

Office of Human Resources

1006 Absence from Work

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Georgia Department of Human Services
Human Resources Policy #1006

Absence from Work

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O.C.G.A. §45-20-31 — Organ/Bone Marrow Donation Leave
O.C.G.A. §45-20-30 — Blood Donation Time
O.C.G.A. §1-4-1 — Holidays
O.C.G.A. §21-2-404 — Voting Leave
O.C.G.A. §34-1-3 — Court Leave

The Department of Human Services (DHS) recognizes value in providing a reasonable amount of time off to assist employees with balancing work and personal needs. To be a responsible steward of public funds, however, the State must account for any pay provided to employees for time not worked. Paid time off must be charged to appropriate paid leave, compensatory time (as applicable), or paid holiday time. This policy defines the available types of paid and unpaid leave and the eligibility for each. It further provides a framework for leave, compensatory time, and holiday administration.

Section A: Definitions

1. For the purposes of this policy, the following terms and definitions apply in addition to those in Rule 478-1-.02, Terms and Definitions:
 - a. **“Immediate family”** means 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 law as a dependent of the employee.
 - b. **“Workday”** means a day an employee is regularly scheduled to work.

Section B: 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 pur-

pose of charging leave.

4. Leave cannot be used before it is accrued or converted.

Section C: Annual Leave Accrual

1. Non-temporary salaried employees who are regularly scheduled to work twenty (20) or more hours per week, are eligible to accrue annual leave as defined in this policy.
2. The following employees are not eligible to accrue annual leave:
 - a. Temporary employees,
 - b. Hourly employees, and,
 - c. Active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.
3. 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.
4. 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).
5. 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.
6. Eligible employees accrue annual leave at the following rates, depending on length of continuous service:
 - a. Full-time employees:
 - I. **5 hours** per pay period: 0 to 60 months (semimonthly)
 - II. **6 hours** per pay period: 60+ to 120 months (semimonthly)
 - III. **7 hours** per pay period: 120+ months (semimonthly)
 - b. 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.
 - c. 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.
 - d. When the first day of the pay period is a regularly scheduled non-workday and an employee reports to work on the first workday of the pay period, the length of continuous service is calculated from the first day of the pay period.
 - e. Eligible part-time employees 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.

7. 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 F)

Section D: Annual Leave Usage

1. Annual leave may be used for any purpose.
2. Unless an emergency 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 workflow 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:
 - a. The leave is for an unscheduled/emergency absence,
 - b. The DHS organizational unit is short staffed or has a major assignment pending, or,
 - c. The employees are under the restrictions of an Attendance Plan.
5. Employees are required to use FLSA compensatory time (as applicable) before using annual leave.

Section E: Requesting Annual Leave

1. Annual leave request must be submitted to an employee's supervisor.
2. Supervisors are responsible for approving annual leave request. Prior to approving requests for annual leave, they must consider factors, including, but not limited to:
 - a. workloads,
 - b. deadlines,
 - c. priorities,
 - d. office coverage, and,
 - e. leave requested by other employees.
3. 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:
 - a. disrupt work schedules,
 - b. leave an office uncovered,
 - c. inconvenience the work force or public, or,
 - d. contribute to employees' not meeting performance expectations.
 - e. 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: Annual Leave Lump Sum Payment and Annual Leave Payout

1. 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.
2. 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. Leave of absence without pay and suspensions are not considered breaks in service.
3. When a separation date has been set administratively to permit employees to be paid in lump sum payment, the pay status of employees will not be extended for the purpose of granting a holiday or an unanticipated non-workday occurring after the last day in pay status.
4. 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.
5. Lump sum payments are paid at the salary last received by employees.
6. Forfeited annual leave is not considered lump sum leave and is lost when there is a break in service.
7. If employees return to State government, forfeited annual leave may be used for retirement credit purposes.

Section G: Sick Leave Accrual

1. Non-temporary salaried employees who are regularly scheduled to work twenty (20) or more hours per week, are eligible to accrue sick leave as defined in this policy.
2. The following employees are not eligible to accrue sick leave:
 - a. temporary employees,
 - b. hourly employees, and
 - c. Active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.
3. 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.
4. 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.

5. 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.
6. 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.
7. 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.

Section H: Sick Leave Usage

1. Upon receiving supervisory approval, an employee may use sick leave for absences due to the following:
 - a. Personal illness or disability,
 - b. Exposure to contagious disease, when attendance on duty would endanger the health of others,
 - c. Dental or medical care; and,
 - d. Dental or medical care, illness, accident, or death in the immediate family which requires the employee's presence. "Immediate family" means 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 law as a dependent of the employee.

