

<p align="center">GEORGIA DEPARTMENT OF JUVENILE JUSTICE</p>	<p align="center">Transmittal # 15-09</p>	<p align="center">Policy #3.60</p>
<p>Applicability: {x} All DJJ Staff {x} Administration {x} Community Services {x} Secure Facilities (RYDC's and YDC's)</p>	<p>Related Standards & References: State Personnel Board Rule 478.1-.16 O.C.G.A §45-7-9; §45-20-16 Americans with Disabilities Act of 1990 Americans With Disabilities Act Amendments Act of 2008 ACA Standard 3-JDF-1C-01; 4-JCF-6D-01 DJJ 3.16, 3.28, 3.67, 5.9</p>	
<p>Chapter 3: PERSONNEL</p>	<p>Effective Date: 7/1/15 Scheduled Review Date: 7/1/16</p>	
<p>Subject: ANNUAL, SICK, AND PERSONAL LEAVE</p>	<p><u>New Policy</u> Replaces:</p>	
<p>Attachments: A – Leave Request Form B – Application for Restoration of Divested Sick Leave</p>	<p>DJJ 3.60 Annual Leave and Terminal Leave 4/1/12, DJJ 3.61 Sick Leave and Special Situations 4/1/12, and DJJ 3.63 Personal Leave 10/15/13 Department of Human Resources</p> <p>APPROVED:  _____ Avery D. Niles, Commissioner</p>	

I. POLICY:

The Department of Juvenile Justice shall administer annual, sick, and personal leave in accordance with applicable laws, rules, and regulations.

II. DEFINITIONS:

Annual Leave: Accrued paid leave an employee may use for any reason.

Break in Service: At least one work day for which an employee is not in employment status and does not receive pay.

Divested Sick Leave: Any employee of a state agency who lost accumulated sick leave because of separation from employment and who returns to employment with a state agency on or after July 1, 2003 will be entitled to regain such divested sick leave after the employee remains in service for a period of two consecutive years.

Employee Self Service: A website available to employees through the Team Georgia Connection that allows employees to access and update personal employment information.

Forfeited Leave: Annual leave accrued in excess of 360 hours and/or sick leave accrued in excess of 720 hours that may be restored upon request of employee subject to approval of the Office of Human Resources.

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Immediate Family: For the purposes of this policy, the employee's spouse, child, step-child, parent, step-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.

Personal Leave: Employees who have accumulated more than 120 hours of sick leave as of November 30 of any year and converted up to 24 hours of the accumulation in excess of the 120 hours to personal leave to use for reasons other than illness.

Sick Leave: Accrued paid leave an employee use for personal illness or to care for an immediate family member as defined in this policy with illness or injury.

Special Situations of Illness and/or Disability: Any injury that arises out of or in the course of employment of an employee who regularly works 30 hours or more each week. Going to and from work will not be considered in the line of duty. (See DJJ 3.28, Injury in the Line of Duty)

Terminal Leave: Accrued annual leave for which payment is due upon an employee's separation from employment for any reason.

III. GENERAL PROCEDURES:

A. This policy applies to classified and unclassified employees with the following exceptions:

1. Part-time salaried employees who work less than twenty (20) hours per week;
2. Temporary and hourly paid employees; and
3. Employees receiving service, disability, or involuntary separation benefits under the Employees' Retirement System of Georgia.

B. Use of Leave:

1. DJJ will not grant an employee the use of annual or sick leave before such leave is earned or converted, as provided for in this policy.
2. Supervisors will not approve the use of leave until all available deferred holiday time and Fair Labor Standards Act (FLSA) compensatory time has been exhausted.
3. Employee absences will be charged as leave only on days that they would otherwise work and receive pay. Prior authorized sick leave will not be reduced because of late openings, early releases, or unanticipated closings that occur during the period of leave.
4. An employee absent on official department business will not be charged leave for a work-related absence.

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5. Except as specified for certain injuries incurred in the line of duty, an employee will not be allowed to use any type of paid leave if he/she receives any form of state funded wage substitutes, including, but not limited to Workers' Compensation.

