

SERENITY BEHAVIORAL HEALTH SYSTEMS

SUBJECT: LEAVE POLICY
POLICY NUMBER: HR-7.01
EFFECTIVE DATE: June 1997
SUPERSEDES: N/A
LAST REVISION DATE: May 2011

POLICY:

It is the policy of Serenity Behavioral Health Systems (SBHS) to provide a reasonable amount of time off to employees to assist employees in managing family, medical, and/or personal situations. SBHS provides a variety of leaves of absence to all eligible employees to accommodate these circumstances.

GENERAL PROVISIONS:

- I. Absences from work will be charged to available leave only on days on which eligible employees would otherwise work and receive pay.
- II. An employee absent on official business is not considered to be on a leave of absence. They are in work status and are not charged leave.
- III. Employees are to be charged leave only for the time during which they are absent from work and are not to be required to remain away from duty as a matter of convenience for the purpose of charging leave.
- IV. Leave cannot be used before it is accrued or converted.
- V. An individual is expected to return to work no later than the next regularly scheduled workday after the expiration of the approved leave. If an extension is desired, the individual must request it in writing from his/her supervisor prior to the leave expiration.
- VI. Failure to obtain approval for additional absence after the expiration of an approved leave may result in separation from employment.

ANNUAL LEAVE FOR EMPLOYEES HIRED PRIOR TO JANUARY 1, 2011:

SBHS provides paid leave for non-temporary full-time employees and percentage employees who work 20 or more hours a week. Temporary and casual employees and employees receiving service disability or involuntary separation

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benefits under the Employees' Retirement System of Georgia are not eligible for leave.

RATE OF ACCRUAL:

- I. Leave is credited at the end of each pay period. Employees paid on a monthly basis must be in pay status for at least 80 hours during the pay period to receive leave credit.
- II. Employees may not take leave before it is actually earned and credited.
- III. A percentage employee who works 20 hours or more per week accrues leave at the same rate, but it is prorated based on the percentage of time worked. The percentage of time worked is determined by dividing the employee's standard hours by 40. In order for the accrual to be credited, a percentage employee must also be in pay status for the same percentage of time during the pay period in which the accrual is earned.
- IV. Eligible employees who are not in pay status for the minimum amount of time in a pay period do not accrue leave for that pay period.
- V. Employees hired prior to January 1, 2011 **accrue annual leave** at the following rates, depending on length of continuous service:

A. Full-time employees :

Monthly Accrual	Length of Continuous Service
10 hours	0-60 months
12 hours	60 < 120 months
14 hours	120 months or greater

NOTE: Employees hired after January 1, 2011 will **accrue leave** at the same rate but will use this leave to cover any approved vacation or illness once earned. Employees cannot accumulate more than 360 hours total.

- B. Eligible employees begin accruing annual leave at the appropriate higher rate on the first day of the pay period after completing the required months of continuous service.

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- C. The “length of continuous service” begins on the first day an employee reports for work in a position entitled to earn leave. Accrual is based on continuous, unbroken service. If there is a break in service, the “length of continuous service” starts over on the date of rehire, and employees begin to accrue annual leave at the lowest monthly accrual rate.
- D. When the first day of the pay period is a regularly scheduled non-work day and an employee reports to work on the first workday of the pay period, the length of continuous service is calculated from the first day of the pay period.

NOTICE OF TAKING LEAVE:

- I. In scheduling leave, SBHS tries to accommodate employee preferences. However, employees who request leave during busy periods or at times when co-workers have already requested leave might need to make alternate plans. Supervisors must weigh SBHS’s business needs and the timeliness of the requests in approving leave. Supervisors must consider the following:
 - A. Workloads
 - B. Deadlines
 - C. Priorities
 - D. Office Coverage
- II. Unless an emergency situation exists, employees must request and receive approval from their supervisors before using leave.
- III. An employee should give notice of his/her intent to take leave as early as possible. Employees who take leave without notice or call in at the start of a work-shift to announce they are taking leave may have leave denied and be subject to disciplinary action, up to and including termination of employment.
- IV. Employees are not required to give specific reasons for requesting leave, unless a situation such as the following applies:
 - A. The leave is for an unscheduled/emergency absence
 - B. The SBHS program is short staffed or has a major assignment pending
 - C. The employees are under the restrictions of an Attendance Plan
- V. Employees are required to use Fair Labor Standards Act (FLSA) compensatory time before using leave.
- VI. Supervisors are not required to grant requested leave based on the following:
 - A. If it would disrupt work schedules

