



**Office of Human Resources  
Standard Operating Procedure  
HR SOP #602**

**Subject:** Sick Leave

**Effective Date:** December 16, 2016

**Policy Statement:**

Sick leave may be earned by eligible employees each pay period and may be used after proper request has been made by the employee and upon approval of the Leave Approving Authority.

**Definitions:**

**Leave Approving Authority:** Managers and supervisors designated by the Appointing Authority to approve leave.

**Eligible Employees:** Employees who are non-temporary salaried employees who are regularly scheduled to work twenty or more hours a week.

**Immediate Family:** The employee's spouse, child, parent, grandparent, grandchild, brother and sister, including active step and in-law relationships. 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.

**Non-eligible Employees:** 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 1040 hours of work performed in the calendar year.

**Sick Leave:** Leave earned by eligible employees that is accrued and may be taken in accordance with this procedure.

**Procedure:**

**Accrual:**

Sick leave is accrued each pay period and credited to the employee at the end of the pay period.

Full-time employees, paid on a semi-monthly basis, will accrue five hours of sick leave at the end of each pay period, provided the employee is in pay status for at least forty hours during the pay period.

Eligible employees, who are regularly scheduled to work at least twenty hours per week but fewer than forty hours per week, accrue sick leave at a prorated rate. Accrued leave is not available for use until the first day (1<sup>st</sup> and 16<sup>th</sup>) of the next pay period.

An employee may accrue up to 720 hours of sick leave. Any balance in excess of 720 is forfeited at the end of each month.

### Usage:

An employee may use accrued sick leave for any absence due to:

- Personal illness, injury or disability;
- Dental or medical care;
- Adoption of a child by an employee where the employee's presence is required for health-related reasons;
- Illness, injury or disability in the employee's immediate family which requires the employee's presence;
- Death in the employee's immediate family which requires the employee's presence; however, sick leave used for this purpose shall be limited to five work days or the equivalent of a workweek. For an absence extending more than the maximum allowed as sick leave, other accumulated leave may be used if it is requested and approved as per this procedure; or
- Exposure to a contagious disease to avoid risk of exposure to others.

**NOTE:** An employee may not use sick leave before it is actually earned.

### Request:

Employees with accrued FLSA compensatory time or Holiday Deferral time must use leave from those balances prior to requesting the use of sick leave.

An employee must request sick leave using the Employee Request for Leave (Attachment 1) or for EPD employees only, the Environmental Protection Division Employee Request for Leave (Attachment 2) in accordance with their Division's leave practices. The employee will receive approval/disapproval from their supervisor.

The Leave Approving Authority is responsible for reviewing the request prior to approving or disapproving sick leave.

The use of sick leave is not an entitlement. Final approval/disapproval for the use of sick leave remains with the designated Leave Approving Authority.

Sick leave for routine examinations or foreseeable eligible absences should be requested and approved in advance. In emergency or unplanned situations, the Leave Approving Authority will determine whether the absence will be charged to sick leave or leave without pay.

Unplanned absences should not be approved over the telephone. The employee should be told the absence will be noted but approval must be obtained from the supervisor upon return to work.

Sick leave for dental and medical appointments should be limited to reasonable time necessary for travel and treatment.

The employee is expected to return to work as scheduled at the expiration of the approved absence. If an extension is desired, the employee must follow the procedure for request and approval of leave. Failure to obtain approval for additional time off may result in disciplinary action or separation from employment.

The amount of sick leave charged to an employee for a full day's absence must equal the length of their work day/shift (i.e., 8 hours, 9 hours, 10 hours, etc.) or the amount needed to meet their scheduled hours for the work period.

Employees engaged in secondary employment while on sick leave are subject to the terms of DNR Standard Operating Procedure, **HR203**, *Secondary Employment*.

#### Disapproval:

Sick leave may be disapproved for reasons including, but not limited to, the following:

- Excessive or abusive use of sick leave;
- Failure to follow proper procedures in reporting the absence or requesting the use of sick leave; or
- Falsification of documents (e.g., Employee Request for Leave, physician's statements).

