

<p align="center">GEORGIA DEPARTMENT OF JUVENILE JUSTICE</p>	<p align="center">Transmittal # 17-17</p>	<p align="center">Policy # 3.67</p>
<p>Applicability: {x} All DJJ Staff { } Administration { } Community Services { } Secure Facilities (RYDC's and YDC's)</p>	<p>Related Standards & References: Rules of the State Personnel Board 478-1-.16 (16) Fair Labor Standards Act DJJ 3.65, 3.83</p>	
<p>Chapter 3: PERSONNEL</p>	<p>Effective Date: 12/28/17 Scheduled Review Date: 12/28/18</p>	
<p>Subject: LEAVE WITHOUT PAY AND FURLOUGH</p>	<p>Replaces: 4/1/12 Office of Human Resources</p>	
<p>Attachments: A – Leave Without Pay Request Form B – Attending Physician's Statement of Functional Capability</p>	<p>APPROVED:  _____ Avery D. Niles, Commissioner</p>	

I. POLICY:

Recognizing that employees may need to be absent from duty for personal reasons, the Department of Juvenile Justice may authorize employees to take leave without pay. The Department shall have the sole discretion to determine if the employee will be authorized for leave without pay, based upon the business need of the agency.

During a period of budgetary constraint, the Department may furlough employees in accordance with a plan developed by the Department. If a furlough plan includes classified employees, the plan will also be approved by the Commissioner of the State Personnel Administration prior to implementation.

II. DEFINITIONS:

Contingent Leave: Leave without pay that may be requested by the employee and approved by the agency for no more than 12 continuous months, and leave in which employees are not guaranteed a position upon their return to work.

Furlough: The placement of an employee in a temporary non-pay status by the Department.

Reviewing Manager: The Assistant Commissioner, Deputy Commissioner, facility/office Director, or his/her designee in a functional area/major work unit responsible for recommending approval or disapproval of leave without pay requests. The Commissioner or his/her designee shall serve as the reviewing manager for employees comprising the Commissioner's Office staff, including all Deputy Commissioners and Central Office Directors.

Suitable Vacancy: For the purposes of contingent leave of absence, a position that is specified in writing at the time the leave is granted, is vacant at the time an employee wishes to return to duty, and has no restrictions that must be resolved prior to filling the vacancy.

III. UNAUTHORIZED LEAVE WITHOUT PAY:

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- A. Supervisors may place an employee on unauthorized leave without pay without a specific request from the employee.
- B. An employee who is absent without the approval of his/her immediate supervisor will be placed on unauthorized leave without pay for the period of the absence. After 3 consecutive workdays for unclassified employees or 5 consecutive workdays for classified employees, the employee will be deemed to have voluntarily resigned his/her position and terminated as a presumptive resignation in accordance with DJJ 3.83, Separation from Employment.
- C. Employees who exhibit a pattern of unauthorized absences that do not meet the threshold for a presumptive resignation will be subject to disciplinary action, up to and including dismissal.
- D. The supervisor will immediately notify the local Human Resources representative of any unauthorized absence of a subordinate employee.
- E. Limitations and Special Considerations:

Employees who are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA exempt) may be placed on unauthorized leave without pay for partial day absences and for absences of one day or more, except for disciplinary purposes.

IV. AUTHORIZED LEAVE WITHOUT PAY:

- A. Authorized leave without pay will not be granted until all available annual leave, deferred holiday time, Fair Labor Standards Act (FLSA) and state compensatory time has been exhausted.
- B. Authorized leave without pay will not initially exceed a cumulative total of 12 consecutive months.
- C. Requests for Authorized Leave Without Pay:
 - 1. To request authorized leave without pay, the employee will complete a Leave Without Pay Request Form (Attachment A) and submit it to his/her immediate supervisor as soon as the employee has identified the need for the leave. Requests received other than on the Leave Without Pay Request Form will not be processed. The supervisor will forward the Leave Without Pay Request Form with a recommendation to the reviewing manager.
 - 2. The reviewing manager may require supporting documentation for any request of less than 30 calendar days. Supporting documentation will be required for any request of 30 calendar days or more.
 - 3. Reviewing Managers will consider the following factors when approving

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requests:

- The reason for the request;
- The employee's previous work and attendance records; and
- The nature and volume of the workload at the time of the request.

4. For approved requests for an absence of less than 30 calendar days, the employee will be provided a copy of the approved Leave Without Pay Request Form (Attachment A).
5. For approved requests for an absence of more than 30 calendar days, the employee will be provided with written notice, which will include:
 - The terms and conditions of the approval;
 - The length of time approved and the type of leave granted;
 - A statement that the employee's right to return at the expiration of the leave indicating the specific job title and location.
6. For denied requests, the designated manager will provide the employee with written notification in a timely manner.
7. The Reviewing Manager will forward each approved/denied request to the local Human Resources representative.