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- B. Leave an office uncovered
 - C. Inconvenience the work force or public
 - D. Contribute to employees' not meeting performance expectations
- VII. Emergency leave requests should be reviewed on a case-by-case basis. Supervisors are to determine whether the absence will be charged to leave or unauthorized leave without pay.
- VIII. Employees are to contact their supervisor or other designated official as soon as possible when leave is needed. When employees are incapacitated, supervisors may accept calls regarding the employees' status from other individuals.

CARRY OVER RIGHTS:

Employees hired prior to January 1, 2011 may accrue up to 360 hours of annual leave. Any leave earned in excess of 360 at the end of each month is forfeited as provided by statute but may be restored as sick leave by SBHS in the event of personal or family illness or disability which exhausts paid leave and compensatory time. The restoration of leave will be limited to:

- I. The amount required by the circumstances of the illness or disability; and
- II. The leave forfeited during the current period of employment
- III. Employees hired prior to January 1, 2011 can accumulate up to a maximum of 720 hours of sick leave. Any sick leave in excess of 720 hours is placed in a forfeited status, but may be restored in cases of illness or disability. Leave accrued beyond 720 hours is forfeited at the close of business on the last day of the month. See Restoring Forfeited Leave Section of this policy.

TERMINAL LEAVE:

Terminal leave is accrued annual leave for which payment is due upon an employee's separation from employment for any reason. An employee whose employment is being terminated will receive terminal leave pay for all accrued and unused annual leave, up to 360 hours, which has not been forfeited.

- I. Once a separation date has been determined, the pay status of an employee cannot be extended for the purpose of granting a holiday or unanticipated non-workday occurring after the last day in pay status. Once an employee notifies SBHS of the intent to terminate employment, the employee cannot be continued on the payroll on

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leave with pay status for the purpose of increasing the current salary, the rate of leave accrual, or the rate at which accrued leave would be paid.

- II. Employees hired prior to January 1, 2011 who are taking an approved leave of absence without pay of 30 days or more may be paid in lump sum for all accrued annual leave excluding forfeited leave. The lump sum payment will be calculated in the same manner as terminal leave pay.

ILLNESS DURING ANNUAL LEAVE:

If an employee hired prior to January 1, 2011 is ill for three workdays or more during a period of annual leave, the period of illness may be charged to sick leave if the employee provides satisfactory written evidence indicating his/her illness during annual leave. A request for substitution of sick leave for annual leave must be made to SBHS within two weeks after the employee has returned to duty. No substitution will be allowed for illness, which does not last for three or more workdays.

SICK LEAVE:

SBHS provides paid sick leave for non-temporary full-time employees and percentage employees who work 20 or more hours a week and were hired prior to January 1, 2011. Temporary and casual employees and employees receiving service disability or involuntary separation benefits under the Employees' Retirement System of Georgia are not eligible for sick leave.

NOTE: Employees hired after January 1, 2011 will not accrue sick leave. It is included in the Rate of Accrual section of this policy (page 2).

- I. Eligible employees begin earning sick leave on their date of hire. Sick leave is credited at the end of each pay period. Full-time employees hired prior to January 1, 2011, paid on a monthly basis, earns 10 hours of sick leave if he/she is in pay status for at least 80 hours during the pay period. The accrual rate never increases. Employees may not take sick leave before it is actually earned and credited.
 - A. An eligible percentage employee who works 20 hours or more per week earns sick leave at the same rate but it is prorated based on the percentage of time worked. The percentage of time worked is determined by dividing the employee's standard hours by 40.
- II. Upon approval by SBHS, an eligible employee may use accrued sick leave for any absence due to:
 - A. Personal illness or disability

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- B. Adoption of a child by the employee where the employee's presence is required for health-related reasons
- C. Dental or medical care
- D. Illness or accident in the employee's immediate family, which requires the employee's presence. "Immediate family" includes the employee's spouse, child, parent, brother and sister. "Immediate family" also includes any other person who resides in the employee's house and is recognized by law as a dependent of the employee.
- E. 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.
- F. Sick leave may also be used to allow an employee paid time off from work because he/she has been exposed to a contagious disease and may reasonably expose other co-workers and endanger their health by being present at work.

