

478-1-.16 Absence from Work.

(1) **Introduction.** It is the State's intent to provide a reasonable amount of time off to employees to assist employees in managing family, medical, and/or personal situations. The State provides a variety of leaves of absence to all eligible employees to accommodate these circumstances. The policies and procedures described in this Rule apply to all agencies and authorities of the executive branch, excluding the Board of Regents of the University System of Georgia.

(a) Each agency, by written policy, may set a minimum period of annual, sick, and/or personal leave to be charged for any use which is only a fraction of that period. The minimum leave period cannot be greater than fifteen [15] minutes.

(b) For the purposes of this Rule, the following terms and definitions apply in addition to those in 478-1-.02 (Terms and Definitions):

1. "Immediate family" means the employee's spouse, child, parent, brother and sister. Immediate family also includes any other person who resides in the employee's household and is recognized by law as a dependent of the employee.

2. "Work Day" means Monday through Friday unless an employees normal work week includes Saturday or Sunday.

(2) **General Leave Provisions.** The State Personnel Administration has the authority to prescribe the general policies by which agency policies are administered.

(a) The agency may require an employee on a leave of absence to provide periodic reports during the leave regarding the employee's status and intent to return to work.

(b) An employee absent on official business is not considered to be on a leave of absence.

(c) An employee should provide his/her supervisor with advance notice of his/her return to work date (two weeks prior to the expiration of the leave is preferred). If it appears that an employee may not be able to return to work as scheduled, the employee must notify his/her supervisor immediately and apply for a leave extension. Failure to do so in advance of his/her anticipated return to work date may impact leave and/or employee rights.

(d) An individual is expected to return to work no later than the next regularly scheduled workday after the expiration of the approved leave. If an extension is desired, the individual must request it in writing from his/her supervisor prior to the leave expiration.

(e) Failure to obtain approval for additional absence after the expiration of an approved leave may result in separation from employment.

(f) Each agency may require an employee who is absent from work because of illness or disability to supply an appropriate medical release or certification that the employee is able to return to work as a condition of his/her return. The release or certification must explain the extent to which the employee is able to perform the essential functions of his/her position. Each agency must comply with the requirements of the Americans with Disabilities Act, including providing reasonable accommodation to its disabled employees. If an employee is unable to obtain a medical release or certification to return to work, the agency may take appropriate action as explained in other provisions of this Rule.

(g) Employees must obtain written authorization from the agency prior to accepting other employment or engaging in self-employment while on an authorized leave of absence. If an employee accepts other employment or engages in business for him/herself without written approval from the agency, the employee may be subject to disciplinary action.

(h) Misrepresenting reasons for applying for or continuing a leave of absence may result in disciplinary action, up to and including termination of employment.

(i) Exceptions to this Rule will occur if necessary to comply with applicable laws.

(3) **Rate of Pay for Paid Leave.** Pay for paid leave (e.g., annual leave, sick leave, personal leave) is computed at an employee's straight time rate or on the employee's base pay rate in effect at the end of the pay period. Shift differentials, bonuses and overtime do not apply. Paid leave does not count toward the computation of overtime.

(a) For nonexempt employees, paid leave is calculated on the basis of eight hours at their regular hourly rate. For exempt employees, paid leave is calculated on a salary basis.

(b) **Charges Against Accrued Leave.** Employees are charged for annual, sick or personal leave only for absences on days on which they would otherwise work and receive pay. However, charges against annual, sick, and personal leave will not be reduced because of late openings, early releases or unanticipated closings that occur during a period of leave.

(c) **Limitation on the Use of Paid Leave.** An employee is not allowed to use any type of paid leave, except in special situations discussed in the Sick Leave section of this Rule, for any time that the employee receives any form of state-funded wage substitute, including but not limited to workers' compensation.

(d) **Divestment and Restoration of Leave.** Upon a break in service, the employee will be paid for accrued annual leave. However, personal leave and sick leave are divested according to this Rule.

