

GEORGIA DEPARTMENT OF CORRECTIONS

Standard Operating Procedures

Functional Area: Support Services/Personnel	Reference Number: IVO06-0009	Revises Previous Effective Date: 07/01/03
Subject: Suspension Without Pay		
Authority: Owens/Schofield	Effective Date: 3/15/09	Page 1 of 6

I. POLICY:

A full-time employee of the Georgia Department of Corrections (GDC), upon written notice, may be placed on suspension without pay.

II. APPLICABILITY:

All full-time employees of the Georgia Department of Corrections.

III. RELATED DIRECTIVES:

- A. State Personnel Board Rules
 - Rule 8, Political Activity
 - Rule 15, Changes to Employment Status
 - Rule 24, Rules for Classified Employees
- B. GDC Standard Operating Procedures
 - IVO06-0008, Suspensions With Pay
 - IVO15-0011, Random Drug Testing
 - IVO15-0012, Reasonable Suspicion Drug Testing
 - SOP IVO20-0001, Adverse Actions (Classified Employees)
 - SOP IVO20-0002, Adverse Actions (Unclassified Employees)

IV. DEFINITIONS:

None

V. ATTACHMENTS:

None

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VI. PROCEDURE:

A. A full-time employee of the Georgia Department of Corrections may be placed on suspension without pay for the reasons outlined below:

1. A suspension without pay for disciplinary purposes should be proportional to the offense and shall not exceed 30 calendar days for any one offense, or for multiple offenses arising out of the same incident as provided for in Rule 15 of the Rules of the State Personnel Board. A full-time employee may be suspended for **disciplinary** purposes because of:

- a. negligence or inefficiency in performing assigned duties;
- b. inability or unfitness to perform assigned duties;
- c. insubordination, misconduct, and/or conduct reflecting discredit on the Department;
- d. commission of a felony or other crime involving moral turpitude;
- e. chronic tardiness or absenteeism;
- f. failure to report for or remain at work without justifiable cause;
- g. failure to process performance appraisals in a timely manner; or
- h. political activity in violation of State Personnel Board Rule 3.

2. A full-time employee may be suspended without pay during a period of pending **criminal court action**. This suspension without pay should occur only when such pending criminal action may deter the employee's effectiveness in employment.

- a. A suspension without pay for pending criminal court action shall not exceed the period of time necessary for the disposition of the action.

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- b. At the end of a period of suspension without pay for pending criminal action, the employee shall be returned to duty or terminated in accordance with State Personnel Board Rules and/or agency policies and procedures.
 - c. If the disposition of the criminal action does not include any penalty to the employee, the suspended employee must be reinstated in accordance with State Personnel Board Rule 15 and/or agency policies and procedures.
3. Failure to secure or maintain a license, certificate, or permit required by any law, or applicable regulation, or rule, policy or requirement of the appointing authority.
 4. An unclassified employee who tests positive during a random drug test procedure for the presence of one or more illegal drugs shall immediately be placed on suspension without pay. If an unclassified employee is notified of positive drug test results by the Medical Review Officer, and self-reports the results (to the Appointing Authority) but does not submit a resignation, he/she shall also immediately be placed on suspension without pay. The suspension without pay shall end upon receipt of the official laboratory report and State Personnel Administration notice.

Note: Exempt Employees: Suspension without pay of less than five work days (in a 7-day work week), of employees who are exempt from the Fair Labor Standards Act (FLSA) are not permissible. Suspension without pay for disciplinary reasons for exempt employees must be in increments of 7 days (7/14/21) depending on the severity of the offense.

B. Notification Process

1. **Classified Employees:** The Appointing Authority must give a classified employee written notice of the proposed suspension without pay, at least 15 calendar days prior to the effective date of the action, except in an emergency situation as set forth in State Personnel Board Rule 24. To invoke

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Rule 24, the Appointing Authority must consult with the Director, Human Resources.

a. The notice of proposed suspension without pay must include the following:

- 1) The effective date (and duration, if applicable) of the action. Also included is a statement of the notice period. This period must be at least 15 calendar days from the date of the proposed action. It must also be presented to, or received by the employee, or properly delivered to the employee's last known address;
- 2) The specific charges or reasons for the suspension without pay;
- 3) A statement advising that the employee has a right to respond to the Commissioner's Designee for Adverse Actions pertaining to the charges or reasons within 10 calendar days from the date the notice of proposed adverse action is received. The employee may respond in writing, appear before the Commissioner's Designee at an agreed upon time during regular business hours within the response period, or both.
- 4) A statement advising the employee that a failure to respond to the charges during the response period will result in the action being effective on the date specified without further notice; and,
- 5) A warning that failure to respond by the date set forth in the notice will result in a waiver of all further appeal rights, including any appeal to the State Personnel Board.

2. **Unclassified Employees**: For a suspension without pay, the Appointing Authority must give an unclassified employee written notice of the suspension without pay, at least 24 hours prior to the effective date of the action, except upon

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notification of positive drug test results or in an emergency situation. If an emergency situation occurs which does not allow for 24 hour notice, the Appointing Authority must consult with the Director, Human Resources.

a. The notice of suspension without pay must include the following:

- 1) The effective date of the suspension which must be at least 24 hours after the date that the notice of the action is presented to, or properly delivered to the employee's last known address unless due to positive drug test or emergency situation as stated above;
 - 2) The specific charges or reasons for the suspension without pay;
 - 3) If the suspension without pay is for pending criminal charges, the statement must advise the unclassified employee that they may be separated from employment after a 30-day period, if the charges for which the suspension are proposed are not resolved.
 - 4) A statement advising that the employee has a right to request a review to the Commissioner's Designee for Adverse Action pertaining to the charges or reasons within five business days from the date that the notice of adverse action is received. The employee may respond in writing, appear before the Commissioner's Designee at an agreed time during regular business hours within the response period, or both. However, suspension without pay due to pending receipt of official notification of positive drug test results shall not include a review process until termination.
5. To place an employee on suspension without pay, the appropriate Personnel/Personnel Action Request (PAR)

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Form must be submitted to the Central Personnel Administration (CPA) Adverse Action Coordinator for processing:

- a. **SUS/CCA - Pending Criminal Court Action**
 - b. **SUS/DAC - Disciplinary Action**
 - c. **SUS/DAC - Pending Receipt of Official Notification of Positive Drug Test Results**
- B. A copy of the written notice to the employee must be attached to the PAR Form submitted to CPA Adverse Action Coordinator for processing.
- C. Return from Suspension Without Pay**
1. Classified employees who are suspended for criminal court action and are found not guilty of the charges shall immediately be returned to pay status in accordance with Rule 24 of the Rules of the State Personnel Board. Any wages due to the employee from this period of suspension without pay shall immediately be issued once the employee has provided proof of wages earned while on suspension without pay.
 2. Classified employees who are suspended without pay for disciplinary reasons as outlined in Rule 24 of the Rules of the State Personnel Board shall not be entitled to any compensation upon return to pay status.
 3. Unclassified employees who are suspended for criminal court action and are found not guilty of the charges shall immediately be returned to pay status in accordance with Rule 15 of the Rules of the State Personnel Board. Any wages that would have been earned during this maximum 30-day period of suspension without pay are awarded.
 4. To return an employee from suspension without pay, the appropriate Personnel/Personnel Action Request (PAR) Form must be submitted to the Central

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Personnel Administration (CPA) Adverse Action
Coordinator for processing:

a. **REC/SUS - Recall from Suspension**