eligible employees accrue annual leave at the following rates, depending on length of continuous service:
 - 3.1 Full-time employees:
 - 5 hours** per pay period - 0-60 months (inclusive) semi-monthly
 - 6 hours** per pay period – 60 1/2-120 months (inclusive) - semi-monthly
 - 7 hours** per pay period – 120 1/2 months and greater - semi-monthly
 - 3.2 Eligible employees begin accruing annual leave at the appropriate higher rate on the **first day of the pay period** after completing the required months of continuous service.
 - 3.3 The “length of continuous service” begins on the first day an employee reports for work in a position entitled to earn leave. Accrual is based on continuous, unbroken service. If there is a break in service, the "length of continuous service" starts over on the date of rehire, and employees begin to accrue annual leave at the lowest semi-monthly accrual rate.
 - 3.4 When the first day of the pay period is a regularly scheduled non-work day and an employee reports to work on the first work day of the pay period, the length of continuous service is calculated from the first day of the pay period.

ANNUAL, SICK AND PERSONAL LEAVE (continued)

3.5 Eligible part-time employees (See Section B) accrue annual leave **at the end of each semi-monthly pay period** at the rates specified for full-time employees prorated by the percentage of time worked. (e.g., An employee in pay status for thirty [30] hours per week accrues 75% of the full-time accrual amount.) Leave is carried to three (3) decimal places.

4. Eligible employees can accumulate up to a maximum of 360 hours of annual leave. Any annual leave in excess of 360 hours is placed in a forfeited status, but may be restored in cases of illness or disability. Leave accrued beyond 360 hours is forfeited at the close of business on the last day of the month. (See **Section S** of this policy.)

(Section D) **USE OF ANNUAL LEAVE**

1. Annual leave may be used for any purpose.
2. Unless an emergency situation exists, employees must request and receive approval from their supervisors before using annual leave.
3. Employees are responsible for planning time off well in advance and notifying their supervisors as soon as possible in order to minimize the interruption to work flow while employees are away.
4. Employees are not required to give specific reasons for requesting annual leave unless a situation such as the following applies:
 - 4.1 the leave is for an unscheduled/emergency absence,
 - 4.2 the DHS organizational unit is short staffed or has a major assignment pending, or
 - 4.3 the employees are under the restrictions of an Attendance Plan.
5. Employees are required to use FLSA compensatory time before using annual leave.

(Section E) **SCHEDULING ANNUAL LEAVE**

1. Supervisors are responsible for scheduling annual leave. Prior to approving requests for annual leave, they must consider factors, including, but not limited to:
 - work loads,
 - deadlines,
 - priorities,
 - office coverage, and
 - leave requested by other employees.

ANNUAL, SICK AND PERSONAL LEAVE (continued)

2. Supervisors should make reasonable efforts to grant employees' annual leave requests; however, supervisors are not required to grant requested annual leave when the leave would:
 - disrupt work schedules,
 - leave an office uncovered,
 - inconvenience the work force or public, or
 - contribute to employees' not meeting performance expectations.
3. Emergency annual leave requests should be reviewed on a case-by-case basis. Supervisors are to determine whether the absence will be charged to annual leave or unauthorized leave without pay.

(Section F)

LUMP SUM PAYMENT FOR ANNUAL LEAVE

Employees, who are granted a leave of absence without pay for at least thirty (30) calendar days, may be paid in lump sum for all accrued and unused annual leave that has not been forfeited, up to a maximum of 360 hours.

(Section G)

TERMINAL LEAVE

When employees have a break in service, all accrued and unused annual leave that has not been forfeited, up to a maximum of 360 hours, will be paid in lump sum to the employees. A "break in service" is a separation from service for a period of one or more days. Leaves of absence without pay and suspensions are not considered breaks in service.

1. When a separation date has been set administratively to permit employees to be paid for terminal leave, the pay status of employees will not be extended for the purpose of granting a holiday or an unanticipated non-work day occurring after the last day in pay status.
2. When employees notify supervisors of separation, they must not be continued on the payroll in leave with pay status for the purpose of increasing the rate of leave accrual or the rate at which accrued leave would be paid.
3. Terminal leave is paid at the salary last received by employees.
4. Forfeited annual leave is not considered terminal leave, and is lost when there is a break in service.
5. If employees return to State government, forfeited annual leave may be used for retirement credit purposes.