NOTE

Generally, sick leave due to the death of an immediate family member should not exceed five (5) workdays unless the employee is under the care of a healthcare 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) workdays during a period of annual leave may substitute sick leave for annual leave during the period of injury/illness.
 - a. 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.
 - b. 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 (as applicable) 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 may be restored after 24 months' consecutive employment and forfeited sick leave may be used for retirement credit purposes.
8. 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.
9. DHS organizational units may establish procedures for requesting sick leave based on the needs of the organization.

Section I: 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.
 - a. 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.
 - b. 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:
 - 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,
 - c. Requesting sick leave for an absence for which annual leave previously been denied,
 - d. Frequent occurrences of illness during the workday,
 - e. Peculiar and increasingly improbable excuses,
 - f. Repetitive use of fewer than 17 hours of sick leave in 30 calendar day periods; and,
 - g. 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 Resources (OHR) prior to seeking this opinion.

Section J: Sick Leave Denial

1. Sick leave may be denied for reasons including, but not limited to, the following:
 - a. Excessive or abusive use of sick leave (See Section I),
 - b. Failure to follow procedures for reporting the absence or requesting the use of leave; or,
 - c. 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 K: Medical Examination

1. Under limited circumstances and only with the approval of the OHR (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.
2. This examination may be required prior to:
 - a. approving use of accrued leave,
 - b. approving a leave of absence without pay,
 - c. allowing an employee to return from leave with pay, or
 - d. allowing an employee to return from a leave of absence without pay.

NOTE Only the OHR Deputy Commissioner may authorize medical examinations.

3. An employee is required to authorize the release of the results of the medical examination to an authorized official in OHR. The results must be considered confidential and are to be shared with individuals only on a “need to know” basis.
4. 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.
5. 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.
 - a. The employee may be allowed to use accrued leave.
 - b. The employee may request and be granted an authorized (regular) or contingent leave of absence without pay.
 - c. The employee may be referred to a treatment program.
6. If a determination is made to allow the employee to return to duty, the employee may be returned with or without reasonable accommodation.

Section L: Converting Sick Leave to Personal Leave Eligibility

1. 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.
2. Eligible employees must utilize the electronic process in TeamWorks and or SMILE to ensure their request to convert 24 hours of sick leave to personal for the next calendar year is properly documented prior to December 31. Once sick leave is converted to personal leave, it cannot be changed back.

Section M: Personal Leave Usage

1. Personal leave may be used for any reason upon receiving supervisory approval of the leave request.
2. Employees must use FLSA compensatory time (as applicable) prior to any other 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. Personal leave is lost when there is a break in service.
5. Normally, employees will need to provide at least 24 hours advance notice of intent to use personal leave.
6. Employees are not required to give specific reasons for requesting personal leave, unless a situation such as the following applies:
 - a. the leave is for an unscheduled/emergency absence,
 - b. the DHS organizational unit is short staffed or has a major assignment pending, or,
 - c. the employees are under the restrictions of an Attendance Plan.
7. Supervisors must make every reasonable effort to grant requests to use personal leave.
8. 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 N: 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 (as applicable) 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 restoration of forfeited leave requests to their designated HR Representative for review and approval.

Section O: Creditable Service Retirement

1. Employees who are members of the Employees' Retirement System (ERS) 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.
2. Members of ERS who are on leaves of absence without pay due to a physical or mental illness, sickness or disorder caused by a job-related disease/accident may submit a request to purchase up to twelve (12) months of service in a five (5) year period by paying employee contributions plus interest within the first six (6) months of return to duty.

Section P: Leave Transfer

1. When employees transfer without a break in service between positions entitled to earn leave; annual, sick, and personal leave balances and forfeited leave transfer with the employees.
2. DHS will accept leave balances transferred from other state agencies.
3. Unused leave and the record of forfeited leave will not transfer into an Executive branch agency from the County Board of Health, Community Service Boards or Board of Health Community Operated Programs. Transferring employees are considered new hires for purposes of graduated annual leave accrual. An exception applies to classified employees whose unused sick, annual, and personal leave and record of forfeited leave will transfer into the Executive branch.
4. 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 Q: Secondary Employment

1. Employees who are employed in two 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 of the positions, but not both, leave balances are handled as follows:
 - a. Lump sum pay is paid for all accrued and unused annual leave. Any accrued sick and personal leave balances are lost.

