



## **PERSONNEL POLICY**

### **SUBJECT: TIME AWAY FROM WORK: LEAVES**

DATE: March 7, 2018

Number: 337-16

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#### **I. Statement of the Policy**

Fulton County recognizes that employees benefit from time away from work for a variety of reasons—all of which contribute towards a positive work-life balance for our employees. Therefore, it shall be the policy of Fulton County to provide time off—both paid and unpaid—to eligible employees for the following purposes:

- Holidays;
- Vacation;
- Sick Leave;
- Emergency Leave / Bereavement Leave;
- Injury Leave;
- Family and Medical Leave;
- Military Leave;
- Official Leave;
- Leave Without Pay;
- Court Leave (Jury and Witness Duty Leave);
- Voting Leave;
- Parental Leave;

These policies do not create a contract of employment. Employment for non-classified employees remains “at will”.

- Volunteer Activity Leave;
- Election Worker Leave; and
- Administrative Leave

## **II. Definitions**

“Vacation Leave” is paid time off provided to eligible employees to rest or engage in recreational or other personal activities.

“Sick Leave” entitles an eligible employee to receive his or her regular rate of pay during absences related to or resulting from the employee's illness, injury, or exposure to contagious disease which incapacitates him/her from performance of duties or the employee's receipt of medical or dental care or consultation.

“Military Leave” is an authorized absence from work that may be taken when an employee is engaged in training or other duties ordered by the Governor, the Department of Defense, the Department of the Army, the Department of the Air Force, the Department of the Navy, the Department of the Treasury, or any other department or agency of the government of the United States having authority to issue lawful orders requiring military service.

“Emergency Leave / Bereavement Leave” is an authorized absence from work due to a life threatening illness or death in an employee's immediate family.

“Injury Leave” is an authorized absence from work resulting from an employment related injury that has been designated a catastrophic injury pursuant to State Worker's Compensation Law.

“Family and Medical Leave” is an authorized absence from work provided to eligible employees for specified family and medical reasons in accordance with federal law.

“Official Leave” is paid time off provided to employees for the purpose of transacting official County business including attendance at meetings or brief courses of instruction related to the employee's assigned duties and deemed to be in the best interest of Fulton County.

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“Leave Without Pay” is an approved unpaid absence from work.

“Court Leave” is paid time off provided to employees who are called for jury duty or who are subpoenaed to appear, attend, testify or otherwise participate in any court, administrative or other legal proceedings as a witness except when an employee is a party in a personal lawsuit or other legal proceeding.

“Voting Leave” is paid time off provided to employees to vote in state, national, and local elections.

“Parental Leave” is paid time off provided to eligible employees who become parents through birth, adoption or foster care placement.

“Volunteer Activity Leave” paid time off from work provided to employees to participate in school or community volunteer activities.

“Election Worker Leave” is paid time off from work provided to employees to work as election poll workers for elections conducted by the Fulton County Registration and Elections Department.

“Administrative Leave” is an authorized absence from duty without loss of pay or charge to accrued leave.

### **III. Establishment and Implementation of Procedure**

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.



## **PERSONNEL PROCEDURE**

### **SUBJECT: TIME AWAY FROM WORK: LEAVES**

DATE: March 1, 2022

Number: 337-16

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#### **I. Categories of Leave**

##### **A. Holidays**

##### **(1) Holiday Pay**

Permanent full-time employees whose regularly scheduled work day falls on a holiday but who are not required to work on a holiday will receive eight hours of regular pay. When an employee's officially scheduled "off time" falls on a County holiday, the employee will be granted eight (8) hours of straight time banked as holiday leave (1.0), accrued during the pay period in which the holiday occurs.

To be eligible for holiday pay, an employee must have been in a pay status on the employee's regularly scheduled work days immediately before and immediately after the holiday. "Pay status" is defined as either working on the regularly scheduled work day or being on approved paid leave.

##### **(2) Compensation for employees required to work holidays**

Nothing in this policy prohibits any Appointing Authority from requiring the services of any number of employees in their respective departments to work on any given holiday when needed for County operations. Employees who work on a County holiday will receive their regular rate of pay for all hours worked. In addition, any employee who works on a County holiday will receive holiday leave time banked as "holiday earned" at a rate of 1.0 for each hour actually worked on the holiday.

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### **(3) Employees on leave of absence**

Employees who are on a continuous unpaid leave of absence are not eligible to receive holiday pay.