C. Credit for Leave on Return from Leave of Absence, Furlough or Layoff:

A DJJ employee, upon returning from a leave of absence without pay, furlough, or upon returning to the Department within one year of being laid off by means of a reduction in force, will be given credit for previously accumulated and unused annual and sick leave. The record of forfeited leave at the time of a layoff or at the beginning of the leave of absence will be re-established, but the leave will not be restored to the employee except as provided for in Section VII of this policy.

D. Dual Employment:

In circumstances in which a part-time salaried employee is simultaneously employed in more than one position entitled to earn leave, the employee will, independently in each position, accrue, use, and be compensated for leave in accordance with applicable provisions of this policy. The provisions of this paragraph will not apply if the employee is simultaneously employed in two positions in the same department. If employment is terminated in one, but not both positions, all leave accrual will be combined and available in the remaining position. Employment in another agency is subject to the approval of DJJ (see DJJ 3.16, Other Employment).

E. Credit for Leave upon Transferring to the Department of Juvenile Justice:

1. Provided there is no break in service, an employee transferring from a position entitled to earn leave in another state agency or department to a position entitled to earn leave in DJJ will be given credit for unused annual, sick and personal leave. The record of forfeited leave of an employee transferring to DJJ will be transferred, but such leave will not be restored to the employee except as provided for in this policy.
2. Provided there is no break in service, an employee moving from a position entitled to earn leave in a state authority to a position entitled to earn leave in DJJ will be given credit for unused annual/sick and unpaid annual leave. The employee shall not be given credit for more leave than the employee could have earned had the employee been continuously employed by DJJ. The record of forfeited leave of an employee transferring to DJJ will be transferred, but such leave will not be restored to the employee except as provided for in Section VII of this policy.
3. An employee transferring to DJJ from another agency is not entitled to payment for accumulated annual leave from that agency. If the employee erroneously

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received payment for such leave, the employee will not be permitted to accrue or use annual, sick, or personal leave until the other agency is reimbursed for the erroneous payment. Once DJJ receives confirmation that the reimbursement has occurred, the employee will receive credit with all leave and service time that would have otherwise have accrued to the employee. DJJ will not reimburse an employee for any leave without pay that may have occurred during the period before receiving notification from the other agency.

4. An individual moving from a position with a public school system or the Board of Regents to a position in DJJ will not receive credit for any annual, sick, personal or forfeited leave earned while employed by the public school system or Board of Regents.

IV. ANNUAL LEAVE

A. Annual Leave Accrual:

1. Eligible full-time employees will earn annual leave as follows:
 - a) Employees with up to 60 months (inclusive) of service will earn 5 hours per pay period for a total of 10 hours per month.
 - b) Employees with 61 through 120 (inclusive) months of service will earn 6 hours per pay period for a total of 12 hours per month.
 - c) Employees with 121 or more months of service will earn 7 hours per pay period for a total of 14 hours per month.
2. A full-time employee will earn leave as specified at the end of each pay period, provided that the employee is in pay status for at least 40 hours during the pay period.
3. A part-time salaried employee who works 20 or more hours per week will earn leave as specified at the end of each pay period. The amount of leave earned and the amount of required time in pay status will be prorated by the percentage of time worked. The percentage of worked will be determined by dividing the employee's standard hours by 40.
4. Length of service will be computed from current continuous, unbroken service in a position entitled to earn leave with a state agency or state authority. Time worked with a public school system or Board of Regents is not creditable service for graduated annual leave accumulation.
5. No more than 360 hours of annual leave may be accumulated. Any leave earned in excess of 360 hours at the end of any pay period will be forfeited, but may be restored to the employee as provided in Section VII of this policy.