NOTE: Generally, sick leave due to the death of a family member should not exceed five (5) workdays unless the employee is under the care of a health care provider due to a serious health condition (i.e., depression, etc.).

- I. Sick leave for medical or dental care should be limited to the time necessary for the appointment(s) and related travel.
- II. Employees who are receiving Short-term or Long-term Disability Insurance benefits through the Flexible Benefits Program cannot use sick leave at the same time. Employees may use sick leave during the qualifying period. Employees must request to use annual or personal leave or request to be placed in a leave without pay status in order to receive Short-term or Long-term Disability Insurance payments.
- III. Employees may request to use FLSA compensatory time in lieu of sick leave. Employees are not, however, required to use FLSA compensatory time prior to sick leave.
- IV. When there is a break in service, accrued sick leave balances are generally lost. Forfeited leave is also lost when there is a break in service.
- V. If an employee returns to SBHS, lost sick leave balances and forfeited sick leave may be used for retirement credit purposes for those who are members of the ERS. This does not apply to employees under the 401-K.

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EVIDENCE FOR USE OF SICK LEAVE:

- I. Employees may be required to report each day by telephone to their supervisor or other designated official and to provide satisfactory evidence for the use of sick leave.
 - A. Satisfactory evidence may include a Certification of Serious Health Condition, SBHS Form 369 or other medical statement with similar information, completed by the attending health care provider when the reason for leave qualifies as a serious health condition under family medical leave.
 - B. Employees cannot be required to provide evidence for use of fewer than 17 hours of sick leave in a 30 calendar day period unless they have demonstrated excessive or abusive use of sick leave.
- II. Excessive and/or abusive use of sick leave is considered a pattern of intermittent, short-term use of sick leave. Establishment of this pattern includes, but is not limited to:
 - A. Frequent use of sick leave in conjunction with holidays, scheduled off days or distribution of pay checks
 - B. Frequent use of sick leave when scheduled for undesirable temporary shifts or assignments or during periods of peak work load
 - C. Requesting sick leave for an absence for which annual leave has previously been denied
 - D. Frequent occurrences of illness during the work day
 - E. Peculiar and increasingly improbable excuses
 - F. Repetitive use of fewer than 17 hours of sick leave in 30-calendar-day periods
 - G. Prior written notification of failure to adhere to procedures for approval of leave, inappropriate attendance or inappropriate use of leave (e.g., Attendance Plan)
- III. An opinion from a health care provider of SBHS's choice may be sought if questions arise regarding an attending health care provider's statement. Approval must be received from the Chief Executive Officer (CEO) prior to seeking this opinion.

SICK LEAVE DENIAL:

- I. Sick leave may be denied for reasons including, but not limited to, the following:

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- A. Excessive or abusive use of sick leave (See Evidence of Sick Leave Section of this policy)
 - B. Failure to follow procedures for reporting the absence or requesting the use of leave
 - C. Falsification of documents
- II. Supervisors should carefully review the request prior to denying the sick leave and should be able to support the decision to deny the request.

EXHAUSTION OF SICK LEAVE FOR EMPLOYEES HIRED PRIOR TO JANUARY 1, 2011:

- I. If an absence because of illness extends beyond available sick leave, the absence may be charged to accrued and unused annual leave, personal leave, or compensatory time, unless the employee applies for and SBHS approves, a leave of absence without pay. After an employee has exhausted all sick leave, personal leave, and compensatory time, he/she may request leave donation as described in the Leave Donation policy.
- II. An employee who contracts tuberculosis or infectious hepatitis while charged with the care, treatment or diagnosis of persons 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 his/her 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.
 - A. An employee receiving leave under this special situation will be given credit for all salary adjustments and advancements, which he/she would have received had the employee remained in the same position with the same capacity, and status he/she held at the time the leave was granted.