#### **B. Vacation**

##### **(1) Eligibility and Accrual**

Earned vacation leave may be authorized for all permanent employees (Classified and Unclassified) including appointed Department Heads and all employees of Constitutional Officers and elected officials, except those who may be specifically exempt. Eligible employees earn and accrue vacation leave based upon active creditable service, at the rates specified below. Vacation leave does not accrue during unpaid leaves of absence or other periods of inactive service.

Vacation leave may be accumulated to a maximum number of hours; provided, however, that any accrued vacation leave in excess of that amount may be added to earned/accrued sick leave balances. Eligible employees who are in a pay status for less than one full bi-weekly pay period will have their vacation accrual prorated accordingly, based upon the actual number of hours to be paid during that pay period.

##### **Vacation Accrual Rates**

<b>Years of Active Creditable Service</b>	<b>80 Hour Employee</b>	<b>85 Hour Employee</b>	<b>106 Hour Employee</b>
<b>EOD - 3 years</b>	4.37 hours per pay period	4.54 hours per pay period	6.55 hours per pay period
<b>3 – 8 years</b>	5.33 hours per pay period	5.53 hours per pay period	8.18 hours per pay period
<b>8 years and over</b>	6.28 hours per pay period	6.52 hours per pay period	9.42 hours per pay period
<b>Maximum Accrual</b>	360 hours	382 hours	540 hours

##### **(2) Taking Vacation**

Earned vacation leave may be taken upon approval by an employee's Appointing Authority or designated supervisor and may be used for rest, relaxation, or engagement in recreational activities and/or other personal interests, including educational pursuits or to run for Public Office. Employees may take vacation in one minute increments. Vacation time off will be granted at the convenience of the employee, whenever possible; provided, however, that primary consideration must be given to the maintenance of adequate staff to perform required services at all times. Employees should direct all requests for use of vacation time to their immediate supervisor.

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Any vacation time requested by an employee and approved by the Appointing Authority will be charged against accrued compensatory leave balances, if available, before any accrued vacation leave balances are charged.

Appointing Authorities/Department Heads have the discretion to adopt supplemental procedures regarding the scheduling of Vacation Leave to address issues that are not included in this Procedure, including prohibiting employees from using earned vacation leave until they have worked some minimum amount of time in a permanent position.

### **(3) Vacation Pay**

Employees will receive pay for earned vacation at their regular rate of pay at the time the vacation is taken. Time taken as vacation is not counted for the purpose of calculating an employee's overtime hours of work or overtime premiums during a particular work week. Accrued but unused vacation benefits will be paid upon termination of employment up to the maximum hours of accrual set forth above. Such vacation benefits will be paid at the employee's regular rate of pay at the time of termination of employment. For employees on FMLA leave, vacation leave will run concurrently with FMLA leave consistent with the applicable rules of this policy and the FMLA policy.

## **C. Sick Leave**

### **(1) Eligibility and Accrual**

Earned sick leave may be authorized for all permanent employees (Classified and Unclassified) including appointed Department Heads and all employees of Constitutional Officers and elected officials, except those who may be specifically exempt. Eligible employees earn and accrue sick leave based upon active creditable service, at the rates specified below. These amounts are in addition to any excess vacation time that is carried over to the sick leave balance. Sick leave does not accrue during unpaid leaves of absence or other periods of inactive service.

Eligible employees who are in a pay status for less than one full bi-weekly pay period will have their sick leave accrual prorated, based upon the actual number of hours to be paid during that pay period.

#### **Sick Leave Accrual Rates**

<b>80 Hour Employee</b>	<b>85 Hour Employee</b>	<b>106 Hour Employee</b>
3 hours, 42 minutes per pay period	3.55 hours per pay period	5.33 hours per pay period

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## **(2) Taking Sick Leave**

Upon approval, an employee may utilize sick leave because of personal illness, convalescence, non-occupational injury, exposure to contagious disease that might endanger the health of others, dental or vision treatment, preventive medical care, and for personal emergencies justifying emergency leave. Fulton County will not tolerate abuse or misuse of sick-leave. Additionally, employees are prohibited from engaging in outside employment while they are on sick leave.

In accordance with the Georgia Family Care Act, any employee who accrues sick leave is entitled to use up to a total of 5 days of accrued sick leave per calendar year for the care of an immediate family member. For purposes of this paragraph, "immediate family member" shall mean an employee's child, spouse, grandchild, grandparent, parent or any dependent as reflected on the employee's most recent tax return. Any leave taken for this purpose shall also count toward an employee's annual allotment of emergency leave.