Section R: Restoration of Leave

1. The following leave provisions apply to eligible employees who are reinstated or re-employed

with DHS within one year of the effective date of a staff reduction, that resulted in their separation from employment.

- a. Any previously accumulated and unused sick leave will be restored,
 - b. 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 N; and,
 - c. 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.
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 submit a request 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 S: Short-Term Leave Without Pay

1. Managers should consult with the designated Human Resources Representative before allowing an employee to take leave without pay (LWOP) for any reason.
2. Employees may be placed on Short-Term Leave Without Pay for various reasons. This leave without pay may be either authorized or unauthorized, as indicated below. Short-Term Leave Without Pay must not continue for more than ten consecutive workdays in a continuous period of absence. A Request for Personnel/Payroll Action Form must be completed to place employees on Leave Without Pay.
3. Authorized Leave Without Pay:
 - a. Employees who are absent with supervisory approval, but do not have accrued leave to cover their absence, are to be placed in a non-pay status for the period of absence.
 - b. Employees who are absent with supervisory approval and choose not to use available paid leave are to be placed in a non-pay status for the period of absence.
4. Unauthorized Leave Without Pay:
 - a. Employees who are absent without supervisory approval are to be placed in a non-pay status instead of allowing them to use accrued leave for the period of absence. Employees absent without approval are subject to disciplinary action, up to and including separation.
 - b. FLSA exempt employees can be placed on Short-term/Other Leave Without Pay for absences from work, as indicated above.
 - c. The act of placing an employee on unapproved leave without pay is not, in and of itself, considered a disciplinary action.
5. When employees are absent from work on Leave Without Pay for the maximum period of ten consecutive workdays, one of the following must occur:
 - a. Employees must return to work;
 - b. Appropriate leave or leave without pay must be requested and approved;

- c. Leave of Absence Without Pay must be requested or,
 - d. Employees must be terminated from employment.
6. Request:
- a. Employees are to submit written requests for leave without pay to their supervisor. The request must include the following information:
 - I. Reason for the leave without pay,
 - II. Start date; and,
 - III. Return date.
 - IV. Any other information relevant to the request.
 - b. Clarification may be required from the employee prior to a determination being made on the request for leave without pay.
7. Review:
- a. Requests for leave without pay will be reviewed and determinations made based on the following:
 - I. reasons for the leave without pay,
 - II. amount of time requested,
 - III. employees' documented performance, behavior, and attendance records,
 - IV. needs of the organization,
 - V. employees' years of service; and
 - VI. previous accommodation efforts by the organization.
 - b. Supervisors are to provide written decisions to employees concerning requests for leave without pay in ten business days.
 - c. If leave without pay is approved, the notification is to specify the terms and conditions of the approval, including the following:
 - I. Start date,
 - II. Return date; or,
 - III. The terms for return (e.g., return-to-work statement from the attending health care provider).

Section T: Leave of Absence

- 1. Leave of absence (LOA) should be coordinated and designated by an authorized Human Resources Representative only.
- 2. Leave of absence will not be approved for:
 - a. attending school (unless attendance is short-term and directly benefits DHS);
 - b. relocation,
 - c. incarceration; or,

- d. accepting another job.
- 3. Leave of absence does not cause a break in continuous employment.
- 4. Leave of Absence:
 - a. If a leave of absence is approved, the position which the employee occupied, or a position of equal grade and pay is held for the employee's return.
 - b. At the expiration of a leave of absence, the employee will be returned to work without loss of any rights, if the employee has complied with the terms and conditions outlined in the notice of approval.
 - c. Due to the needs of DHS organizational units for maintaining coverage, requests for leave of absence should be closely reviewed in accordance with the provisions of DHS Policy #1005: Family and Medical Leave.
- 5. Contingent Leave of Absence:
 - a. If a contingent leave of absence is approved, the position which the employee occupied is not held.
 - b. The DHS organizational unit may fill the position from which an employee is on a contingent leave of absence.
 - c. The employee may return to work only if a "suitable vacancy," as defined in the notice of approval, is available at the expiration of the leave.
 - d. Since contingent leave of absence does not guarantee an employee the right to return to work at the expiration, it may not be considered a reasonable accommodation under the Americans with Disabilities Act, as amended.
- 6. Family and Medical Leave (FMLA):
 - a. When absence from work is due to a family and medical leave qualifying reason, employees should be placed on available family and medical leave (with or without pay) prior to placement on leave of absence.
 - b. If family and medical leave has been exhausted or is otherwise not available, employees may request leave of absence.
 - c. If family and medical leave has already been granted and used, requests for additional leave will be reviewed in accordance with the provisions of DHS Policy #1005: Family and Medical Leave.
- 7. Medical Examination:
 - a. If a supervisor wants to request that an employee undergo a medical examination (physical and/or psychiatric), it must be approved by OHR. The manager should notify the OHR Deputy Director. The OHR Deputy Director must notify the OHR Deputy Commissioner for final approval.
 - b. This examination may be required prior to:
 - I. approving use of accrued leave,
 - II. approving a leave of absence,
 - III. allowing an employee to return from leave with pay, or
 - IV. allowing an employee to return from a leave of absence.