1. An authorized unpaid leave of absence does not constitute a break in service.

2. Upon returning to state employment and remaining employed for a period of two consecutive years, non-temporary employees who have been reemployed on or after July

1, 2003 are eligible to regain accrued sick leave divested when their previous period of service ended. Divested sick leave includes any sick leave that was available for use at the time of the employee's last separation and does not include any sick leave forfeited prior to the employee's last separation. The maximum amount of divested sick leave the employee may regain is 720 hours. Divested leave will only be restored to the extent that the restored leave and current unused sick leave total 720 hours. Any balance of divested leave will remain as forfeited leave. To obtain restoration of divested sick leave, an employee must apply in writing to the employing agency and include supporting documentation. The agency will determine the appropriate amount of divested sick leave to be restored.

(e) Credit for Leave on Return from Leave of Absence without Pay or Layoff. Upon return from an authorized leave of absence without pay, or upon being rehired into the same agency from which they have been laid off in a position entitled to earn leave, within one year of being laid off as a result of agency downsizing or reorganization, an employee will be given credit for previously accumulated and unused or unpaid annual leave and sick leave, exclusive of forfeited leave. Any record of forfeited leave existing at the beginning of the leave of absence or at the time of layoff will be revived but the leave will not be restored to the employee except as provided for in the Sick Leave section. The period of absence will not constitute a break in service.

1. An employee returning from authorized leave of absence without pay or layoff will be given credit for any previously converted and unused personal leave except for personal leave forfeited because of the employee's failure to use it prior to its expiration as explained in the Personal Leave section of this Rule.

(f) Credit for Leave Upon Transfer. An employee moving from a position entitled to earn leave in one Agency or entity of government to a position entitled to earn leave in another Agency or entity of government without a break in service will be given credit by the receiving organization for unused annual, sick, and personal leave. The record of forfeited leave will also be transferred but the leave will not be restored to the employee except as provided for in the Sick Leave section. The employee will not be given credit for more leave than the employee could have earned had the employee been continuously employed by the receiving Agency. The employee will be given credit toward graduated annual leave accrual for all the time he/she is continuously employed in a leave earning position.

1. An employee transferring without a break in service from one agency to another as described in the preceding paragraph will not be paid for accumulated annual leave. If the employee erroneously receives pay for accumulated annual leave, the employee will not be entitled to accrue or use annual, sick, or personal leave in the new agency until the paying agency has been reimbursed for the erroneous payment. Once the agency receives confirmation that the reimbursement has occurred, the employee will be credited with all leave and service time that would have otherwise accrued to the employee.

2. An employee transferring without a break in service from an agency to an authority or to a unit of the University System of Georgia will be paid for any annual leave that cannot be transferred with the employee once the agency has received confirmation that the employee cannot receive credit. The payment may be calculated as specified in the annual leave section of this Rule.

3. Employees hired from the Board of Regents are considered new hires and cannot transfer leave accumulated with the Board of Regents. Time worked with the Board of Regents cannot be used for calculating eligibility for graduated annual leave accrual.

(g) **Dual Eligibility Relating to Leave Accrual.** An employee who is simultaneously employed in two different agencies and is entitled to earn leave under each position he/she holds will independently accrue leave in accordance with each agency's policies. If employment is terminated with one agency but not the other, all leave accruals will be combined and available in the remaining position.

(h) **Absence after Leave is Exhausted.** Except as provided in the sick leave section or in Rule 478-1-.17, Leave Donation, an employee who is absent after he/she has used all annual, sick and personal leave will be separated from employment unless the employee properly requests, and the agency approves, leave without pay as authorized in other provisions of this Rule.

(4) **Holidays.** A holiday is normally observed on the date designated in the Governor's proclamation, as prescribed by statute. However, when an agency's operations are subject to seasonal fluctuations that impact the availability of work, an agency may choose to grant equivalent time off at another time within the same calendar year in lieu of the official holiday. To do this, the agency must adopt a written policy and must notify all employees prior to its implementation.

