

<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Administrative Leave		
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**I. Introduction and Summary:**

State Law and the State Personnel Board Rules (SPBR) provide paid administrative leave to eligible salaried employees for only the activities listed in this Standard Operating Procedure (SOP). Such leave is in addition to, and not charged against, an employee's accrued leave.

**II. Authority:**

- A. O.C.G.A. §§45-20-30, 45-20-31, 38-3-90, and 21-2-404;
- B. SPBR: 478-1-.16 Absence from Work;
- C. Department of Administrative Services and the Office of Planning and Budget: Statewide Policy Number 7 - Rules, Regulations and Procedures Governing Working Hours, the Payment of Overtime, and the Granting of Compensatory Time; and
- D. Georgia Department of Corrections SOPs: 104.37 Working Hours, Overtime, & Compensatory Time (FLSA), and 104.01 Delegation of Authority.

**III. Definitions:**

**Appointing Authority** - The Commissioner is the Department's Appointing Authority in accordance with state law and the Rules of the State Personnel Board (SPB). SPB Rules permit the Appointing Authority to delegate certain responsibilities to others within the agency. For this SOP, the term Appointing Authority refers to both the Commissioner and those to whom the Commissioner has delegated certain Appointing Authority responsibilities as outlined in SOP 104.01, Delegation of Authority.

**IV. Statement of Policy and Applicable Procedures:**

This policy is applicable to all facilities, offices, units and sections of the Georgia Department of Corrections (GDC).

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- A. **Absence Due to Emergency - Office Closures:** When the Governor, or an agency upon delegated authority by the Governor, closes an office or facility because of weather conditions or other emergency circumstances, affected employees are excused from duty without loss of pay. Employees who are not directly affected by an emergency office closure will not be excused from work. Employees considered directly affected by a closure:
1. Employees who were scheduled to work in an affected area during an emergency office closure are considered affected by the closure.
  2. Non-temporary salaried employees affected by the closure are paid for the scheduled work time they do not work because of the closure. This paid time off is not charged against their accrued leave.
  3. The following employees are not eligible for compensation for absences due to emergency closure:
    - a. Unaffected employees;
    - b. All temporary employees;
    - c. All hourly employees; and
    - d. 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.
  4. Employees considered unaffected by the closure: Employees who were not scheduled to work in an affected area during an emergency office closure are considered unaffected by the closure. Employees scheduled to use leave or compensatory time during an emergency office closure will be charged for that pre-approved leave or compensatory time because they are considered unaffected by the closure.

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- a. Essential Staff: The Commissioner may determine that it is essential to continue certain functions during an emergency office closure. Employees whose functions are deemed essential may be required to work, rather than being excused from duty.
- b. Essential Staff will be compensated as usual for the time worked during their normal work schedule and do not have any right to additional absence or compensation for this time as a result of paid absence authorized for nonessential staff.
- c. Essential Staff who are required to work additional time because of an office or facility closing will be compensated in accordance with the provisions of Department of Administrative Services and the Office of Planning and Budget Statewide Policy Number 7 – Rules, Regulations and Procedures Governing Working Hours, the Payment of Overtime and the Granting of Compensatory Time.
- d. If an employee is absent from duty because of severe weather conditions or other emergencies that do not cause her/his office or facility to close, the agency may permit the employee to:
  - i. Make up time lost from work. In order to comply with the Fair Labor Standards Act, a non-exempt employee must make up time during the same workweek as the time lost;
  - ii. Charge the period of absence to accrued compensatory time;
  - iii. Charge the period of absence to accrued annual leave;
  - iv. Charge the period of absence to personal leave;
  - v. Charge the period of absence to deferred holiday time;
  - vi. Telework (if determined appropriate by the agency); or

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vii. If none of the above options are available, place the employee on leave without pay for the period of absence. Employees with isolated/individual emergencies may request to use leave, at the discretion of the Appointing Authority.