- c. The only OHR official who can authorize medical examinations is the OHR Deputy Commissioner.
- d. For circumstances outlined under Section 8(a), an employee is required to authorize the release of the results of the medical examination to OHR. The results are confidential and are to be shared with individuals only on a "need to know" basis as determined by OHR.
- e. Upon receipt of the results, a determination regarding the employee's request for use of leave, a leave of absence, or return to work will be issued.
- f. If it is determined the employee will not be allowed to return to work, appropriate action, which includes but is not limited to, the following should be taken.
 - I. The employee may be allowed to use accrued leave.
 - II. The employee may request and be granted FML, a leave of absence, or contingent leave.
 - III. The employee may be referred to a treatment program.
 - IV. The employee may be terminated.
- g. If it is determined the employee will return to work, the employee may return to perform the essential functions of their job, with or without reasonable accommodations.

8. Worker's Compensation:

- a. Employees who are absent from work due to work-related injuries, illnesses and/or exposures to occupational disease covered under Workers' Compensation may request to be placed on Workers' Compensation-funded leave or the employee can utilize their accrued leave. Employees cannot receive both Workers' Compensation payments and their normal salary. The employee must complete the Leave Election Form and submit it to their designated Workers' Compensation claims specialist. The [Leave Election Form](#) can be found as an attachment to DHS Policy #1702: Leave and Payment for Workers' Compensation and Special Injury Claims.

9. Benefits:

- a. While on leave of absence without pay, employees may maintain their health insurance coverage through the State Health Benefit Plan and their flexible benefits through Georgia Breeze.
 - I. Employees should contact the State Health Benefit Plan and/or Georgia Breeze to determine the cost of maintaining their health insurance and flexible benefits.
 - II. The following forms must be completed and submitted to the employee's Human Resources Representative to continue health insurance coverage:
 - 1. Request to Continue Health Benefits During Leave of Absence without Pay (SHPB 66-003) Form, which can be found on the Georgia Department of Community Health website at www.dch.georgia.gov/.
 - 2. Disability Certification Form (SHBP 66-005), if applicable. Form can be found on the Georgia Department of Community Health website at www.dch.georgia.gov/.
 - 3. A Certification of Serious Health Condition Form or other document containing similar information from the attending health care provider which supports the request for absence may be accepted.
- b. Employees with at least one year of participation in the Group Term Life Insurance Program

under the Employees' Retirement System (ERS) may retain coverage while on leave of absence without pay. A request to continue coverage must be made in writing to ERS prior to beginning the leave of absence without pay. Coverage terminates if this written request is not filed.

- c. Employees who accept employment outside of State government or who are on active duty with the Armed Forces are not eligible to continue coverage.

10. Time Limitations:

- a. Regular and contingent leave of absence without pay should be approved for short periods of time unless specific circumstances support approving a longer absence. Approval cannot exceed 12 months.
- b. A continuous leave of absence without pay may include any combination of the following:
 - I. Regular,
 - II. Contingent (and any approved extensions),
 - III. Short-term/non-medical related.

