



# Georgia Department of Education

## Policies and Procedures

Policy Title:	<i>General Leave (Annual, Personal, and Sick), State Schools</i>		
Policy Number:	<i>SS-1000 Descriptor Code-GBRI</i>		
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### Purpose

To describe Georgia Department of Education policy and procedures for requesting, approving/denying, and use of annual, personal, and sick leave.

### Applicability

This policy applies to all full-time non-temporary classified and unclassified employees of the State Schools/Georgia Department of Education. This policy also applies to part-time classified and unclassified employees who work at least twenty (20) hours per week.

### Definitions

*Annual Leave:* Accrued leave for personal use by an eligible employee, pending prior approval by supervisor.

*Sick Leave:* Accrued leave for use by eligible employee for personal illness and/or dental/medical care for employee and/or employee's immediate family.

*Personal Leave:* Accrued sick leave may be converted for personal use by an eligible employee, pending prior approval by supervisor. Personal leave must be requested at least 24 hours in advance of requested use. Any unused personal leave after December 31 will be lost and cannot be restored for any purpose, including medical emergencies or retirement.

*Leave Without Pay:* Unpaid time off from work for which employee would otherwise be paid. This unpaid time may occur if employee has exhausted all available accrued leave and supervisor gives prior authorization for time off. An employee will not be paid, nor may he/she use any accrued leave, for any unauthorized absences from work.

*Terminal leave:* Accrued annual leave for which payment is due upon an employee's separation from employment by death, retirement, resignation,

dismissal, abandonment or separation from employment in any other manner.

*Immediate Family:* Includes spouse, child, parent, and sibling. 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.

*Excessive or Abusive Use of Sick Leave:* A pattern of intermittent, short-term usage of sick leave. Establishment of this pattern shall include, but not be limited to, the following indicators:

- Frequent use of sick leave in conjunction with holidays, scheduled days off, or distribution of paychecks.
- Frequent use of sick leave when scheduled for undesirable temporary shifts or assignments, or during periods of peak workload.
- Requesting sick leave for an absence for which annual leave has previously been denied.
- Frequent occurrences of illness during the workday.
- Peculiar and increasingly improbable excuses.
- Repetitive use of less than 17 hours of sick leave in 30-day periods.
- Prior written notification of failure to adhere to procedures for approval of leave, inappropriate attendance, or inappropriate use of leave.

## **Policy**

The Georgia Department of Education (DOE) leave program shall be administered in the same manner for all eligible classified and eligible unclassified employees. In all instances, employees must request and receive approval for absences from work and maintain communication with DOE management.

Eligible employees accrue annual, sick, and personal leave as indicated in the policy below. Absences from work will be charged against accrued leave or time absent will be charged as leave without pay. Employees will be charged leave only for the time during which he/she was absent from work. Leave cannot be used before it is accrued. All leave will be charged in one-hour increments with the exception of unauthorized leave without pay, which can be charged by the minute.

Note: The Georgia Department of Education does not authorize compensatory time for employees exempt from the Fair Labor Standards Act (FLSA). Non-exempt employees may only receive compensatory time when overtime work is pre-approved in writing by the DOE Human Resources and Budget offices *and* by the Office of Planning and Budget. No other compensatory time is authorized. FLSA-exempt employees will

not be compensated for any hours worked over their regular work schedules. See the DOE *Fair Labor Standards Act* Policy for information on compensatory time for non-exempt employees.

Annual Leave Rate of Accrual

Eligible full time employees shall earn annual leave based on length of service as follows:

0 through 60 months (inclusive) semi-monthly, 5 hours per pay period 1¼ workdays (10 hours) per month

61 through 120 months (inclusive) semi-monthly, 6 hours per pay period 1 1/2 workdays (12 hours) per month

121 months and over semi-monthly, 7 hours per pay period 1¾ workdays (14 hours) per month

1. A full-time employee compensated on a semi-monthly basis shall, at the end of each pay period, earn the leave at the appropriate rate and limitations specified above provided the employee is in pay status for forty (40) or more hours during the pay period.
2. A part-time employee who works twenty (20) hours or more per week shall earn annual leave at the appropriate rate and limitations specified above; provided, however, such earning and limitations shall be *prorated* by the percentage of time worked. The percentage of time worked shall be determined by dividing the scheduled work hours per week by forty (40).
3. Eligible employees who are not in pay status for the minimum amount of time required in a pay period do not accrue annual leave for that pay period.
4. For the purposes of leave accrual, the length of service will be computed from current continuous, unbroken service in a position entitled to earn leave with a state department, authority, or board of regent.
5. Employees receiving service, disability, or involuntary separation benefits under the Employees' Retirement System of Georgia shall not be entitled to earn annual leave.
6. Employees can accumulate up to a maximum of 360 hours of annual leave. Any annual leave in excess of the 360 hours will be forfeited. Forfeited leave can only be restored in cases of personal illness or disability. Leave is forfeited based on eligible employee's leave balance at the close of business on the last day of the month.

### Usage of Annual Leave

1. An employee may use accrued annual leave upon approval of the appointing authority. *Approval of all leave requests are made at the discretion of the supervisor.*
2. Annual leave can be used for any purpose.
3. Employees must request and receive prior approval before using annual leave, with the exception of emergency situations. Supervisors will determine if situation constitutes an emergency.

### Annual Leave Paid as Terminal Leave

When a separation date has been fixed administratively so as to permit the employee to be paid terminal leave, the pay status of the employee shall not be extended for the purpose of granting a holiday or unanticipated non-workday occurring after the last day in pay status.

When an employee notifies the appointing authority of termination, the employee shall not be continued on the payroll in leave with pay status for the purpose of increasing the current salary, increasing the rate of leave accrual, or the rate at which accrued leave would be paid.