(a) Holiday pay will not be made in advance of the observance of the holiday. Any compensation or equivalent time off accrued for a holiday proclaimed by the Governor will be provided within 120 calendar days of the day proclaimed as a holiday.

(b) An employee scheduled to work on a holiday who, without prior approval, fails to report for 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.

(c) **Eligibility for Holiday Pay or Equivalent Time Off.** An employee who is required to work on a day proclaimed as a holiday or an employee whose normal time off occurs on a day proclaimed as a holiday will be compensated or granted equivalent time off unless the employee:

1. Is employed on an academic school year basis, his/her annual compensation is based on a specified number of workdays, and the holiday is a workday on which the employee's salary is based;

2. Works any schedule of 8-hour days in which the scheduled off days equal or exceed 116 days a year. (Prorated adjustments must be made for employees whose regularly scheduled workdays are other than 8 hours a day.); or

(d) Additionally, to be paid for a holiday, an employee must be in pay status the full scheduled work shift the scheduled workday before or after the holiday. Payment is not made if the employee is:

1. Entering or reentering state service the scheduled workday following the holiday, or
2. Separating from state service and the holiday occurs after the date of separation.
3. Separating from state service and the holiday would be the employee's last day of employment, unless the holiday is at the end of the employee's normal workweek.

(e) The compensation of an employee who is separating in order to receive benefits under a state retirement system will not be reduced as a result of applying these provisions.

(f) **Equivalent Time Off.** Equivalent time off granted cannot exceed the time actually worked on a day proclaimed as a holiday or eight hours, whichever is less. The agency may require employees to use accumulated time off for holidays prior to using any other paid leave or compensatory time off. An employee who separates from an agency will be paid for any equivalent time off not used prior to separation.

(g) **Request to Observe Other Religious Holiday.** An employee may make a request to the agency 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 agency's judgment, is the only person available who can perform the duties. (See GA Code § 1-4-1 on Leave for Religious Observance.)

(5) **Annual Leave.** Each agency provides paid annual leave for non-temporary full-time employees and part-time employees who work 20 or more hours a week. Temporary and casual employees and employees receiving service, disability or involuntary separation benefits under the Employees' Retirement System of Georgia are not eligible for annual leave.

(a) Rate of Accrual. Employees begin earning annual leave on their date of hire. Annual leave accrues based on an employee's length of service as follows:

Complete Months of Service	Paid Semi-Monthly	Paid Monthly
0 through 60	5 hours per pay period	10 hours per month
60 < through 120	6 hours per pay period	12 hours per month
120 +	7 hours per pay period	14 hours per month

(b) Annual leave is credited at the end of each pay period, whether on a semi-monthly or monthly basis. Annual leave accruals are not credited to an employee who is paid semi-monthly unless he/she has been in pay status for at least 40 hours during the pay period. Employees paid on a monthly basis must be in pay status for at least 80 hours during the pay period to receive annual leave credit. An agency that compensates employees on a monthly basis may choose to administer annual leave as if those employees were compensated on a semi-monthly basis.

(c) Employees may not take annual leave before it is actually earned and credited.

(d) Part-Time Employees. A part-time employee who works 20 hours or more per week accrues annual leave at the same rate, but it is prorated based on the percentage of time worked. The percentage of time worked is determined by dividing the employee's standard hours by 40. For example, a new employee who works three eight-hour days a week and is paid semi-monthly will accrue three hours of annual leave per pay period. (24 divided by 40 equals .6, or 60%. Sixty percent of five equals three.) In order for the accrual to be credited, a part-time employee must also be in pay status for the same percentage of time during the pay period in which the accrual is earned. In our example, the part-time employee must be in pay status for 24 hours during the pay period to receive credit.

(e) Use and Limitations of Annual Leave. An employee may use accrued annual leave upon approval of the agency.

1. Notice of Taking Annual Leave. In scheduling annual leave, agencies 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 Agency's business needs and the timeliness of the requests in approving annual leave.

2. 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.