Employees should direct requests for sick leave known in advance (such as a request for time off to attend a medical appointment) to their immediate supervisor. An employee who is unable to report to work because of an injury or illness must notify his or her supervisor prior to the scheduled starting time or as soon as practical consistent with the Attendance and Punctuality Policy. Employees should refer to the call in requirements set forth in the County's Attendance and Punctuality Policy and any supplemental time and attendance procedures developed by their department.

For absences of any duration due to illness or injury not connected with employment, an Appointing Authority may request an employee present a physician's note justifying the employee's absence from work. Failure to present a physician's note or medical excuse when requested may be grounds for discipline including termination. Fulton County reserves the right to require that an employee present a return to work release from an employee's health care provider at the time the employee returns to work except in cases of an employee's return from intermittent FMLA leave. Sick leave of any duration which begins after submission of a resignation or after notification of termination may be charged against accrued vacation leave, holiday leave, or in the absence thereof, to leave without pay (LWOP). Sick leave shall not be taken after the last day on duty when an employee is being separated, unless the employee is in the process of separating due to a disability.

Employees with potentially FMLA-qualifying conditions or situations should review the Family and Medical Leave Act Policy and apply for leave, if applicable.

## **(3) Sick Leave Pay**

Eligible employees will receive pay for accrued sick leave at their regular rate of pay at the time the sick leave is utilized. Time taken as sick leave is not counted for the

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purpose of calculating an employee's overtime hours of work or overtime premiums during a particular work week. Accrued sick leave carries over from year to year. Employees are not compensated for unused sick leave at the end of employment with the County or at any other time. This prohibition does not apply, however, to the pay out of accrued sick leave to an employee's estate upon the employee's death. For employees on FMLA leave, sick leave will run concurrently with FMLA leave consistent with the applicable rules of this policy, the FMLA policy and applicable law. Misuse of sick leave will be addressed as a disciplinary issue consistent with the County's Attendance and Punctuality Policy, and may be investigated in accordance with the County's Sick Leave Abuse Prevention & Investigation Procedures.

#### **D. Emergency/Bereavement Leave**

##### **(1) Eligibility**

Employees who are entitled to sick leave will be granted up to three days of paid bereavement leave in the event of the death of an immediate family member (and up to five days for the death of an immediate family member who resides outside the state of Georgia) and may be granted emergency leave not to exceed 120 hours per calendar year (85 hour employees are entitled to 127 hours and 106 hour employees are entitled to 180 hours) chargeable against sick leave and vacation leave, in that order, in cases of bona fide emergencies involving an immediate family member or for bereavement. If an employee has no accrued leave, emergency leave may be granted in the form of leave without pay.

(a) For purposes of this section pertaining to Emergency and Bereavement Leave, immediate family members are defined as follows:

- Spouse (including same sex spouses and common law spouses)
- Child (natural or adopted), step-child, grandchild, great-grandchild
- Brother, sister, half-brother, half-sister, step-brother, step-sister
- Parent, Grandparent, Great-grandparent, Step-parent
- Brother or sister of your mother or father (uncle, aunt)
- Son or daughter of your brother or sister (nephew, niece)
- Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law
- Foster Child
- Legal Ward

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## **(2) Taking Emergency Leave**

Emergency Leave may be taken for the following reasons:

- The serious illness of a member of the employee's immediate family, whether or not such member is physically residing in the employee's household or elsewhere, where such illness requires the employee's personal care and attendance as determined by the circumstances in each case,
- To accompanying an elderly relative to routine medical appointments or other professional services related to their care, such as interviewing nursing homes or group homes; and/or
- For the enforced medical quarantine of the employee in accordance with community health laws or regulations.

Employees who are required to care for a parent, spouse or child with a serious health condition should review Fulton County's Family and Medical Leave Act Policy and apply for FMLA leave, if applicable. If an employee is approved for FMLA leave, emergency leave will run concurrently with FMLA leave.

Verification may be required to substantiate periods of absence of any duration of emergency leave upon request of the Appointing Authority concerned. Disciplinary action may be taken if it is discovered that an employee has fraudulently requested leave under this paragraph.

## **(3) Taking Bereavement Leave**

In accordance with Paragraph (D)(1) above, paid time off will be granted to an employee who suffers the loss of an immediate family member. This time off with pay is intended to allow for participation in events related to the death and funeral (*i.e.*, making funeral arrangements, settling family affairs, attending the funeral or memorial service, and for bereavement), and is not to be granted if no such participation occurs. .

An employee may take additional time away from work as emergency leave in accordance with paragraph (D)(1) above. Under no circumstances shall an employee use more than 120 total hours of emergency and/or bereavement leave in any calendar year.