ANNUAL, SICK AND PERSONAL LEAVE (continued)

(Section H)

SICK LEAVE ACCRUAL

Eligible employees accrue sick leave at the **end of each pay period** provided they are in pay status for the required amount of time. Accrued sick leave will be available for use at the beginning of the pay period **after** it is earned.

1. Eligible full-time employees accrue **five (5) hours** of sick leave **at the end of each semi-monthly pay period** provided they are in pay status for at least forty (40) hours. The accrual rate does not increase with years of service.
2. The rate of accrual and minimum period during which part-time employees must be in pay status in order to accrue sick leave at the end of the pay period are prorated by the percentage of time worked. Leave is carried to three (3) decimal places.
3. Eligible employees who are not in pay status for the minimum amount of time in a pay period do not accrue sick leave for that pay period.
4. Eligible employees can accumulate up to a maximum of 720 hours of sick leave. Any sick leave in excess of 720 hours is placed in a forfeited status, but may be restored in cases of illness or disability. Leave accrued beyond 720 hours is forfeited at the close of business on the last day of the month. (See **Section S** of this policy.)

(Section I)

USE OF SICK LEAVE

1. Upon receiving supervisory approval, an employee may use sick leave for absences due to the following:
 - 1.1 personal illness or disability;
 - 1.2 exposure to contagious disease, when attendance on duty would endanger the health of others;
 - 1.3 dental or medical care; and,
 - 1.4 dental or medical care, illness, accident or death in the immediate family which requires the employee's presence. "Immediate family" includes the employee's spouse, child, parent, brother and sister. "Immediate family" also includes any other person who resides in the employee's house AND is recognized by law as a dependent of the employee.

NOTE: Generally, sick leave due to the death of a family member should not exceed five (5) work days

ANNUAL, SICK AND PERSONAL LEAVE (continued)

unless the employee is under the care of a health care provider due to a serious health condition (i.e., depression, etc.).

2. Sick leave for medical or dental care should be limited to the time necessary for the appointment(s) and related travel.
3. Employees who are injured/ill for at least three (3) work days during a period of annual leave may substitute sick leave for annual leave during the period of injury/illness.
 - 3.1 In order to substitute sick leave for annual leave, employees must submit a request to their supervisor within two (2) weeks of returning to work.
 - 3.2 A statement from their health care provider that justifies the use of sick leave may be required.
4. Employees who are **receiving** Short-term or Long-term Disability Insurance benefits through the Flexible Benefits Program **cannot use sick leave** at the same time. (Employees may use sick leave during the qualifying period.) Employees must request to use annual or personal leave or request to be placed in a leave without pay status in order to receive Short-term or Long-term Disability Insurance payments.
5. Employees may request to use FLSA compensatory time in lieu of sick leave. Employees are not, however, required to use FLSA compensatory time prior to sick leave.
6. When there is a break in service, accrued sick leave balances are generally lost. Forfeited leave is also lost when there is a break in service.
7. If employees return to State government, lost sick leave balances and forfeited sick leave may be used for retirement credit purposes.

(Section J)
**SICK LEAVE
REQUEST**

1. Employees are to contact their supervisor or other designated official as soon as possible when sick leave is needed. When employees are incapacitated, supervisors may accept calls regarding the employees' status from other individuals.
2. DHS organizational units may establish procedures for requesting sick leave based on the needs of the organization.