MEDICAL EXAMINATION:

- I. Under limited circumstances and only with the approval of the CEO, the Human Resource Manager may direct an employee to undergo a medical (physical and/or psychiatric) examination at the expense of SBHS. This examination may be required prior to:
 - A. Approving use of accrued leave
 - B. Approving a leave of absence without pay
 - C. Allowing an employee to return from leave with pay or

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- D. Allowing an employee to return from a leave of absence without pay
- II. An employee is required to authorize the release of the results of the medical examination to the Human Resource Manager. The results must be considered confidential and are to be shared with individuals only on a “need to know” basis.
- III. Upon receipt of the results a determination regarding request for use of leave, leave of absence without pay or return will be made.
- IV. If a determination is made to not allow the employee to return to work, appropriate action, which includes but is not limited to the following should be taken:
 - A. The employee may be allowed to use accrued leave
 - B. The employee may request and be granted an authorized regular or contingent leave of absence without pay
 - C. The employee may be referred to a treatment program
- V. If a determination is made to allow the employee to return to duty, the employee may be returned with or without reasonable accommodation.

PERSONAL LEAVE FOR EMPLOYEES HIRED PRIOR TO JANUARY 1, 2011:

An employee who has accumulated more than 120 hours of sick leave as of November 30 of any year may convert up to 24 hours in excess of the 120 hours accumulated to personal leave. The employee must notify SBHS of such a conversion no later than December 31 of that year.

- I. Personal leave may be used for personal reasons during the calendar year after the conversion upon approval of SBHS. Every reasonable effort to accommodate requests to utilize personal leave will be made. An employee must give his/her supervisor as much advance notice as possible to minimize disruptions.
- II. The employee’s election to convert sick leave to personal leave is irrevocable once SBHS has verified the conversion. Personal leave not used by December 31 of the year the leave was available will be forfeited and not restored. Any unused personal leave at the time of an employee’s termination is forfeited and not paid to the employee.

NOTE: Employees hired after January 1, 2011 do not earn Personal Leave.

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Eligible employees must provide written notification prior to December 31 of their intent to convert up to 24 hours of sick leave to personal leave for the next calendar year.

USE OF PERSONAL LEAVE:

- I. Personal leave may be used by employees for any reason upon receiving supervisory approval of the leave request. Once sick leave is converted to personal leave, it cannot be changed back.
- II. Employees may request to use Fair Labor Standards Act (FLSA) compensatory time in lieu of using personal leave.
- III. Personal leave is only available for use by employees during the calendar year following the conversion request. Any personal leave that is not used during that calendar year by December 31 is lost.
- IV. When there is a break in service, personal leave is lost.

PERSONAL LEAVE REQUEST:

- I. Normally employees will need to provide at least 24 hours advance notice of intent to use personal leave.
- II. Employees are not required to give specific reasons for requesting personal leave, unless a situation such as the following applies:
 - A. The leave is for an unscheduled/emergency absence
 - B. The SBHS program is short staffed or has a major assignment pending
 - C. The employees are under the restrictions on an Attendance Plan
- III. Supervisors must make every reasonable effort to grant requests to use personal leave.

LIMITATIONS ON USE OF ACCRUED LEAVE:

Employees cannot use accrued leave during periods of absence in which they are receiving state-funded wage substitutes, including but not limited to Workers' Compensation benefits.

**RESTORING FORFEITED LEAVE FOR EMPLOYEES HIRED PRIOR TO
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- I. Annual and/or sick leave forfeited during the current period of employment may be restored to cover periods of absence due to employees' personal illness/disability or the illness/disability of immediate family members. All paid leave and compensatory time must be exhausted prior to restoring forfeited leave.
- II. Employees are to submit written requests to their supervisors, which outline the circumstances that support the restoration of forfeited leave. Supporting documentation, which may include a statement from the attending health care provider, should be included unless the reason for absence has satisfactorily been established.
- III. Supervisors are to forward requests to restore forfeited leave to the Human Resource Department for review and approval.