Upon request of the Appointing Authority concerned, verification may be required to substantiate periods of absence of any duration of bereavement leave. Examples of acceptable documentation include, but are not limited to, a copy of the obituary, the funeral program or a copy of the decedent's death certificate. Failure to provide the required documentation upon request will result in the employee's time away from work being charged as sick, compensatory and/or vacation leave in lieu of bereavement leave. These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

Disciplinary action also may be taken if it is discovered that an employee has fraudulently requested leave under this paragraph.

#### **E. Injury Leave**

Injury leave may be granted to Fulton County employees only in cases where an employee's injury has been designated a catastrophic injury as defined by State Worker's Compensation Law. Injuries must arise out of and in the course of employment as defined by law. Injury Leave may be granted only upon written recommendation of the Appointing Authority, as reviewed by the Chief Human Resources Officer and approved by the County Manager. Any injury leave extending beyond thirty (30) calendar days must also be approved by the Board of Commissioners. A physician's certificate must be furnished for all injury leave requests. If injury leave is approved, an employee may utilize their paid accrued leave or remain on leave without pay for the duration of the approved Injury Leave.

#### **F. Family and Medical Leave**

Fulton County will grant family and medical leave in accordance with the requirements of the Family and Medical Leave Act of 1993, as set forth in Fulton County's Family and Medical Leave Act (FMLA) Policy.

#### **G. Military Leave**

Fulton County will grant military leave in accordance with the requirements of the Uniformed Services Employment and Reemployment Rights Act, commonly referred to as "USERRA" and Georgia law.

##### **(1) Military Leave under Federal Law - USERRA**

Federal law provides employees with the right to take leave in order to serve in the military. At the federal level, military leave rights are governed by the Uniformed Services Employment and Reemployment Rights Act, commonly referred to as "USERRA." Employees' rights under USERRA are summarized below.

##### **(a) Eligibility for Leave**

Fulton County employees serving in the "uniformed services" are covered by USERRA. The "uniformed services" are defined as the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, System members of the National Urban Search and Rescue Response System during a period of appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and any other category of persons designated by the President of the United States in time of war or national emergency. The uniformed services also include participants in the National

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Disaster Medical System when activated to provide assistance in response to a public health emergency, to be present for a short period of time when there is a risk of a public health emergency, or when they are participants in authorized training.

“Service” consists of performing any of the following on a voluntary or involuntary basis: active duty, active duty for training, initial active duty for training, inactive duty training, full time National Guard duty, State active duty for a period of 14 days or more, State active duty in response to a national emergency or a major disaster declared by the President, absence from work for an examination to determine fitness for such duty, absence from work due to an appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and absence for performing funeral honors duty. Total military leave time may not exceed five cumulative years during employment, except in the following defined circumstances:

- An employee serves in excess of five years to fulfill an initial period of obligated service;
- An employee is unable to obtain orders of release through no fault of his or her own;
- Required drills and annual training and other training duty certified by the military to be necessary for professional development or skill training/retraining; or
- Service performed during time of war or National Emergency or for other critical missions/contingencies/military requirements.

An employee who is separated as a result of exceeding the five year service limit under this provision will not be deemed to have been dismissed for disciplinary reasons and therefore will not have any right to appeal the dismissal to the Personnel Board or Grievance Review Committee.

#### **(b) Notice of Leave**

Advance notice of leave is required, preferably in writing, unless giving of notice is impossible or unreasonable, or notice is prohibited by military necessity (which is defined by the United States Department of Defense). When notice is required, employees must provide their Appointing Authority with as much advance notice as possible of any anticipated leave of absence for military service. Employees are encouraged to provide official documentation of military duty, such as military orders, prior to activation.

#### **(c) Compensation and Benefits During Leave**

In compliance with state law, County employees (excluding those employed on a temporary basis) taking military leave will be paid their full salary or other compensation

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as a public employee for any and all periods of absence while engaged in the performance of ordered military duty and while going to and returning from such duty, not exceeding a total of 18 days in any one federal fiscal year (October 1 – September 30); however, in the event the Governor declares an emergency and orders any public officer or employee to ordered military duty as a member of the National Guard, any such officer or employee, while performing such duty, shall be paid his or her salary or other compensation as a public officer or employee for a period not exceeding 30 days in any one federal fiscal year. Accrued, unused vacation, holiday pay, and sick leave will then be paid during unpaid military leave at the employee's request. In addition, employees may request payment of any accrued, unused compensatory time, which request will be granted by the Appointing Authority. After 30 days of continuous military leave, employees may elect to continue their health plan coverage at their own expense, for up to 24 months or during the remaining period of service, whichever is shorter.

