

**Policy:** 2230-4- Sick Leave

**Section:** Leave and Holidays

**Office/Department:** Division of Human Resources

**Reports To:** Division of Admin/General Counsel

**Contact:** 404-631-1000

### DEFINITION:

Sick leave is leave with pay earned by employees of the Georgia Department of Transportation (GDOT) for periods of absence due to personal or family medical necessity.

### ACCRUAL:

An eligible full-time employee (see [2230-1](#)) shall earn sick leave at the rate of five (5) hours per semi-monthly pay period regardless of length of service.

An eligible part-time employee (see [2230-1](#)) who works twenty hours or more per week shall earn sick leave at the appropriate rate prorated by the percentage of time worked. The percentage of time worked shall be determined by dividing the employee's standard hours by forty (40).

Leave shall be earned at the end of each pay period provided:

- A full time employee is in pay status for forty (40) hours or more during the pay period.
- A part-time employee is in pay status an appropriate number of hours during the pay period (e.g., forty (40) hours prorated by the percentage of time worked).

**Accrual Limitations:** Sick leave shall be cumulative for not more than 720 hours. Any leave earned in excess of 720 hours is forfeited but may be restored to the employee as provided in the Restoration of Forfeited Leave section of this policy.

### RECOVERY OF PREVIOUSLY FORFEITED LEAVE:

Any employee of a state agency who lost accumulated sick leave as a result of separation from employment and who returns to employment with a state agency on or after July 1, 2003 shall be entitled to regain such divested sick leave after the employee remains in service for a period of two consecutive years. Any leave forfeited prior to the separation from employment shall **NOT** be restored. An employee who requests to regain previously divested sick leave will be required to present satisfactory evidence of the existence of such leave along with an Application for Restoration of Divested Sick Leave (DOT 4180). (Official Code of Georgia, Unannotated (O.C.G.U.) [Section 45-20-16](#))

### USE OF SICK LEAVE:

Sick leave may be used only upon approval of the appropriate supervisor and only for:

- Absence due to personal illness or disability;

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**Date Last Reviewed:** 3/5/2024

- Absence necessitated by exposure to contagious disease by reason of which exposure the health of others would be endangered by the employee's attendance on duty;
- Absence for dental or medical care; and,
- Absence due to dental care or medical care, illness, accident or death in the employee's immediate family which requires the employee's presence.

**NOTE:** An employee may use up to five (5) days of sick leave for an absence due to death in the employee's immediate family. Any additional period of absence shall be charged to available annual leave, personal leave or compensatory time or as leave without pay.

#### **IMMEDIATE FAMILY:**

Immediate family means an 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.

#### **APPROVAL OF SICK LEAVE:**

An employee may be required to report each day by telephone to the appropriate supervisor and to furnish evidence satisfactory to the supervisor for the use of accrued sick leave. The employee, however, shall not be required to provide such evidence for the use of less than seventeen (17) hours of sick leave in any thirty (30) day period unless the employee has demonstrated excessive or abusive use of sick leave. Excessive or abusive use of sick leave shall be defined as a pattern of intermittent, short term usage. Establishment of this pattern shall include, but not be limited to, the following indicators:

- Frequent use of sick leave in conjunction with holidays, scheduled off days, or distribution of paychecks;
- Frequent use of sick leave when scheduled for undesirable temporary shifts or assignments, or during periods of peak work load;
- Requesting sick leave for an absence for which annual leave has previously been denied;
- Frequent occurrences of illness during the work day;
- Peculiar and increasingly improbable excuses;
- Repetitive use of less than seventeen (17) hours of sick leave in thirty (30) day periods;
- Prior written notification of failure to adhere to procedures for approval of leave, inappropriate attendance, or inappropriate use of leave.
- Frequent use of sick leave prior to resignation or retirement.

#### **SUPERVISOR'S RESPONSIBILITY TO CONTROL ABUSE OF SICK LEAVE:**

It is the responsibility of each unit supervisor to review the sick leave usage records of all employees under his or her supervision for evidence of excessive or abusive use of sick leave as defined above. Such review shall be as often as necessary, but not less than once each year. Each unit supervisor shall counsel those employees whose records appear excessive or abusive on the necessity for not misusing sick leave.

**COMPENSABLE INJURY OR DISEASE:**

In case of accidental injury or occupational disease where compensation is payable under the Georgia Worker's Compensation Act, an employee shall not be allowed to use any type of paid leave for absences until the employee elects in writing to use accrued leave in lieu of worker's compensation benefits. The leave granted for such purpose shall be credited on a day for day basis as compensation against any award by the State Board of Worker's Compensation for such incapacity, until the employee elects in writing to forego paid leave and to accept only those benefits authorized by the award. [See State Personnel Board Rule 478-1.16(8)(b)]

**SICK LEAVE EXHAUSTED:**

If an employee uses all accrued sick leave, any additional time off may be charged to other accrued leave or compensatory time, or may be leave without pay. The use of other accrued leave or compensatory time is subject to other applicable policy and the approval of the appropriate supervisor.

**PERSONAL ILLNESS DURING PERIOD OF ANNUAL LEAVE:**

If an employee is ill for three (3) work days or more during a period of annual leave, the period of illness may, upon presentation of satisfactory written documentation, be charged as sick leave. The charges against annual leave shall then be reduced accordingly, provided that the request for substitution of sick leave for annual leave is filed with the department within two (2) weeks after the employee has returned to duty. No such substitution shall be allowed for illness which does not last for three (3) work days or more.

**RESTORATION OF FORFEITED LEAVE:**

In the event an employee or his or her qualifying family member develops a long-term illness or disability, and the employee has exhausted all available paid leave and compensatory time, the Department may, in its sole discretion, restore as much forfeited annual leave and sick leave as is required to cover the duration of the absence. The amount of leave restored shall not exceed the amount of leave forfeited by an employee during his or her current period of employment.

A written request for restoration of forfeited leave must be submitted to the appropriate supervisor. The request must outline the circumstances supporting the need for such restoration. Restoration of forfeited leave requires approval of the Personnel Director.

When all annual leave, sick leave, compensatory time, and restored forfeited leave has been exhausted, an employee may be granted leave without pay or released from employment.

**SEPARATION FROM EMPLOYMENT:**

Employees do not earn any entitlement to compensation for unused sick leave at the time of separation from employment.

## References:

Rules of the State Personnel Board, Rule 16, Absence from Work  
Leave Regulations, [2230-1](#)  
[O.C.G.A. 45-20-16\(B\)](#)

## History:

annual review: 03/05/24  
added to MOG: 04/25/95