CREDIT FOR LEAVE UPON TRANSFER FOR EMPLOYEES HIRED PRIOR TO JANUARY 1, 2011:

An employee moving from a position entitled to earn leave in one agency or entity of government to a position entitled to earn leave in another agency or entity of government without a break in service will be given credit by the receiving organization for unused annual, sick, and personal leave. The record of forfeited leave will also be transferred but the leave will not be restored to the employee except as provided for in the Sick Leave section. The employee will not be given credit for more leave than the employee could have earned had the employee been continuously employed by the receiving agency. The employee will be given credit toward graduated annual leave accrual for all the time he/she is continuously employed in a leave earning position.

- A. An employee transferring without a break in service from one agency to another as described in the preceding paragraph will not be paid for accumulated annual leave. If the employee erroneously receives pay for accumulated annual leave, the employee will not be entitled to accrue or use annual, sick, or personal leave in the new agency until the paying agency has been reimbursed for the erroneous payment. Once the agency receives confirmation that the reimbursement has occurred, the employee will be credited with all leave and service time that would have otherwise accrued to the employee.
- B. An employee transferring without a break in service from an agency to an authority or to a unit of the University System of Georgia will be paid for any annual leave that cannot be transferred with the employee once the agency has received confirmation that the employee cannot receive credit. The payment may be calculated as specified on page 3 of Rule 16.
- C. Employees hired from the Board of Regents are considered new hires and cannot transfer leave accumulated with the Board of Regents. Time worked with the Board

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of Regents cannot be used for calculating eligibility for graduated annual leave accrual.

- D. SBHS will accept leave balances transferred from other state agencies, Community Service Boards and County Boards of Health that have five years or more of employment prior to January 1, 2011.

DUAL EMPLOYMENT:

An employee who is simultaneously employed in two different agencies and is entitled to earn leave under each position he/she holds will independently accrue leave in accordance with each agency's policies. If employment is terminated with one agency but not the other, all leave accruals will be combined and available in the remaining position. Employees should not be employed in more than one benefits eligible position at a time. Employees are prohibited from working in more than one non-exempt position simultaneously to avoid unintentional overtime liability to the state.

ABSENCE AFTER LEAVE IS EXHAUSTED:

Except as provided in the sick leave section or in the policy on Donated Leave, an employee who is absent after he/she has used all leave will be separated from employment unless the employee properly requests, and SBHS approves, leave without pay as authorized in other provisions of this policy.

RESTORATION OF LEAVE FOR EMPLOYEES HIRED PRIOR TO JANUARY 1, 2011:

The following leave provisions apply to eligible employees who are reinstated or re-employed with SBHS within one (1) year of the effective date of a staff reduction that resulted in their separation from employment.

- I. Any previously accumulated and unused sick leave will be restored
- II. Any forfeited leave accumulated at the time of the staff reduction will also be credited to the employees, but can only be restored and used under the conditions identified in the Restoring Forfeited Leave Section of this policy.
- III. The period of absence between the date of separation and the date of re-instatement or re-employment will not be considered a break in service for the purpose of graduated leave accrual.
- IV. If an employee with previous State service returns to work on or after July 1, 2003 and remains employed for two consecutive years, the employee is eligible to regain accrued sick leave divested when the employee's previous period of service ended. The employee must make application for the restoration of divested leave

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and must provide documentation of the amount of divested sick leave. This provision does not apply to forfeited leave.

CREDITABLE SERVICE-RETIREMENT:

Employees who are members of the Employees' Retirement System may receive creditable service toward retirement for forfeited annual and sick leave, sick leave that was previously lost due to a break in service and current accumulated and unused sick leave if the above totals at least 960 hours.

REFERENCES:

Rules of the State Personnel Board – Rule 16 (Absence From Work)

APPROVAL SECTION:

Chief Executive Officer

Date

Committee Chairperson

Date

RESCISSION SECTION:

Chief Executive Officer

Date

REVIEW SECTION:

Committee Chairperson

Date

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Committee Chairperson

Date

Committee Chairperson

Date