

EMPLOYMENT LAW SUMMARY

Georgia Employee Leave Laws - Overview



Because You're Different

Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, Georgia employers must comply with state employment laws requiring employee leave for specific purposes. (Employers must also follow federal employee leave laws, such as the Family and Medical Leave Act.)

Georgia has state laws that require:

- Jury duty and court attendance leave;
- Voting leave;
- Military leave; and
- Use of sick leave to care for family members.

The chart below provides a high-level overview of Georgia's employee leave laws.

Overview of Georgia State Laws Requiring Employee Leave

TYPE OF LEAVE	REQUIREMENTS
Jury Duty and Court Attendance Leave	Employers may not discharge, discipline or otherwise penalize (or threaten to penalize) an employee for taking leave to attend a judicial proceeding in response to a subpoena, a summons for jury duty or any other court order. This protection does not apply to employees who are charged with a crime. Employers may require employees to provide reasonable notice of the absence or delay in reporting to work in order to attend the judicial proceeding. Georgia's jury duty and court attendance leave law does not require leave to be paid. However, an Attorney General's Opinion from 1989 states that an employee is entitled to be paid his or her salary while missing work to serve on a jury. (Op. Att'y Gen'l No. 89-55)
Voting Leave	Employees who are eligible, registered voters must be allowed up to two hours of time off from work to vote in any municipal, county, state or federal political party primary or election. The leave time may be used to vote on election day or on a day designated for advance in-person voting. Employees must provide the employer with reasonable notice of the absence. Employers may specify the hours during which the employee may be absent.

TYPE OF LEAVE	REQUIREMENTS
Military Leave	<p>In addition to USERRA, Georgia law provides reemployment rights for state and U.S. military service members. An employer must restore an employee returning from military service (without loss of seniority or other benefits) to the employee's former position or a position of like seniority, status and pay. Reemployment is not required if the employer's circumstances have changed, making it impossible or unreasonable to do so. Reemployment rights generally apply to employees who leave a position of employment, other than a temporary position, in order to perform state or U.S. military service. Employees must still be qualified to perform the duties of the position to be eligible for reemployment. In general, employees must apply for reemployment within 90 days after they are relieved from military service. However, employees who leave work to participate in annual training or attend service schools conducted by the U.S. armed forces must apply for reemployment within 10 days after completion of the training or service school. Employees must also submit to their employers a certificate of completion of military service from an officer of the applicable military force. An employee who is restored following military leave must be considered as having been on furlough. These employees may not be discharged without cause within one year after the restoration.</p>
Use of Sick Leave to Care for Family Members	<p>Georgia employers are not required to provide paid sick leave to employees. However, employers with 25 or more employees that already provide paid sick leave to employees (excluding short- and long-term disability) must permit eligible employees to use their sick leave to care for immediate family members. "Immediate family member" is defined to include the employee's child, spouse, grandchild, grandparent, parent or any dependents on the employee's most recent tax return. An eligible employee is one who works at least 30 hours per week. Eligible employees may be limited to five days of paid sick leave use per calendar year to care for an immediate family member. Employees must comply with the terms of the employer's sick leave policy.</p>

Special Note: The information in this chart concerns statewide laws. Cities, towns and counties across the country have also enacted employee leave laws, and employers must generally comply with both local and statewide laws where they apply.

More Information

Contact Heffernan Insurance Brokers for more information on employee leave laws in Georgia.

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