



DEPARTMENT OF JUVENILE JUSTICE

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January 14, 2009

DJJ Transmittal # 10-02
Effective February 1, 2010

MEMORANDUM

TO: DJJ Staff

FROM: Albert Murray
Commissioner

A handwritten signature in cursive script that reads 'Albert Murray'.

RE: DJJ 3.60, Annual Leave and Terminal Leave
DJJ 3.61, Sick Leave and Special Situations
DJJ 3.65, Family and Medical Leave
DJJ 3.67, Leave Without Pay and Furlough
DJJ 3.69, Military Member Event Leave
DJJ 3.70, Service Member Caregiver Leave

DJJ 3.60, Annual Leave and Terminal Leave states that the Department shall administer annual leave in accordance with applicable laws, rules, regulations and executive orders. This policy replaces the existing DJJ 3.60, Annual Leave and Terminal Leave. The policy requires local operating procedures for all Department work units. The following changes were made to the policy:

- An employee will not be granted the use of annual leave before such leave is earned, as provided for in this policy. (See Section III.B.1.)
- The use of annual leave will not be approved until all available deferred holiday time and Fair Labor Standards Act (FLSA) compensatory time has been exhausted. (See Section III.C.1.)
- Approved annual leave may be rescinded prior to being utilized to ensure necessary work unit and/or work load coverage. (See Section III.C.7.)
- Provided that there is no break in service, an employee moving from a position entitled to leave in a state authority to a position entitled to earn leave in the Department of Juvenile Justice will be given credit for unused annual leave. (See Section III.D.2.)
- An individual moving from a position with a public school system or the Board of Regents to a position in DJJ will not be given credit for any annual, sick, personal or forfeited leave earned while employed by the public school system or Board of Regents. Time worked with a public school system or the Board of Regents will not be considered as creditable service for graduated annual leave accumulation. (See Section III.D.3.)

DJJ 3.61, Sick Leave and Special Situations, states that the Department shall administer sick leave in accordance with applicable laws, rules, regulations and executive orders. This policy replaces the existing DJJ 3.61, Sick Leave and Special Situations. The policy requires local operating procedures for all Department work units. The following changes were made to the policy:

- An employee will not be granted the use of sick leave before such leave is earned, as provided for in this policy. (See Section III.B.1.)

- The use of sick leave will not be approved until all available deferred holiday time and Fair Labor Standards Act (FLSA) compensatory time has been exhausted. (See Section III.C.1.)
- Section III.C.5. lists the reasons that sick leave can be used.
- Provided that there is no break in service, an employee moving from a position entitled to leave in a state authority to a position entitled to earn leave in DJJ will be given credit for unused sick leave. (See Section III.D.2.)
- Section III.L. lists the conditions for return from a period of illness and/or disability.
- Section III.O. gives guidelines within which the reason for an absence may be discussed with other staff.

DJJ 3.65, Family and Medical Leave This policy replaces the existing DJJ 3.65, Family and Medical Leave. The policy does not require local operating procedures. The following changes were made to the policy:

- Section IV. provides information about requesting family and medical leave.
- Section V. provides information about the designation of leave as family and medical leave.
- Section VI. provides information about how family and medical leave requests will be approved.
- Section VII. provides information about the use of paid or unpaid leave during a period of family and medical leave.
- Section VIII. provides information about returning to work after a period of family and medical leave.
- Section IX. provides the general procedures regarding family and medical leave.

DJJ 3.67, Leave Without Pay and Furlough, states that recognizing that the Department of Juvenile Justice may authorize employees to take leave without pay. The Department may furlough employees in accordance with a plan developed by the Department. This policy replaces the existing DJJ 3.67, Leave Without Pay. The policy does not require local operating procedures. The following changes were made to the policy:

- Supervisors may place an employee on unauthorized leave without pay without a specific request from the employee. (See Section III.A.)
- 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 work days for unclassified employees or 5 consecutive work days for classified employees, the employee will be deemed to have voluntarily resigned his/her position as a presumptive resignation. (See Section III.B.)
- 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. (See Section III.C.)
- The supervisor will immediately notify the local Human Resources representative of any unauthorized absence. (See Section III.D.)
- Any employee who fails to return to duty at the expiration of an approved leave without pay and who has not received an approved extension of the leave will be separated in accordance with DJJ 3.83, Separation from Employment. (See Section III.F.)
- The immediate supervisor will require any employee who is absent from duty because of personal illness or disability and 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. (See Section III.G.)
- Contingent leave will not be granted until all available deferred holiday time and Fair Labor Standards Act (FLSA) compensatory time has been exhausted. (See Section IV.A.)
- Section IV.C.2. describes the request process for contingent leave.
- The Director of Human Resources will issue the final decision for all extension requests. (See Section IV.D.)
- Authorized leave without pay will not be granted until all available deferred holiday time and Fair Labor Standards Act (FLSA) compensatory time has been exhausted. (See Section V.A.)

- Authorized leave without pay will not initially exceed a cumulative total of 12 consecutive months. (See Section V.B.)
- Sections V.C. describes the request process for authorized leave without pay and Section V.D. describes the extension process for leave without pay.
- The immediate supervisor will require any employee who is absent from duty because of personal illness or disability and 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. (See Section V.G.1.)

DJJ 3.69, Military Member Event Leave, states that the Department of Juvenile Justice shall provide a maximum of 12 weeks of job-protected leave during a 12 month period to eligible employees for a qualifying event. This is a new policy. The policy does not require local operating procedures.

DJJ 3.70, Service Member Caregiver Leave, states that the Department of Juvenile Justice shall provide a maximum of 26 weeks of job-protected leave during a 12 month period to eligible employees to care for a service member who is recovering from a serious injury or illness incurred in the line of military duty. This is a new policy. The policy does not require local operating procedures.

INSTRUCTIONS:

DJJ Policy Manual

Remove the following policies from the policy manual

- DJJ 3.60, Annual Leave and Terminal Leave
- DJJ 3.61, Sick Leave and Special Situations
- DJJ 3.65, Family and Medical Leave
- DJJ 3.67, Leave Without Pay

Place the following new policies in the policy manual

- DJJ 3.60, Annual Leave and Terminal Leave
- DJJ 3.61, Sick Leave and Special Situations
- DJJ 3.65, Family and Medical Leave
- DJJ 3.67, Leave Without Pay and Furlough
- DJJ 3.69, Military Member Event Leave
- DJJ 3.70, Service Member Caregiver Leave

Make the proper notations