Section U: State Compensatory Time

- 1. State compensatory time may be granted to FLSA non-exempt employees under circumstances described in this policy. FLSA exempt employees are not entitled to State compensatory time.
 - a. State compensatory time is time off from work earned by non-exempt employees who are in pay status for more than 40 hours during a seven-day FLSA work period but have not actually worked more than 40 hours during the work period (See Attachment #1). When non-exempt employees work more than 40 hours during an FLSA work period, the provisions of the Fair Labor Standards Act apply.
 - b. State compensatory time does not apply when employees are required to work on a holiday.
- 2. Both the manager and FLSA non-exempt employee are responsible for ensuring the employee does not exceed 40 hours in pay status during the FLSA work period. Management has the following options available in managing state compensatory time:
 - a. The employee's schedule may be adjusted by the manager by scheduling time off for the employee prior to the end of the FLSA work period to avoid the accrual of state compensatory time (as applicable).
 - b. If accrued leave was used during the work period, the amount of accrued leave charged may be adjusted by the manager if the adjustment is made prior to the end of the FLSA work period and if the adjustment will not result in the employee losing personal leave. The employee must be advised of any adjustments.
 - c. Allow the employee to accrue state compensatory time (as applicable).
- 3. Accruing and using compensatory time:
 - a. FLSA non-exempt employees accrue state compensatory time (as applicable) on a "straight-time" basis equivalent to the actual amount of time worked.
 - b. Employees cannot accumulate more than 240 hours of state compensatory time.

- c. Employees should be scheduled to use state compensatory time (as applicable) within 60 calendar days. Employees are not entitled to be paid for the lost time.
 - d. State compensatory time is not transferable between DHS organizational units or State agencies.
 - e. State compensatory time is lost when employees leave the DHS organizational unit in which the state compensatory time was earned (e.g., transfer, separation, resignation, etc.). Employees are not entitled to be paid for the lost time.
4. Employees are required to keep accurate records of all time worked.
- a. Managers are required to frequently review records of time worked.
 - b. Employees who earn state compensatory time are not to maintain the official record for their accrued state compensatory time. The Agency is required to maintain the employee's official record of accrued state compensatory time.
 - c. Records of state compensatory time are to be kept for a three (3) year period.

Section V: Disaster Volunteer Leave

1. Employees who are certified disaster service volunteers are eligible for leave with pay in order to participate in specialized disaster relief activities based on the following conditions:
- a. There must be a disaster within Georgia or a neighboring state with a reciprocal agreement that has been declared by the President or a State Governor.
 - b. The American Red Cross must request the employees' services.
 - c. Employees are to submit written requests for disaster volunteer leave along with supporting documentation to their supervisor. Requests will be reviewed and either approved or denied on a case-by-case basis.
 - d. Disaster volunteer leave may be granted for up to fifteen (15) workdays (not to exceed 120 work hours) in a 12-month period.

NOTE Employees who do not qualify for disaster volunteer leave, but want to participate in disaster relief activities, may request to use annual leave, personal leave, compensatory time (as applicable), or leave without pay.

Section W: Organ and Bone Marrow Donor Leave

1. A leave of absence with pay for thirty (30) workdays will be granted to employees who donate an organ for transplantation.
- a. For purposes of this policy, 'organ' means a human organ, including an eye, that can be transferred from the body of one person to the body of another.
 - b. Employees requesting leave to donate an organ must submit medical documentation to their designated FML Specialist or authorized official (e.g., Human Resources Representative).

This statement must certify that the employee is donating an organ for transplantation.

- c. If the organ donation does not take place, any absence will be charged to accrued leave, personal leave, compensatory time (as applicable) or leave without pay.
2. A leave of absence with pay for seven (7) workdays will be granted to employees who donate bone marrow for transplantation.
 - a. Employees requesting leave to donate bone marrow must submit medical documentation to their designated FML Specialist or authorized official (e.g., Human Resources Representative). This statement must certify that the employee is donating bone marrow for transplantation.
 - b. If the bone marrow donation does not take place, any absence will be charged to accrued leave, personal leave, compensatory time (as applicable) or leave without pay.

Section X: Blood Donation Leave

1. Employees are to be allowed time during work hours to donate blood, blood platelets or granulocytes (white blood cells) through the pheresis process.

NOTE Pheresis is a procedure in which blood is drawn from a donor and separated into its components, some of which are retained. The remainder is returned by transfusion to the donor.

- a. Employees must request and receive prior approval from their supervisors to be away from the work area for blood donation. Supervisors may schedule the time to be used for this purpose based on the needs of the organization.
- b. Time away from work is for the purpose of donating blood, platelets, or granulocytes and to recover from the donation. Employees who do not use the time allowed, as specified below, at the time of each donation, do not accrue any right to utilize the leave or payment at any other time.
 1. Up to two (2) hours per donation [no more than eight (8) hours per year] may be granted when employees donate blood.
 2. Up to four (4) hours per donation [no more than sixteen (16) hours per year] may be granted when employees donate blood platelets or granulocytes through the pheresis process.
- c. Employees who donate blood, platelets or granulocytes on non-work time are not to receive time off from work due to the donation.