ANNUAL, SICK AND PERSONAL LEAVE (continued)

(Section K)

EVIDENCE FOR USE OF SICK LEAVE

1. Employees may be required to report each day by telephone to their supervisor or other designated official and to provide satisfactory evidence for use of sick leave.
 - 1.1 Satisfactory evidence may include a *CERTIFICATION OF SERIOUS HEALTH CONDITION* Form, or other medical statement with similar information, completed by the attending health care provider when the reason for leave qualifies as a serious health condition under family and medical leave.
 - 1.2 Employees cannot be required to provide evidence for use of fewer than 17 hours of sick leave in a 30 calendar day period, **unless** they have demonstrated excessive or abusive use of sick leave.
2. Excessive and/or abusive use of sick leave is considered a pattern of intermittent, short-term use of sick leave. Establishment of this pattern includes, but is not limited to:
 - 2.1 Frequent use of sick leave in conjunction with holidays, scheduled off days or distribution of pay checks;
 - 2.2 Frequent use of sick leave when scheduled for undesirable temporary shifts or assignments, or during periods of peak work load;
 - 2.3 Requesting sick leave for an absence for which annual leave has previously been denied;
 - 2.4 Frequent occurrences of illness during the work day;
 - 2.5 Peculiar and increasingly improbable excuses;
 - 2.6 Repetitive use of fewer than 17 hours of sick leave in 30 calendar day periods;
 - 2.7 Prior written notification of failure to adhere to procedures for approval of leave, inappropriate attendance, or inappropriate use of leave (e.g., Attendance Plan).
3. An opinion from a health care provider of the Department's choice may be sought if questions arise regarding an attending health care provider's statement. Approval must be received from the Office of Human Resource Management and Development (OHRMD) prior to seeking this opinion.

(Section L)

ANNUAL, SICK AND PERSONAL LEAVE (continued)

SICK LEAVE DENIAL

1. Sick leave may be denied for reasons including, but not limited to, the following:
 - 1.1 Excessive or abusive use of sick leave (See **Section K** of this policy);
 - 1.2 Failure to follow procedures for reporting the absence or requesting the use of leave; or,
 - 1.3 Falsification of documents.
2. Supervisors should carefully review the request prior to denying the sick leave, and should be able to support the decision to deny the request.

(Section M)

MEDICAL EXAMINATION

Under limited circumstances and ONLY with the approval of the Office of Human Resource Management and Development (see note below), an authorized official may direct an employee to undergo a medical (physical and/or psychiatric) examination at the expense of the Department.

1. This examination may be required prior to:
 - 1.1 approving use of accrued leave,
 - 1.2 approving a leave of absence without pay,
 - 1.3 allowing an employee to return from leave with pay, or
 - 1.4 allowing an employee to return from a leave of absence without pay.

NOTE: Positions in the Office of Human Resource Management and Development (OHRMD) whose incumbents may authorize medical examinations are:

- **OHRMD Director**
- **OHRMD Deputy Director**
- **Manager – Employee Relations**

2. An employee is required to authorize the release of the results of the medical examination to an authorized official. The results must be considered confidential and are to be shared with individuals only on a “need to know” basis.

ANNUAL, SICK AND PERSONAL LEAVE (continued)

3. Upon receipt of the results, a determination regarding request for use of leave, leave of absence without pay or return to work will be made.
4. If a determination is made to not allow the employee to return to work, appropriate action, which includes but is not limited to, the following should be taken.
 - 4.1 The employee may be allowed to use accrued leave.
 - 4.2 The employee may request and be granted an authorized (regular) or contingent leave of absence without pay.
 - 4.3 The employee may be referred to a treatment program.
5. If a determination is made to allow the employee to return to duty, the employee may be returned with or without reasonable accommodation.

(Section N)

ELIGIBILITY - CONVERTING SICK LEAVE TO PERSONAL LEAVE

Employees who have accumulated more than 120 hours of sick leave as of November 30 of any year are eligible to convert up to 24 hours of sick leave in excess of 120 hours to personal leave. This conversion must be made no later than December 31 of that year for use in the following year.

(Section O)

CONVERSION PROCESS

Eligible employees must provide written notification prior to December 31 of their intent to convert up to 24 hours of sick leave to personal leave for the next calendar year. Once sick leave is converted to personal leave, it cannot be changed back.

(Section P)

USE OF PERSONAL LEAVE

1. Personal leave may be used for any reason upon receiving supervisory approval of the leave request.
2. Employees may request to use FLSA compensatory time in lieu of using personal leave.
3. Personal leave is only available for use by employees during the calendar year following the conversion request. Any personal leave that is not used during the calendar year (by December 31) is lost.
4. When there is a break in service, personal leave is lost.

