

## City of Savannah – Human Resources Policies and Procedures

**SUBJECT: Leave Policy**  
EFFECTIVE DATE: 06/12/2023

### I. PURPOSE:

To establish rules concerning the leave usage of City of Savannah employees.

### II. DEFINITIONS:

**Holidays**, twelve (12) annual days observed by City of Savannah employees in full time permanent positions. All holidays will be celebrated on the same basis as followed nationally and are listed below:

New Year's Day  
Martin Luther King Day  
Presidents' Day  
Memorial Day  
Juneteenth  
Independence Day  
Labor Day  
Veterans' Day  
Thanksgiving Day  
Friday after Thanksgiving  
Christmas Day  
Christmas Eve or day after Christmas

**Annual Leave** is paid time off for employees' personal reasons.

**Approved Sick Leave** is paid time off for specific medical reasons.

**Civil Leave** is allowed for employees in regular positions for necessary time off without loss of pay when performing jury duty or appearing as a subpoenaed witness in court (not as a defendant or plaintiff).

**Education Leave** may be granted by the City Manager upon recommendation of the Department Head.

**Extra Leave** is paid time off for employees' personal reasons and is earned based on sick leave balance as of January 1 of each year. Hours are awarded in March each year.

**Family and Medical Leave (FMLA)**, up to 12 weeks in a 12-month period may be granted to an employee working at least 1250 hours per year with at least one year of service.

**Full Time Regular Employees** are those employees who are scheduled to work 40 hours per week for 52 weeks each calendar year, and those uniformed firefighting employees scheduled to work 56 hours per week for 52 weeks each calendar year.

**Funeral Leave** is sick leave used to attend the funeral of an immediate family member.

**Incentive Leave** is paid time off for employees' personal reasons and is earned each leave year that no sick (excluding funeral) or injury leave is used for the previous calendar year. Hours are awarded in March each year.

**Injury Leave** is the amount of supplemental pay which, when added to benefits payable under the Workers' Compensation Act of Georgia, results in a total amount equal to the net pay which would have been received had the employee not been injured. This amount is no more than the net pay for a normal 40-hour work week. Eligible part-time employees receive leave on a basis proportionate to the allocated hours designated for the position.

**Leave Donation**, an employee may donate sick and compensable leave to another employee who is qualified to receive such donations.

**Leave Without Pay** may be granted by the Human Resources Director or the City Manager to an employee with 6 months' service for a period not to exceed 12 weeks in a 12-month period, when it is in the best interest of the City to do so.

**Military Leave** is allowed for training and service performed by an inductee, enlistee, or reservist, or any entrant into a temporary component of the armed forces of the United States.

**Part-Time Regular Employees** are those employees who are scheduled to work at least 20 hours per week for 52 weeks each calendar year. Eligible part-time employees receive annual, holiday and sick leave on a basis proportionate to the allocated hours designated for the position. Part-time employees with less than a .5 FTE are not eligible for holiday leave.

**The Leave Year** shall be January 1 through December 31.

### III. POLICY:

The following types of leave, and no others, are earned and/or granted: holiday, annual, sick, injury, military, civil, educational, incentive, extra annual, leave without pay, family and medical leave and donated leave. An employee may not use any type of leave concurrently with hours worked. All leave must be granted or denied by the department head, in conformance with rules established for each type of leave. All departments shall maintain permanent records of any absence from duty of their employees. Leave is available to employees in regular positions who are budgeted for a full calendar year. All leave shall be charged in increments of no less than 15 minutes. Any employee requesting leave shall be in accordance with department SOP. Leave will be granted at the discretion of the supervisor/department head. Use of leave may be restricted during critical work periods such as hurricanes, special events, etc.