An employee shall be required to submit proof of ordered military duty to receive pay while on military leave.

Vacation and leave benefits continue to accrue during a military leave of absence only up to 18 days (i.e., 144 hours). An employee returning from military leave is entitled to any unused, accrued vacation and sick leave benefits the employee had at the time the military leave began minus any vacation and/or sick leave benefits the employee chose to use during the leave. Upon reinstatement, the employee will begin to accrue vacation and sick leave benefits at the rate he or she would have attained if no military leave had been taken.

#### **(d) Reinstatement**

In order to be eligible for reinstatement, an employee must have provided advance notice of the need for military leave (where required); must have completed his or her service on a basis that is not dishonorable or otherwise prohibited under USERRA, and must not have exceed the five year cumulative limit on periods of service as defined by USERRA.

Employees whose military service will be for fewer than 31 days must report to back to work at the beginning of the first full, regularly scheduled work day following completion of service, after allowing for a period of safe travel home and eight hours of rest.

Employees whose military service will be for more than 30 days, but fewer than 181 days must apply for re-employment within 14 days after completing service. Employees whose service is greater than 180 days must apply for re-employment within 90 days after completing service.

The deadlines to report to work or apply for reemployment can be extended up to two years to accommodate a period during which a person was hospitalized for or

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convalescing from an injury or illness that occurred or was aggravated during a period of military service.

As with other leaves of absence, failure to return to work or to reapply within applicable time limits may result in loss of reemployment rights. Full details regarding reinstatement are available from the Department of Human Resources Management. In general, an employee returning from military leave will be re-employed in the position and seniority level that the employee would have attained had there been no military leave of absence. If necessary, Fulton County will provide training to assist the employee in the transition back to the workforce.

Eligible employees returning from leave will not be discharged except for cause during the following time periods as applicable:

- 180 days after the employee's date of reemployment if his or her most recent period of uniformed service was more than 30 days but less than 181 days; or for
- One year after the date of reemployment if the employee's most recent period of uniformed service was more than 180 days.

An employee who fails to report to work within the time limits noted above will be treated as any other employee who has missed work.

Prior to reinstatement, an employee, who has not already done so, will be required to submit a copy of his or her completion of military assignment orders that specify the dates and/or duration of ordered military duty.

## **(2) Military Leave under Georgia Law**

In addition to employees' rights under USERRA, pursuant to Georgia law, regular full-time or part-time employees, including members of the Georgia National Guard and the state militia or reserves, are entitled a leave of absence for military duty. Eligible employees, who provide a certificate of military service completion, are qualified for the job and apply for reinstatement within 90 days after being relieved from military service will be restored to the same employment position or to a position of like seniority, status and pay. An exception may arise if Fulton County's circumstances change such that it is impossible or unreasonable to provide reinstatement following the leave of absence.

Non-temporary employees who must leave for up to six months in a four year period to participate in assemblies or annual training, or to attend service schools conducted by the United States armed forces, are also entitled to reinstatement to their previous position, provided they are still qualified for the position and they apply for reemployment within 10 days after completion of the temporary period of service.

Eligible employees who are reinstated following a leave of absence will not be discharged without cause for one year following reinstatement.

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Employees should contact a Department of Human Resources Management representative for more information about Military Leave.

**(a) Compensation and Benefits During Leave**

In compliance with federal and state law, County employees (excluding those employed on a temporary basis) taking military leave will be paid their full salary or other compensation as a public employee for any and all periods of absence while engaged in the performance of ordered military duty and while going to and returning from such duty, not exceeding a total of 18 days in any one federal fiscal year (October 1 – September 30); however, in the event the Governor declares an emergency and orders any public officer or employee to ordered military duty as a member of the National Guard, any such officer or employee, while performing such duty, shall be paid his or her salary or other compensation as a public officer or employee for a period not exceeding 30 days in any one federal fiscal year. Vacation and leave benefits continue to accrue during a military leave of absence only up to 18 days (i.e., 144 hours).

An employee shall be required to submit a copy of his or her orders to active military duty to receive pay while on military leave.

**H. Official Leave**

Upon approval by an Appointing Authority, employees may be granted official leave with pay for the purpose of transacting official County business, to include attendance at meetings or brief courses of instruction directly related to their assigned duties and deemed to be in the best interest of the County. Official leave shall be granted independently of other categories of leave specified in this procedure and shall not accrue. Such leave shall be counted as active creditable service and shall be substantiated by appropriate documentation.