If a request for absence is denied the employee is expected to work as scheduled. Failure to do so might result in leave without pay and/or other employment action deemed appropriate by the agency, up to and including termination of employment.

#### Sick Leave Abuse:

A pattern of intermittent, short-term usage should be evaluated by the Leave Approving Authority in approving/disapproving those requests. Establishment of this pattern will include, but is not limited to, the following indicators:

- Frequent requests for sick leave in conjunction with holidays, scheduled off days, or pay days;
- Frequent requests for sick leave when scheduled for undesirable assignments, or during periods of peak workload;
- Requesting sick leave for an absence for which other paid leave has previously been denied;
- Frequent occurrences of illness during the work day;
- Peculiar and increasingly improbable excuses;
- Repetitive use of less than seventeen hours of sick leave in 30-day periods; or

- Prior written notification of failure to adhere to procedures for approval of leave, inappropriate attendance, or inappropriate use of leave.

The presentation of a doctor's excuse does not preclude or override the Leave Approving Authority's discretion to approve or disapprove sick leave. Situations where a Leave Approving Authority contemplates such an override are to be discussed with the HR Director.

The Leave Approving Authority *may* require an employee using sick leave:

- To report to the designated supervisor each day by telephone; and/or
- To furnish satisfactory evidence for the use of sick leave.

Employees with short-term disability insurance through the State of Georgia benefit plan cannot receive disability benefits and sick or donated leave at the same time. Sick leave or other types of leave may be used during the waiting period for disability benefits to begin.

### Family and Medical Leave (FML):

The Department requires that employees requiring absences due to an illness or injury that causes incapacity of more than three consecutive calendar days and that warrants continuing treatment by a health care provider also apply for FML (see SOP **HR608**, *Family and Medical Leave*).

Continuing treatment is defined as:

- Treatment two or more times by a health care provider; or
- Treatments by a health care provider on at least one occasion that result in a regimen of continuing treatment.

Employees cannot use sick leave for the purpose of FML associated with bonding following the birth or adoption of a child, or for placement of a child in foster care.

### Exhaustion of All Paid Leave:

When a qualified absence due to illness, injury or disability extends beyond the exhaustion of all accrued sick and personal leave, additional time may, upon approval of the Leave Approving Authority, be charged to accrued annual leave, deferred holiday time and/or compensatory time. Upon exhaustion of accrued sick, personal, and annual leave, deferred holiday time and compensatory time, an unpaid leave of absence may be granted. Employees should submit an Employee Request for Leave (Attachment 1 or 2) for unpaid absences of ten work days or less. For longer unpaid absences, include a written request explaining the reason for the need for unpaid leave through the Division management structure. The period of unpaid leave granted will be determined on a case-by-case basis. See SOP **HR605**, *Leave Without Pay*.

If eligible, employees may solicit leave donations in accordance with the Department Leave Donation Program (see SOP **HR609**, *Donated Leave*).

### Special Circumstances:

If an employee is sick for three work days or more during a period of annual leave usage, the period of illness may, upon presentation of satisfactory written evidence, be charged to sick

leave. The charges against annual leave will then be reduced accordingly, provided that the request for substitution of sick leave for annual leave is filed with the Leave Approving Authority within two weeks after the employee has returned to duty. No such substitution will be allowed for an illness lasting less than three work days.

An employee will not be allowed to use accrued leave for absences due to an accidental injury, or occupational disease while receiving benefits from Workers' Compensation unless the employee elects, in writing, to use accrued leave in lieu of Workers' Compensation benefits.

Employees with disability insurance through the State of Georgia benefit plan cannot receive disability benefits and sick or donated leave at the same time. Sick leave or other types of leave may be using during the waiting period for disability benefits to begin.

### Forfeiture and Restoration of Sick Leave:

Forfeited leave may be restored under the following conditions:

- Employee has exhausted all accumulated paid leave and compensatory time;
- Employee must be absent due to a personal or immediate family medical condition;
- Restoration is limited to the amount required by the medical condition;
- Restoration is limited to leave forfeited during the current period of employment; and
- Request for restoration of forfeited leave must be submitted to the DNR HR Director through the employee's Division Management Team. The request must be in memo form and must include the employee's name, employee ID, amount of leave requested, and the reason for the request.