- A. Holidays: City employees in full-time regular positions will observe 12 annual holidays. All holidays will be celebrated on the same basis as followed nationally.
1. Eligible employees: It shall be the policy of the City to ensure that all employees in full-time regular positions enjoy the same number of holidays. The standard shall be the number of holidays in a particular year which will be celebrated by employees working a 40-hour week. For this group, when a holiday falls on Saturday, it shall be observed on the preceding Friday. When a holiday falls on Sunday, it shall be observed on the following Monday. For employees on a work week other than Monday through Friday, the City Manager shall designate the workday that shall be observed.
  2. Holidays on scheduled workday: Except for most sworn uniformed police and uniformed firefighting personnel, employees who are required to work on an observed holiday shall be paid for the holiday and shall be granted, at the option of the service center chief/department head, either compensatory time or pay for the time worked on the holiday. Compensation for time worked will be in accordance with rules governing overtime. Uniformed firefighting employees who work a 56-hour work week shall earn holiday leave at the rate of 10 hours per month. Sworn uniformed police employees below the rank of Captain, uniform firefighting employees, and fire and police communication employees and all other employees working a forty-hour week in a regularly rotating shift position that is expected to have coverage 24 hours per day, 7 days per week, shall earn holiday leave at the rate of 6.7 hours per month for each month worked in a calendar year.

Holiday leave earned by eligible firefighting and police personnel may be accumulated up to a total of three times the annual rate at which holiday leave is earned. When separated from the City's employment, employees earning holiday leave will be paid for holiday leave balance minus current year earnings.

3. Holidays for part-time employees: Part-time employees in regular positions shall be paid for observed holidays which fall on days for which they would otherwise be scheduled to work, on a basis proportionate to the allocated hours designated for the position and shall be granted at the option, of the service center chief/department head, either compensatory time or pay for the time worked on the holiday.
  4. Eligibility for holiday pay: To receive pay for an observed holiday, an employee must work the scheduled workday before and after the holiday or must not have been absent without paid leave either on the workday before or after the holiday. Temporary and seasonal employees are not eligible for holiday pay.
- B. Annual: Annual leave shall be earned and accrued from the date of employment, or re-employment, at the rate hereinafter stated, but no annual leave or pay shall be granted until an employee has completed 6 months' service.
1. 40 Hour Regular Employees: Employees working a 40-hour work week shall earn and accrue annual leave on the following basis:
    - a. Employees working a 40-hour work week from date of employment and prior to completing 5 years of service shall earn and accrue annual leave at the rate of 8 hours per month or 96 hours per year.
    - b. Employees working a 40-hour work week after 5 years of service and prior to completing 10 years of service shall earn and accrue annual leave at the rate of 9.33 hours per month or 112 hours per year.
    - c. Employees working a 40-hour work week after 10 years of service and prior to completing 15 years of service shall earn and accrue annual leave at the rate of 12 hours per month or 144 hours per year.
    - d. Employees working a 40-hour work week after 15 years of service and prior to completing 20 years of service shall earn and accrue annual leave at the rate of 13.33 hours per month or 160 hours per year.
    - e. Employees working a 40-hour work week after 20 years of service and prior to completing 25 years of service shall earn and accrue annual leave at the rate of 14.66 hours per month or 176 hours per year.

- f. Employees working a 40-hour work week after 25 or more years of service shall earn and accrue annual leave at the rate of 15.33 hours per month or 184 hours per year.
2. Uniformed Firefighting Regular Employees: Uniformed firefighting employees working a 56-hour work week shall earn and accrue annual leave on the following basis:
  - a. Employees working a 56-hour work week from date of employment and prior to completing 5 years of service shall earn and accrue annual leave at the rate of 14 hours per month or 168 hours per year.
  - b. Employees working a 56-hour work week after 5 years of service and prior to completing 10 years of service shall earn and accrue annual leave at the rate of 16 hours per month or 192 hours per year.
  - c. Employees working a 56-hour work week after 10 years of service and prior to completing 15 years of service shall earn and accrue annual leave at the rate of 20 hours per month or 240 hours per year.
  - d. Employees working a 56-hour work week after 15 years of service and prior to completing 20 years of service shall earn and accrue annual leave at the rate of 22 hours per month or 264 hours per year.
  - e. Employees working a 56-hour work week after 20 years of service and prior to completing 25 years of service shall earn and accrue annual leave at the rate of 24 hours per month or 288 hours per year.
  - f. Employees working a 56-hour work week after 25 or more years of service shall earn and accrue annual leave at the rate of 25 hours per month or 300 hours per year.
3. Part-time Regular Employees: Part-time is defined as the equivalent of 20 hours per week, 52 weeks per year to qualify for leave benefits. Part-time employees (except for all School Crossing Guards) shall earn and accrue annual leave on a basis proportionate to the allocated hours designated for the position.
4. Extra leave: Annually, as of January 1, for each 400 hours of sick leave a 40-hour employee shall have accumulated but not used, he/she shall be granted 8 hours of extra leave provided, however, that in no case shall an employee earn more than 24 hours of extra leave per year in this manner. For each 600 hours of sick leave, a 56-hour employee shall have accumulated but not used, he/she shall be granted 12 hours of

extra leave provided, however, that in no case shall a 56-hour employee earn more than 36 hours of extra leave per year in this manner. This leave is not subject to maximum accrual.