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B. Use of Annual Leave:

1. Employees may request the use of accrued annual leave for any reason, using the DJJ approved methods to request leave (e.g., Leave Request Form [Attachment A] or through Kronos). Under normal circumstances, an employee will request annual leave as far in advance of the need for such leave as is reasonably possible.
2. Annual leave should be approved in advance by the employee's immediate supervisor, unless an emergency prevents prior approval. Supervisors should make reasonable efforts to promptly respond to and accommodate leave requests, but must consider workloads, work unit coverage, and other job related factors when scheduling leave.
3. Approved annual leave may be rescinded prior to being utilized, if necessary, to ensure necessary work unit and/or work load coverage.
4. Absence without proper approval will be charged to Unauthorized Leave without Pay. (See DJJ 3.67, Leave without Pay and Furlough)
5. Excessive or abusive leave practices (whether it is annual or sick leave abuse) may subject an employee to disciplinary action, up to and including termination.

C. Payment for Accrued Annual Leave When on Leave without Pay:

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.

V. TERMINAL LEAVE:

A. Terminal Leave Pay:

1. When a separation date has been established to permit the employee to be paid terminal leave, the pay status of the employee will not be extended for granting a holiday or unanticipated non-workday occurring after the last day in pay status.
2. When an employee notifies his/her immediate supervisor of his/her intent to leave employment, the employee will not be continued on the payroll in leave with pay status for the purpose of increasing the current salary, increasing the rate of leave accrual or the rate at which accrued leave would be paid. (Example: In December, an employee notifies the agency of intent to resign effective January 15 and requests paid leave for the entire first January pay period. Annual salary increases are scheduled to be awarded effective January.)

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3. DJJ will pay terminal leave for all accrued and unused annual leave that has not been forfeited, not to exceed 360 hours.
4. DJJ will calculate terminal leave pay in accordance with applicable State Personnel Board Rules.
5. An employee who separates from DJJ to accept a position with a state authority or the Board of Regents without a break in service will be paid terminal leave pay not to exceed 360 hours for any annual leave that cannot be transferred with the employee to the new position; provided, however, such payment will not be made except upon satisfactory evidence that the employee cannot receive credit from the new employer for the leave.
6. An employee will not earn any entitlement to compensation for sick leave unused at the time of separation from employment.

VI. SICK LEAVE

A. Sick Leave Accrual:

1. Full-time employee will earn 5 hours of sick leave at the end of each semi-monthly pay period, provided the employee is in pay status for at least 40 hours during the pay period.
2. A part-time salaried employee who works 20 or more hours per week will earn leave as specified at the end of each pay period. The amount of leave earned and the amount of required time in pay status will be prorated by the percentage of time worked. The percentage of worked will be determined by dividing the employee's standard hours by 40.
3. An employee may accumulate no more than 720 hours of sick leave. Any sick leave earned in excess of 720 hours at the end of any month will be forfeited, but may be restored to the employee as provided in Section VII of this policy.

B. Use of Sick Leave:

1. Upon approval of the immediate supervisor, an employee may use accrued sick leave for absences due to the following reasons:
 - a) Personal illness or disability;
 - b) Pregnancy or pregnancy related condition;
 - c) Adoption of a child by the employee where the employee's presence is required for health-related reasons;

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- d) Dental or medical care;
 - e) Illness or accident in the employee's immediate family which requires the employee's presence; or
 - f) Death in the employee's immediate family which requires the employee's presence; however, sick leave used for this purpose will be limited to 40 hours.
2. Employees may request the use of accrued sick leave by using the DJJ approved methods to request leave (e.g., Leave Request Form [Attachment A] or through Kronos). The employee must notify his/her supervisor as soon as the need for sick leave is recognized.
 3. The employee will be required to contact his/her supervisor if there is a need for continued leave prior to the employee making the request by using the DJJ approved methods to request leave.
 4. The employee may be required to furnish evidence satisfactory to the immediate supervisor for the use of accrued sick leave. However, the employee will not be required to provide evidence for the use of fewer than 17 hours of sick leave in any 30 day period unless he/she has demonstrated excessive or abusive use of sick leave. Establishment of a pattern of excessive or abusive use of sick leave will include, but not be limited to, the following indicators:
 - a) Frequent use of sick leave in conjunction with holidays, scheduled off days, or distribution of pay checks;
 - b) Frequent use of sick leave when scheduled for undesirable temporary shifts or assignments, or during periods of peak work load;
 - c) Requesting sick leave for an absence for which annual leave has previously been denied;
 - d) Frequent occurrences of illness during the work day;
 - e) Peculiar and increasingly improbable excuses;
 - f) Repetitive use of fewer than 17 hours of sick leave in 30 day periods; and
 - g) Prior written notification of failure to adhere to procedures for approval of leave, inappropriate attendance, or inappropriate use of leave.