**B. Blood Donation Leave:**

1. Each employee will be allowed a leave of absence, without loss of pay, of not more than eight (8) hours in each calendar year, for donating blood. The employee is allowed up to two (2) hours per donation, four (4) times per calendar year.
2. An eligibility exception applies to active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia. Such employees are not eligible for blood donation leave while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.
3. The Appointing Authority may specify the hours during which the employee may be absent. All time (including travel, processing, and personal recovery time) spent away from their normal duties will be included in the employee's total "blood donation time". An employee, who does not use the time allowed at the time of each donation, does not accrue any right to subsequent absence or payment.

**C. Bone Marrow Donation Leave:** A leave of absence with pay for seven (7) calendar days will be granted to employees who donate bone marrow for transplantation.

**NOTE:** An eligibility exception applies to active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia. Such employees are not eligible for bone marrow donation leave while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year.

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1. Employees requesting leave to donate bone marrow must provide to their Appointing Authority a statement from the medical practitioner performing the transplant or from the hospital administrator. This statement must certify that the employee is donating bone marrow for transplantation.
  2. If the bone marrow donation does not take place, any absence will be charged to accrued leave, personal leave, compensatory time or leave without pay.
- D. Organ Donation Leave: A leave of absence with pay for thirty (30) calendar days will be granted to non-temporary salaried employees who donate an organ for transplantation.

**NOTE:** An eligibility exception applies to active, salaried, non-temporary employees who are rehired retirees of the Employees' Retirement System of Georgia. Such employees are not eligible for organ donation leave while receiving retirement annuity payments during the first 1,040 hours of performed in the calendar year.

1. For purposes of this policy, 'organ' means a human organ, including an eye, which can be transferred from the body of one person to the body of another.
  2. Employees requesting leave to donate an organ must provide to their Appointing Authority a statement from the medical practitioner performing the transplant or from the hospital administrator. This statement must certify that the employee is donating an organ for transplantation.
  3. If the organ donation does not take place, any absence will be charged to accrued leave, personal leave, compensatory time or leave without pay.
- E. Court Leave: Court Leave is defined as leave granted to an eligible employee without loss of pay or time and without effect on any report of performance, on days during which he or she is subpoenaed by federal, state or local courts to serve as a juror or witness. The employee must have no personal or familial interest in the proceedings to be considered on court leave with pay. Employees may be allowed, by taking other leave, to be excused from work for personal or familial

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involvement in legal issues. Employees requesting court leave will be required to provide advanced notice of an absence related to court leave.

1. Guidelines:
  - a. The time allowed for Court Leave with pay will include the time that the employee's presence is required by the court and such additional time as is reasonably necessary, in the opinion of the Appointing Authority, for the employee to prepare for or recuperate from the court duty. The Appointing Authority will designate whether the employee is relieved from duty or expected to report back to duty for each work day of the required court appearance.
  - b. An employee will not be discharged, disciplined, or otherwise penalized because the employee is absent from employment for attending a judicial proceeding in response to a subpoena, summons for jury duty or other court order or process that requires the employee's attendance at the judicial proceeding.
  - c. An employee will not be granted Court Leave with pay for any case or proceeding in which the employee is a litigant, defendant or other principal party, if the employee has been charged with a crime, or if the employee has any other personal or familial interest in the proceedings.
  - d. An employee will be on a management excused absence and will designate the full duty day absence as such by recording Court Leave in Absence Management. Court Leave keeps the employee in pay status with no further time credits or deductions.
  
2. Process to Request Court Leave with Pay and Account for Court Leave Time:
  - a. The Appointing Authority will require the employee to submit a copy of the subpoena, summons for jury duty, or other court order or paperwork. The employee will request leave appropriately as a prerequisite for approval of Court Leave with pay. The employee must indicate whether or

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not he or she has personal or familial interest in the proceedings. Any personal or familial interest in a proceeding will require Appointing Authority approval for taking other leave.