5. Annual leave accumulation: Employees are allowed to accumulate annual leave up to a total of four times the annual rate at which leave is earned. Extra annual leave and incentive leave may be accumulated in addition to the regular annual leave accumulation and are not subject to a maximum accrual.
6. Incentive leave: Annually, as of January 1, for each full calendar year that no sick leave (excluding funeral leave) or injury leave is used by an employee, a 40-hour employee shall be granted 8 hours of incentive leave and a 56-hour employee shall be granted 12 hours of incentive leave. To be eligible, employees must have been employed with the City during the entire calendar year. This leave is not subject to maximum accrual.
7. Scheduling: Department heads shall schedule annual leave to ensure a minimum disruption of department work. When conflicts occur regarding annual leave, preference may be given to employees based on departmental seniority.
8. Separations: Employees separating their employment with the City who have a minimum of six months of service shall be compensated for accumulated annual leave up to the maximum allowable accumulation for such an employee.

Accumulated annual leave of an employee who dies in the service shall be paid in accordance with OCGA 34-7-4 in cash as follows:

- a. The beneficiary designated in writing by the employee, if any.
- b. In the absence of a beneficiary designated in writing, to the surviving spouse of the deceased employee.
- c. If no surviving spouse, the qualified guardian of any surviving minor children, if any.
- d. If no qualified guardian of any surviving minor children, then to the pension beneficiary designated by the employee.
- e. If no pension beneficiary is designated, to the employee's life insurance beneficiary designated under the City group life insurance program, if no surviving spouse or children.

(See Georgia Code Title 34-7-4, section 102, as amended.)

9. Re-employed employees: Persons who are re-employed by the City earn leave at the rates of new employees as outlined above.
  
- C. Sick Leave: Sick leave shall accrue beginning with the first month of service and shall be available for use as of the first pay period to the extent it has been accrued. Sick leave with pay may be granted for the following reasons:
  - a. Personal illness or physical incapacity resulting from any cause except a willfully self-inflicted injury or sickness.
  - b. Enforced quarantine of the employee in accordance with community health regulations
  - c. To keep a doctor or dentist appointment if appointment cannot be scheduled other than work time.
  - d. To care for a member of the employee's family when such member experiences a sudden illness and other care arrangements that cannot be made.
  - e. To attend the funeral of a member of an employee's family as set forth in Funeral Leave.
  
1. Amount of sick leave: Full-time employees in regular positions working a 40-hour work week shall be given sick leave credits at the rate of 8 hours per month, or 96 hours per year, which may accumulate up to a maximum of 2080 hours. Full-time employees in regular positions working a 56-hour work week shall be given sick leave credits at the rate of 16 hours per month or 192 hours per year, which may accumulate up to a maximum of 3120 hours. Eligible part-time employees in regular positions and School Crossing Guards hired prior to August 1999 shall be given sick leave credits on a basis proportionate to the allocated hours designated for the position, which may accumulate up to a maximum number of hours proportionate to the maximum hours allocated a full-time position.
  
2. Layoffs: An employee who is laid off from his/her position may, if reappointed in good standing within 12 months, have available for necessary use any unused sick leave existing at the time of the layoff.
  
3. Computing sick leave: Absence for a fraction or part of the day that is chargeable to sick leave in accordance with these provisions shall be charged in increments of no smaller than 15 minutes.
  
4. Extended sick leave: Sick leave with partial pay may be extended to employees by the City Manager if the following conditions are met:
  - a. Permitted only after ten years of service.

- b. Permitted only in the case of terminal illness, when certified as such by the employee's physician, or when application has been made for a non-occupational disability retirement.
- c. Shall not exceed two days per year for each year of employment with the City.
- d. Extended sick leave with partial pay will be at the same rate as the disability pension employees will be eligible to receive.