(f) **Carry-Over Rights.** 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 but may be restored as sick leave by the agency 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:

1. The amount required by the circumstances of the illness or disability; and
2. The leave forfeited during the current period of employment.

(6) **Terminal Leave.** Terminal leave is accrued annual leave for which payment is due upon an employee's separation from employment for any reason. An employee whose employment is being terminated will receive terminal leave pay for all accrued and unused annual leave, up to 360 hours, which has not been forfeited.

(a) To calculate terminal leave pay, the annual base pay last received by the employee is divided by the 2,080 hours to determine the value of each hour of leave. (Part-time employees must first determine the equivalent full-time salary.) This sum is multiplied by the number of hours to be paid. Decimal fractions of an hour will be rounded to the next highest hundredth of an hour.

(b) Once a separation date has been determined, the pay status of an employee cannot be extended for the purpose of granting a holiday or unanticipated non-workday occurring after the last day in pay status. Once an employee notifies the agency of the intent to terminate employment, the employee cannot be continued on the payroll on leave with pay status for the purpose of increasing the current salary, the rate of leave accrual, or the rate at which accrued leave would be paid.

(c) An employee who is taking an approved leave of absence without pay of 30 days or more may be paid in lump sum for all accrued annual leave excluding forfeited leave. The lump sum payment will be calculated in the same manner as terminal leave pay.

(7) **Sick Leave.** Agencies provide paid sick leave for non-temporary full-time employees and part-time employees who work 20 or more hours a week. Temporary and casual employees and employees receiving service, disability or involuntary separation benefits under the Employees' Retirement System of Georgia are not eligible for annual leave. Each agency should establish a process through which employees can provide the agency with notice of taking sick leave.

(a) **Rate of Accrual.** Employees begin earning sick leave on their date of hire. Sick leave is credited at the end of each pay period, whether on a semi-monthly or monthly basis. A

full-time employee paid on a semi-monthly basis earns five hours of sick leave if he/she is in pay status for at least 40 hours during the pay period. A full-time employee paid on a monthly basis earns 10 hours of sick leave if he/she is in pay status for at least 80 hours during the pay period. An agency that compensates employees on a monthly basis may choose to administer sick leave as if those employees were compensated on a semi-monthly basis. Employees may not take sick leave before it is actually earned and credited.

1. Part-Time Employees. A part-time employee who works 20 hours or more per week earns sick leave at the same rate but it is prorated based on the percentage of time worked. The percentage of time worked is determined by dividing the employee's standard hours by 40. See the example provided under Annual Leave above.

(b) Use and Limitations of Sick Leave. Upon approval of the agency, an employee may use accrued sick leave for any absence due to:

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 co-workers and endanger their health by being present at work.

(c) Carry-Over Rights. 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 but may be restored by the Agency 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:

1. The amount required by the circumstances of the illness or disability; and
2. The leave forfeited during the current period.

(d) Illness during Annual Leave. 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 of sick leave for annual leave must be made to the agency 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.

(e) Exhaustion of Sick Leave. If an absence because of illness extends beyond available sick leave, the absence may be charged to accrued and unused annual leave, personal leave, or compensatory time, unless the employee applies for, and the agency approves, a leave of absence without pay. After an employee has exhausted all sick leave, personal leave, and compensatory time, he/she may request leave donation as described in the Leave Donation Rule 478-1-.17.

(8) Special Situations.

(a) Infectious or Communicable Diseases. An employee who contracts tuberculosis or infectious hepatitis while charged with the care, treatment or diagnosis of persons infected with tuberculosis or infectious hepatitis, and who has exhausted all available sick and annual leave will be granted a paid leave of absence of one-half his/her total compensation or \$150 per month, whichever is less, for the duration of the disability due to the tuberculosis or infectious hepatitis, not to exceed 350 weeks.

1. An employee receiving leave under this special situation will be given credit for all salary adjustments and advancements, which he/she would have received had the employee remained in the same position with the same capacity, and status he/she held at the time the leave was granted.

(b) 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 the agency.

(c) 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 employee 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.

