

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
<b>Policy Name:</b> Sick Leave		
<b>Policy Number:</b> 104.39.06	<b>Effective Date:</b> 4/9/2020	<b>Page Number:</b> 1 of 8
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**I. Introduction and Summary:**

After a proper request has been made, and upon approval of the Appointing Authority (AA), an Eligible Employee may use accrued Sick Leave.

**II. Authority:**

- A. O.C.G.A. §§ 31-29-145-20-16, 45-20-31, and 45-7-9;
- B. Ga. Comp. R. & Regs. 478-1-.16; and
- C. Georgia Department of Corrections (GDC) SOPs: 104.22 Workers Compensation, 104.23 Return to Work Program, 104.37 Working Hours, Overtime, and Compensatory Time (FLSA), 104.39.03 Injury Leave With Pay, 104.39.04 Leave Without Pay, 104.39.11 Personal Leave, 104.39.12 Family and Medical Leave Act, 104.39.13 Leave Donation Program, and 104.61 Performance Management.

**III. Definitions:**

- A. **Eligible Employee** - Paid Sick Leave is provided for non-temporary salaried employees who are regularly scheduled to work 20 or more hours per week. The following employees are not eligible to accrue Sick Leave:

All temporary employees, all hourly employees and active salaried non-temporary employees who are rehired retirees of the Employee Retirement System of Georgia while receiving retirement annuity payments during the first 1040 hours of work performance in the calendar year.

- B. **Immediate Family** - The employee's spouse, child, parent, grandparent, grandchild, brother, and 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 the law as a dependent of the employee.
- C. **Sick Leave** - A period of absence taken by an Eligible Employee in accordance with the provisions of these procedures. The absence must be due to:
  - i. Personal illness, injury or disability;

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- ii. Adoption of a child by the employee when the employee's presence is required for health related reasons;
- iii. Dental or medical care;
- iv. Illness, injury or disability in the employee's Immediate Family which requires the employee's presence; or
- v. 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 (5) workdays or the equivalent of a workweek.

D. **State Department/Agency** - Executive Branch employer, local Department of Public Health, or Community Service Board. This term excludes the Board of Regents, authorities, and public corporations.

#### **IV. Statement of Policy and Applicable Procedures:**

##### **A. Request and Usage:**

- 1. An employee must request Sick Leave in accordance with the local leave procedure.
- 2. Absences for reasons defined in Section III.C of this policy **MUST** be charged to Sick Leave or personal leave. (If all sick and personal leave is exhausted, See Section VI.B.)

**NOTE:** Absences described in Section III.C and lasting at least three (3) days may also be designated as Family Medical Leave. See SOP 104.39.12, Family Medical Leave.

- 3. Sick Leave due to the death of an Immediate Family member will not exceed five (5) work days or one work week equivalent.
- 4. Final approval/disapproval for the use of Sick Leave remains with the designated AA.

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5. Sick Leave for routine examinations or foreseeable eligible absences will be requested and approved in advance.
6. Sick Leave for dental and medical appointments should be limited to reasonable time necessary for travel and treatment.
7. The AA may require an employee to furnish satisfactory evidence for the use of Sick Leave. However, the employee will not be required to provide such evidence for the use of less than 17 hours of Sick Leave in any 30-day period unless the employee has demonstrated excessive or abusive use of Sick Leave (See IV.C.).

**B. Exhaustion of All Paid Leave:**

1. When an absence due to illness extends beyond the exhaustion of all accrued compensatory time, deferred holiday time, Sick and personal leave, additional time may be charged to accrued annual leave.
2. Upon exhaustion of accrued Sick Leave, annual and personal leave, compensatory time, and deferred holiday time, the AA may grant a leave of absence without pay following a written request by the employee. See SOP 104.39.04, Leave Without Pay.
3. Employee may solicit leave donations in accordance with GDC SOP 104.39.13, Leave Donation Program.

**C. Excessive or Abusive Use of Sick Leave:**

1. 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, or paydays;
  - b. Frequent use of Sick Leave when scheduled for undesirable temporary shifts or assignments, or during periods of peak workload;

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- 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 work day;
  - e. Peculiar and increasingly improbable excuses;
  - f. Repetitive use of less than 17 hours of 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 (e.g. written warning, active attendance plan, etc.).
2. AA may disapprove Sick Leave for reasons including, but not limited to, the following:
- a. Excessive or abusive use of Sick Leave (see Section VI.C.1.);
  - b. Failure to follow proper procedure in reporting the absence or requesting the use of Sick Leave; or
  - c. Falsification of documents (e.g., Leave Request Form, physician's statements).

**D. Special Circumstances:**

- 1. If an employee is ill for three (3) workdays or more during a period of annual leave, the period of illness may be changed to Sick Leave if the employee provides satisfactory written evidence supporting the illness during annual leave. A request for substitution of Sick Leave for annual leave must be made to the AA within two (2) weeks after the employee has returned to duty. No substitution will be allowed for illness that does not last for three (3) or more workdays.
- 2. An employee will not be allowed to use accrued leave for absences due to an accidental injury, illness or exposure to an occupational disease which is compensable under the Georgia Workers' Compensation (WC) Act, until the

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employee elects in writing to use accrued leave in lieu of WC benefits (See SOP 104.22 Workers' Compensation).