- b. Appropriate certification of court service may also be required.
  - c. The Appointing Authority may authorize schedule adjustments for 3rd shift employees for attendance at morning judicial proceedings.
  - d. Absences designated as Court Leave should be recorded in PeopleSoft in Absence History.
  - e. The amount of court leave as a full duty day appearance will not exceed the employee's regularly-scheduled work day. The Appointing Authority must designate whether the employee is relieved from state duty for the entire or partial amounts of the normal duty day while appearing in court.
  - f. When the Appointing Authority instructs an employee to return to work from non-employer-related Court Leave with pay which requires the employee's presence for only a partial amount of the normal duty day, the supervisor must ensure that this employee either reports back to work or obtains necessary approval for other leave.
  - g. An employee may retain all juror and travel fees from the court system for serving as juror (when not representing the State).
3. An employee may retain all monetary reimbursement payment for serving as witness to a crime, illegal act, or appropriate legal argument in which he or she has no personal or familial interest (when not representing the State).
- F. Voting Leave: Employees are encouraged 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.

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1. Eligibility for Voting Leave:

- 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.
- d. 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.
- e. For those employees not eligible for voting leave, Appointing Authorities have the discretion to arrange flexible work schedules for voting purposes. Appointing Authorities 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.
- f. Appointing Authorities may allow employees paid voting leave on early voting days if it determines that doing so minimally disrupts normal operations.
- g. 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 department operations.



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G. Education Support Leave: Refer to SOP 104.39.14, Education Support Leave.

H. Disaster Volunteer Leave: Employees who are certified disaster service volunteers of the American Red Cross are eligible for leave with pay in order to participate in specialized disaster relief activities based on the following conditions:

1. The disaster must have been declared by the President or a State Governor and must be within Georgia or in a neighboring state with a reciprocal agreement.
2. The American Red Cross must request the employee's services.
3. Employees must submit a written request for Disaster Volunteer Leave along with supporting documentation from the American Red Cross. Requests will be reviewed on a case-by-case basis and either approved or denied by the Appointing Authority, based on the documentation.
4. Disaster volunteer leave may be granted for up to 120 hours in any twelve (12) month period and will not be charged against annual, sick or personal leave, or accrued compensatory time.
5. The local Human Resource Representative must complete and submit a Request for Enrollment in Additional Leave Plan(s) to enroll the employee in the Disaster Volunteer Leave Plan. Disaster Volunteer Leave will be deducted by the local HR Technician.
6. 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 or leave without pay, in accordance with applicable procedures.
7. All temporary employees, hourly employees, and active, salaried, non-temporary employees who are rehired retirees of the Employee's Retirement System of Georgia while receiving retirement annuity payments during the first 1,040 hours of work performed in the calendar year are not eligible for disaster volunteer leave.

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I. Line-of-Duty Injury Leave (Special Injury Leave): Refer to SOP 104.39.03, Injury Leave with Pay.

J. Leave for Contracting TB or infectious Hepatitis:

1. A non-temporary salaried employee who contracts tuberculosis or infectious hepatitis while charged with the care, treatment, or diagnosis of a person infected with tuberculosis or infectious hepatitis, and who has exhausted all available sick and annual leave will be granted a paid leave of absence of one-half her/his total compensation or \$150 per month, whichever is less, for the duration of the disability due to the tuberculosis or infectious hepatitis, not to exceed 350 weeks.
2. All temporary employees, hourly employees, and 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 are not eligible for paid leave for contracting TB or hepatitis on the job.
3. An employee receiving leave under this special situation will be given credit for all salary adjustments and advancements, which would have been received had the employee remained in the same position with the same capacity and status held at the time the leave was granted.

K. Military Leave: Refer to SOP 104.39.05, Military Leave.

V. **Attachments:** None.

VI. **Record Retention of Forms Relevant to this Policy:** None.