The department will assist the employees in the extended sick leave process and forward completed forms, including the *Special Leave Request Application*, to the Office of Human Resources.

- 5. Authorization: For sick leave with pay more than two consecutive working days for reasons of personal illness or physical incapacity, the department head may require presentation of a written statement by a licensed physician certifying that the employee's condition prevented him/her from performing the duties of his/her position.
  - a. A supervisor may also request a physician's certification whenever an employee's previous record indicates in the supervisor's discretion the need to corroborate a request.
  - b. **All sick leave used shall be substantiated by written evidence signed by the employee** and the employee's immediate supervisor, and by such other evidence as the department head and Human Resources Director may require. Falsification of such evidence shall be cause for discipline, up to and including dismissal.
- 6. Exclusions: No sick leave shall be granted for the following:
  - a. Any willfully self-inflicted injury or sickness.
  - b. Any injury or sickness resulting from working for any employer other than the City of Savannah.
  - c. Any injury or sickness resulting from the commission of a crime or attempted crime by the employee.
  - d. Any injury or sickness for which the written evidence submitted in support of the sick leave application is insufficient to justify the request. Falsified information is grounds for discipline, up to and including dismissal.



- e. Any injury or sickness for which an investigation discloses the employee was not sick or injured as claimed.
  - f. Any injury or sickness if the application is not accompanied by a physician's certification when required.
  - g. Any injury or sickness for which the employee has failed, without sufficient cause, to report to his/her supervisor the reason for absence within one hour after the time he/she should have reported to work. A shorter time limit for reporting absence may be established for certain positions.
  - h. Any employee who has used all of his/her accrued sick leave.
  - i. Any employee who has failed to keep his/her supervisor informed of his/her physical condition if absent more than two days.
7. Doctor appointments: Sick leave for routine medical examinations which cannot be scheduled at a time other than during working hours may be granted only to full-time employees on a 40-hour or 56-hour work week. Appointments should be scheduled to coincide with the employee's lunch break or the beginning or end of the workday. A signed doctor's certificate may be required for any visit at the discretion of the employee's supervisor.
8. Family illness:
- a. Sick leave may be granted to allow the employee to care for a member of the employee's family to include the spouse, domestic partner, son, stepson, daughter, stepdaughter, mother, stepmother, father, stepfather, of the employee or of the employee's spouse when such member experiences a sudden illness or an emergency. This applies to situations requiring medical attention and other care arrangements that cannot be made.
  - b. No more than 8 hours of sick leave per occurrence for 40-hour employees and 12 hours of sick leave per occurrence for 56-hour employees may be used for son-in-law, stepson-in-law, daughter-in-law, stepdaughter-in-law, mother-in-law, father-in-law, mother-in-law, brother, stepbrother, brother-in-law, sister, stepsister, sister-in-law, and grandchildren and grandparents. Any additional time required is chargeable to eligible accumulated leave or leave without pay. Applications for sick leave for family illness may require a signed doctor's certificate at the discretion of the employee's supervisor. Surgery requiring the employee's presence to be with a member of the family will be considered valid sick leave if specified in writing by the attending physician. Sick leave may not be used to provide

routine nursing care or transportation of a family member to a physician when no emergency exists.