(Section Q)

PERSONAL

1. Normally, employees will need to provide at least 24 hours advance

ANNUAL, SICK AND PERSONAL LEAVE (continued)

LEAVE REQUEST

notice of intent to use personal leave.

2. Employees are not required to give specific reasons for requesting personal leave, unless a situation such as the following applies:
 - 2.1 the leave is for an unscheduled/emergency absence,
 - 2.2 the DHS organizational unit is short staffed or has a major assignment pending, or
 - 2.3 the employees are under the restrictions on an Attendance Plan.
3. Supervisors must make every reasonable effort to grant requests to use personal leave.

(Section R) **LIMITATIONS ON USE OF LEAVE**

Employees cannot use annual, sick or personal leave during periods of absence in which they are receiving state-funded wage substitutes, including, but not limited to Workers' Compensation benefits.

(Section S) **RESTORING FORFEITED LEAVE**

1. Annual and/or sick leave forfeited during the current period of employment may be restored to cover periods of absence due to employees' personal illness/disability or the illness/disability of immediate family members. All paid leave and compensatory time must be exhausted prior to restoring forfeited leave.
2. Employees are to submit written requests to their supervisors, which outline the circumstances that support the restoration of forfeited leave. Supporting documentation, which may include a statement from the attending health care provider, should be included unless the reason for absence has satisfactorily been established.
3. Supervisors are to forward requests to restore forfeited leave to the Hospital Human Resource/Personnel Office, DFCS Region/Personnel Office, Outdoor Therapeutic Program Transactions Center or to the OHRMD - Operations and Benefits Section, as appropriate, for review and approval.

(Section T) **TRANSFER OF**

When employees transfer without a break in service between positions

ANNUAL, SICK AND PERSONAL LEAVE (continued)

LEAVE

entitled to earn leave; annual, sick and personal leave balances and forfeited leave transfer with the employees.

1. DHS will accept leave balances transferred from other state agencies, authorities, Community Service Boards, County Boards of Health, and the Board of Regents.
2. If leave is accrued at a different rate with the previous employer, the employee will not be given credit for more leave than the employee could have earned if continuously employed with DHS.

(Section U)

EMPLOYMENT IN TWO POSITIONS

Employees who are employed in two (2) positions within State government at the same time, and are entitled to earn leave in both positions, accrue and use leave independently in each position. When employment ends in one (1) of the positions, but not both, leave balances are handled as follows:

1. If the positions are in different State departments, terminal leave is paid for all accrued and unused annual leave. Any accrued sick and personal leave balances are lost.
2. If the positions are within the same State department; annual, sick and personal leave balances for both positions are combined and are available for use in the remaining position. If leave balances exceed the maximum after they are combined, leave in excess of the maximum is placed in a forfeited status.

(Section V)

RESTORATION OF LEAVE

1. The following leave provisions apply to eligible employees who are reinstated or re-employed with DHS within one (1) year of the effective date of a staff reduction, that resulted in their separation from employment.
 - 1.1 Any previously accumulated and unused sick leave will be restored;
 - 1.2 Any forfeited leave accumulated at the time of the staff reduction will also be credited to employees, but can only be restored and used under the conditions identified in **Section S** of this policy; and,
 - 1.3 The period of absence between the date of separation and the date of re-instatement or re-employment will not be considered a break in service for the purpose of graduated leave accrual.

ANNUAL, SICK AND PERSONAL LEAVE (continued)

2. If an employee with previous state service returns to work on or after July 1, 2003 and remains employed for two consecutive years, the employee is eligible to regain accrued sick leave divested when the employee's previous period of service ended. The employee must make application for the restoration of divested leave and must provide documentation of the amount of divested sick leave. This provision does not apply to forfeited leave.

(Section W)

**CREDITABLE
SERVICE -
RETIREMENT**

Employees who are members of the Employees' Retirement System may receive creditable service toward retirement for forfeited annual and sick leave, sick leave that was previously lost due to a break in service and current accumulated and unused sick leave if the above totals at least 960 hours.

For additional information or assistance, please contact the OHRMD - Operations and Benefits Section at 404/656-4588.
