

GEORGIA DEPARTMENT OF CORRECTIONS



Standard Operating Procedures

Policy Name: Suspension with Pay

Policy Number: 104.27

Effective Date: 10/13/2020

Page Number: 1 of 4

Authority:
Commissioner

Originating Division:
Administration Division
(Human Resources)

Access Listing:
Level I: All Access

I. Introduction and Summary:

Any full-time employee of the Georgia Department of Corrections (GDC), upon written notice, may be placed on suspension with pay.

II. Authority:

- A. State Personnel Board Rules: 478-1-.15, Change to Employment Status; 478-1-.21, Drug and Alcohol-Free Workplace Program; and
- B. GDC Standard Operating Procedures (SOPs): 104.28, Suspension Without Pay; 104.58, Alcohol & Drug Testing Program - Non-Safety Sensitive; 104.59, Alcohol & Drug Testing Program - Safety Sensitive; 104.64, Adverse Actions (Classified Employees); and 104.65, Adverse Actions (Unclassified Employees).

III. Definitions:

- A. **Appointing Authority** - The person authorized by state law to take employment actions (such as hiring or dismissals) within a state agency. In this Department, that individual is the Commissioner and any person designated by the Commissioner pursuant to SOP 104.01, Delegation of Authority.
- B. **Classified Employee** - Means an employee who was in the classified service as of June 30, 1996, and who has remained in a classified position without a break in service since that date.

IV. Statement of Policy and Applicable Procedures:

- A. The Appointing Authority may, by written notice to the employee, suspend a full-time employee with pay:
 - 1. **For investigation of alleged misconduct** when the employee cannot work or be reassigned to another work location.

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2. **During the period of notice of proposed forfeiture of position, separation, reduction in force, or proposed disciplinary action** if such suspension is in the best interest of the agency. The notice of suspension with pay may be included in the notice of forfeiture of position, separation, reduction in force, or proposed disciplinary action;
 3. For classified employees, after receiving verbal notification and pending receipt of the official laboratory report and notice from the Department of Administrative Services/Human Resources Administration that an employee has tested positive for the presence of one (1) or more illegal drug(s), or when the employee has refused random drug testing, the classified employee will be placed on suspension with pay. The Appointing Authority has the right to send the employee home with the letter to follow.
 4. During the notice period between any criminal charges filed or indictment against a classified employee, the classified employee must be placed on Suspension with Pay. This action for classified employees must be processed through the Office of Legal Services. The Appointing Authority may be authorized to take other actions.
 5. For alleged unfitness to perform assigned duties where the alleged unfitness creates the potential for harm to the employee, co-workers, or others. During the period of suspension with pay, the employee may be directed to undergo a medical and/or psychiatric examination at the expense of the Department. To suspend an employee under this provision, the Appointing Authority must have prior approval of the Director, Human Resources.
- B. Suspensions for the above listed reasons should not exceed thirty (30) calendar days. A written request to extend a suspension with pay beyond thirty (30) calendar days should include an outline of the circumstances surrounding the request and any supporting documentation and must be submitted directly to the Director, Human Resources.

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NOTE: The Appointing Authority should closely monitor all employees on suspension with pay and ensure that the investigation is progressing in a satisfactory manner.

- C. There is no review process for a suspension with pay.
- D. A suspension with pay may be made effective immediately upon written notice to the employee either in person or by certified mail following an employee being sent home. The written notice to the employee should contain the following specifics:
 - 1. The employee must personally call in to the work site, to a specific person at specific time(s) each day;
 - 2. The employee must be available for work during normal business hours, and if so required, must be able to report to work within normal commuting time from the home;
 - 3. Any restrictions about coming to the work site, or any other Department facility/office, without prior approval; and
 - 4. The employee is further advised not to discuss any information pertaining to the pending investigation/case.
- E. A Personnel Action Form (PAF) with “Suspension with Pay” noted in the comments section must be submitted to Adverse Action Coordinator in Corrections Human Resources Management (CHRM) for processing. There is not an Action/Reason Code. The CHRM Adverse Action Coordinator will enter this into Absence History in the PeopleSoft System.
- F. A copy of the written notice to the employee must be attached to the PAF submitted to the CHRM Adverse Action Coordinator for processing.

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G. If appropriate approval is obtained from the Appointing Authority, the employee may use accrued annual, sick or personal leave during the period of suspension with pay for events such as doctor's appointments, regularly scheduled leave, etc. Only the Appointing Authority can grant approval to change the leave status of a suspended employee. This leave is posted in PeopleSoft by the local leave keeper.

H. Upon return to work, a PAF must be submitted to CHRM noting in the comment section, "Return from Suspension with Pay". Documentation should also be submitted with this action that authorizes the return to duty of this employee. Should this suspension result in an action other than return to work, then the appropriate PAF should be submitted to the CHRM Adverse Action Coordinator for entry into the PeopleSoft system along with supporting documentation.

V. **Attachments:** None.

VI. **Record Retention of Forms Relevant to this Policy:** None.