The DNR HR Director will make the final determination and notify the Division HR Representative.

### Transferring Sick Leave:

When an employee transfers to another state agency, all leave must be entered prior to the employee being transferred.

Division HR Representatives:

- Must notify the Office of Human Resources (OHR) Transactions Unit when all leave usage has been entered;
- Should certify the accuracy of the final leave balances in the comments section of the transfer Personnel Action Request Form, when possible; and
- Must email leave certifications to OHR.

Leave balances to be transferred between Executive Branch agencies using TeamWorks will be the certified balances in TeamWorks. OHR will provide certification of leave balances to the HR offices of non-TeamWorks agencies, upon request. OHR will make adjustments in TeamWorks for non-TeamWorks agencies when leave is transferred.

OHR and the HR offices of non-Executive Branch State government entities will communicate when leave transfer is possible, as noted in the following chart, to determine if any leave will transfer. OHR will make adjustments in TeamWorks for non-Executive Branch government entities that do not use PeopleSoft when leave is transferred.

Sick Leave *may* be transferred to or from the Department of Natural Resources when an employee transfers to or from a State government entity without a break in service from a position entitled to accrue leave to a position entitled to accrue leave. Sick leave will be transferred in accordance with the chart below:

Organization that Sick Leave Transfers From	Organization that Sick Leave Transfers To	Conditions
Executive Branch Agency	DNR	Leave will transfer without conditions.
DNR	Executive Branch Agency	Leave will transfer without conditions.
Legislative or Judicial Branch Agency	DNR	Leave will transfer only when the losing and receiving organizations have the same leave accrual.
DNR	Legislative or Judicial Branch Agency	Leave will transfer to the extent that the receiving agency agrees to accept the transfer.
Board of Regents	DNR	Leave will not transfer.
DNR	Board of Regents	Leave will transfer to the extent that the receiving agency agrees to accept the transfer.
State Authorities	DNR	Leave will transfer only when the losing and receiving organizations have the same leave accrual program.
DNR	State Authorities	Leave will transfer to the extent that the receiving agency agrees to accept the transfer.
Community Service Boards, County Boards of Health, & Board of Health Community Operated Programs	DNR	Leave will not transfer.
DNR	Community Service Boards, County Boards of Health, & Board of Health Community Operated Programs	Leave will transfer to the extent that the receiving agency agrees to accept the transfer.

### Separation from State Employment:

Sick leave is never paid when an employee is separated from employment with any state agency.

At the time of retirement, all accrued sick leave, forfeited sick leave and forfeited annual leave (if the leave totals at least 960 hours) may be applied to the Employees' Retirement System calculations for an individual's creditable service.

### Restoring Previously Accumulated Sick Leave (from Previous Employment):

Former employees, who return to a leave-earning position on or after July 1, 2003, and who remain in service for a period of two consecutive years, may request that previously accumulated sick leave, lost as a result of withdrawal from employment with the state, be restored for use. Only leave from the most recent separation will be restored.

The eligible employee must submit a written request to the DNR HR Director, including the employee's name, employee ID, and an official certification from the previous employer (State Agency) certifying the amount of unused sick leave that the employee had at the time of separation. **Note:** EPD employees must route their request through the EPD Division Director's Office. OHR will attempt to determine the sick leave balance if the employee cannot provide documentation but it is the employee's responsibility to provide written documentation, when possible. If official certification or other documentation cannot be provided, and the balance is not in PeopleSoft, the previously accumulated sick leave will not be restored to the employee.

OHR will enter the amount of restored sick leave into TeamWorks for use as provided in this procedure. After the allowed restoration of previously accumulated sick leave, the employee's sick leave balance may not exceed 720 hours. Any remaining balance of restored sick leave will be credited to the employee's current forfeited leave balance.

### **Attachments:**

Attachment 1 – *Employee Request for Leave*

Attachment 2 – *Environmental Protection Division Employee Request for Leave*