**I. Leave of Absence Without Pay (LWOP)**

Unless otherwise permitted in the Fulton County Policies and Procedures, a leave of absence without pay for medical reasons must be requested and approved through the ADA accommodation process as set forth in Fulton County's Americans with Disabilities Act - Reasonable Accommodation Policy and Procedure (No. 100-16).

**J. Court Leave (Jury and Witness Duty Leave)**

Fulton County encourages employees to serve on jury or witness duty when called. Employees are entitled to court leave without loss of pay or time for all days during which he/she shall be subpoenaed by any court, federal, state or political subdivision thereof, to serve as a juror or witness. Employees on court leave shall be entitled to retain all remuneration received for such service, in addition to their regular pay. Court leave shall be granted independently of other categories of leave specified in this policy and will not. These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

accrue. Court leave will be counted as active, creditable service.

Employees are not entitled to leave under this procedure for legal proceedings in which the employee is a party to the litigation. Similarly, employees who are absent from work because of a court order or judicial process due to being charged with a crime are not entitled to leave.

Employees must notify their Appointing Authority of the need for time off for jury or witness duty upon receipt of a subpoena, notice or summons from the court, and should provide their Appointing Authority with a copy of such documentation.

Employees may be required to provide verification of jury duty or witness service from the court clerk. Any employee on jury or witness duty is expected to report or return to work for the remainder of the work schedule when dismissed from jury or witness duty.

Under no circumstances will employees be terminated, threatened, coerced, or penalized because they request or take leave in accordance with this policy.

#### **K. Voting Leave**

Fulton County encourages all employees to fulfill their civic responsibilities and to vote in official public elections. Fulton County complies with all applicable state and municipal voting time laws.

Generally, working hours are such that an employee will have ample time to cast a vote before or after the work shift. If employees do not have sufficient time to vote, however, that employee should discuss the matter with their immediate supervisor.

In accordance with O.C.G.A. §21-2-404, any employee who has less than two hours outside of working hours to vote while the polls are open may take up to two hours off from work, without loss of pay to vote. Any additional time off will be without pay for nonexempt employees.

Employees must provide reasonable advance notice of the need for time off to vote so that the time off can be scheduled to minimize disruption to normal work schedules.

Proof of having actually voted may be required.

#### **L. Parental Leave**

Permanent employees who have been employed by Fulton County for at least 180 consecutive calendar days are eligible for paid parental leave as set forth in the Paid Parental Leave Policy and Procedure (205-16).

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## **M. Administrative Leave**

An employee may be placed on paid administrative leave for the following purposes:

1. During the investigation of any alleged improper act by an employee which may result in formal disciplinary action(s) and/or when the retention of the employee on an active duty status may be detrimental to the interests of the County or injurious to the employee, his/her fellow workers or the general public. Generally, an employee will not be placed on administrative leave for any period longer than is necessary for the department to determine the appropriate disciplinary action, if any, to be taken. In accordance with the Discipline for Classified Employees Policy and Procedure (305-16), no classified employee shall be placed on Administrative Leave pending an investigation of alleged improper conduct for longer than ten working days.
2. As a non-monetary bonus award to an employee to recognize outstanding performance. A bonus award in the form of administrative leave may not exceed five working days or shifts in a calendar year. Any administrative leave awarded as a non-monetary bonus must be used within a year of the date granted.
3. As a non-monetary bonus award to recognize long term service of County employees who earn length of service awards.

In addition, Administrative Leave shall be any paid leave authorized by the County Manager, Appointing Authority or Department Head which is not otherwise specifically delineated in the Time Away from Work Policy and/or this Procedure.

## **N. Volunteer Activity Leave**

Permanent employees shall be permitted to take up to twenty-four (24) hours of paid leave per calendar year to participate in eligible volunteer activities. Such leave time shall not be chargeable to an employee's sick, vacation, compensatory or holiday leave accruals. Volunteer Activity Leave hours do not accrue and unused leave will not roll over to the next calendar year. Rather, eligible employees may use Volunteer Activity Leave for qualifying absences that occur during their regular scheduled work hours, up to a total of twenty-four (24) hours in any calendar year. Volunteer Activity carries no cash value if unused, and employees will receive no payout of unused Volunteer Activity Leave upon separation from the County.