Section Y: Observing Holidays

1. The State observes 13 public holidays each calendar year on dates declared by the Governor. State offices are closed, and employees do not report for work on declared holidays, except as noted in Section Y 3(c).
2. A schedule showing the actual dates that DHS organizational units will be closed to observe

State holidays for the coming year will be published annually on the Team Georgia website.

3. Holiday Eligibility:

- a. Salaried employees are eligible for holiday pay.
- b. The following employees are ineligible for holiday pay.
 - I. Temporary employees,
 - II. Hourly employees,
 - III. Active, salaried, non-temporary employees who are rehired retirees with the Employees' Retirement System of Georgia while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.
 - IV. Part-time salaried employees are not paid for a holiday that falls on a day they would not have otherwise been scheduled to work. For example, a part-time employee who is scheduled to work Mondays, Wednesdays, and Fridays, would not be paid for a holiday that falls on a Thursday.
 - V. In emergency situations or to meet essential business needs, an agency may require one or more employees to work on a holiday. Employees scheduled to work on a holiday who fail to report for any portion of the scheduled duty and whose absence is not authorized, will not be granted additional compensation or time off for the holiday. Such employee may be subject to leave without pay for the scheduled time not worked and/or other appropriate disciplinary measures.
- c. To be eligible for pay on a State holiday, an employee must be in pay status for the full scheduled work shift on either the workday immediately before or immediately after the holiday. "Pay status" means either working or taking approved paid time off.
- d. Employees are not paid for a holiday that occurs the day before they enter or reenter State service.
- e. Employees are not paid for a holiday that occurs the day after they leave State employment.
- f. Employees are not paid for a holiday that occurs on their last day of State employment unless the holiday is at the end of their normal workweek.

4. Alternative Work Schedules and Holiday Pay:

- a. Employees eligible for a paid holiday receive pay for the time they would otherwise have worked that day, up to a maximum of eight (8) hours.
- b. Employees on alternative work schedules can make up the additional time by:
 - I. Revert to a standard 8 hour workday during the week of the holiday or for a 2-week cycle for employees on a 9 day-80 hour workday schedule,
 - II. Use paid leave to supplement the holiday pay and receive full pay for the day; or,
 - III. Work additional time during the week of the holiday to remain in pay status the full workweek.

5. Equivalent Time Off or Deferred Holiday Payout:

- a. Equivalent time off or deferred holiday time will be made available to employees who would otherwise have been eligible for a paid holiday but were either required to work on part or for the entire holiday. This excludes part-time employees whose scheduled day off

occurred on a holiday are not given equivalent time off or additional compensation for the holiday.

- b. Equivalent time off to observe the holiday will not exceed the time actually worked on the holiday or eight hours, whichever is less.
- c. Employees may be required to use deferred holiday time before using annual leave, sick leave, personal leave, or compensatory time (as applicable).
- d. Employees who are unable to take equivalent time off within 365 calendar days after a holiday will be paid for the holiday.
- e. Employees who separate from DHS will be paid for any deferred holiday time not used or paid out prior to separation.
- f. Employees will not be paid for a holiday in advance of the observance of the holiday.
- g. 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 deferred holiday time for the time (if any) that was worked on the holiday. Such employee may be subject to leave without pay for the scheduled time not worked and/or other appropriate disciplinary measures.

Section Z: Court Leave

1. DHS recognizes employees' obligation to perform civic duties when summoned as a potential juror or witness and grants time off to employees for such purposes.
2. 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.
3. Leave Request and Supporting Documentation:
 - a. An employee who is summoned to perform jury duty or to serve as a witness during scheduled work time and needs to be absent from work is expected to provide a copy of the summons, subpoena, or other court order to their supervisor, when requesting leave.
 - b. Since employees typically will not know in advance how much time will be required to fulfill their court obligation, employees may be required to update their supervisor at reasonable intervals concerning the time needed for absence from duty.
4. Paid Court Leave Eligibility:
 - a. Paid court leave is granted to non-temporary salaried employees 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 during scheduled work hours. Such paid time off is not charged to an employee's accrued leave.
 - b. The following employees are not eligible for paid court leave:
 - I. All temporary employees,
 - II. All hourly employees, and
 - III. Active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia while receiving retirement annuity payments during the

first 1,040 hours of work performed in the calendar year.