**E. Sick Leave Accrual:**

1. Sick Leave is earned on a semi-monthly basis by Eligible Employees. An employee must be in pay status for a minimum of 40 hours during the pay period.
2. Sick Leave is earned at the rate of 5 hours per pay period, regardless of length of service.
3. Sick Leave is accrued at the end of each pay period provided the employee is in pay status for the requisite number of hours each pay period. Accrued leave is not available for use until the first date (16<sup>th</sup> and 1<sup>st</sup>) of the next pay period.
4. Sick Leave may accumulate for a total of 720 hours (90 days). Any Sick Leave earned in excess of 720 hours will be forfeited.

**F. Forfeiture and Restoration of Sick Leave:**

1. Upon a break in State service (i.e., separation from State employment for at least one full workday), an employee's accrued Sick Leave is divested and not paid out.
2. Forfeited leave may be restored to the employee under certain conditions as provided by State Personnel Board Rule 478-1-.16. The employee must submit Request for Restoration of Forfeited Leave Form (Attachment 1) to the AA for restoration of forfeited leave.

**NOTE:** Restoration of forfeited leave will not be granted until ALL accumulated paid leave and compensatory time has been exhausted. Restoration shall be limited to the leave forfeited during the current period of employment.

3. The completed Request for Restoration of Forfeited Leave form (Attachment 1) must be submitted to Corrections Human Resources Management (CHRM).

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Certification of the employee's need for absence must be attached. The CHRM Analyst, after reviewing the request and recommendation, will make the final determination and notify the AA.

4. Once forfeited leave is approved, the local HR office is given authority to use the approved number of forfeited leave hours directly from the forfeited leave plan.
5. CHRM staff will perform routine audits and monitor the usage of forfeited leave.
6. Restored forfeited leave can only be used for the specific reason requested and only for the duration approved.
7. While using restored forfeited leave, the recipient may be eligible for holidays and will accrue annual and Sick Leave if the recipient is in pay status for the required number of hours in a pay period. Newly accrued leave/holidays will be used prior to continuing use of restored forfeited leave. Using forfeited leave does not affect an employee's eligibility for retirement benefits or salary increases.

**G. Use of Approved Sick Leave While on Short-Term Disability:**

1. Employees with short-term disability insurance cannot use this benefit and Sick or donated leave at the same time. Employees may use Sick Leave (or compensatory time, deferred holiday time or annual leave upon exhaustion of Sick Leave) during the qualifying (waiting) period for short-term disability.
2. Employees can apply for short-term disability benefits while in active pay status but will need to be placed on an approved leave of absence once short-term disability is approved.

**H. Transferring Sick Leave:**

1. Upon transferring to another Agency to a leave-earning position, up to 720 hours of unused Sick Leave will automatically be transferred.

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**NOTE:** Transfer of leave from the State Department of Education (414) is accepted; however, leave from any County/City Boards of Education is not accepted.

2. The HR office of the Department/Agency from which the employee is being transferred must provide an accurate statement certifying the amount of leave to be transferred before the leave will be credited to the employee.
3. Local HR representative/designees must complete and sign a Leave Verification Form and forward to the assigned CHRM HR Technician with the paperwork for employees transferring from GDC.

**I. Separation from State Employment:**

1. Sick Leave is never paid when an employee is separated from employment with any State Agency.
2. At the time of retirement, all accrued Sick Leave and forfeited leave (if it totals at least 960 hours) may be applied to the Employees' Retirement System calculations for an individual's creditable service.

**J. Restoring Previously Accumulated Sick Leave (from Previous State Employment):**

1. Employees who return to State employment on or after July 1, 2003 and remain employed for a period of two (2) consecutive years in a position entitled to accrue leave in accordance with SPBR, are eligible to regain sick leave divested when their most recent previous period of State service ended.
2. The employee must submit a Request for Restoration of Accumulated Sick Leave (From Previous Employment) form (Attachment 2) to the local HR Representative. Documentation from the previous employer (State Agency) verifying the amount of unused Sick Leave the employee had at the time of separation must be attached.

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3. The local HR Representative/Designee will verify the employee's current sick leave balance and then submit the Request for Restoration of Accumulated Sick Leave (From Previous Employment) form (Attachment 2) to CHRM.
4. CHRM will enter the amount of restored Sick Leave into PeopleSoft for use as provided in this procedure. After restoration of any previously accumulated Sick Leave, the employee's Sick Leave balance may not exceed 720 hours. Therefore, any additional time will not be restored to the employee. Only leave from the most recent separation will be restored. Additional Sick Leave amount will remain in the employee's "Previously Unpaid Leave" balance.
5. CHRM will return a copy of the processed Request for Restoration of accumulated Sick Leave (From Previous Employment) form (Attachment 2) to the local HR Office and it (and all attachments) will be retained permanently in the local and official HR files.
6. The local HR Representative should ensure that a copy is given to the employee.

K. Return from Leave of Absence or Layoff:

An employee, upon returning from a leave of absence without pay, or upon returning within one year of being laid off by means of a reduction in force, shall be given credit for previously accumulated and unused or unpaid annual, sick, and personal leave. The record of forfeited leave at the time of a layoff or at the beginning of the leave of absence will be re-established, but use of the leave will not be restored.

V. **Attachments:**

Attachment 1: Request for Restoration of Forfeited Leave

Attachment 2: Request for Restoration of Accumulated Sick Leave (From Previous Employment)

VI. **Record Retention of Forms Relevant to This Policy:**

Upon completion, Attachments 1 and 2 shall be retained permanently in the employee's medical file.