2. Employees of the Department of Transportation may not receive benefits under this provision but may be eligible to receive benefits described in the next section. Additionally, any law enforcement officer or employee of the Department of Corrections, State Board of Pardons and Paroles, Department of Natural Resources, and Department of Revenue who qualifies for disability allowances under O.G.C.A. § 47-2-221 are not eligible to receive any benefits under this provision.

(d) Injury to Employees of the Department of Transportation. An employee of the Department of Transportation who is injured in the line of duty by an act of external violence, accident, or injury will be entitled to a leave of absence for the period that the employee is unable to perform their 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 the disability to the agency.

1. "External violence, accident, or injury" means an act of violence, accident or injury that is caused by a person other than an employee of the agency or an employee of a contractor or subcontractor performing duties under a contract with the agency. For purposes of this section, "line of duty" means working in the proximity of traffic movements, or equipment movements doing maintenance, construction, or other activities, which may be construed as hazardous.

2. 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.

(9) **Personal Leave.** An employee who has accumulated more than 120 hours of sick leave as of November 30 of any year may convert up to 24 hours in excess of the 120 hours accumulated to personal leave. The employee must notify the agency of such a conversion no later than December 31 of that year.

(a) Personal leave may be used for personal reasons during the calendar year after the conversion upon approval of the agency. Every reasonable effort to accommodate requests to utilize personal leave will be made. An employee must give his/her supervisor as much advance notice as possible to minimize disruptions.

(b) The employee's election to convert sick leave to personal leave is irrevocable once the agency has verified the conversion. Personal leave not used by December 31 of the

year the leave was available will be forfeited and not restored. Any unused personal leave at the time of an employee's termination is forfeited and not paid to the employee.

(10) **Absence Due To Emergencies.** An agency that believes an office or facility should be closed because of existing or imminent weather conditions or other circumstances may excuse affected employees from duty for as long as necessary without loss of pay. Employees who are not directly affected by emergency conditions or who are not scheduled to work during those times will not be compensated.

(a) Nonexempt employees who are required to work additional time because of an office or facility closing will be compensated in accordance with the provisions of Regulations Governing the Payment of Overtime and the Granting of Compensatory Time and all applicable federal and state laws.

(b) If an employee is absent from duty because of severe weather conditions or other emergencies, which do not cause his/her office or facility to close, the agency may permit the employee to:

1. Make up time lost from work;
2. Charge the period of absence to accrued compensatory time;
3. Charge the period of absence to accrued annual leave; or
4. Charge the period of absence to personal leave.

(c) If none of the above options are available, the agency may place the employee on leave without pay for the period of absence.

(d) In order to be in compliance with the Fair Labor Standards Act, a nonexempt employee must make up time during the same workweek as the time lost.

(11) **Court Leave.** Agencies recognize and respect 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.

(a) **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.

(b) Pay While on Court Leave.

1. Jury Duty. 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.

(i) 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.

2. 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:

(i) Is charged with a crime;

(ii) Is a plaintiff or defendant;

(iii) Voluntarily appears as a witness;

(iv) Is a witness in a case arising from or related to his/her outside employment or outside business activity;

(v) Is testifying for a fee as an expert witness; or

(vi) Has any other personal or familial interest in the proceeding.

(vii) In such circumstances, the employee must use annual leave, personal leave or take leave without pay.

(c) 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.

(12) **Voting Leave.** The State encourages employees to exercise their privileges and duties as citizens, including the right to vote. Employees who do not have sufficient time

outside their normal work schedules to vote can request time off to vote in accordance with the guidelines outlined below. The agency may specify the hours during which an employee may be absent in order to vote.

(a) **Paid Leave to Vote.** Employees who need time off from work to vote in local, state or national general elections or primaries are eligible for up to two hours of paid leave at the beginning or end of their regular workday. Employees who are scheduled to begin work at least two hours after the polls open or end work at least two hours before the polls close are not eligible for voting leave.