Eligible activities include, but are not limited to, the following school or community volunteer activities:

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1. Voluntary service as part of an organized service project sponsored by a community, national or other service organization (e.g., Habitat for Humanity);
2. Participation in community service programs that meet child, elder, or human needs. For example, delivering meals to the elderly or to needy community citizens through an organization such as Meals on Wheels;
3. Attending non-profit boards and committee meetings (e.g., Boy Scouts/Girl Scouts, Big Brother/Big Sister, American Red Cross, 100 Black Men, etc.);
4. Participation in activities directly related to non-profit fundraising (e.g., set up/take down, registration, answering phones, recruiting/organizing/training volunteers); and
5. Participation in activities directly related to student achievement and academic support of the employee's child, step-child, foster-child, or other child for whom the employee has legal custody. Covered activities range from nursery and pre-school programs through higher education and include, but are not limited to the following:
  - a. Attendance at Parent/Teacher conferences;
  - b. Participation in classroom activities, such as reading to a class or presenting on career day;
  - c. Proctoring examinations
  - d. Attendance at award and recognition ceremonies or graduation exercises;
  - e. Participation in field day activities;
  - f. Chaperoning field trips;
  - g. Attendance at open house functions; and
  - h. Interviewing for a new school.

Use of Volunteer Activity Leave for any political purpose or agenda is prohibited. Volunteer Activity Leave is not intended and may not be used for the following activities:

- Organizations whose primary purpose is to influence political campaigns on behalf of or against any candidate, political party, or political action committee;
  - Participation in rallies, marches, or other events with a political agenda;
  - Involvement in schools for attendance at social or sporting events;
  - Faith-based religious gatherings;
  - Participation in fraternal organizations, social clubs, labor organizations, or athletic/recreational clubs;
  - Participation in a run, marathon, golf tournament, or other recreational activity, even if the goal is to raise funds for charitable goals and services;
- or

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- In place of annual or sick leave.

Solicitation for charities or organizations in the workplace will not be permitted in accordance with the County's No-Solicitation or-Distribution of Literature Policy and Procedure.

Employees must receive approval from their supervisors prior to using Volunteer Activity Leave. Supervisors may require written verification from an official of the service organization for use of Volunteer Activity Leave. If the leave is used for school-related activities, written verification should be from a school administrator or teacher.

Departments have discretion to approve or deny requests for leave based on operational needs, or other reasons, such as conduct, attendance, or unsatisfactory work performance. The Appointing Authority or Department Head should ensure that denials are applied consistently for all similarly situated employees.

Departments may determine that it is not possible to release certain employees under this Policy and Procedure, such as employees in direct care or public safety positions, due to staffing requirements. When adequate, capable back-up staff is readily available, or if it is possible to adjust employees' schedules, employees' requests should be granted. If they are unable to grant Volunteer Activity Leave requests, departments should inform affected employees as soon as possible after the decisions are made.

Employees cannot be paid for more than 24 hours of Volunteer Activity Leave in a calendar year regardless of transfer from one department to another. Each department is responsible for conducting due diligence to ensure an employee has not exhausted Volunteer Activity Leave prior to approving the paid leave.

#### **O. Election Poll Workers Leave**

An employee shall be entitled to election poll workers leave without loss of pay or time for all time during which he/she is working as an election poll worker for any election conducted by the Fulton County Registration and Elections Department. Employees on election poll workers leave shall be entitled to retain all remuneration received for such service as set forth in the Preparation of Election Payrolls and Payment to Election Employees Policy and Procedure (308-16), in addition to their regular pay. Election poll workers leave shall be granted independently of other categories of leave specified in these regulations and shall not accrue.

Election poll workers leave shall be counted as active creditable service and requires prior approval by the employee's Appointing Authority.

#### **P. Leave Administration, Approval Process & Reporting**

The Chief Human Resources Officer shall be responsible for the administration and enforcement of leave regulations and related procedures and for the maintenance of

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an official master record of all leave accruals, usage and balances. Requests for leaves of absence in all categories shall be submitted by an employee through normal channels of supervision to the employee's Appointing Authority. Appointing Authorities shall be responsible for adherence to approved leave policies in their respective areas of responsibility. Approval and scheduling of leave time for an employee shall be the responsibility of that employee's Appointing Authority.

All approved leave time in any category whatsoever shall be certified by Appointing Authorities and reported directly in terms of hours for the preceding pay period. Time sheets, leave slips, and related documentation such as military orders, subpoenas, medical certifications and letters of authorization shall be retained by Fulton County in a file separate from the employee's personnel file after such absences have been approved and reported on payrolls. In particular, all documents containing medical information will be maintained by the Chief Human Resources Officer in a separate file for each employee that is not part of their personnel file. Such records will be retained for at least three (3) years in addition to the current year.

No paid leave shall be approved or reported in excess of current accrued leave balances as reflected in official leave records.