9. Sick leave abuse/excessive absenteeism: Each employee's sick leave may be assessed periodically for abuse. Any employee who is found to have abused the sick leave policy, or found to have engaged in excessive absenteeism, is subject to disciplinary action, up to and including dismissal.
  10. Separations: Employees terminating from the City will not be paid for any accumulated sick leave. However, accrued sick leave balances at the time of retirement may be converted into an equivalent number of months (up to a maximum of 12 months) and combined with service to determine an adjusted service credit, except that credit should not be granted to increase an employee's credit service in order to meet minimum service eligibility for a pension, or combined with the employee's actual age to determine an adjusted age and used in computing benefits due.
  11. Pre-retirement leave and sick leave status: Any employee on pre-retirement annual leave cannot have such annual leave converted to sick leave, unless approved by the City Manager. If an employee is on sick leave and then decides to retire, sick leave with appropriate medical documentation may be used for the period of illness up to the time the retirement begins. Unused sick leave may be credited to age or service for pension purposes as explained in #10 above. No sick leave will be paid after an employee's effective retirement or termination date.
- D. Funeral leave: Employees who are eligible for sick leave may use sick leave to attend the funeral of a member of their family that shall only include the spouse, domestic partner, son, stepson, son-in-law, stepson-in-law, daughter, stepdaughter, daughter-in-law, stepdaughter-in-law, mother, stepmother, mother-in-law, father, stepfather, father-in-law, brother, stepbrother, brother-in-law, sister, stepsister, sister-in-law, and grandchildren and grandparents of the employee or of the employee's spouse. Twenty-four (24) hours of sick leave (36 hours for 56-hour employees) may be used for funeral leave per occasion. Any additional time required is chargeable to eligible accumulated leave or leave without pay.
- E. Injury leave: Injury leave is defined as the amount of supplemental pay which, when added to benefits payable under the Workers' Compensation Act of Georgia, results in a total amount equal to the gross pay which would have been received had the employee not been injured. This amount is no more than the net pay for a normal 40-hour work week or on a basis proportionate to the allocated hours designated for the position.
1. Employees who have a compensable on-the-job injury may be granted up to ten workdays of injury leave for each new separate injury; and sixty (60) workdays of

injury leave if a new injury is deemed “catastrophic” by the State Board of Workers’ Compensation within sixty (60) calendar days from the date of the injury. The benefit will be paid at intervals consistent with the employee’s regular payroll periods. Hours missed from work due to an on-the-job injury may be charged to injury leave in increments no smaller than 4 hours and up to a full day. Scheduled Workers’ Compensation follow-up visits to physicians, physical therapy, testing, etc. will not be charged to injury leave unless abused. After scheduled follow-up medical visits, the employee is required to return any work status report completed by medical providers to his/her supervisor. Supervisors should email the work status report to Risk Management.

Injury leave will run concurrently with Family & Medical Leave if the employee qualifies for FMLA (See Section I below). The employee’s department is required to mail a certified letter to the employee placing them on FMLA after 3 days of injury leave (2 shifts for uniformed firefighters) if the employee qualifies for FMLA. The completed *FMLA Leave Request* form and documents (physician’s statement, letter to employee, etc.) should be sent to the Health & Wellness Coordinator in Human Resources and a copy to Risk Management.

After injury leave is exhausted, an employee who still qualifies for Worker’s Compensation and is unable to return to work may elect to use his/her eligible accumulated leave until the leave is exhausted, or 12 months from the date of injury, whichever is sooner. The employee must complete a Compensation Understanding form and forward to Risk Management.

After all accrued leave is exhausted, and if it has been less than 12 months since the date of injury, the employee may apply for Leave Without Pay. If eligible and approved, the employee will receive workers’ compensation payments if he/she is still disabled and eligible under the State Workers’ Compensation Law the employee be placed on Leave Without Pay for up to 12 weeks in a 12-month period. Leave Without Pay will not be approved beyond 12 months from the date of injury. The employee’s department will assist the employee in the leave without pay application process and forward completed forms, including a *Special Leave Request Application*, to the Leave Technician in Human Resources and a copy to Risk Management.

An employee who has been on Worker’s Compensation status continuously for 12 months since the injury date and is still unable to return to his/her previous position or to another qualified position, will be separated from employment.

After separation, the employee may seek re-employment by applying for any position advertised if qualified and the authorized treating physician has approved the position.

If an employee dies due to an on-the-job injury, the employee's surviving spouse will receive the balance of injury leave pay.

Employees will continue to accrue personal leave for the following: 1) Injury Leave and 2) approved FMLA if using personal leave.