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5. If an employee is ill for 3 workdays or more during a period of annual leave, the period of illness may, upon presentation of satisfactory written evidence, be charged as sick leave. The charges against annual leave will then be reduced accordingly, provided the request for substitution of sick leave for annual leave is filed with the immediate supervisor within 2 weeks after the employee has returned to duty. (See Attachment A, Leave Request Form) No substitution will be allowed for illness that does not last for 3 workdays or more.
6. DJJ will not pay an employee for unused sick leave at the time of separation from employment.

VII. REQUEST FOR RESTORATION OF FORFEITED LEAVE

- A. A written request for restoration of forfeited leave must be submitted to the Director of Human Resources. The request must outline the circumstances supporting the need for such restoration.
- B. In the event of illness or disability that exhausts available paid leave, the Director of Human Resources may restore as much forfeited leave as is required by the circumstances of the illness or disability. This restoration will be limited to the leave forfeited during the current period of employment.
- C. Under qualifying circumstances, forfeited leave may be calculated as creditable service for retirement purposes. For specific information, contact the Employees' Retirement System of Georgia.

VIII. RESTORATION OF DIVESTED SICK LEAVE

- A. Upon returning to state employment and remaining employed for a period of two (2) 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.
- B. 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. An employee who requests to regain previously divested sick leave will be required to present satisfactory evidence of the existence of such leave along with an Application for Restoration of Divested Sick Leave (Attachment B). The agency will determine the appropriate amount of divested sick leave to be restored.

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IX. PERSONAL LEAVE

- A. Employees who have accumulated more than 120 hours of sick leave as of November 30 of any year may convert up to 24 hours of the accumulation in excess of the 120 hours to personal leave.
- B. Personal leave will be available for use by an employee during the calendar year following the year of conversion.
- C. Personal leave may be used by an employee for personal reasons upon approval of the immediate supervisor, who will make every reasonable effort to accommodate requests to utilize personal leave. Personal leave will be requested by using the DJJ approved methods to request leave (e.g., Leave Request Form [Attachment A] or through Kronos). Adequate staffing coverage will take priority over the use of personal leave.
- D. Employees will normally be required to provide 24 hours advance notice of intent to use personal leave.
- E. Employees will be encouraged to use the personal leave throughout the year, as no assurances are made that staffing coverage will allow the use in the last few weeks of the calendar year.
- F. Personal leave will be lost and not restored to the employee if not used by December 31 of the year in which the leave was available to the employee. Employees returning from a leave of absence without pay or furlough after December 31 will not be given credit for previously unused personal leave.
- G. If an employee terminates employment (resignation, dismissal, death, etc.), any unused personal leave balance will be lost and no payment will be made for any unused balance.
- H. Any unused personal leave will not be creditable for calculating retirement benefits.

X. CONFIDENTIALITY

- A. Health information of employees and their family members will be considered confidential. Only Human Resources and Legal Services staff who need this information to perform their job duties will be given access to the information.
- B. Managers, supervisors, and human resources staff will not provide other staff the reason for the absence or any other information regarding the absence. Only the following information will be provided:
 1. The anticipated begin and end dates or anticipated duration of the leave; and
 2. Approval or denial of sick leave has been provided to an employee.

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- C. Health information will be maintained in the employee's health record. (See DJJ 5.9, Records)

XI. LOCAL OPERATING PROCEDURES REQUIRED: No