Periodic internal and external audits of the leave records in each department may be scheduled and conducted to ensure that all leave policies are being properly followed and enforced.

#### **Q. Transfer of Leave Between Employees**

(1) Transfer of leave between employees will be permitted when the receiving employee has exhausted all categories of accrued leave and is unable to work due to the employee's own personal health reasons or due to the serious health condition of the employee's immediate family member. For purposes of this section, "immediate family member" shall be defined consistent with the provisions of section D (1) (a) above. Transfer of leave may also be permitted for other catastrophic personal events as approved by the County Manager including, but not limited to, loss of property due to fire and/or natural disaster.

(2) Only compensatory time, vacation leave and holiday leave can be transferred into a recipient's sick leave balance. Transferred leave must be in whole hours only.

(3) Transfer of hours is limited to four hundred eighty (480) hours per calendar year. All transfer requests due to the illness or injury of an employee or an employee's immediate family member must be accompanied by an original physician's statement indicating that leave is needed for medical reasons and specifying the amount of leave needed. An employee will not be allowed to receive more donated leave than the physician's statement has indicated is needed to cover the employee's absence. Transfer

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requests due to catastrophic personal event must be accompanied by documentation of the event. Examples of acceptable documentation include, but are not limited to, a newspaper article, copy of insurance claim, police report or property deed.

(4) The donor employee must retain a minimum vacation leave balance of eighty (80) hours.

(5) Once processed by Department of Human Resources Management staff, transfer of hours is final and cannot be reversed.

(6) Copy of a completed transfer form must be submitted to each employee's Appointing Authority for payroll purposes.

(7) An employee using transferred leave will not accrue vacation leave.

#### **R. Payment of Leave Upon Death**

An employee who dies while in the County service shall have paid to his/her estate executor the value of all unused accrued leave balances for vacation leave, sick leave, compensatory leave and/or holiday leave.

#### **S. Miscellaneous Leave Provisions**

##### **(1) Leave for Rehires**

Sick leave balances shall be restored for those employees who are reemployed in a permanent position within six (6) months of their most recent separation from a permanent classified or unclassified position. Employees who are reemployed within one (1) year of their most recent separation from a Fulton County permanent classified/unclassified position shall be entitled to the bridging of service time for vacation accrual rates.

##### **(2) Transfer from one Department or Job to Another**

(a) An employee transferring from one department to another shall be credited with all accrued leave in all accruable categories with no change in current accrual rate unless tied to creditable years of service.

(b) When an employee who accrues leave accepts an appointment in a position which does not accrue leave, the employee will be paid his/her accumulated vacation, and/or holiday leave at the time of accepting the new appointment. In these instances, accrued sick leave balances will be forfeited in the same manner as for other employees who are separated. However, sick leave balances will be frozen and held in reserve for computation of pension and retirement benefits at the time of retirement. All accrued compensatory time will be paid out.

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**(3) Accrual of Vacation & Sick Leave While on Paid Leave**

Subject to the provisions of the Time Away from Work Policy and Procedure, vacation and sick leave shall continue to accrue while eligible employees are on paid leave.

**(4) Paid Time Off for Blood Donors**

Paid time off shall be granted to blood donors at the rate of 4.0 hours for each such donation, chargeable as "Other Leave," to be taken at the convenience of the Appointing Authority concerned within six months of receipt.

**(5) Indebtedness to Fulton County**

Whenever an employee is indebted to the County, the amount of such indebtedness may be deducted from compensation due and/or from accrued compensatory, vacation leave, as allowed by applicable law.

**(6) Adjustment to Active Creditable Service**

With the exception of FMLA leave, all leave without pay in excess of 240 consecutive hours shall result in an adjustment to an employee's active creditable service, unless otherwise prohibited by law.

**(7) Adjustments to Leave Records upon Change in Circumstances**

When an illness occurs during an approved vacation or other accruable leave period, appropriate adjustments to the employee's leave records (e.g., changing leave time from vacation to sick leave) may be made as necessary by the employee's Appointing Authority upon the employee's return to work.

**(8) Adjustment in Pay Rate upon Return from Paid Leave**

An employee in a paid leave status will receive, as appropriate, any and all pay rate adjustments which may have occurred during the employee's absence upon the employee's return to work from paid leave.

**(9) Time for Crediting & Taking Accrued Leave**

Leave shall not be credited or taken in any category until after the end of the accrual period during which it is earned.

**T. Requirements for Paid Leave**

Any employee who uses any paid leave for medical appointments or recurring

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treatment may be required to submit reports of attendance at such appointments.

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