5. Jury Duty:

- a. Eligible employees will receive paid court leave while on jury duty for the time 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.
- b. Employees will not receive any compensation for time spent serving as a juror that exceeds the employee's regular work schedule.
- c. Employees may keep any juror fees and travel allowances they receive from the court.

6. Court Attendance and Witness Duty Leave:

- a. An employee summoned to appear as a witness or required by a court to attend a proceeding will typically be paid in the same manner as an employee serving on a jury. However, an employee will not receive paid court leave to attend a trial, arbitration hearing, or other judicial proceeding in which they are:
 - I. Charged with a crime,
 - II. A plaintiff or defendant,
 - III. Voluntarily appears as a witness,
 - IV. A witness in a case arising from or related to their secondary employment or outside business activity,
 - V. Testifying for a fee as an expert witness; or,
 - VI. Have other personal or familial interest in the proceeding.

7. When paid court leave is not applicable, the employee must use annual leave, personal leave, compensatory time (as applicable), deferred holiday time, or take leave without pay.

8. Return from Court Leave:

- a. Employees are required to report back to work as soon as they are released from jury duty or other court ordered appearance if the release occurs before the end of the scheduled workday. Management may require verification from the court showing the time served. Failure to return timely from court leave is treated as an unexcused absence.
- b. Employees who are required to appear in court on behalf of the Department are in work status. No leave or leave without pay will be charged.
- c. Employees who are summoned to appear in court on a State observed holiday or on a scheduled day off, are not entitled to additional time off.

Section AA: Voting Leave

- 1. DHS encourages employees to exercise their right to vote in all federal, state, and local elections. Non-temporary salaried employees may be granted paid time off to vote, up to a maximum of two (2) hours per Election Day, as provided in this section. Paid voting leave is not charged to an employee's accrued leave.
- 2. Voting Leave Eligibility:

- a. Paid voting leave is available to employees when their work schedule does not allow them at least two (2) hours (including travel) to vote either before or after work. Employees who are scheduled to begin work at least two (2) hours after the polls open or end work at least two (2) hours before the polls close are not eligible for voting leave.
 - b. Paid voting leave is not available for voting midday. It must be used either at the beginning or end of the employee's regular workday.
 - c. Active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia are not eligible for voting leave while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.
3. Voting leave covers only the time necessary to give an employee two (2) hours either before or after work to vote. For example, an employee whose work schedule allows only 1½ hours to vote either before or after work would be eligible for 30 minutes of voting leave.
 4. For those employees not eligible for voting leave, agencies have the discretion to arrange flexible work schedules for voting purposes. Agencies may also allow employees to use other available paid leave, other than sick leave, if they are not eligible for voting leave or need more than two (2) hours to vote.
 5. Employees may be allowed paid voting leave on early voting days, if it determines that doing so minimally disrupts normal operations. This at the supervisor discretion.
 6. Requesting Voting Leave:
 - a. Employees are responsible for requesting and obtaining 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.

Section BB: Education Support Leave

1. To supplement work-life balance options for State employees, the State provides up to eight (8) paid hours of leave per calendar year to eligible employees for the purpose of promoting education in Georgia. Such leave is in addition to, and not charged against, an employee's accrued leave.
2. Education support leave may be taken in increments up to eight (8) hours throughout the calendar year or at one time.
3. Eligibility:
 - a. All eligibility criteria defined below must be met before an employee can use education support leave.
 - I. Any non-temporary, full-time employee may request to use and be considered for education support leave.
 - II. Only activities directly related to student achievement and academic support will qualify for education support leave. Such activities may range from early care and learning through higher education. DHS maintains the authority to determine, whether an activity would qualify for education support leave.
 - III. To use education support leave, an employee may be, but is not required to be, the parent of a student.

- IV. Employees must not receive pay for services they perform while using education support leave.
 - V. Employees must receive prior approval from their supervisor before providing the services for which they are requesting education support leave. The supervisor may require written verification from a school administrator, teacher, or other official prior to approval.
 - VI. Supervisor maintains discretion to approve or deny requests for education support leave based on operational needs or other reasons, such as conduct, attendance, or unsatisfactory work performance.
 - VII. Supervisors should ensure denials are applied consistently for all similarly situated employees.
 - VIII. Use of education support leave for any political purpose or agenda is prohibited.
 - IX. Education support leave does not accumulate, and unused leave does not roll over into subsequent calendar years. Eligible employees may request to use education support leave for qualifying absences that occur during their regular scheduled work hours, up to a total of eight (8) hours in any calendar year. The supervisor maintains discretion to approve or disapprove such requests.
 - X. Employees can use no more than eight (8) paid hours of education support leave in a calendar year regardless of transfer from one State employer to another.
 - XI. Education support leave carries no cash value if unused. There will be no payout for unused education support leave upon termination.
 - XII. Education support leave is not available to support education outside of the State of Georgia.
4. Ineligible:
- a. The following employees are ineligible for education support leave:
 - I. Temporary employees,
 - II. Active, salaried, non-temporary employees who are rehired retirees with the Employees' Retirement System of Georgia while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