2. Eligibility for injury leave: For an employee to receive injury leave and workers' compensation indemnity wage benefits for an injury, the employee must be eligible to receive worker's compensation for such injury. Eligibility will be determined by Risk Management in accordance with the Georgia Workers' Compensation statutes.
3. Contested injuries: Charges may be made against available sick leave balances in any case in which the City is contesting that the injury occurred on the job. In the event such contested action is found in favor of the employee, sick leave so charged shall be credited to the employee's sick leave balance. In the event an employee is found not to be entitled to Injury Leave, then he/she shall be eligible to use accrued sick leave or annual leave as allowed by the Leave policy.
4. Medical proof: The City may require an employee to furnish medical proof and submit to medical examination by a panel physician of his/her choice at the City's expense for a new and separate injury.
5. Credit for injury leave: Injury leave is a voluntary supplemental wage benefit provided by the City. The City's Third-Party Administrator pay all statutory wages. Eligible employees receiving injury leave will receive two (2) checks: 1) a check for supplemental wage paid by the City; and 2) a check for Workers' Compensation statutory wage paid by the TPA.
6. Extension of injury leave: The Human Resource Director upon recommendation by the Risk Management Administrator may, at their discretion, extend injury leave for up to 10 workdays following use of all available sick leave. Injury leave will run concurrently with Family & Medical Leave if the employee qualifies for FMLA, and if FMLA leave has not already been exhausted. If an employee requests extended injury leave, the department will assist the employee in the extension of injury leave process and forward the completed forms, including a *Special Leave Request Application*, to Risk Management. This request will only be considered for approval by the Human Resources Director if the Authorized Treating Physician, to a reasonable degree of certainty, determines and states in writing the employee will be able to return to his/her former position, or to another position he or she is qualified during this extension of injury leave.

F. Military duty: Military duty means training, inactive duty training, active duty, and service performed by an inductee, enlistee, or reservist, or any entrant into a temporary component of the uniformed services of the United States, and time spent in reporting to and returning from such training in service or, if a rejection occurs, from the place of reporting for service. This policy is intended to follow all applicable laws, including the Uniformed Services Employment and Reemployment Rights Act (“USERRA”). If this policy conflicts with any provision of USERRA or other applicable law, the applicable law shall be controlled. The “uniformed services” consist of the following: Army, Navy, Marine Corps, Air Force, Coast Guard (the “Armed Forces”); any Armed Forces reserves; any National Guard; any Commissioned Corps of the Public Health Service; and any other category of the persons designated by the President in time of war or emergency. The department will assist the employees in the military leave process and forward the completed forms, including a *Special Leave Request Application*, to the Office of Human Resources.

1. Eligibility: Any employee who leaves the City service for compulsory or voluntary military duty shall be placed on military leave without pay for up to a cumulative period of 5 years unless the service is disqualified under USERRA. Certain types of duty are exempted from the 5-year limitation in accordance with USERRA. Also, an employee shall be granted a leave of absence for the purpose of being inducted or otherwise entering military service. If not accepted for such duty, the employee shall be reinstated in his/her position without loss of seniority or status or reduction in pay. The law requires all employees to provide their employers with advance notice, written or oral, of military services. However, no notice is required if military necessity prevents the giving of notice, or the giving of notice is otherwise impossible or unreasonable. An employee may request to use his or her accrued, unused, annual leave for their military leave, but the City may not require them to do so. The law provides for health benefit continuation for persons who are absent from work to serve in the military for a period of 18 months, or for the period of service, whichever is shorter.
2. Reporting back to work restoration: An employee returning from military leave shall be entitled to restoration to his/her former position, provided he/she requests reinstatement within the required number of days after release from duty under conditions other than dishonorable and can perform the duties of the position involved.
  - a. For periods of service of up to 30 consecutive days, the person must report back to work for the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and transportation home, plus an 8-hour period of rest.

- b. After a period of service of 31 to 180 days, the person must submit a written or verbal request for reinstatement not later than 14 days after the completion of the period of service.
- c. After a period of service of 181 days or more, the person must submit a written or verbal request for reinstatement not later than 90 days after completion of the period of service.
- d. If the position vacated no longer exists at the time, he/she qualifies for return to work, such persons shall be entitled to be reinstated in a position of like seniority, status, and pay as provided in the veterans' reemployment rights statute, public law 93.508 of December 3, 1974, as amended by public law 94-286, May 14, 1976.

The City may request that a person who is absent for a period of service of 31 days or more provide documentation showing that: the person's application for reemployment is timely; the person has not exceeded the 5-year service limitation; and the person's separation from the service was other than disqualifying under USERRA.

In accordance with USERRA, reemployment of a person will be excused if the City's circumstances have changed so much that reemployment of the person would be impossible or unreasonable.