(b) **Notification Requirement.** As with any foreseeable absence, employees should request and obtain approval from their supervisor in advance of taking time off to vote, and should schedule the time off in a manner that minimally disrupts normal agency operations.

(13) **Blood Donation Leave.** Employees are permitted to take up to two hours of paid time off to donate blood, up to four times each calendar year. Employees who donate blood platelets or granulocytes through the plasmapheresis process may take up to four hours of paid time off, up to four times a year.

(a) The agency may specify the hours during which an employee may be absent in order to donate blood. An employee who does not use the entire time allowed at the time of each donation does not accrue any right to any subsequent paid or unpaid leave.

(14) **Organ and Bone Marrow Donation Leave.** An employee who donates his/her organ or bone marrow for transplant will receive a paid leave of absence as follows: Thirty days for organ donation. The term “organ” means any human organ, including an eye, which is capable of being transferred from the body of one person to another; and Seven days for bone marrow donation.

(a) The amount of leave will not be deducted from any accrued annual or sick leave balance and must be included as service time for purposes of computing any retirement or pension benefits. To receive pay, the employee must provide the agency with a written statement from a medical practitioner who will be performing the transplant procedure or a hospital administrator indicating that the employee is making an organ donation. If the donation does not occur, the provisions of this paragraph are not applicable.

(15) **Disaster Volunteer Leave.** The State recognizes that cooperation among government agencies and volunteer service agencies is vital in coping with natural disasters and other emergencies. To help prevent the loss and destruction of life and property, the State believes that employees who are trained and experienced in disaster relief should be able to provide assistance for brief periods without loss of pay and benefits.

(a) **Eligibility.** To be eligible for paid disaster volunteer leave, an employee must be a certified disaster service volunteer of the American Red Cross and their services must

have been requested by the American Red Cross. The request for leave must be approved by the employee's agency and must be coordinated through the Director of Emergency Management.

(b) Paid Disaster Volunteer Leave. An eligible employee may be granted leave with pay to participate in specialized disaster relief services for the American Red Cross. Paid leave under this section cannot exceed 15 workdays in any 12-month period and can only be granted for services related to a disaster occurring within the State or in a contiguous state which has a reciprocal statutory provision.

1. Leave granted will be without loss of seniority, pay, annual leave, compensatory time, sick time, or earned overtime accumulation. The employee will be compensated at the regular rate of pay for the regularly scheduled hours during which the employee is absent from work as a result of disaster volunteer leave.

(16) Leave of Absence without Pay.

(a) Authorized Leave without Pay. An employee may submit a written request to the agency to take a continuous leave without pay for a period not exceeding 12 months. If approved, a written notice specifying the terms and conditions of the approval must be provided to the employee, including a statement indicating that 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.

(b) Contingent Leave 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 on absence may not exceed 12 months. The notice of approval of a request for a contingent leave of absence must include the terms and conditions of the approval including a statement that the employee's right to return at the expiration of the leave is not guaranteed and will be contingent on a suitable vacancy being available.

1. An employee who is authorized to take leave (including contingent leave) but does not have sufficient accrued paid leave or elects to forego the use of available paid leave will be placed in non-pay status. In these situations, an employee must submit a written request and the procedure described in the preceding paragraph must be followed.

2. The agency may extend an approved leave without pay for additional time not exceeding 12 months. An employee must submit a written request for an extension and, if approved, a written notice specifying the terms and conditions of the extension, including any rights to reinstatement, must be provided.

3. A continuous unpaid leave of absence may not exceed 24 months, unless otherwise required by state or federal law. An unpaid leave of absence is not included as service for purposes of computing any retirement or pension benefits.

(c) Unauthorized Leave. 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. An employee who is absent from scheduled work for three consecutive days without calling in may be considered to have voluntarily resigned.

(d) Furlough or Temporary Layoff. Due to a curtailment of funds, the agency may place employees in a non-pay status as a temporary reduction in force pursuant to a plan filed with and approved by the Commissioner. In this situation, employees may not be placed in non-pay status for more than a total of 30 workdays in any 12-month period. Absences under these circumstances will not be charged against accrued annual or sick leave or compensatory time, will not be considered a break in service, and will not affect eligibility of salary increases under the Salary Rule.