Section CC: Paid Parental Leave

To enhance work-life balance for employees, the State provides full-time employees, as well as hourly employees who meet the criteria noted in subsection 1(b)(ii) below, with up to 120 hours of paid parental leave in a 12-month period. Paid parental leave is not charged against an employee's accrued leave.

1. Eligibility:
- a. Eligibility for paid parental leave is based on one of the following qualifying life events:
 - I. birth of the employee's child;
 - II. placement of a minor child for adoption with the employee; or

III. placement of a minor child for foster care with the employee.

b. To be eligible to use paid parental leave for a qualifying life event, an employee must meet one of the two following criteria:

I. if salaried, the employee must have six continuous months of employment with an employing entity (as defined in O.C.G.A. 45-20-17(a)(2)(A)); or,

II. if hourly, the employee must have worked 700 hours for an employing entity (as defined in O.C.G.A. 45-20-17(a)(2)(A)) in the six months immediately preceding the first requested paid parental leave date.

2. Ineligible:

a. Rehired retirees of the Employees' Retirement System of Georgia, whether salaried or hourly, are not eligible for paid parental leave while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

3. Usage of Paid Parental Leave:

a. An eligible employee may take a maximum of 120 hours of paid parental leave in a rolling 12-month period. The rolling period will be measured backward from the first date of leave taken. The amount of leave in a rolling 12-month period cannot exceed 120 hours, regardless of the number of qualifying events that occur during that period and regardless of transfers between employing entities (as defined in O.C.G.A. § 45-20-17(a)(2)(A)). DHS is responsible for conducting due diligence to ensure an employee has not exhausted the 120-hour allotment prior to approval of paid parental leave.

b. Leave may be taken as needed and in increments of less than eight hours, using the same minimum period DHS has established for other forms of paid leave.

4. If an employee eligible for paid parental leave is also eligible for leave under the federal Family and Medical Leave Act (FMLA), DHS requires paid parental leave to run concurrently with FMLA leave.

5. DHS requires employees to submit appropriate supporting documentation for the use of paid parental leave. Any required supporting documentation shall be the same as that required for the use of federal family and medical leave, for the same qualifying event.

6. Any paid parental leave remaining 12 months after the initial qualifying event shall not carry over for future use.

7. Unused paid parental leave shall have no cash value and shall not be paid out at the time of the employee's separation from employment.

8. Employees cannot be paid for short-term disability and PPL at the same time.

For additional information or assistance, please contact your designated Human Resources Representative.

1006 A1 State Compensatory Time Example



**Georgia Department of Human Services
Human Resources Policy #1006 A1**

State Compensatory Time Example

If a non-exempt employee works beyond their scheduled work hours in a work period, when there was a State holiday or used their accrued leave, they may be in pay status for more than 40 hours during the work period, but not have actually worked more than 40 hours.

The example below illustrates the above scenario and provides options that are available to supervisors to manage state compensatory time.

A non-exempt employee with a work period from Saturday at 5:00pm to the following Friday at 5:00pm worked the schedule outlined in the below table.

Day	Hours	Time Category
Saturday	6 (Normally a day off)	Pay Status
Sunday	0	Day Off
Monday	8	Sick Leave
Tuesday	8	Pay Status
Wednesday	8	Pay Status
Thursday	10	Pay Status
Friday	8	Pay Status

1. Since the employee actually worked only 40 hours during the work period, the employee is not entitled to FLSA overtime.
2. The employee was in pay status for 48 hours during the work period due to the sick leave; therefore, eight (8) hours of state compensatory time is earned.

The supervisor has the following options:

1. The employee's schedule may be adjusted by scheduling eight (8) hours of off time for the employee prior to the end of the work period.
2. The employee's schedule may be adjusted by scheduling eight (8) hours of off time for the employee prior to the end of the work period.
3. Allow the employee to accrue state compensatory time.

1006 A2 Divested Sick Leave Restoration Application

1006 A3 Paid Parental Leave Request Form