### 3. Rights of re-employed persons:

- a. An employee who leaves the City service directly for such military leave without pay may elect to be paid for any accrued annual as he/she may be entitled to if they were separating from City service. If the employee elects not to be paid for such leave, the accrued leave credits shall be reinstated upon return of the employee. Employees returning to City service under this provision shall have the unused portion of accrued sick leave credit restored for their use.
- b. Re-employed service members are entitled to seniority and all rights and benefits based on seniority that they would have attained with reasonable certainty had they remained continuously employed with the City during their military leave. Returning veterans would not be entitled to the individual performance bonus since that is subject to the individual accomplishing certain goals and is not based on seniority; however, he/she may be eligible for a department/service center performance bonus.
- c. For non-seniority related benefits, departing service members will be treated as if they were on a leave of absence while on military leave. Services members may be

required to pay the employee's cost, if any, of any funded benefit to the extent that other employees on leave of absence would be required to pay.

4. Leave of absence while attending service schools: Any employee who is a member of the uniformed services may absent himself or herself for the purpose of attending any service conducted by the armed forces of the United States, for a period of up to 6 months in a 4-year period. [See O.C.G.A. Section 38-2-279(c)]
5. Paid military leave: Any employee engaged in the performance of ordered military service shall be paid his or her salary for any period of absence for such ordered military service not to exceed 18 calendar days in one year. In the event the Governor declares an emergency and orders any City employee to ordered military duty as a member of the National Guard, any such employee, while performing such duty, shall be paid his or her salary for a period not to exceed 30 days in one year. [See O.C.G.A. Section 38-2-279(e)].

Charges are made against the employee's military leave balance in the following manner:

- a. When military duty for a continuous period overlaps with an employee's scheduled days off, the employee shall only be charged military leave for days on which they are scheduled to work.
  - b. When ordered military duty begins and/or ends on an employee's regular days off, the one or two days off at the beginning and/or end of the military duty absence will not be counted against the 18-day military leave balance.
  - c. Weekend drill time is not counted as military leave unless such leave occurs during an employee's regularly scheduled workdays.
  - d. When employees have exhausted their 18-day balance, they may use any eligible accumulated leave or leave without pay to fulfill ordered military obligations.
- G. Civil leave: City employees in regular positions shall be given necessary time off without loss of pay when performing jury duty or appearing as a subpoenaed witness in court (not as a defendant or plaintiff). If there is time remaining in the workday, employees are to return to work as soon as they have completed their testimony or jury service for the day. Compensation received for jury service is retained by the employee. An employee requesting civil leave must submit an *Employee Leave Request* with subpoena for approval. Employees will also receive civil leave when performing emergency civilian duty in connection with national defense and for the purpose of voting when the polls are not open at least 2 hours before or after the employee's scheduled hours of work.

H. Leave without pay (Other than Family & Medical Leave): The Human Resources (HR) Director may grant an employee with 6 months service leave without pay for a period not to exceed 12 weeks in a 12-month period when all paid leave has been exhausted, when it is in the best interest of the City to do so. All Leave Without Pay (LWOP) requests will be subject to an additional review by the HR Director. This review shall be final and will be based on the following criteria: performance evaluations, leave usage, disciplinary actions, and service center chief feedback. The employee request shall be considered when he/she has shown by their record to be an exemplary employee and where it is desirable to retain the employee. The decision of the City Manager shall be final. Probationary employees may only be granted leave without pay in extenuating circumstances and to comply with federal and state laws. Such circumstances should be reviewed with the Human Resources Director for appropriate action. The department will assist the employee in the leave without pay process and forward the completed forms, including a *Special Leave Request Application*, to the Office of Human Resources. If applicable, medical documentation from the attending physician stating estimated date of return must be attached.

During the employee's approved leave of absence, his/her position may be filled by limited-term appointment, temporary promotion, or temporary reassignment of an employee. At the expiration of the leave without pay, the employee has the right to, and shall be reinstated to, the position he/she vacated, if the position still exists; or, if not, to any other vacant position in the same class provided in cases of medical reasons, the employee has been returned to full regular duty with no limitations by their attending physician. Neither seniority nor leave shall accrue to an employee during a term of leave without pay that exceeds 10 or more workdays. If an employee is unable to return to work at the expiration of the approved LWOP, the employee will be separated from employment. The employee may apply for re-employment when approved by their attending physician to return to full regular duty with no limitations.