D. Extension of Authorized Leave Without Pay:

1. If an employee wishes to request an extension of authorized leave without pay, the employee must file a written request using the steps outlined in Section C above.
2. The Director of Human Resources will issue the final decision for all extension requests.
3. No extensions will exceed 12 additional months.
4. Except for absences due to Military Leave, a continuous leave of absence under any provisions of Department policy will not exceed 24 months.

E. Limitations and Special Considerations:

Employees who are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA exempt) may be placed on authorized leave without pay for partial day absences and for absences of one day or more, except for disciplinary purposes.

F. Failure to Return from Authorized Leave Without Pay:

Any employee who fails to return to duty at the expiration of an authorized leave without pay and who has not received an approved extension of the leave will be

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separated in accordance with DJJ 3.83, Separation from Employment.

G. Return from Authorized Leave Without Pay:

1. At the expiration of an authorized leave of absence without pay, the employee will be reinstated to his/her former position or to a position of equal grade and pay without any loss of rights, provided that the employee complies with the terms and conditions of the leave granted.
2. Employees returning from an authorized leave without pay prior to the approved expiration of the leave must notify the reviewing manager (in writing) of the desired return date.

V. CONTINGENT LEAVE:

- A. Contingent leave will not be granted until all available deferred holiday time and Fair Labor Standards Act (FLSA) compensatory time has been exhausted.
- B. Contingent leave will not initially exceed a cumulative total of 12 consecutive months.
- C. The employee is responsible for requesting contingency leave and any extensions. The Department may end the employee's contingency leave prior to the expiration of the initial 12 months.
- D. The employee is not guaranteed his or her prior position when he or she returns.
- E. Requests for Contingent Leave:
 1. To request contingent leave, the employee will complete a Leave Without Pay Request Form (Attachment A) and submit it to his/her immediate supervisor as soon as the employee has identified the need for the leave. Requests received other than on the Leave Without Pay Request Form will not be processed. The supervisor will forward the Leave Without Pay Request Form with a recommendation to the reviewing manager.
 2. The reviewing manager will consult with the local Human Resources representative regarding the terms and conditions for an approval of a contingent leave request.
 3. Reviewing Managers will consider the following factors when approving requests:
 - The reason for the request;
 - The employee's previous work and attendance records; and
 - The nature and volume of the workload at the time of the request.
 4. The employee will be provided with written notice of the approval or denial of

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the leave request. The notice will include:

- The terms and conditions of the approval;
- The length of time approved and the type of leave granted;
- A statement that the employee's right to return at the expiration of the leave will be contingent upon the availability of a suitable vacancy indicating the specific job title and location.

5. The Reviewing Manager will forward each approved/denied request to the local Human Resources representative.

F. Extension of Contingent Leave:

1. If an employee wishes to request extension of a contingent leave without pay, the employee must file a written request using the steps outlined in Section C above.
2. The Director of Human Resources will issue the final decision for all extension requests.
3. No extensions will exceed 12 additional months.
4. Except for absences due to Military Leave, a continuous leave of absence under any provisions of Department policy will not exceed 24 months.

G. Failure to Return from Contingent Leave:

Any employee who fails to return to duty at the expiration of a contingent leave and who has not received an approved extension of the leave will be separated in accordance with DJJ 3.83, Separation from Employment.

H. Return from Contingent Leave:

1. At the expiration of an approved contingent leave of absence, the employee may be returned to a suitable vacancy, provided that the employee complies with the terms and conditions of the leave granted.
2. The immediate supervisor will require any employee who is on contingent leave because of personal illness or disability and will be returning with limitations to provide an Attending Physician's Statement of Functional Capability Form (Attachment B) that indicates that the employee is able to return to duty and the extent to which the employee is able to perform the essential functions of his/her position.
3. Employees authorized for a contingent leave who wish to return to work must notify the reviewing manager (in writing) of the desired return date. The notice must be given at least 14 calendar days prior to the desired return date.

VI. FURLOUGH:

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- A. For budget reasons, the Department may place employees in temporary non-pay status.
- B. Furloughs of classified employees will be filed with and approved by the Commissioner of Personnel Administration.
- C. No employee will be placed on furlough for more than a total of 30 days in any 12-month period.
- D. Absences due to a furlough will not be charged against accrued annual, sick, or personal leave, or FLSA compensatory time.
- E. Absences due to a furlough will not delay eligibility for salary advances nor are they a break in service.

VII. PERSONNEL/TIMEKEEPING ACTIONS:

- A. The local Human Resources representative must forward a copy of every approved/denied Leave Without Pay Request Form and a Personnel Action Form for each approved request to the Office of Human Resources.
- B. Facilities/offices using the Kronos system must enter a record in that system of any authorized or unauthorized absence.

VIII. LOCAL OPERATING PROCEDURES REQUIRED: NO