Terminal leave shall be paid for all accrued and unused annual leave, which has not been forfeited not to exceed three hundred sixty (360) hours.

Terminal leave pay shall be calculated according to the following formula:

1. Compute the employee's annual base salary. Salary for part-time employees must be converted to an equivalent full-time salary.
2. Compute the value of each hour of leave by dividing the employee's annual salary by two thousand eighty (2080).
3. Determine the number of unused annual leave hours to be paid.
4. Multiply the value of an hour by the number of unused hours to be paid.

### Sick Leave Accrual

1. Eligible full-time employee compensated on a semi-monthly basis shall, at the end of each pay period, earn five (5) hours of sick leave provided the employee is in pay status for forty (40) or more hours during the pay period. There is no increase in the accrual rate for sick leave.

2. Eligible part-time employees who are in pay status for twenty (20) hours or more per week shall, at the end of the pay period, earn sick leave at the appropriate rate that is *prorated* by the percentage of time worked.
3. Employees can accumulate up to a maximum of 720 hours of sick leave. Any sick leave in excess of the 720 hours will be forfeited. Forfeited leave can only be restored in cases of personal illness or disability. Leave is forfeited based on eligible employee's leave balance at the close of business on the last day of the month.
4. Employees who are not in pay status for the minimum amount of time in a pay period will not accrue sick leave for that pay period.

#### Usage of Sick Leave

1. Upon receiving the supervisor's approval, an employee may use his/her accrued sick leave for:
  - Personal illness or disability.
  - Dental or medical care.
  - Exposure to contagious disease, when attendance on duty would endanger the health of others.
2. Employees may use up to 24 hours of his/her accrued sick leave, with supervisor's approval, for the following reasons:
  - Dental or medical care, (This includes the need for a spouse to be with his spouse for the delivery of a baby, but cannot be for more than 24 hours).
  - Illness; accident; death (This is valid from the point of death until the day of burial, but not more than 24 hours).

#### Personal Leave

Georgia Law and State Personnel Board Rules allow employees who meet certain conditions to convert a portion of the unused sick leave balance to personal leave

To be eligible to convert sick leave to personal leave for the upcoming calendar year, an employee must have a sick leave balance of more than 120 hours on November 30 of the current calendar year. Employees may convert to personal leave any sick leave hours greater than 120 hours, but only up to a maximum of 24 hours (3 days).

#### Conversion and Usage of Personal Leave

1. Conversion forms are issued to employees each year at the beginning of December. Employees must review, sign and date this form and return to the Human Resources office **no later than December 31.**

2. The DOE will make every reasonable effort to authorize use of personal leave, but employees must request approval to use personal leave 24 hours in advance; in writing.
3. Employees must use personal leave during the calendar year following the year of conversion (January 1 through December 31); any unused personal leave after December 31 will be lost and cannot be restored for any purpose, including medical emergencies or retirement.
4. Once sick leave has been converted to personal leave, it cannot later be converted back to sick leave. However, employees may use personal leave for an extended illness.
5. If an employee transfers to another state agency, personal leave may be transferred to the new agency.
6. Employees will not receive payment for personal leave upon termination. Employees forfeit all unused personal leave at the time of termination.

## General Provisions

### Annual and Personal Leave

1. Employees must request annual and personal leave at least 24 hours in advance by completing and signing the Leave Report form. This form must be submitted to supervisor for approval.
2. The approval of leave requests is not automatic and depends on workloads and staffing needs. Approval or denial of leave requests is at the discretion and judgment of the supervisor.
3. The State Superintendent of Schools, appropriate Deputy Superintendent, and the Director of Human Resources have the authority to override approval or denial of any leave requests.

### Sick Leave

1. An employee must request sick leave at least 24 hours in advance for doctor or other medical appointments by completing and signing the Leave Report form.
2. An employee must contact supervisor by telephone prior to at the open of business if unable to report for work due to unexpected illness. If unable to reach supervisor, the employee should speak directly to supervisor's designee. *Under no circumstances should an employee simply leave a voice mail message that he/she is sick and will not be reporting to work.* The employee must complete a Leave Request form and submit to supervisor for approval before close of business on his/her first day returning to work from the absence.

3. An employee may be required to report to supervisor each day by telephone and to furnish evidence satisfactory for the use of accrued sick leave. The employee, however, shall not be required to provide such evidence for the use of less than seventeen (17) hours of sick leave in any thirty (30) day period unless the employee has demonstrated excessive or abuse use of sick leave.

#### Special Situations

1. Employees shall not be allowed to use accrued leave for absences due to accidental injury or occupational disease which is compensable under the Georgia Workers' Compensation Act, unless the employee elects in writing to use accrued leave in lieu of Workers' Compensation benefits.
2. If an absence because of illness extends beyond sick leave accrued to the credit of an employee, such additional time may be charged to accrued annual leave unless the employee applies and is approved for a leave of absence without pay.
3. An employee who donates a kidney for the purpose of transplantation shall receive a leave of absence with pay for thirty (30) days and such leave shall not be charged against or deducted from any annual or sick leave and shall be included as service in computing any retirement or pension plans. The employee shall not be entitled to such leave of absence unless a statement is furnished from a medical practitioner who will perform the transplantation procedure. If the donation does not occur, the provisions of this paragraph are not applicable.

#### **Authority and/or Cross-Reference**

- DOE *General Leave Policy* (B-1001)
- DOE *Leave Donation Policy* (B-1006)
- DOE *Leave Without Pay Policy*
- DOE *Credit for Transferred Sick and Personal Leave from a Local School System Policy* (B-1007)
- DOE *Fair Labor Standards Act* (HR-1120) Policy
- State Personnel Board Rule 18
- Georgia Workers' Compensation Act