I. Family and Medical Leave Act (“FMLA”): An employee working at least 1250 hours per year with at least one year of service with the City may be granted up to 12 weeks of family and medical leave without pay in any 12-month period. The 12-month period will be measured forward from the date an employee’s first FMLA leave begins. An eligible employee is entitled to family and medical leave without pay for the birth of a child and to care for such child; for the placement of a child for adoption or foster care; to care for the employee's seriously-ill spouse, domestic partner, child or parent; a serious health condition that makes the employee unable to perform his or her essential job functions or in the event of a serious emergency arising from a spouse, son, daughter or parent of the employee being on active duty or been notified of an impending call to active duty status, in support of a contingency operation.



An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member recovering from a serious illness or injury sustained in the line of duty while on active-duty status is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member (in place of the 12 weeks for other serious health conditions of a family member).

All periods of absence, either paid or unpaid, will count towards the 12-week limit. During an approved family and medical leave without pay, an employee may continue their City sponsored group medical and life insurance with the same conditions and cost sharing provided for active at work employees. At the expiration of the family and medical leave without pay, the employee has the right to, and shall be reinstated to, the position he/she vacated, if the position still exists; or, if not, to any other vacant position in the same class. Neither seniority nor leave shall accrue to an employee during a term of family and medical leave without pay that exceeds 10 or more workdays. During an approved FMLA leave, the City will maintain an employee's health benefits as if he/she continues to be actively employed. The employee is responsible for paying his/her regular portion of the health insurance premiums.

Employees completing family and medical leave documents are required to:

1. Submit FMLA documents when expected to be absent from work for five (5) or more consecutive days (2 shifts for uniformed firefighters).
  2. Submit an FMLA *Leave Request* form 30 days prior to the beginning of a foreseeable leave or within 2 working days of an unforeseen event requiring the need for family and medical leave.
  3. Attempt to schedule foreseeable leave so as not to unduly disrupt the City's operations.
  4. Provide additional documentation of the need for leave as requested by the department head or Human Resources Director.
- J. Education leave: A special leave of absence at full or part pay may be granted by the City Manager upon recommendation of the department head to permit a City employee to take courses of study which will better equip him/her to perform his/her duties for the City. Employees requesting education leave must submit a *Special Leave Request Application* form.
- K. Leave Donations: It is the policy of the City of Savannah to provide sick and compensatory leave donations for eligible regular employees who have exhausted their paid leave and would otherwise be subject to a loss of income during a continuing absence from work in the event of catastrophic illness, serious health condition or due

to the need to care for a seriously ill member of the employee's immediate family or household.

If an employee has a personal medical illness or a condition which has met the criteria of the FMLA, the employee may request leave donations. The employee should make the request for donations when he/she has exhausted or will exhaust all eligible accumulated leave by completing the *Leave Donation* form and attaching the *FMLA Certification of Health Care Provider* form, or medical documentation designating the need for medical leave, and expected return to work date (medical documentation must be provided at the time donations are requested and at any time thereafter as required) or legal documentation for adoption. No leave donations will be paid to any employee without an approved *FMLA Leave Request* form or medical documentation designating medical leave and expected return work date. These forms must be routed for approval through the change of command within the Service Center with final approval by the Human Resources Director. Any employee who has no applicable leave time must be presented as being on a leave without pay status so the payroll office may apply for any leave donations. Solicitations for leave donations should be managed with the appropriate amount of discretion whether managed by the employee or his/her superiors. The leave donation program does not cover time off due to a job-incurred injury/illness. The employee seeking a leave donation must not be receiving, or qualified to receive, worker's compensation benefits or any other payment for their absences.

An employee wishing to donate to another employee who is qualified may donate annual leave, sick leave, incentive leave, extra leave, holiday leave, and non-exempt compensatory time by completing the *Leave Donation* form. The *Leave Donation* form must be sent directly to the City's Payroll office for processing. *Leave Donation* forms are not to be processed within the City's departments. The City's payroll office has sole authorization to apply leave donations to any employee's pay after the approval by the Human Resources Director. Unused donations will be returned to the donors by the City's Payroll office.

**Approved and Issued by:**

**Joseph A. Melder      6/12/2023**

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**City Manager**

**Date**