1. If sufficient work is temporarily unavailable or not feasible, the supervisor may, pursuant to a prior written employment agreement with an employee, place the employee in a non-pay status during the period. The agreement should clearly specify the terms and conditions of the leave without pay and any rights to reinstatement. An employee placed in a non-pay status may request the use of accrued annual leave, personal leave or compensatory time. This provision may not be used in lieu of an adverse action against the employee.

(17) **Compensatory Time Off.** Each agency is responsible for the control of all overtime worked in the agency and for accurately approving and recording such overtime worked in the agency time and leave system.

(a) **FLSA Compensatory Time for Nonexempt Employees.** Overtime worked by nonexempt employees will normally be credited as FLSA compensatory time at a rate of one and one-half hours of compensatory time for each hour of overtime worked. Overtime is credited only when the time an employee is actually at work exceeds forty hours in a defined workweek. Hours worked does not include paid leave or holidays. Overtime for nonexempt employees will be governed by the provisions of the Fair Labor Standards Act. Unscheduled and unauthorized time worked by nonexempt employees will be compensated with overtime or FLSA compensatory time. However, disciplinary action may be taken against a nonexempt employee who works unscheduled or unauthorized hours.

1. An employee must be granted FLSA compensatory time off within a reasonable time after making the request if the use of such time off does not unduly disrupt operations.

2. Travel time for nonexempt employees will be governed by the provisions of the Fair Labor Standards Act.

3. The maximum FLSA compensatory time accrual is 240 hours. Compensatory time in excess of 240 hours must be paid in cash.

(b) Payment for Overtime. No employee will be paid for overtime without the specific approval of the agency, except: Upon separation from the employment with the agency; or Upon exceeding the accumulation limits of FLSA compensatory hours.

1. When authorized by the agency, payment for overtime will be made the pay period following the pay period in which the overtime is worked with the exception of FLSA Law Enforcement, Firefighter, and Hospital exemption.

(18) **State Compensatory Time.** The maximum State Compensatory time accrual allowed is 240 hours. Any State Compensatory time earned in excess of 240 hours or unused at separation from employment will be lost. An employee will not be compensated for such time in any manner, and it will not transfer with the employee to another State entity.

(a) The provisions of 478-1-.16(18) notwithstanding, agencies will comply with the provisions of the Fair Labor Standards Act to ensure employees are compensated for hours actually worked.

Authority O.C.G.A. Secs. 45-2-21, 45-2-22, 45-20-3, 45-20-3.1, 45-20-4. **History.** Original Rule entitled "Veteran's Preference" adopted. F. July 31, 1985, eff. July 1, 1985, as specified by the Board. **Amended:** F. Jan. 22, 1988; eff. Nov. 12, 1987, as specified by the Board. **Amended:** R. 478-1-.0C repealed and renumbered R. 478-1-.16 of same title adopted. F. Aug. 11, 1992; eff. July 2, 1992, as specified by the Board. **Amended:** F. Oct. 17, 1994; eff. Oct. 6, 1994, as specified by the Board. **Amended:** F. Apr. 22, 1997; eff. Apr. 9, 1997, as specified by the Board. **Amended:** F. Oct. 8, 1997; eff. Sept. 25, 1997, as specified by the Board. **Amended:** F. Jan. 13, 2003; eff. Dec. 4, 2002, as specified by the Board. **Amended:** F. Jan. 5, 2006; eff. Dec. 22, 2005, as specified by the Board. **Repealed:** New Rule entitled "Absence from Work" adopted. F. Dec. 23, 2008; eff. Dec. 17, 2008, as specified by the Board. **Amended:** F. Oct. 28, 2009; eff. Aug. 27, 2009, as specified by the Board. **Amended:** F. July 30, 2010; eff. July 16, 2010, as specified by the Board.